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Petition for Review, Pre-Hearing Brief, and Notice of Intent to Testify

Case # 003-CP-07

Docket Number: USTR-2010-0017

In re. the Uzbekistan Country Practice Petition.

August 3, 2010

ATTN:

Mr. Seth Vaughn, Director, GSP Program  
Chairman, GSP Subcommittee of the Trade Policy Staff Committee  
Office of the United States Trade Representative  
600 17th St., NW  
Room 514  
Washington, DC 20508

Pursuant to [75 FR 135] (July 15, 2010), the International Labor Rights Forum (ILRF) files this pre-hearing brief in support of the on-going review of forced and child labor violations by the Government of Uzbekistan.

*Notice of Intent to Testify:* Bama Athreya, Executive Director, International Labor Rights Forum, hereby provides notice to the Committee of her intent to testify.

## I. Introduction

The International Labor Rights Forum (ILRF) submitted a request for review of the GSP status of Uzbekistan on June 21, 2007. Supplementary comments to this petition were filed by ILRF in May 2009. The ILRF petition alleges that the Government of Uzbekistan has failed to take steps to afford workers "internationally recognized worker rights" as required under 19 U.S.C. § 2462(b)(2)(G) & (c)(7) and defined in 19 U.S.C. § 2467(4), in particular, failure to protect workers' freedom from compulsory labor. Further, it has failed to "implement its commitments to eliminate the worst forms of child labor" as required in 19 U.S.C. § 2462(b)(2)(H) and defined in 19 U.S.C. § 2467(6).

Force  
Child

The violation identified in the petition is the widespread use of compulsory labor, including the widespread mobilization of schoolchildren for forced child labor, by the

authorities for the cotton harvest each year. ILRF believes that the Government of Uzbekistan has failed to take any meaningful steps toward ending this abuse since the filing of the petition in June 2007. The Government of Uzbekistan has repeatedly failed to avail itself of opportunities to respond to this petition at public hearings, and has not provided any substantive information to contradict the allegations in the original petition or subsequent updates thereto. ILRF recommends that benefits to Uzbekistan be withdrawn entirely.

## **II. Failure to End Child Labor in the Cotton Harvest**

As documented in the original ILRF petition filed in 2007, state-orchestrated forced labor, including forced child labor, is a common practice during the cotton harvesting and weeding seasons. Every year, the government of Uzbekistan mobilizes hundreds of thousands of children, as well as teachers and public servants, for the manual harvesting of cotton.

New information obtained by ILRF in late 2009 verified that the practice continued throughout the 2009 harvest. A report issued by ILRF in December 2009<sup>1</sup> provided evidence from local human rights advocates' observations that schoolchildren and college students were forced to work in the cotton fields for more than two months, in some cases missing school from September until the beginning of December. Due to continued international attention to, and criticism of, Uzbekistan's practice of forced child labor, the authorities sought to minimize the publicly visible evidence of their involvement in the practice this year. Thus they stopped overseeing the safe transport of children to and from the cotton fields. Unless they brought drinking water from home, children were forced to drink unhealthy water from canals and ditches. They ate their food sitting on the grounds beside the cotton fields, where pesticides and herbicides are widely used. There were no medical personnel attending to their health needs and the physicians themselves have also been mobilized to pick cotton. In the 2009 season it was nearly impossible for children to obtain permission to leave the cotton fields even for reasons of illness or poor health. There was evidence that orders to mobilize schoolchildren came from local governments, which in turn received instructions from the central authorities in Tashkent. All these instructions were given orally.

The basic nature of this problem, the imposition of government quotas on cotton harvest figures and the state sanctioned use of compulsory labor by schoolchildren, has been confirmed by the US Department of State in its *Trafficking in Persons report*<sup>2</sup> and in its most recent *Human Rights Report*.<sup>3</sup> There is little debate over the root causes of this problem. Authoritative sources agree that the Government of Uzbekistan is the main driver of this abuse, through its longstanding practice of mandating cotton quotas that must be fulfilled on penalty of sanctions, and approving the use of compulsory labor,

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<sup>1</sup> "Pick all the Cotton: Update on Uzbekistan's use of Forced Child Labor in 2009 Harvest," A group of human rights defenders in Uzbekistan in collaboration with the International Labor Rights Forum, Washington, DC, December 2009.

<sup>2</sup> U.S. Department of State, *Trafficking in Person Report*, June 2010.

<sup>3</sup> U.S. Department of State, *2009 Country Reports on Human Rights Practices*, March 11, 2010.

including the labor of schoolchildren, for this purpose. There was no indication that these basic drivers had altered in any way during the fall 2009 harvest.

### **III. No Indication of Significant Progress**

Although Uzbekistan has signed two ILO conventions against forced and child labor, Nos. 182 and 138, in 2008, to date these measures appear to be largely cosmetic, and intended to ease international pressure. There is no indication that these measures have been implemented, or indeed even disseminated, within Uzbekistan and they should not be taken as indicators of meaningful steps forward.

To date, the Government of Uzbekistan publicly denies that the mass mobilization of children is an official policy, claiming that children volunteer out of loyalty to family or their community. There has been no public acknowledgement that the state plays a role in compelling children to labor.<sup>4</sup> Blame is apportioned to irresponsible parents, and disturbingly, a new law was promulgated in late 2009<sup>5</sup> that criminalizes parents for 'allowing' their children to work; this law in ILRF's view creates the potential for new human rights violations in fostering the persecution of working children's families.

The International Labour Organization (ILO) Committee on the Application of Standards reviewed submissions from the International Organization of Employers (IOE) and International Trade Union Confederation (ITUC), regarding Uzbekistan's non-compliance with the child labor conventions, at its annual meeting in June 2010. The Committee recommended that the Government of Uzbekistan take several steps, which are well within the GOU's ability to implement prior to the impending fall 2010 harvest. The implementation of the Committee recommendations 1 through 4, noted below, should be considered prerequisites to Uzbekistan's meeting the requirements of the GSP statute. Until at least these four basic steps are implemented, Uzbekistan's GSP privileges should be revoked.

The Committee urged the following measures:

1. The GOU must clearly identify the competent authority responsible for monitoring the legal provisions necessary to give effect to Convention No. 182
2. The GOU must bolster the capacity of labor inspectorate to apply effective sanctions in cases of violation of Convention no. 182
3. The GOU should take immediate and effective measures to ensure that children are not removed from school during the fall 2010 harvest
4. The GOU should accept a high-level tripartite ILO observer mission that has full freedom of movement, including in the cotton fields, to assess the

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<sup>4</sup> The Hague Global Child Labour Conference, *Speech by H.E. Dr. Akmal Saidov, the Chairman of the National Human Rights Center of the Republic of Uzbekistan*, May 10, 2010.

<sup>5</sup> *Id.*

implementation of ILO Convention No. 182. The mission should take place in time to report back to the ILO's Committee of Experts next meeting in November 2010.

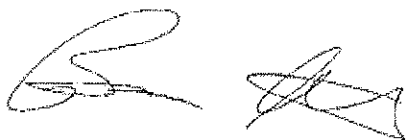
5. The Committee suggested the GOU carry-out a national household survey, or an area or sector specific survey, on child labor.

Addressing commitments to the ILO conventions, however, in and of itself is unlikely to free children from the burden of the country's cotton harvest unless additional steps are taken. The first of these must be a genuine effort to reform the cotton sector in order to attract alternative labor sources, and in particular to assure sufficient adult, wage labor, to take the place of schoolchildren in the cotton fields.

#### **IV. Conclusion**

In light of the serious violations of internationally recognized workers' rights identified in this petition, and the failure of the Government of Uzbekistan to undertake any meaningful steps to address these issues since the review was initiated in 2007, or even to respond to the filing, it is clear that the country's benefits under GSP should be revoked immediately. Uzbekistan's practice of using state-orchestrated forced child labor in national cotton production is a clear and substantial breach of its commitments under ILO conventions prohibiting forced labor, and under US trade law. These practices are also clearly in conflict with ILO Convention 182 prohibiting the Worst Forms of Child Labor. Until the Government of Uzbekistan effectively takes steps to afford internationally recognized worker rights as mandated under the GSP, ILRF requests that the country's GSP benefits be suspended in accordance with 19 U.S.C. §2462(d).

Respectfully submitted,



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