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Post-Hearing Brief
Case # 004-CP-08
Docket Number: USTR-2013-0007
In re. Uzbekistan (WR) Country Practice Petition

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ATTN:
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GSP Trade Policy Staff Committee
Office of the United States Trade Representative
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Pursuant to [78 FR 36] (February 22, 2013), the International Labor Rights Forum (ILRF) files this post-hearing brief in support of the on-going review of forced labor and forced child labor violations by the government of Uzbekistan.

As we heard in the recent GSP hearing, the government of Uzbekistan continues to deny that there is any forced labor in Uzbekistan. This denial is evidence that the Uzbek government has failed to take action, much less develop a national action plan, to combat forced labor. Though the decision is difficult, the US government should immediately end all benefits under the GSP program. Under the government's current system, GSP is only benefiting those at the top levels of the Uzbek government because of its tight control over the economy. Allowing benefits to continue sends the wrong message to American investors who may face significant legal liability if their subsidiaries are caught up in the forced labor system. Finally, GSP's monetary benefits to Uzbekistan are so small that there is little possibility that the government of Uzbekistan would risk alienation and isolation in the international community over such a decision. Though the benefits are small, the message that the decision sends is real and important: that the government of the United States will not tolerate state-sponsored forced labor.

Responses to post-hearing questions follow herein.

Post-Hearing Questions (USTR-2013-0007-0012): UZBEKISTAN (Child Labor & Forced Labor) - For the ILRF

Reporting the full extent of forced labor in the cotton sector of Uzbekistan continues to be undermined by the government of Uzbekistan's steadfast opposition to ILO monitoring and severe repression of Uzbek citizens who attempt to document the harvest. Human rights defenders are regularly harassed for trying to document the situation in the fields; students are forbidden from using their phones to photograph the accommodations where they stay; and farms are under surveillance by police. Despite the Uzbek government's efforts to repress monitoring and reporting on the cotton production system, Uzbek citizens document and disseminate ample evidence each year. Except where cited otherwise, the information presented in the following responses to the post-hearing questions comes from interviews and observations conducted by human rights defenders in Uzbekistan during and immediately after the 2012 cotton harvest.

1. Please provide any additional evidence of the presence of forced labor or child labor in the 2012 Uzbekistan cotton harvest.

The reports by the Uzbek citizens monitoring throughout the country during the 2012 cotton harvest evinced continued systematic state-sponsored forced labor. The government orchestrated a demographic shift of the cotton harvest burden to older children and adults. However, the government's attempt to substitute one form of forced labor with another was unsuccessful, as forced child labor continued nationwide. Additionally, to mobilize older children and adults, the Uzbek government used intense coercion, including threats and penalties, such as job loss, docked salary and cut social benefits.

A. Experience of forced labor in the Uzbek cotton sector by demographic group:

1. Young Children (age 7-14)

"In our school, children took part in the harvest. First were sent grades 7-9 after school. After some time they did not study, and went to the harvest directly from their houses. In the end, grades 4-5 were also sent (to pick cotton). Until the school holidays children were taken out to the fields." - School teacher, Kashkadarya.

According to official statistics, over 10 million of the total 30 million people in Uzbekistan are children and adolescents. In July, 2012 Uzbekistan's Prime Minister issued orders that schoolchildren were not to be sent to pick cotton, a statement that merely reiterated the existing national law that prohibits child labor. Although in 2012 not all primary and secondary schools were closed for their pupils to pick cotton, dozens of cases of schoolchildren from classes 5-9 (ages 11-15) forced to work in the fields were observed. In many regions, by the end of September schoolchildren were sent to the fields after a few lessons. Starting in early October, directors of rural schools were ordering their teachers to take students along with them

to pick cotton. As in previous years, children were told to come to school with food, water and aprons for cotton harvesting. Government authorities closed schools in at least three regions of the country: Kashkadarya, Samarkand and Andijan.

"Our school is located next to the main road, so at first we were told to give at least 1-2 lessons and then get students to the fields. From September 20, children of the 7-9th classes were sent to cotton harvest. After ten days, children of the 5th class and during the last days the second class were sent to the fields." -- teacher from Yakkabog area, Kashkadarya

Teachers and students suffered the same situation in the Ishtihan district of Samarkand region. A teacher at a rural school told Radio Ozodlik that the governor of Ishtihan district, Shukhrat Nematov, called rural school directors and ordered them to mobilize children to the cotton harvest. Beginning September 27, children from the 8th and 9th classes (ages 14-15) were picking cotton.

Ishtihan district schoolchildren worked for three days. Following reports by Radio Ozodlik, they were promptly sent back to school. On September 29, the Ministry of Education published a disclaimer and accused "a range of foreign media" of disseminating false information about sending schoolchildren in Ishtihan district to pick cotton. In a radio interview to Ozodlik, a school teacher said that they were immediately returned to school following the publication and were warned not to tell anyone about their involvement in the cotton harvest.

Younger children worked in the fields without going to studies for up to one month. In the Marhamat district of Andijan region, schoolchildren of 5 to 8 classes (ages 11-14) picked cotton from September 24 to October 10. During the first week they picked cotton after two lessons, and later on during the harvest, the school was closed.

Where children under age 15 were not mobilized for the harvest, the state-sponsored mobilization of teachers, parents and older school children continued to negatively affect the learning process. With an estimated 60% of school teachers forced to pick cotton, students received partial lessons for two and a half months.

"The number of classes was reduced. For example, a topic, which requires six lessons, was studied in four. Schoolchildren had to study some topics on their own, as homework. Not everybody does homework; therefore many topics were left unstudied," explained a school teacher from Tashkent region.

Child labor among rural families reportedly increased during the 2012 harvest. Rural families went to pick cotton with their children in order to sell it to the adults and wealthier children, particularly professionals from Tashkent. The rural families could pick and sell cotton to the adults forced to work the harvest, particularly professionals sent from Tashkent, who had to meet daily picking quotas. Given the entrenched unemployment and poverty in rural

Uzbekistan, this proved to be an additional motivation for rural families to bring their children to pick cotton. A high-school student reported, *"We stayed in a school in the middle of the village. Local children studied in another school during the second shift. They were even kept at school after the shift to prevent them from picking cotton. Children wanted to pick, because they wanted to help their poor parents earn money."*

2. Older Children: Students of Colleges and Lyceums (age 15-18)¹

"We were taken to the cotton fields on September 14. Usually, they did not send students of lyceums and if [they did], only the third course students. This year, they sent everyone, from the first to the third course. During the cotton harvest, the lyceum was closed. We came back home on October 28." – 2nd-year lyceum student, Andijan

Children ages 15-18, typically college and lyceum (high-school) students, are the main labor force of every cotton harvest, in clear violation of national law and international conventions. In its 2013 Report, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) reminded the Uzbek government that persons under 18 years of age are children:

*"The Committee previously noted the various legal provisions in Uzbekistan which prohibit forced labour, including article 37 of the Constitution, section 7 of the Labour Code, and section 138 of the Criminal Code. It also noted that section 241 of the Labour Code prohibits the employment of persons under 18 years in hazardous work, and that the "list of occupations with unfavourable working conditions in which it is forbidden to employ persons under 18 years of age" prohibited children from watering and gathering cotton by hand."*²

To send fewer young schoolchildren to the cotton fields, authorities increased the severity of the burden on the rest of the population, including on older children, ages 15-18. As in previous years, almost all lyceums and colleges across the country were closed until the end of the harvest. As the US State Department reported in the *2012 Human Rights Report*, "Many thousands of college, lyceum, and university students between the ages of 15 and 18 worked in the cotton fields during the annual harvest as a result of government mobilization."³

¹ Colleges and lyceums in the education system of Uzbekistan are equivalent of high school in the United States and many European Union member states. Historically, most Uzbek children start college/lyceum at age 16, although increasingly the first year students are age 15. According to national statistics, more than a third of the 560,345 college and lyceum students began at age 15.

² Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan, 2013, page 406.

³ United States Department of State, *Country Reports on Human Rights Practices for 2012: Uzbekistan*, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204417>, last accessed 23 April 2013.

As of November, most college and lyceum students had not yet spent a single day studying during the academic year, which commences in September. Whereas adult cotton pickers spent on average two weeks in the fields and were replaced by other employees, these older children lived and worked for more than two months in the fields, from the start to the end of the harvest. For the first time in many years, students of the academic lyceums, where the most talented children prepare for higher education, were sent to pick cotton. For example, students of the single academic lyceum in Angren were sent to harvest cotton from September 15 until late October.

"At first we were told that our lyceum is the only one in the city and we will not be taken to the cotton harvest. Our parents were asked to pay 70.000 sums [approximately USD\$30] to help other pickers. We stayed. All other colleges left for cotton on September 8. On September 15, we were also sent to the cotton. Surprised parents were told they could pay an additional 300.000 sums [approximately USD\$110] to hire mardikors," - a 15-year-old lyceum student said.

In some regions, these children had to stay working in the fields until November 10, despite the fact that the cotton harvest plan was fulfilled. A college teacher explained that he waited for an authorization from the khokimiyat (local government administration), because he could not unilaterally decide to let the children go home. *"Cotton crop was over. More than 100 students and teachers were in the fields until November 10, as there was no authorization."*

According to the most modest estimates, the number of college and lyceum students (ages 15-18) involved in the cotton harvest was more than half a million people. According to statistics, in September 2012, 560,345 students were enrolled in the first class academic lyceums and colleges.

"On September 23, cultural and educational activities, fun games, songs and dances were organized for students of the Navoi Teachers College, picking cotton at the Alisher Navoi farm. The Regional Office of Youth Movement "Kamolot" called students to harvest "white gold" in good faith. Every person living in Uzbekistan should contribute to the prosperity of the Motherland. "⁴

Parents who tried to protest were asked to write "explanatory notes" to justify their refusal to send children to cotton. Government authorities told parents that their "explanatory notes" would be sent to their places of work so that their superiors could consider their unpatriotic position. Another common threat was to expel the student, as noted by the US State Department in the 2012 Human Rights Report:

⁴UzInform, "Долг перед Родиной," 25 September 2012, available at <http://www.uzinform.com/ru/news/20120925/15373.html>, last accessed 8 April 2013.

*"As in past years, there continued to be reports that universities threatened to expel students who did not participate in the harvest or required students to sign statements indicating their 'voluntary' participation in the harvest."*⁵

Parents and students alike reported that they feared such reprisal:

"To avoid cotton harvest one has to have either power or the money. Last year, two students were expelled from the Institute of Agriculture. They did not go to pick cotton. As soon as the studies began, they were expelled for absence. After this how can you not be afraid?" - 3rd year student of Andijan University.

In many cases, parents were ready to "buy off" their children's freedom from the cotton harvest by paying \$100-150 to the college or lyceum management. The school management claimed that the money would be used by the college to hire cotton pickers or buy the required amount of cotton.

"One had to pay 30,000 sum a day in order to stay [home]. We only have wealthy students, everyone could pay. Yet, it could come out; therefore only 10 students did not go to cotton harvest. Others went by their own cars, bought cotton from the locals and had fun playing cards. All our students "fulfilled" the norm, buying cotton from local residents at a price of 250 sums per kg." - A college teacher from Tashkent said.

Some schools asked parents to buy additional food for the students, picking cotton. A college student from Angren observed,

"In the middle of the season, teachers went to students' houses and asked their parents to buy food so that their children in the fields could eat normally. For the first time in many years college students from Tashkent were sent to pick cotton. Some 300 students and 18 teachers from the Tashkent College of Communications were taken to the cotton fields in Jizzakh region. The college was closed from September 18 to October 20, but the studies began only in November. About 100 college students did not go, having paid 300,000 sums. Even those exempt from going to cotton fields due to illness, paid 150,000 sums." - Teacher, Tashkent College of Communications.

A college teacher observed, *"This year in order to avoid refusals, the authorities morally prepared parents for a cotton harvest."* Starting on September 2, college administration and

⁵ United States Department of State, Country Reports on Human Rights Practices for 2012: Uzbekistan, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204417>, last accessed 23 April 2013.

khokimiyat representatives held meetings with parents and explained that the cotton harvest is the "duty to the country".

When persuasion did not work, they turned to threats. Parents who tried to protest were asked to write "explanatory notes" to justify their refusal to send children to cotton. Government authorities told parents that their "explanatory notes" would be sent to their places of work, so that their superiors could consider their unpatriotic position. Another other common threat was to expel the student. During the 2012 harvest, although no cases of expulsion of students for not picking cotton were reported, parents and students alike reported that they feared such reprisal and therefore preferred not to argue with the authorities. Psychological pressure on students and parents is so high that no mass refusals to go to cotton fields were observed.

The forced labor cotton harvest system affects the learning process and education level of the next generation, a strikingly clear impact of the 2012 harvest in particular. High school and university students had no access to education during the harvest. The school year in colleges and lyceums started in November. Yet, the time taken to pick cotton is not reflected in the formal documentation. Teachers are required to leave false documentation of subjects covered that were not actually covered, and to assess the students on them. Often, grades depend on how well students picked cotton. In the *2012 Human Rights Report*, the US Department of State noted additional impacts of the forced labor system: "The loss of public-sector workers during the cotton harvest adversely affected communities, as medical procedures often were deferred and essential public services delayed."⁶

In this context, the story of a 20-year-old man, working as a mardikor (day laborer) at the Tashkent market, is noteworthy. *"I graduated from an accounting college. In fact, we did not study and do not know anything. In autumn, we were sent to pick cotton, in spring to its weeding, besides that to constant "subbotniks" [obligatory participation in public works]. Instead of studying, we swept streets and planted trees."*

These children were forced en masse to work the harvest without the right to refuse, subjected to humiliation, punishment and living in squalid conditions. The high school students were required to fulfil daily quotas of cotton. Penalties for poor work included threats of expulsion and also physical and verbal abuses. Even beatings were commonplace. Teachers beat boys - college students under 18 years. According to a student from Samarkand, the boys, who failed to fulfil their quotas had to get up earlier than others and jog around the field. *"If someone did not come to the fields, the teacher came home and scolded them. The quota was 60 kg, then 50 and 25kg at the end. The director of the college is bad. He beat two boys, hit them several times in the face."* - A college student from Samarkand region.

Parents who visited their children in the cotton fields often tried to take them home, but could do so only after paying the teacher for the remaining days. To go home, one needed to pay 15.000 sums per day, a college student from Tashkent said.

⁶ United States Department of State, Country Reports on Human Rights Practices for 2012: Uzbekistan, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204417>, last accessed 23 April 2013.

"We were taken to fields far away from the big roads. Only adult pickers worked near the roads. One had to let others know when noticing human rights defenders or foreigners making photos in the fields. We were also supposed to tell that we worked out of own goodwill. Those, who could not fulfill the quota, had to pick cotton until night or buy it from the locals. They even refused to give food to those, who didn't fulfill the quota. The teacher hit one of our fellow students in the face, his nose was bleeding and his head ached for a long time. Then his father came and took him home." College student, Samarkand

However, "buyout" was not always possible.

"Our college has 700 students. College was closed and all were sent to cotton on September 8. At first I refused to go, but then the district policeman and the college director came to see my parents. On September 10, my father took me to the field himself." - D., age 16, Angren

"Those, willing to pay 300.000 sums, could stay. But if everybody pays, nobody will go to the fields. Therefore, they did not take money from everybody. My father was willing to pay, but was told that I would have to go. He gave me 100.000 sums as pocket money, came to see me twice. In the end the costs were the same. On the top of that, I suffered in the field."

To deter students from leaving, police guarded the roads to the cotton fields. The mother of a college student in Samarkand explained, *"I paid a teacher 170,000 sums in order to take my daughter back home. On the way we were stopped by police. They were guarding the exit from the village. I told them I am taking my daughter for a few days and will bring her back. The policemen saw the mattress and belongings and forced us to go back and leave her things."*

At the height of the cotton harvest, on October 6, the death of 19-year-old Navruz Muysinov, became known, which raises many questions. Radio Ozodlik reported that the cotton picker decided to return home early and was stopped by police on his way. According to the Ozodlik's source, an alleged eyewitness of the incident, the young man and a police officer had a quarrel. Navruz was beaten. After that, the police took him to the hospital, where he died. The results of the investigation into the cause of death of the young man remain unknown.

Each year, Uzbek human rights activists report deaths in the cotton fields. In 2012, they reported seven deaths - the highest number in any years, including several college students. In addition to Navruz, among the additional tragic deaths were Igor Yachkevskiy, 55-year old resident of Tashkent city, who died of a heart attack while picking cotton in Okkurgon district, Tashkent region on September 17; Aziz Bakhtiyorov, 18, a second year student of Jizzakh Arts College, who died of heart attack in the cotton fields on September 30; and Umid, a third year

student of the Bukhara Engineering Institute of High Technologies, who was hit by tractor on his way from the field after dark on October 22. The authorities never properly investigated these cases and did not disclose any information concerning suspicious deaths during the cotton harvest.

3. Forced labor of adults: University students

"Today, students of the history faculty of the Ferghana State University actively help the farmers in the cotton fields of "Kizitepa" area in Altiarik district of Ferghana region. By now, they have picked more than 120 tons of raw cotton." – reported by Uzinform, Fergana region, October 9

"More than 5.000 tons of cotton over a semester was picked by students of the Namangan University, working in the "Gulbog", "Amir Temur", "Istiklol" farms in Mingbulak district of Namangan region. Many of them went over the quota and set up working records," reported by Uzinform on October 21, 2012.

"I want to study hard and become a doctor. I went to pick cotton because there was no other choice. I wear glasses, my eyesight is "-4". My eyes hurt very much when I have to bend too often. Despite that, I was not exempt from the cotton harvest. I addressed the medical commission twice, but they rejected." - 2nd year State University student, Andijan.

The Uzbek government coercively mobilized an unprecedented number of university students to pick cotton in 2012. Almost all the universities were ordered to send their students. For the first time in many years, the mobilization included schools in Tashkent. The school year for students at universities across the country started off with the cotton harvest. Participation of university students in the cotton harvest is obligatory -- refusal to participate may result in expulsion from the university. Students were told in the form of an ultimatum, *"Those who do not go to the cotton will be expelled."*

"Last year, the students, who did not go to cotton harvest, could not pass the winter session exams. Teachers did not give them grades. Who needs such problems in studies? It's better to go to the cotton harvest," explained a student of Andijan State University.

A student of the Tashkent Institute of Irrigation and Reclamation noted, *"We participate in the cotton harvest every year, because agriculture is our specialization. They call it an "internship." In reality, we just pick cotton. Instead of gaining practical knowledge and conducting experiments in the fields, we are being used as cotton pickers."*

Scientific activity is not accepted as a reason to be exempted from field work. Masters students were also sent to pick cotton. *"First and second year Masters students were sent to pick cotton from September 20 to October 23,"* reported a Masters student of the Tashkent University of National Economy. *"We were told not to make photos with mobile phones. We were supposed to report to the headquarters when seeing someone, making photos. They were afraid of foreign correspondents."*

The following is an extract from a letter by a Masters student of the Uzbek State University of World Languages:

"From September 3, we are in the cotton fields of "Navbahor" farm in Pakhtakor district of Jizzakh region. Our living conditions are miserable. We have no beds, no normal food and no potable water. In each of the rooms of the local kindergarten, adapted in haste, 20 cotton pickers stay. Very few have folding beds. Most of us sleep on the dirty and cold floor. We have to wake up at 5:00 am. It's very cold at this hour. We quickly drink boiled water and eat "what God sends", and then have to rush to the field. We work until 7:00 pm. We must pick at least 50 kg of cotton a day. Our guards threaten us with expulsion from the university if we fail to fulfill the norm."

Exemption from cotton harvest could be bought. One could hire mardikors among local people, who would pick cotton. Many wealthy students from Tashkent universities did so.

4. Forced labor of adults: Mahalla committee members and residents

"In the "Nikhol" farm in Andijan region, women's groups pick on average 50-60 kilograms of "white gold" a day. 1,327 record-setting women are working in these groups, most of them mahalla counselors and members of self-government." – reported by Uzinform, Andijan region, October

Mahalla committees (citizen self-government bodies) are traditionally involved in each cotton harvest. They represent the most local level of state control. The mahalla committees are responsible for distributing government welfare benefits to low-income citizens. During the cotton harvest, the mahalla committees' task is to mobilize unemployed people, most of them social welfare beneficiaries, to work in the cotton fields. The khokimiyats order the mahalla committees to organize residents and to arrange their departure to the cotton fields.

Although often described as voluntary labor, their participation is actually forced, based as it is on coercion, including threats to their livelihood. Sadly, this means that many mahalla committees denied social welfare benefits – including stipends for the elderly and young mothers - to low-income citizens who refused to pick cotton. In mid-September, human rights defender Uktam Pardaev reported that the mahalla committees in Jizzakh area cut child benefits to mothers, who did not want to pick cotton. As a result of his reporting, Pardaev was arrested on September 30 for 15

days on charges of hooliganism. Another resident of Jizzakh region reported that the local administration cut off the electricity in the houses of women, who refused to pick cotton.

"Mahalla committees, local police, women's committees and an electrician came to cut the electricity off in retaliation to women, who refused to go to the fields. They send everybody, who receives social benefits, to the cotton fields. If they refuse to go, they come and cut off the electricity." - Resident of Pakhtakor district in Jizzakh region.

Mahalla residents who participate are typically low-income citizens seeking additional income, and nearly all women, because many of the men in rural areas have migrated to Russia or elsewhere in search of employment. In 2012, as the government intensified its mobilization of adult labor for the cotton harvest, the message among mahalla communities was that no healthy adult could be exempt from picking cotton.

"Those, who needed money from the mahalla had to go to the cotton harvest," explained one mahalla committee member. Starting in early September, mahalla committee leaders visited homes and informed residents that social welfare beneficiaries would have to pick cotton.

"If they fail to pick their own cotton, why plant so much? After all, there is no benefit in it for me. We are forced to collect 150 kg. If you want to buy cotton in the market, it costs up to 2.000 sums. Let it be picked by those, who profit. Why us?" - Young woman, resident of Andijan mahalla complained in her interview.

A member of the mahalla committee from Tashkent reported that they received orders to send 80 people to the cotton harvest. If there were not enough mahalla residents, they were supposed to hire people "from outside." During the 2012 harvest, mahalla committees arranged for people to travel to the fields during the weekends. People often had to stay in the field for days due to a lack of transport. Citizens, including those mobilized by mahalla committees, who picked cotton for one or only a few days received no payment. A mahalla chairman claimed that the money earned by pickers barely covered food and transportation costs. Women with small children could send someone in their place or pay the mahalla committee to hire a cotton picker. Fear of losing welfare benefits is a powerful lever of influence.

"Who would dare to argue with them? If someone demands his rights, they will cut child benefits. Mahalla employees find thousands of ways of cutting benefits. They say that the limit is over, or someone is working in their household so they are not eligible anymore or that there is no money for them." – Mahalla resident, Tashkent

In addition to denying social welfare payments, the authorities used other means of coercion to mobilize low-income residents to pick cotton. In some parts of the country, anyone who picked more than 100 kg of cotton a day received a bottle of cottonseed oil. In such areas, women went to the

fields together with relatives and often with children in order to collect 100 kg and receive the free oil. Other people found themselves on the mahalla surveillance lists for "participation in religious extremist groups," which meant that they had to go pick cotton because they needed a positive status report from the mahalla committee to avoid being jailed. A young man from a poor family who washed cars to earn money reported that he was suspected of being too religious and therefore put on the police list of potential "religious extremists." The mahalla committee "bailed him out", on the condition that he go pick cotton. The mahalla chairman and the local policeman took care to remind him of his need for a positive report to stay out of jail.

5. Forced labor of adults: Public Sector Workers- teachers, doctors, nurses, military servicemen

"On the initiative of the Ferghana region khokimiyat, a group of medical workers actively assisting in the cotton harvest were given valuable gifts, credentials and premiums worth over 120 million sums." - Fergana region, on October 19. Uzinform.

In 2012 and recent years, the Uzbek government has coercively mobilized citizens to conduct hard labor more frequently without providing any additional payment. The state's practice of forced labor of adults is widespread, systematic, and a violation of the government's national and international commitments. Increasingly, the state-sponsored forced labor is not limited to the cotton harvest. By means of propaganda – phrases such as "subbotnik", "khashar", "voluntary help to villagers" are common refrains – the government forces citizens to perform heavy unskilled work, often unrelated to their profession. Students sweep streets and help in the construction. Teachers visit houses and collect payments for gas and electricity. Lyceum teachers go to Internet cafes to "protect" children from extremism and the harmful influence of "enemy websites". Doctors clean streets and plant trees. This state-sponsored, coercive mobilization of citizens for "community work" reaches its climax during the cotton harvest. In the fall of 2012, at least one in every six employee of all public organizations picked cotton. The Uzbek government mobilized teachers of colleges and universities and military personnel in the greatest numbers.

An estimated 60% of all teachers in rural schools were sent to work in the fields. Mass mobilization of public sector employees started on September 3. Each organization was obliged to send a certain number of employees. The administration of each organization planned out 2-3-week shifts of employees to pick cotton. Upon return of one group from the field, the administration sent a second group until the organization fulfilled the quota, assigned by the regional authorities.

Depending on the region, the daily cotton quota for adults amounted to 60 to 80 kg. Working conditions were harsh. The working day started at 4:30-am and lasted for 10-12 hours. The daily quota was obligatory. Therefore one had to buy missing kilograms from local residents, typically day laborers ("mardikors"). Mardikors also picked cotton on their own initiative, but they were employed not by farms but by government employees. Hiring a cotton picker presented an attractive alternative to picking cotton for most government employees. Generally, people paid mardikors \$100-150 for

two weeks of work, around twice the state price. This way, local residents could earn extra money by selling cotton to pickers. When a government employee failed to fulfill the quota and did not have the means to buy the missing cotton, money was deducted from his or her salary at a higher price. Some large government organizations also collected money from employees who did not go to the field due to serious illness or because they had small children. This money was used to pay for missing kilograms. Employees of smaller organizations could not rely on such "solidarity." They had to pay the difference between the picked and missing kilograms.

"Many people sent mardikors in their own place. It is easier to pay mardikors. Costs are higher if you go yourself. If one gets sick, a lot of money will have to be paid for medicine. On top of it, one has to live away from his family and children." - A mahalla resident from Tashkent region explained.

6. Forced labor of adults: Private-sector

For the 2012 cotton harvest, the Uzbek government also mobilized private sector resources. Following orders from district administrative offices, mahalla committees imposed a "tax" on private businesses. In July, local government authorities instructed private businesses to contribute to the cotton harvest by providing labor, financial or in-kind support. According to the official version, the call was made on a voluntary basis, but in reality it was accompanied by threats to tax all businesses that failed to provide support.

"On September 16, the chairman of the mahalla committee came and asked our director to send a few people to pick cotton. Our director offered to pay 300,000 sums for each of them, but the chairman said that a few people would still have to go to the cotton fields and work for 10 days. I was forced to pick cotton for two weeks. There was no alternative as I could be fired. Those colleagues, for whom our director paid 300,000 sums, had to work the money off." – Waitress, age 29, Angren

The banking sector, under strict control by the government, also was severely impacted. Throughout the cotton harvest, the banks had to divert all cash to transactions supporting the harvest. Depositors could not withdraw their money. Public and private employees in various sectors did not receive their salary. Banks reserved cash only for pensions and child-care allowances. The Uzbek Central Bank directed cash resources to regional bank branches for the cotton harvest.⁷ Furthermore, banks limited access to cash; as a bank employee explained, "We have been offered to choose between receiving payment on our plastic cards and waiting for the end of cotton harvesting when the bank will have cash."

⁷ "Cotton harvesting leaves Uzbek banks without cash," *UzNews*, 8 September 2012, available at http://www.uznews.net/news_single.php?lng=en&cid=2&nid=20732, last accessed 12 April 2013.

2. Please provide any recent information on the extent to which the government of Uzbekistan is involved (at any level) in directing cotton quotas and the use of labor in planting or harvesting of cotton.

In 2012, as in previous years, the government of Uzbekistan established nationwide quotas (or order) for cotton production that are enforced by regional and district authorities (*hokims*). As has been described in reports from the US Embassy in Tashkent, the government of Uzbekistan is “clinging to a Soviet-era command economy for cotton,” where all decisions regarding economic development of the cotton sector are strictly controlled by President Karimov and his cabinet ministers.⁸ In a 2009 report, the US Embassy in Tashkent described in detail how the command economy for cotton operates:

“Uzbekistan’s Ministry of Agriculture and Water Resources (MOA), in consultation with regional advisors and local farm associations, mandates the amount of seed cotton to plant throughout the country. Each fall, local associations meet collectively to estimate the next season’s [sic] expected output and necessary inputs. District plans are submitted to the regional authorities, and regional plans are approved at the national level.”⁹

Several government agencies – including the Ministry of Agriculture and Water Resources, the Ministry of the Economy, the Ministry of Finance, the Ministry for Foreign Economic Relations, and the Investments and Trade and the Association Uzpaxtasanoat – develop the national cotton production plan. It is then the prime minister, reporting directly to the president, who publicly produces the national plan for cotton production, including the national production target. The prime minister then convenes the regional governors (*hokim*) and dictates the cotton production quotas for each region.¹⁰ This number is then broken down by region, and district *hokims* (governors) are responsible for making sure that the delivery quota is filled, including the forced mobilization of farmers to meet a share of the Government imposed cotton quota.¹¹ The US embassy reported in 2008 that “virtually all farms in Uzbekistan . . . are still tied to the state order system,”¹² which means that all cotton is produced within the “state order system.” Through the 2012 cotton harvest, the system has not changed.

⁸ US Department of State, (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan’s Cotton Sector Still A Bastion of the Command Economy*, at para. 3. (November 3, 2009)

⁹ *Id.* (unclassified)

¹⁰ *Id.*

¹¹ *Id.* at para. 4. (unclassified)

¹² U.S. Department of State. (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan: Information on Forced Labour and Child Labour for Mandatory Congressional Reporting Requirements*, at para. 8. (June 6, 2008) (“While virtually all farms in Uzbekistan are now classified as private, they are still tied to the state order system. Farmers are required to both seed a certain amount of their land with cotton each year and produce a certain quantity for the state purchase. As adult labour is often scarce . . . farmers and provincial officials resort to conscripting students to fulfill their quota.”)

Under the state order system, government authorities control land and its use; oblige farmers to deliver annual quotas of cotton; coercively mobilize children and adults to fulfill picking quotas during the harvest; enforce the quota system with intimidation, threats and penalties; and deny the practice of forced labor while repressing citizen monitors and refusing access to the International Labour Organization (ILO).

A. Cotton farmers in the government-controlled cotton industry

“If we ourselves could sell it on the world market at a reasonable price it would be a profitable plant. But all the profit goes to the government and we are left with a loss. Moreover, it absorbs all the power of the earth and fills it up with chemicals. We lose. For instance, we have grown 185 tons of wheat in arable farming. We overdid the quota. Wheat from 10 hectares of land was left for us. We had some profit as well. If we planted on all the lands wheat instead of cotton, we could have a huge profit. And if we planted fruits and vegetables, that would be even better. Crops and cotton are politics. We are obliged to grow it.” - Uzbek farmer

In 2012, 3.35 million tons of cotton was harvested, according to President Karimov.¹³ The government of Uzbekistan takes in an estimated USD \$1 billion each year from cotton sales, primarily to international markets. Cotton income in Uzbekistan benefits the political elite and leaves farmers plagued with debt and, increasingly, migrating to sustain their families.

This year, the government of Uzbekistan continued to subjugate farmers, forcing them to work the government’s land and provide this source of income, which is under the complete control of the authorities. The government’s mass mobilization of forced labor to harvest cotton maximizes the margin of return through the use of essentially free labor.

“If we failed, our land would be confiscated. In the end, we had to cover the shortage with money anyway. As I mentioned, if we fail to fulfill the quota our land will be handed over to others. This is in addition to constant scolding, threatening with detention. They are able even to put you in jail. Prosecutors are present in the fields from the beginning to the end of the harvest. They can miss the criminal but they are granted full authority over farmers.” - Uzbek farmer, November 2012

As stated in the US Department of State Investment Climate Statement, “All land in Uzbekistan is owned by the state.”¹⁴ The government owns the land and contracts with farmers to deliver cotton and wheat. A farmer who does not deliver the assigned quota of cotton risks losing his livelihood, his land. Uzbekistan has slightly more land area than California and Sweden and slightly less than

¹³ “Uzbekistan harvests 3.35mn tons of cotton this season” *Fibre2Fashion*, 23 October 2012, available at http://www.fibre2fashion.com/news/textile-news/newsdetails.aspx?news_id=117221, last accessed 4 March 2013.

¹⁴ United States Department of State, *2011 Investment Climate Statement – Uzbekistan*, available at <http://www.state.gov/e/eb/rls/othr/ics/2011/157382.htm>, last accessed 23 April 2013.

Iraq, but only 10% of Uzbekistan's land is arable. The "dekhan" (small family farm) farm was the traditional organization of Uzbek agriculture. Under the Soviet Union, dekhan farms were merged and converted into state-owned and operated "kolkhoz" (collective farms) and "sovhozy" (state farms). Following independence, in 1990 Uzbekistan had approximately 940 kolkhozy and 1,108 sovhozy. During the first decade of independence, the government passed at least 55 laws, decrees and resolutions. With one of the first so-called "privatization" reforms, the government abolished state farms in order to remove the burden of paying the large state agricultural workforce.¹⁵ The government introduced leasing, made farming families responsible for field work, and established the administrative role of the leadership of the former "kolkhoz" (collective farms) to mobilize households for farming to meet the state procurement order. Subsequent regulations placed restrictions on small-holding farms and resulted in a consolidation of land and concentration of decision-making in the regional and district-level government authorities. A 1998 law established a farmer's certification requirement, outwardly intended to ensure adequate agricultural knowledge; in practice, the law transferred more control over land rights and usage to the kolkhoz administration and district-level hokims (governors).¹⁶ In 2000, regional hokims gained control over input markets. In 2008, a law ostensibly aimed at increasing efficiencies of scale resulted in the consolidation of farms into larger plots under the control of regional hokims (governors).¹⁷

"Nowadays they take their lands away. Or they divide the land into small pieces and give it away to others. By law farmers should be fined up to 25 percent of the outstanding cotton they couldn't fulfill. But they are even going to the extent when they beat and insult farmers and force them to write resignations. That way they are forcing people to give up their lands. Some farmers' lands are divided into small pieces and left it to them. For example, those who have 140-150 hectares only get 30-40 or 60 hectares and the rest is divided to others. This year in Shahrisabz more than twenty farmers' land was reduced." - Uzbek farmer, November 2012

Uzbek farmers sign agreements with the government that establish a lease of the land for 40-60 years on average, specify the percentage of land on which cotton is to be grown, and define the annual cotton production quota. The regional hokim assigns land to farmers and establishes quotas for each farm, according to expected yield assessments conducted by the governmental agricultural agency *Uzpxtasanoot*. For the 2012 harvest, the percentage of each farm's land dedicated to cotton tended to be around 50% and varied across a range between one-third of the farm and two-thirds. Many contracts also required another percentage of the farm land to be dedicated to wheat production, for which the harvest is mechanized and typically completed in May. On the remainder of the land, the farmer can grow crops of his choosing, although in some regions the farmer reportedly needs permission from the regional hokim to grow crops other than cotton and wheat.

¹⁵ Kandiyoti, Deniz, "Agrarian Reform, Gender and Land Rights in Uzbekistan," United Nations Research Institute for Social Development, Social Policy and Development Programme Paper Number 11, June 2002, page 11.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

The government of Uzbekistan often claims that farmers are free to choose the crops that they plant. Government documents tell a different story. For example, in the letter below, the Jizzak Region Prosecutor's Office confirms the opening of a criminal case concerning farmers who planted vegetables instead of cotton and requests security support from the District Head of the Police.¹⁸

The Republic Of Uzbekistan District Prosecutor's Office Jizzak Region Prosecutor's Office	The Head of the Police Zarbdor To: Major A. Begmatov
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Criminal case opened by Jizzak Region Prosecutor's Office against authorities of Rural Water Management and Land Resources and State Land Survey is being investigated.

During investigation, it has been identified that farmers who have been working in Zarbdor district were growing vegetables and other types of plants in the lands spared for cotton plants and was taken over by government to cover the damage made by these farmers.

Based on the information provided above, we ask you to provide with security measures to prevent those vegetables and other farming plants detailed on the attached list owned or taken by the heads of farms or workers.

Enclosed: 8 pages of list

Jizzak Region Prosecutor's Office
The head of Criminal Investigation Department
Junior Justice Advisor

H. H Goziev

The khokimiyat (district or regional level administration) delivers quotas to farmers each year after receiving its own orders from the central government. Farmers have to meet their state-ordered cotton production quotas in order to retain their use of the land, and therefore their livelihood. If a farmer fails to produce his assigned quota of cotton production, the regional hokim will "replace" him, *i.e.* assign the land to another farmer. Although it is illegal to sell cotton to anyone but the government-owned purchasing companies, farmers who surpass their quotas reportedly sell cotton to farmers who fail to meet theirs. During the harvest, regional hokims oversee production rates

¹⁸ Copy of the original letter, of which the translation is presented here, is available at:
<http://www.cottoncampaign.org/wp-content/uploads/2013/04/Prokuratura-Jizzak.jpg>

closely. In the Jizzak and surrounding regions, regional hokims are known to convene daily meetings to receive reports from all the farmers in his region. At these meetings, the regional hokims verbally and physically abuse farmers who are under-producing. In 2012, farmers had to fulfill quotas of 30 centners (3,000kg) on average.

“If we fail to fulfill the quota, the farm will be transferred to another owner. Now there are various tricks used in statistics. There appeared something like “precedence technology”. It was said to be introduced by the hokim of Bukhara, Samoydin Husanov, to please the president. According to his plan, he makes all the farmers hand over all the cotton as if it was the yield of one single district, which makes that district the first to fulfill the quota. As a result, both hokim and the district would be awarded by the president with appreciation medal and he would become a national hero. Later, all the cotton is distributed back to farmers as if nothing happened. Our locals liked the idea as well. They made out of me a leader farmer; they published an article about me in the newspaper Tashpravda. The trick was that all the cotton of the farmers was handed over as only mine, as if I overdid the quota up to 110 %. Later, we were picking the cotton until November and to cover up the shortage just bought some more cotton.” - Uzbek Farmer, November 2012

Even if a farmer fulfills the cotton production quota 100%, he or she breaks even at best, and in many cases winds up indebted. “Even when I delivered 118%, I came out with 2 million [sum] of loss,” reported a farmer in Shahrisabz district. Costs of production, a low purchase price fixed by the central government, and inadequate financing drive farmers into debt or migration.

Inputs for growing cotton are provided by organizations with various official levels of state control: Uzhimprom for agrochemicals, Uzekenergo for fuel, Uzneftprodukt for petrol, Uzagromashservis for mechanical equipment, and Agrobank, formerly known as Paxtabank (paxta means cotton in Uzbek) for credit. As an example of the minimum inputs needed, farmers estimated that growing cotton on one hectare of land requires at least 230 kilogram of fuel, 500-600 kg of fertilizers, and 200 kg of defoliant. In practice, the banks are often late to provide credit to farmers, who therefore wind up having to cover significant out-of-pocket expenses in order to obtain inputs in time to begin the production process. The only option is to leave, and rural residents increasingly join the estimated 27% of the population of Uzbekistan that has emigrated, primarily to Russia and Kazakhstan.¹⁹

¹⁹ International Organization for Migration, “Kazakhstan: Overview,” available at: <http://www.iom.int/cms/en/sites/iom/home/where-we-work/europa/south-eastern-europe-eastern-eur/kazakhstan.html>, last accessed 5 March 2013.

ПАХТА ХОМ-АШЁСИНИНГ ХАРИД НАРХЛАРИ (O'z DS(615: 1994)

1 тоннага сўмларда

Пахта хом-ашёсининг саноат навлари	Пахта хом-ашёсининг синфлари	Пахта толасининг типлари/кодлари								
		Узун толали пахта навлари					Урта толали пахта навлари			
		1а	1б	1	2	3	4	5	6	
		43	42	41	40	39-38	37-36	35	34	33
I	1	1 428 720	1 306 010	1 244 650	1 095 650	990 460	888 530	876 520	865 120	854 600
	2	1 392 160	1 272 580	1 212 800	1 057 600	965 110	865 780	854 080	842 980	832 730
	3	1 113 990	1 018 310	970 470	854 280	772 270	692 790	683 430	674 540	666 340
II	1	1 305 960	1 193 790	1 137 710	1 001 510	905 360	812 180	801 204	790 790	781 170
	2	1 197 570	1 094 710	1 043 280	918 380	830 220	744 770	734 700	725 150	716 340
	3	1 100 930	1 006 370	959 090	844 270	763 220	684 670	675 420	666 640	658 530
III	1	1 144 020	1 045 760	996 630	877 320	793 100	711 470	701 860	692 730	684 310
	2	1 017 350	929 970	886 280	780 170	705 280	632 690	624 140	616 020	608 530
	3	719 590	657 780	626 880	551 830	498 850	447 510	441 460	435 720	430 430
IV	1	851 490	778 350	741 790	652 980	590 300	529 540	522 390	515 590	509 330
	2	660 820	604 060	575 680	506 760	458 110	410 960	405 410	400 140	395 270
	3	505 410	462 000	440 290	387 580	350 380	314 310	310 070	306 040	302 310
V	3	353 920	323 520	308 320	271 410	245 350	220 100	217 130	214 300	211 700

The government is the sole legal buyer of cotton, and it buys cotton from farmers at a fixed price. Farmers are legally obligated to deliver the cotton they harvest to their local gin, one of the 127 state-controlled gins of the association Uzhklopkoprom or the 18 gins of the Ministry of Agriculture and Water Resources. Both entities have the status of ministries and purchase raw cotton from farmers for less than one third of its value, often claiming high “trash” or water content. In an effort to characterize Uzhklopkoprom as quasi-private, the state owns 51% of the company’s shares; however, the shareholders of the remaining 49% are completely unknown to the public. In 2012, farmers reported average prices for cotton at:

- 885,000 sums per ton, 1st grade, 1st class.
- 862,000 sums per ton, 1st grade, 2nd class
- 800,000 sums per ton, 2nd grade, 2nd class
- 700,000 sums, 3rd class.

By comparison, cotton farmers in neighboring Kazakhstan receive double the rate for their product.

After raw cotton is ginned, one of three state trading companies, Uzprommashimpeks, Uzmarkazimpeks, and Uzinterimpeks then export 75% of the cotton lint, and the Uzbeklegprom – the government-controlled ‘Association of State Cotton Enterprises - sells the remaining 25% of the cotton lint on the domestic market.²⁰

²⁰ Environmental Justice Foundation, *White Gold: The True Cost of Cotton- Uzbekistan, cotton and the crushing of a nation*. 2005, available at <http://ejfoundation.org/cotton/white-gold>, last accessed 19 December 2012.

Unemployment and underemployment are high throughout Uzbekistan but particularly so in rural areas, where over 62% of the population lives.²¹ Increasingly, farmers and rural residents are emigrating, joining the estimated 3-5 million Uzbek citizens (10%-17% of total population) working primarily in Kazakhstan and Russia and sending remittances that amount to as much as 35% of the total gross domestic product.²² In the most extreme cases, the system has even cost the lives of some farmers; in recent years, a number of farmers in Samarkand have committed suicide, reportedly from depression and frustration with the system. After his release from prison for failing to meet his cotton quota and prior to hanging himself, longtime farmer Ismoil Turanazarov wrote a suicide note explaining that he was unable to meet the cotton production quota.²³

B. Centralized chain of command and quota system

A clear chain of command ensures the mobilization of the cotton pickers, starting with the Prime Minister, down through the regional hokims to the district- and city-level hokims and directors of government agencies, and to the administrators of schools, hospitals, other government agencies and private businesses. With his orders from the prime minister, the regional hokim convenes his deputies for each government service agency: education, health care, military, etc.²⁴ Through their schools, places of employment and “mahalla” committees (neighborhood associations), children and adults are forced to work in the cotton fields under threat of losing their educational opportunities, job, pay and social-welfare benefits.

In most districts, the district khokimiyat functions as the headquarters for the mobilization of children and adults to harvest cotton and fulfill the national production plan. The khokimiyat oversees relations between banks and farmers and the farmers’ fulfillment of their cotton quotas as well. It includes the staff of the khokimiyat, the district prosecutor, the district police, the director of the district departments of public services – education, health, *etc.*, and the directors of the agricultural input enterprises that have financial transactions with the farmers. The district hokim or deputy hokim convenes meetings prior to the start of the harvest to issue orders for the mobilization of people to pick cotton. The organizational structure varies somewhat across different regions of the country. In some regions, the regional hokim has deputies for each sector; in others the hokim has district-level mayors (hokims rayona); and another variation reported is district-level directors of public institutions, e.g. school district administrators. Throughout the harvest, the prime minister conducts regular teleconferences with the regional hokims to ensure progress towards fulfilling the state order for cotton.

²¹ “Uzbekistan: Economy” Broad College of Business, Michigan State University, available at <http://globaleledge.msu.edu/countries/uzbekistan/economy>, last accessed 4 March 2013.

²² See “Uzbek Leader Wakes Up to Mass Emigration,” *News Briefing Central Asia*, Institute for War and Peace Reporting, 25 January 2013, available at <http://iwpr.net/report-news/uzbek-leader-wakes-mass-emigration>, last accessed 4 March 2013.

²³ “Planned Inefficiency in Uzbek Cotton Sector,” *News Briefing Central Asia*, 30 June 2012, available at <http://iwpr.net/report-news/planned-inefficiency-uzbek-cotton-sector>, last accessed 19 December 2012.

²⁴ *Id.*

After receiving its target for cotton picking, the director of each institution – school, hospital, military office, *etc.* – develops schedules and quotas for the staff. For example, in 2012 the principals of the schools of Jizzak region organized shifts of 10-14 days for groups of teachers to go to the fields and pick cotton and modified the educational program accordingly. At the start of the 2012 harvest, the Psychiatric Clinic of Angren planned to send 30% of all staff to pick cotton, and then raised the participation to 50% of all staff in order to meet the clinic’s quota. Each individual is assigned a daily quota.

The individual quotas in 2012 ranged from 80 kilograms per day during peak harvest to 30 kg per day, the amount that pickers were told was the minimum to cover the cost of food and transportation. The increased burden on the residents of Tashkent, government employees and private sector employees to pick the state cotton order meant that many inexperienced people were sent to the cotton fields. Failure to meet quota is not an option.

Each province and region of Uzbekistan has an established infrastructure, from the regional hokim to police enforcement that monitors the cotton fields and penalties for refusing to participate that are better understood by the populace than the national laws. Any farmer or farm laborer who refuses to participate when called upon to grow or harvest cotton is punished by the state, including by the loss of employment; suspension, expulsion or other disciplinary action at school or work; loss of state welfare payments; fines; social ostracization, verbal abuse, and public humiliation; expulsion from farmland (loss of livelihood); and physical abuse. Truly indicating who is in charge of mobilization of people to harvest the cotton, one interviewee explained, “Farmers have no say whatsoever, not even one of them never once indicates what to do. Foremen are deans.” The directors of schools, hospitals and other government entities report directly to the hokim and face punishment, including dismissal from their post, for failing to deliver the state order of cotton. The directors therefore assign a foreman of each group sent to the cotton field to oversee the work and report at the end of the day to the khokimiyat. The khokimiyat headquarters then visits farms and groups of pickers who are underperforming to reinforce the pressure to meet the target.

During the 2012 cotton harvest, examples of the enforcement practices of the regional- and local-level authorities included:

- In Angren, Tashkent, parents of students attending the Angren Academic lyceum presented the Prime Minister’s statement that no children were to be allowed to pick cotton, and the lyceum’s director, under orders of the regional authorities, told the parents, “in that case take your documents and go to another college.”
- In Yangiyul city, Tashkent region, parents and students were obliged to sign permission slips to establish their ‘voluntary’ participation in the cotton harvest, or face problems for the student to obtain a diploma.
- In the Buka district, Tashkent the police and national security service SNB and prosecutor’s office visited school and college directors to ensure their support for mobilizing teachers and students to pick cotton.

- In the Nizhnechirchiksky district of Tashkent region, students with illnesses region were denied medical exemptions.
- Nurses from several regions reported that they were threatened with the loss of their jobs for refusing to participate. Nina Petrovna, a nurse at a children's clinic in Tashkent region, was fired when she requested a medical exemption from the cotton harvest due to hand injuries.
- Staff of medical clinics reported deductions from their salaries for not meeting their daily quotas.
- Doctors in the Jizzak region and Tashkent city were informed that refusal to participate in the cotton harvest would cost them their jobs as well.
- Students of Tashkent National University of Economics were threatened with expulsion. As one student commented, "We can get expelled with some kind of excuse. They threaten us with that. Of course it can be fixed with money, but isn't it better to pay the money to local pickers and fix it that way?"
- Students of the Shayhontohur district were told, "if foreigners or human rights defenders come and ask or take photos let us know and tell them that you came voluntarily with your own initiative"
- In the Chirchiq district, students were threatened with expulsion and beaten by school staff, as encouragement to meet their quotas.
- Sulton, a student at the College of Food & Hospitality, received a bloody nose for failing to meet his daily quota.
- Shoira, a young mother in the Sharhrisabz district, reported the impossible situation of either picking cotton or losing state social security benefits delivered through the mahalla committees.

Similar practices reported throughout previous years indicate a common pattern. Examples include:

- In 2009, Prime Minister Shavkat Mirziyoyev stated in decree No. KR 03/1-732, "Khokims, prosecutors and departments of internal affairs of districts must take under control those farms where cotton has not been picked and organize the final cotton harvest. In those cases where farms have not complied with contractual obligations, a schedule will be made to levy damages from them. Under the law, their land lease will be revoked."²⁵
- In 2009, the Angren city hokim (mayor) Makhmud Turgunbayev issued a decree for each school to send 30% of its teachers to pick cotton; the decree threatened dismissal for teachers who refused.²⁶

²⁵ Usman Sarwar, "Пахтакор боланинг ўлими учун ким жавобгар?," *Ozodlik.org*, 23 October 2009, available at <http://www.ozodlik.org/content/article/1859306.html>, last accessed 4 January 2013.

²⁶ Alliance of Uzbekistan Human Rights Defenders, cited in Uzbek-German Forum for Human Rights, *A Chronicle of Forced Child Labour: Reports from the Uzbekistan Cotton Harvest 2009, Week 3*, available at

- In 2011, the Ishtihon district hokim (mayor) ordered teachers of primary and high schools to pick both pick cotton and take the school children to the fields to pick cotton, to meet the district's annual production quota, and school directors were threatened with dismissal if they failed to follow the hokim's orders.²⁷
- In 2011, students of the Pediatrics Faculty of the Andijan Institute of Medicine were forced to pick cotton and meet daily quotas of 100 kilograms per person.²⁸ An Institute teacher, Husan Ganievich Mamadiev, explained his role supervising the students to comply with orders of the local hokim Ahmadjon Tufilovich, "I am the leader of a group. Ahmadjon Tugilovich said to fulfill the targeted quota and I have to obey."²⁹
- In 2011, the regional hokim (mayor) of Surkhandarya, Turob Juraev, severely beat eight college directors who failed to deliver daily cotton targets, during a meeting to review cotton harvest progress on October 25.³⁰ Teachers were forced to record full attendance during the cotton harvest, while the children worked in the cotton fields.³¹
 - *"They tell us to fill the registration books, and make us write that the class has taken place. A teacher is a liar in front of a child's eyes. And we have to grade them at our own risk. Sometimes I even regret that I have become a teacher. It is hard to look the children in the eye,"* - School Director, Surkhandarya region.³²

Widespread extortion was another shocking characteristic of the quota system during the 2012 cotton harvest. Across the country, adults reported being charged for the difference between the cotton they picked and their assigned quota. In many cases, students, day laborers, members of mahalla committees, nurses, doctors and others forced to work the harvest paid local residents 300 som per kg to fulfill the quota. As a teacher who harvested in the Jizzak region reported, over the course of her shift in the cotton fields, she paid 25,000 soms to fulfill her quota. For government employees, the government authorities had the convenience of simply deducting money from the salaries of employees who failed to meet their quotas.

For those who could afford it, there was the alternative to pay the head of one's institution, ostensibly for that director to hire a replacement cotton picker. For teachers, nurses, doctors and other government employees, payments ranged from 300,000-600,000 som and were

<http://uzbekgermanforum.org/wp-content/uploads/2011/11/A-CHRONICLE-OF-FORCED-CHILD-LABOUR-2009-Week-3.pdf>, last accessed 4 January 2013.

²⁷ Sadriddin Ashour, "Иштихонда "Зарбдор ўн кунлик" эълон қилинди," *Ozodlik.org*, 4 November 2011, available at <http://www.ozodlik.org/content/article/24381666.html>, last accessed 3 January 2013.

²⁸ *Ozodlik.org*, 12 September 2011, available at <http://www.ozodlik.org/content/article/24326204.htm>, last accessed 21 December 2012.

²⁹ *Id.*

³⁰ Sadriddin Ashour, "Ҳоким коллеж директорларини калтаклади," *Ozodlik.org*, 27 October 2011, available at <http://www.ozodlik.org/content/article/24373406.html>, last accessed 3 January 2013.

³¹ Sadriddin Ashour, "Ўқитувчи жиноятга қўл урмагани учун жазога тортилди," *Ozodlik.org*, 16 November 2011, available at <http://www.ozodlik.org/content/article/24392598.html>, last accessed 3 January 2013.

³² Sadriddin Ashour, "Ўқитувчи жиноятга қўл урмагани учун жазога тортилди," *Ozodlik.org*, 16 November 2011, available at <http://www.ozodlik.org/content/article/24392598.html>, last accessed 3 January 2013.

paid to the principal, chief doctor, *etc.* Students paid 300,000-400,000 som to avoid picking cotton. Payments were strictly enforced. As a parent sadly shared during an interview, she visited her son and met another family of a boy named Muzaffar, who had broken his arm but only allowed to go home after paying 100,000 som. For most people, paying to avoid the cotton fields was financially unfeasible, for example, more than a month's salary for a teacher. The reality that there was no choice was clear. *"In fact, even 300 dollars is a lot, it is my father's two month's salary. But refusing means not passing exams."* - Student, Andijan, 2012

The penalties for underperforming are not reserved only for individual pickers; regional and local authorities manage an underperforming district or region only at the risk of their own career as well. The Prime Minister Shavkat Mirziyayev convenes meetings and teleconferences (*selectornoye soveshanie*) with the prosecutors, police chiefs, farmers and government officials of all regions of Uzbekistan to arrange and oversee the mobilization of schoolchildren, students, and government employees to harvest the cotton. The communications from the Prime Minister are regular and include specific instructions.³³ The hokim of Bukhara region lost his position after farmers of his region protested the late delivery of finance from the government-owned bank during the 2011 season. Despite the reality of the tensions, the government news agency presented a documentary to convey that he was fired for corruption.³⁴

While the forced labor of children and adults continues year after year, the government of Uzbekistan steadfastly denies the practice. The contrast between the practice and the government's statements highlight the complete failure of the government to implement the national labor laws and international labor standards prohibiting forced labor and child labor.

After ratifying the ILO Convention No. 182 on the Worst Forms of Child Labour on June 24, 2008, the government of Uzbekistan passed a series of laws and resolutions that suggested efforts to apply the convention. The Cabinet of Ministers passed the law "On measures to implement the Convention, ratified by the Republic of Uzbekistan on the minimum age for admission to employment and the Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour" ("Collection of Laws of the Republic of Uzbekistan "2008, № 39, art. 377) on September 12, 2008, signed by the Prime Minister of the Republic of Uzbekistan and published on the website Norma № 40 (169) on October 3, 2008. In 2011, the Federation Council of Trade Unions, the Association of Farmers of Uzbekistan and the Ministry of Labor and Social Protection of the Republic of Uzbekistan published a joint statement concerning the prohibition of child labor on the website of the information agency of the Ministry of Foreign Affairs of the Republic of Uzbekistan "Jahon". Thereafter, the Government Order No. 82 of 26 March 2012 approved the Plan of additional measures for the implementation of the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), 2012–13 (Plan on additional measures). In August 2012, the Prime Minister of Uzbekistan also issued a statement that children were not to pick cotton. In

³³ *UzNews*, "Мирзиёев обьявил хлопковый хашар," *UzNews*, 24 September 2009, available at http://www.uznews.net/news_single.php?lng=ru&sub=hot&cid=2&nid=11338, last accessed 4 January 2013.

³⁴ *Id.*

2012, the Uzbek Ministry of Education Letter No. 01-523, dated September 8, 2012, delivered a message to the Ministry of Education of the Autonomous Republic of Karakalpakstan and the central education boards of Uzbek provinces and Tashkent not to allow school children to pick cotton.

Juxtaposed with continued forced labor of children and adults in the cotton fields, the government's resolutions and statements can only be understood as attempts to relieve pressure from the international community. None of the government's statements address forced labor; to do so, the government would be acknowledging their total control of the cotton sector and role in coercively mobilizing child and adults to harvest cotton. Despite this direct culpability for the system of state-sponsored forced labor, the Government denies the practice, alleging that such claims are politically motivated by 'foreign actors' to undermine Uzbekistan cotton on the international market. At the most recent Public Hearing for U.S. GSP, Uzbekistan's Ambassador to the United States Ilhom Nematov testified:

"...there is no compulsory to forced labor..."

"Today, cotton is hard currency, and if somebody who has interest to go pick up cotton and make money, there is no compulsory. He can go and the farmers will pay for them. But today, school for children, it is not compulsory to go to pick up cotton at harvest time in Uzbekistan."

"No. Children do not participate. I didn't say that. But if farmers invite some companies or some people to help pick up cotton, they pay them, but not children; adults."³⁵

In 2013 ILO Committee of Experts report, the Uzbek government also denied forced labor in the agricultural sector, in response to information provided by both the International Organization of Employers (IOE) and International Trade Union Confederation (ITUC) concerning "the systematic and persistent use of forced labor, including forced child labor, in the cotton fields of Uzbekistan."³⁶ In light of the government's continued intransigence, in its 2013 report, the ILO Committee of Experts concluded,

"despite the Government's denial, sources in the country indicate the widespread mobilization of forced labour (particularly of children) in the annual cotton harvest in a number of Uzbekistan's regions."³⁷

³⁵ Executive Office of the President, Office of the U.S. Trade Representative, *Public Hearing for U.S. Generalized System of Preferences (GSP): Review of Country Practices*, March 28, 2013.

³⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning the Abolition of Forced Labour Convention, 1957 (No.105), Published 2013.

³⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning the Abolition of Forced Labour Convention, 1957 (No.105), Published 2013.

and

*"the Committee must once again note with serious concern that the Government has yet to respond positively to the recommendation to accept a high-level tripartite observation mission. The Committee's concerns are reinforced by the evident contradiction between the Government's position that children are not removed from school for work in the cotton harvest, and the views expressed by numerous UN bodies and social partners that this worst form of child labour remains a serious problem in the country."*³⁸

C. The role of law enforcement agencies

Law enforcement agencies ensure obedience throughout the state-order system of cotton production. They are obliged to make sure that farmers reap the cotton and deliver it to the state. Prosecutors and police officers are assigned to "control the execution of government regulations on agriculture." Farmers report that the local police chiefs and the regional prosecutors always participate in the daily meetings dedicated to the harvest results. Following the governor's decision, policemen often arrest and beat guilty farmers. A farmer from Kashkadarya region said in an interview that he voluntarily gave up his land as he was tired of continued threats and harassment from the local governor and prosecutor.

Police officers also exert their authority over parents who refuse to let their children to pick cotton. "In our country contempt of state is the most serious crime," one of the parents from Tashkent said.

Law enforcement forces were charged with preventing any attempt to monitor and document the extent of forced labor. Policemen were guarding the roads and watched the people arriving in cotton areas. During the harvest, police cars ran between the fields, instead of preventing crime.

Teachers and farmers were instructed to prevent photography in the cotton fields. They were ordered to immediately report to security services the appearance of any stranger with a camera in the field. Security officials arrested and deported foreign activists and journalists from the fields and from the country.

Following the instruction from national security and law enforcement officers, adult cotton pickers were placed next to the busy routes, newly arriving "volunteers" further away near residential areas and field camps, and college and lyceum students were sent to the remote steppe fields. Cars were checked upon approaching fields for cameras and cell phones.

D. Government repression of citizens who attempt to monitor and rejection of the International Labour Organization

³⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning the Worst Forms of Child Labour Convention, 1999 (No. 182), Published 2013.

In 2012, the Uzbek government continued to conceal information on the criminal nature of cotton harvest. Government authorities continued to harass, intimidate and repress citizens who attempted to monitor. The Uzbek government again refused to invite the ILO to conduct monitoring.

The ILO, the United Nations agency responsible for establishing and monitoring labor standards worldwide, visits a country upon invitation from the host government. Since 2009 the ILO has called on the Uzbek government to respond to continued reports from workers, employers, and civil society of systematic and persistent use of forced labor of children and adults in Uzbekistan's cotton fields. Since 2010 the ILO tripartite supervisory body has called on the GOU to invite a high-level tripartite mission to conduct unfettered monitoring during the cotton harvest. In 2012, the ILO offered the Uzbek government an opportunity to take an initial step by inviting an ILO technical assistance team that would monitor during the harvest. The GOU, however, has steadfastly refused to grant access to the ILO.

Only a few brave human rights defenders in Uzbekistan continue to investigate and report on the situation. It is forbidden for foreign journalists to appear in the cotton fields and talk to people working there. Throughout the 2012 cotton harvest, Uzbek government continued to harass, intimidate and suppress citizens who tried to monitor the process. It was forbidden for students and their visiting parents to make photos of the living conditions with their mobile phones. Farmers were also warned to "keep their mouth shut" and to report any suspicious people on their farms.

On September 22, the Yakkabag district police detained activists Yelena Urlaeva and Malokhat Eshankulova and searched for photos and videos. The day before, they documented the working schoolchildren of the 4th to 6th classes from school № 70 in the village of Beshkaltak. Rights activists understood that they found out something they were not supposed to know immediately after their contact with the teachers and students of the school № 70 in Yakkabag district of Kashkadarya region. *"We were followed by several cars with people in civilian clothes,"* Eshankulova said. Despite the surveillance, human rights defenders tried to escape to the neighboring Kamashi district but were stopped. *"Our car was blocked by six policemen. They demanded that we give them our video and photo equipment,"* Eshankulova said.

On September 27, Gulshan Karaeva of the Human Rights Society of Uzbekistan (HRSU) was arrested on ambiguous charges of libel. She believes this way the authorities warned her to stop reporting on the cotton harvest, as she did in previous years.

At the height of the cotton harvest, authorities arrested human rights activist Uktam Pardayev from Jizzakh town on false charges, which still remain unknown to him. Uktam Pardayev was arrested for 15 days, immediately after he had reported on cotton harvest abuses in Jizzak.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'B. Eshankulova', written in a cursive style.

Brian Campbell
Director, Policy and Legal Programs
ILRF