



THE COVER-UP

WHITEWASHING UZBEKISTAN'S WHITE GOLD

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

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

ILO AND WORLD BANK ENGAGEMENT IN UZBEKISTAN



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After years of sustained international pressure, in 2014 the Uzbek government signed a Decent Work Country Program with the International Labour Organization, in which it committed to work with the ILO to apply labor conventions.¹ Uzbekistan has made legal and policy commitments to stop the use of forced labor and is a signatory to major human rights and labor treaties that prohibit the use of forced labor and forced child labor.²

As a result of a complaint by independent Uzbek civil society organization, to the World Bank's Inspection Panel,³ in October 2014 the Bank and ILO signed a Memorandum of Understanding regarding their cooperation on child and forced labor in cotton production in Uzbekistan and the Bank selected the ILO to assess the use of child and forced labor in certain Bank-supported projects.⁴

In 2014 the World Bank approved three new loans to Uzbekistan, one for education and two for agricultural development and modernization, bringing its total financing for the two sectors to over \$500 million.⁵ The World Bank, whose stated goals for lending in Uzbekistan include stated goals

- 1 In 2005 the ILO Committee of Experts first included an observation of forced and child labor in Uzbekistan's cotton sector and pressure has steadily mounted since then (see http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103538). Some key developments include the November 2011 vote of the European Parliament to defer a textile protocol with Uzbekistan over labor concerns (see <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0427&language=EN>); a recommendation by the ILO Tripartite Conference Committee on the Application of Standards to monitor forced child labor in Uzbekistan's 2013 cotton harvest (see http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3132643); the US government's review of Uzbekistan's eligibility for trade preferences due to labor concerns (see <http://www.regulations.gov/#!docketDetail;D=USTR-2013-0007>); the US government's downgrading of Uzbekistan to the lowest rating in its annual Trafficking in Persons report in 2013 (see <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215647.htm>); and the public pledge of more than 200 global companies to avoid cotton from Uzbekistan while it is produced with forced or child labor. In 2013 the government of Uzbekistan agreed to allow the International Labor Organization (ILO) to monitor the use of child labor in the cotton harvest (see <http://www.sourcingnetwork.org/the-cotton-pledge>).
- 2 Conventions prohibiting forced and child labor ratified by Uzbekistan are: International Convention on Civil and Political Rights (Article 8), Abolition of Forced Labor Convention (ILO Convention No. 105), Forced Labor Convention (ILO Convention No. 29), UN Convention on the Rights of the Child, ILO Minimum Age Convention (ILO Convention No. 138), and the Worst Forms of Child Labor Convention (ILO Convention 182). Nationally, Article 37 of the Uzbek Constitution guarantees the right to work and to fair labor conditions and prohibits forced labor. Section 241 of the Labor Code prohibits the employment of persons under 18 years of age in hazardous work, including cotton picking. The Law on the Protection of the Rights of the Child, Art. 20 provides that child labor is only permissible if it does not harm development or interfere with education and makes labor permissible from age 15 only with a parent or guardian's written consent. The Law on the State Youth Policy Framework of the Republic of Uzbekistan, Art. 8, prohibits the use of school children and college students in public works.
- 3 The Inspection Panel is an independent complaints mechanism that reviews the concerns of communities and individuals who allege they are adversely affected by a Bank-funded project, see: Inspection Panel: About us, available at: <http://ewebapps.worldbank.org/apps/ip/Pages/AboutUs.aspx>. The complaint, which regarded the use of forced and child labor in Bank-funded project areas, was filed by the Uzbek-German Forum for Human Rights, Ezgulik, and the Association for Human Rights in Central Asia See: link to case docs. See complaint and Inspection Panel Reports at: <http://ewebapps.worldbank.org/apps/ip/Pages/ViewCase.aspx?CaseId=92/> and <http://www.cottoncampaign.org/what-the-world-bank-and-asian-development-bank-can-do.html>. See also, "World Bank: No Probe of Link to Abuses in Uzbekistan, Cotton Campaign, February 2, 2105, available at: <http://www.cottoncampaign.org/world-bank-no-probe-of-link-to-abuses-in-uzbekistan.html>.
- 4 ILO Third Party Monitoring Report, background, p. 3.
- 5 The projects are: a Global Partnership for Education grant, Improving Pre-primary and General Secondary Education Project, Rural Enterprise Support Project, Phase-II (including associated "Additional Financing" and "GEF Sustainable Agriculture and Climate Change Mitigation Project"), Horticulture Development Project, and

include poverty reduction and shared prosperity,⁶ added covenants in the loan contracts stipulating that the loans could be subject to cancellation and repayment if third-party monitors detected forced labor or forced child labor in the project areas.⁷ The World Bank contracted with the ILO to conduct third-party monitoring (TPM) during the 2015 cotton harvest⁸ and to implement other remedial measures, such as a “feedback mechanism” to receive complaints of forced labor.⁹ The government of Uzbekistan also agreed to implement an information campaign to raise awareness among the population about the prohibition of forced labor as part of the Decent Work Country program agreed to with the ILO.

During the 2015 cotton harvest, ILO monitoring teams visited cotton fields, medical facilities, education institutions, businesses, local administrations, mahalla committees (local neighborhood councils) and other sites in 10 of 13 regions in Uzbekistan and administered questionnaires, reviewed records, and gathered documents.¹⁰ The ILO found that “Large numbers of citizens seem to be willing recruits and see the harvest as an opportunity,”¹¹ and “Monitoring has not provided conclusive information that beneficiaries of World Bank



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

South Karakalpakstan Water Resources Management Improvement Project. See: <http://www.worldbank.org/content/dam/Worldbank/document/Uzbekistan-Snapshot.pdf>.

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

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

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

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

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

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

projects used child or forced labor during the cotton harvest.”¹² Other key findings include: the practices of officials responsible for meeting cotton quotas did not change; there were indicators of forced labor related to widespread organized recruitment of adults to pick cotton; and public-sector workers in the education and health-care sectors were compelled to contribute labor or payments.¹³ The report concludes “Robust further steps are required to remove the risk of forced labor.”¹⁴

However, in its report, the ILO noted several concerns “with respect to candidness of interviewees, to the real degree of voluntarism of the university and college students deployed to [Bank-funded project areas] project areas, and to the veracity of staff attendance registers of [Bank-supported] project schools.”¹⁵ The report also noted “Worrying reports were received from other sources which have reported forced labor practices, and of harassment and threats to people conducting their own monitoring,” and that “organized recruitment of large numbers of people in such a short period of time carries certain risks linked to workers’ rights...and certain indicators of forced labor have been observed.”¹⁶

Methodological Shortcomings

The very selection of the ILO as the TPM for World Bank projects in Uzbekistan calls into question the ability of the monitoring to be truly independent. According to a tender to recruit a monitoring organization, TPM “is defined as monitoring by parties that are external to a project’s direct beneficiary chain and management structure.”¹⁷ The government, a member of the ILO, is also the main beneficiary of the World Bank’s projects in Uzbekistan, so the ILO is, by definition, not external.

Even more fundamentally, the ILO’s monitoring methodology suffered from several key problems that undermine its results. Critically, each monitoring team consisted of a foreign ILO lead monitor and five monitors from Uzbekistan, each representing government or government-controlled organizations, the Ministry of Labor, the Trade Union Federation, Chamber of Commerce, Women’s Committee, and an accredited NGO.¹⁸ Given the pervasive climate of fear in Uzbekistan, deep-seated



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



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

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

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

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

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

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

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

18 ILO Third Party Monitoring Report, 2 (12), p. 6. In Uzbekistan the trade unions, and chamber of commerce are government-controlled organizations. The Women’s Committee is a governmental organization. Independent

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

Indeed, in its monitoring report, the ILO acknowledged that monitors encountered difficulties obtaining accurate information from people interviewed, some of whom were wary of talking to monitors and could not substantiate or provide convincing answers. According to the ILO report, "this is unsurprising because in such interviews almost no one will directly admit to either being a forced laborer or forcing someone else to work. Instead, interviewees were more willing to say that they knew of others who were told to pick cotton against their will than to say that they were in such a situation themselves."¹⁹ The ILO's report also noted "reports that the authorities obstruct, detain and threaten people who are gathering information on labor standards during the harvest do not provide a conducive environment in which to assess and investigate labor practices."²⁰ The report acknowledges the ILO received information from diverse sources described as "worrying,"²¹ and "consistent enough to be accorded attention."²² The report adds that education and health-care officials presented monitors with apparently inaccurate attendance records. The ILO did not explain why it proceeded with this interview methodology given its own acknowledgement that it was unlikely to produce credible results or how it accounted for these information gaps when drawing its conclusions.

Further, although the cotton harvest officially began on September 10, with some pickers deployed as early as the end of August, ILO monitoring teams only got underway with their initial training on September 14-15, with deployment and field visits after that.²³ Massive labor deployments to the fields started in early September, in preparation for the "first harvest", when cotton is most abundant and the work is most intense, before ILO monitoring teams were in a position to observe the deployments and before any of the banners or signs announcing the prohibition of forced labor were displayed.

As was the case when the ILO monitored the use of child labor in 2013, government officials instructed people to lie to monitors and some institutions sending pickers attempted to evade detection by monitors, further undermining the results. Pressure to avoid the monitors or to show voluntariness was especially intense on medical workers, teachers, and educational institutions that



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

NGOs are not able to receive government accreditation.

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

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

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

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

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

sent children to pick cotton, given the government's "policy commitments" not to recruit medical staff and teachers or use child labor.²⁴ Numerous respondents told us that they received instructions to tell monitors that they picked cotton voluntarily even when they were forced. For example, a medical worker from the Bayavut district of the Syrdarya region said, "we were told that monitors could come during the harvest. If monitors come, we must tell them that we came to the harvest voluntarily, that no one forced us. We were told that if we answer them unthinkingly [and admit we were forced] it will be disastrous for us. They can spread bad information about us to the whole world and we can end up in a very bad situation."²⁵ A doctor from Andijan said

Once a woman came to talk to us [while we were picking cotton]. She asked everything – who are you? Who sent you to pick cotton? How much did you pick? We didn't know anything so we answered her truthfully, that we're doctors from the city and are here picking cotton. She talked to us for a long time. She asked us 'and are you doing your [regular] jobs?' Two or three days later the head doctor came and told us, 'if you meet an inspector, don't say that you are doctors. Say that you are unemployed.' My colleague and I got scared but didn't tell anyone what we had done, how should we have known?²⁶

Media also reported that workers were also told to say they picked cotton of their own accord.²⁷ Additionally, some workers, particularly students, were moved around in deliberate attempts to evade ILO monitoring teams and to make it appear as though colleges and other institutions were functioning normally.

At first they only sent us third-year students. The daily quota was 60 kilos. Then, at some point after around September 25, they sent the second-year students to pick. But they returned them back to classes pretty quickly when they were told the ILO was coming and going to make a close inspection and that a lot of teachers could get fired. Then, a day or two later they brought the second-year students back to the fields, but only in the afternoons, after classes, and Saturdays and Sundays starting in the mornings. A lot of teachers were in constant fear that they brought the second-years to the fields.²⁸

The student's testimony reveals not only that institutions attempted to conceal their labor practices, particularly the use of child labor, from ILO monitoring teams, but also the fact that teachers were required to force students to the fields despite their own fear. The ILO's report acknowledges that some institutions attempted to conceal forced recruitment but does not describe how it took this into account when drawing its conclusions.²⁹

Public Awareness Campaign and Feedback Mechanism

In 2015 the government agreed to a campaign to raise awareness against child and forced labor through posters and banners in public places that contained messages about forced labor as well as telephone numbers for the hotlines of the Feedback Mechanism (more below) a remedial measure undertaken as part of the Decent Work Country Program. As the ILO explains in its report, "procurement problems" led to a delay posting the banners until the third week of the harvest,

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

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

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

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

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

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

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

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

The Feedback mechanism consisted of hotlines, posted on billboards. The ILO reported that “usage rates were low,” a conclusion corroborated by our research. Of all the people we interviewed, no one used or even considered using the feedback mechanism to register their grievances, and some expressed incredulity at the very suggestion. For example, when asked why she did not complain about being forced to pick cotton a teacher said, “Hello! Go on! Don’t tell me fairy tales... We also had a poster in our school [advertising the feedback mechanism]. We saw it.”³⁰ The lack of protection for people using the mechanism was a key factor undermining its effectiveness. Respondents universally expressed skepticism about the potential effectiveness of such mechanisms and, tellingly, many also expressed fear that they could experience reprisals for complaining. A doctor from Andijan said “If someone tells me, here’s a number, call and report your problems, I am not going to do that because I don’t believe anyone. This problem of cotton is not going to disappear until cotton goes away.

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



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

That’s my opinion. Think for yourself – we have no days off, we even pick cotton on Sundays, and eid [a major Muslim holiday]. On eid women are supposed to go visit their neighbors but we are picking cotton.”³¹ A medical worker from Syrdarya said “The posters had telephone numbers where you could call [to complain about forced labor]. But I didn’t call. I don’t see that anything positive would come of it. There are millions of people like me sent to the fields. Why don’t they call? There is a reason. People are afraid and don’t see the use.”³²

Furthermore, several people who called the hotline or tried to complain to the ILO about forced labor suffered harassment from the officials. For example, on September our monitor in Angren arranged a meeting between an ILO monitoring team and a group of people who wanted to provide information about forced labor, including that they were forcibly mobilized to pick cotton. Plainclothes officers in unmarked cars followed the group on the way to the meeting. Law enforcement officers later went to the workplaces of the people who met with the monitors to speak with them, a form of intimidation and shaming.³³

The delay in posting public messages against forced labor and advertising the Feedback Mechanism until after recruitment was organized and after the first massive wave of laborers was sent to the fields also undermined their potential effectiveness. In some cases, even superficial work to raise public awareness may not have occurred at all or occurred too late to have an effect. Our monitor in Angren, a city in Tashkent region, visited the Angren Labor department on September 17, 2015 and found that no one had any information about banners, posters, or handbooks on labor rights and that no one had conducted any information campaigns among the population. In fact, of the 30 employees of the department, 14 were ordered to pick cotton (of whom eight were paid replacement workers).³⁴

The posters and banners were displayed in public places, but not near farms or fields where people picking cotton could see them. In the six regions we monitored, we observed that the banners were generally displayed near markets and on main streets. We found the smaller posters displayed on and in buildings of public institutions, such as colleges and local administrations. When asked if she saw the awareness raising materials a nurse from Kashkadarya replied “I didn’t see them. Because we were at the fields. Who brings posters to the fields? Maybe they were in other places but there was nothing like that where I was.”³⁵ There appeared to have been little oversight as to whether the banners were displayed at all. Our monitor in Jizzakh asked administrators of a local agricultural



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

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

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

33 Uzbek-German Forum Tashkent region monitor’s report, September 20, 2015.

34 Uzbek-German Forum Tashkent region monitor’s report, September 17, 2015.

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

college about the banners. They told him that they had had the banners since the beginning of the harvest but only remembered to hang them up weeks later.³⁶

ILO Indicators of Forced Labor

The ILO has identified 11 indicators of forced labor that “represent the most common signs or ‘clues’ that point to the possible existence of a forced labor case.” The indicators, derived from theoretical and practical experience by the ILO’s Special Action Program to Combat Forced Labor, are based on the definition of forced labor as specified in the ILO Forced Labor Convention as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”³⁷ The indicators are listed and defined below.³⁸ In our monitoring, we found compelling, credible evidence of many of these indicators, noted here and discussed in greater detail throughout the report. The only indicator we did not find evidence for is the retention of identity documents by employers. These indicators are persistent features of the forced labor system in Uzbekistan and ones we have consistently documented since 2009.

Abuse of vulnerability

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

Deception

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

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

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

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



Restriction of movement

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

Isolation

According to the ILO, signs of isolation include cases where forced labor victims are denied contact with the outside world or held in remote locations far from service, including transportation. Such conditions are commonplace in the Uzbek cotton harvest. Pickers are often forced to work in fields far from their homes for weeks or months. The fields and housing are often in remote locations where no transportation is available, making it difficult for family members to visit to deliver food. There are few if any places to charge mobile phones, limiting contact for pickers with their families and others.³⁹

Physical and sexual violence

Physical violence is a very strong indicator of forced labor. Violence and threats of violence occur regularly in the cotton harvest. In 2015 we received reports of violence and threats of violence used to impose discipline among pickers and to punish workers for failure to meet the picking quota. This was most prevalent among college students, aged 18 – 19 years old. A student from Kashkadarya said, “if the teachers are men, some of them severely yell at us and beat us. Then some students run away.”⁴⁰ In particular, several respondents told us that some college and university instructors use

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

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

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

We also received reports of local officials who use violence, including beating and kicking farmers, sometimes at public meetings, to punish and humiliate them for failure to meet production quotas and to instill fear in them and others.⁴¹ While physical violence may not occur on a mass scale, it is an enduring feature of the forced labor system, one we have consistently over years. Violence and threats of violence do not need to occur often to have the effect of instilling fear.

Intimidation and threats

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



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

This factor is a significant component of the forced labor system in Uzbekistan. Every respondent indicated that they were directly threatened or understood implicit threats if they refused to pick cotton and insults and humiliation are commonplace. Threats included, but were not limited to, loss of employment, poor grades, inability to enter university, expulsion, loss of child payments and other social benefits, and loss of utilities, such as electricity and gas. Loss of employment is the key threat used against adults and was widespread in 2015; we also saw employees forced to sign statements attesting to the “voluntariness” of their participation in the harvest and their willingness to be fired if they do not participate.⁴² Other threats also occurred, although less frequently, such as threat of violence and prosecution. Local officials threatened farmers with the loss of their land if they fail to meet the quota, and this threat is real, since officials did repossess the land and even possessions of indebted farmers who did not meet the quotas. The officials also used psychological coercion, such as berating people who do not pick cotton or who do not meet their quotas for failure to fulfill their patriotic duties.

Withholding of wages

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

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

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

Debt bondage

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

*As everyone knows grain and cotton farmers are required to plant only the crops indicated. It is categorically forbidden to plant other crops. Everyone knows that we farmers aren't able to get cash from banks to pay our employees. Farmers simply don't have that money. As the prime minister said during a republic-wide conference call with farmers, many farmers owe suppliers from 100 – 200 million soum (approximately \$16,660 USD – 33,330 USD). I would add that all cotton and grain farmers are in that situation.*⁴³

Abusive working and living conditions

Victims of forced labor may endure conditions degrading and hazardous working conditions, and substandard, overcrowded, and unhealthy living conditions. All our respondents reported abysmal living conditions in the cotton harvest. We have detailed these conditions extensively in past reports on the cotton harvest.⁴⁴ As in previous years, in 2015 workers sent to fields away from their homes lived in schools, kindergartens, unused garages and farm buildings. These facilities were generally extremely crowded, unheated, and workers slept on the floor or on thin mattresses they brought from home. Many complained of insufficient or unsafe drinking water and poor hygiene facilities. There were often only one or two toilets or outhouses and faucets for groups of 80 – 100 workers. Most workers described the food provided as poor and insufficient; most purchased additional food. One doctor described her colleagues being punished for complaining about poor bread, "they woke them up at 4 a.m. two or three days in a row and made them go to the fields early. They were punished for complaining."⁴⁵

A parent of a student forced to pick cotton described terrible living conditions. He said, "In my view, not one person of sound mind would ever willingly let his children go there. There was no water, no gas, barely any living conditions. There was no heating system to speak of. The windows were hung with rags. The glass was broken. There were no arrangements for hygiene. There was nowhere to wash."⁴⁶



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

⁴³ Uzbek-German Forum interview with cotton farmer, Jizzakh region, November 6, 2015.

⁴⁴ See for example, "The Government's Riches, the Population's Burden," human rights violations in Uzbekistan's 2014 cotton harvest, April 2015, available at: http://uzbekgermanforum.org/wp-content/uploads/2015/04/cotton_harvest_Online.pdf.

⁴⁵ Uzbek-German Forum interview with medical worker, Kashkadarya region,

⁴⁶ Uzbek-German Forum interview with a parent whose 18-year old daughter was forced to pick cotton until he paid for

Excessive overtime

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

On their face, Uzbekistan’s harvest practices violate numerous national labor laws and regulations. While many people we spoke with had labor contracts for their usual jobs, and sometimes these contracts referenced participation in “public works,” no one we spoke with had a contract for agricultural work or to harvest cotton, as required by law.⁴⁷ Further, the by-law regulating “public interest work” does not include picking cotton or other agricultural work.⁴⁸ National law also limits regular working hours without overtime to 40 hours per week (8 hours/5 days or 7 hours/six days), requires days off for rest, and establishes shortened working hours for certain categories of workers, for particular professions, including teachers and health workers, and for work in difficult conditions.⁴⁹ Overtime work should be paid double and should not exceed four hours total over two consecutive days.⁵⁰ Other provisions routinely violated by cotton work include those regulating occupational safety, conditions, and the requirement to conduct investigations into accidents.⁵¹

her release, Syrdarya region, November 8, 2015.

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

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

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

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

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



