



INTERNATIONAL LABOR RIGHTS FORUM

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Post-Hearing Brief

Case # 004-CP-08

Docket Number: USTR-2011-0015

In re. Uzbekistan Country Practice Petition

February 24, 2012

ATTN:

William Jackson, Deputy Assistant U.S. Trade Representative for GSP
GSP Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th St., NW
Room 514
Washington, DC 20508

Pursuant to [76 FR 238] (December 12, 2011), the International Labor Rights Forum (ILRF) files this post-hearing brief in support of the on-going review of forced adult and 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 Government has failed to 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 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.

1. Is UNICEF capable to address the issue of forced child labor? If not, could it acquire that capability? What expertise or capacity does it lack?

As UNICEF will confirm, the organization is not the appropriate entity to conduct a full survey of labor conditions in the Uzbek cotton sector, including issues related to the root causes of forced labor. The ILO is the UN Agency that is responsible for addressing violations of state-sponsored forced labor. Therefore, it is UNICEF's position as we understand it, that the ILO is the appropriate entity for addressing labor conditions.

UNICEF has a specific child rights protection mandate,¹ which by definition cannot address the forced adult labor problem in the country. UNICEF is in Uzbekistan to address health issues and education issues, but their mandate is not to address either child or adult coercion. This coercion has been revealed for many years through media, advocacy organizations, and even the government. On October 3, 2011, Radio Free Europe reported that during last year's harvest Uzbek authorities ordered clerics, school teachers, police officers, and doctors to pick cotton – individuals that presumably do not fall under the category of a "child."² In another case, a monitor working with the Uzbek-German Forum for Human Rights reported that in Tashkent, state organizations are obliged to send their employees for 10 days of work in the cotton harvest.³ Given UNICEF's child-focused mandate, it is in no position to address this widespread forced adult labor.

ILRF understands that at this time, UNICEF's mission in the country is limited to a few informal *observations* of cotton fields, and could never approach the level of *monitoring* as it is practiced at the ILO. Any reports that UNICEF is able to produce are understood to be unrepresentative snapshots of conditions in the fields, rather than a larger scale examination of the root causes of forced adult labor and forced child labor in the top levels of the government – the quota system.

UNICEF's work is important for creating better health and educational opportunities. Its programs apparently have a track record of success, and it would be in UNICEF's interest to maintain a good relationship with the Government of Uzbekistan. Placing UNICEF in the role that should be taken on by the ILO puts at risk these programs because the Government of Uzbekistan has demonstrated a willingness to withdraw support from international institutions that disagree with its position.

We urge the Government of Uzbekistan to stop pitting one UN agency against another and to allow each agency to fulfill their own mandate. For the ILO, it is ending forced labor. For UNICEF, it is promoting health and education.

¹ See UNICEF, *Uzbekistan* Newsletter, Volume No. 2, August-September 2011, attached hereto.

² Radio Free Europe/Radio Liberty. "Uzbek Clerics, Doctors, 'Ordered to Pick Cotton.' Found at: http://www.rferl.org/content/uzbek_clerics_doctors_ordered_to_pick_cotton/24347899.html.

³ Cotton Campaign. "Uzbek Monitor Reports from the Cotton Fields: 'Everyone to the Harvest.' Found at: <http://www.cottoncampaign.org/2011/10/03/uzbek-monitor-reports-from-the-cotton-fields/>.

2. The Government of Uzbekistan has stated that farmers are free to grow what they like and are not coerced in any way to grow cotton for the state. This seems to contradict ILRF's assertion that there exists a cotton quota system. Would you explain this fundamental disagreement and provide us with any support to back up your assertions on this matter, particularly the existence of a cotton quota system?

Each year, the Government of Uzbekistan sets a quota for domestic cotton production and places the responsibility for meeting said quota on provincial governors, who then pass the pressure down to local officials. Like the reports of coercion, the quota system has been confirmed by media bodies, advocacy organizations, the Government of Uzbekistan, and the US Government.

Last year, the Interior Ministry of Khorezm issued a press release describing its plan to mobilize people from the district to work in the cotton fields. The translated press release stated, "For the purpose of 2011 quality crop harvest within a short timeframe, mobilization of cotton pickers is planned in the amount of 202,641 persons, of which 34,800 from higher and secondary schools, colleges, and lyceums."⁴ Additionally, it was reported last fall that Shavkat Mirziyayev, the Prime Minister of Uzbekistan, met with regional representatives in June and threatened to punish local administrators if their farmers didn't achieve cotton production targets for the year.⁵

With the enormous pressure from above, local officials dictate what farmers grow on their leased land. Farmers that are not under the mandate to grow cotton are perhaps free to grow whatever and how much they want. While some reports have recently been published to dispute that claim, there is a lack of widespread reporting on the issue. However, if a farmer is on what the government has designated as cotton-growing land, the government has complete control over the farming practices on that land. In the Jizak region in 2009, the Uzbek Cabinet of Ministers' representative almost buried a farmer alive (in a grave dug by the farmer himself) for sowing his field with grain after he had harvested his cotton.⁶ Last year, a farmer committed suicide after being heavily reprimanded and arrested for failing to meet the daily state quota. In the farmer's suicide note, he blamed local authorities for the fact that he could not meet his quota.⁷ Reports of these types of coercion are found from dozens of districts scattered about the country.

⁴ See Khoresm Province, Department of Internal Affairs, *Press release for Dissemination in Mass Media on the Successful Progress of the 'Cotton-2011' Campaign by Interior Bodies*, attached hereto.


⁵ Uznews. "Mirziyayev Demands Abundant Cotton Harvest." Found at: http://www.uznews.net/news_single.php?lng=en&cid=2&sub=&nid=17506.

⁶ Uznews. "Uzbek Government's Rep Uses Violence Against Farmers, Police." Found at: http://www.uznews.net/news_single.php?lng=en&cid=3&nid=11863.

⁷ Cotton Campaign. "Uzbek Farmer Commits Suicide After Failing to Meet State Quota." Found at: <http://www.cottoncampaign.org/2011/10/14/uzbek-farming-commits-suicide-after-failing-to-meet-state-quota/>.

The Government of Uzbekistan has asserted that there is no forced labor in their cotton fields. The ILRF is not the only body that has contradicted this assertion. UNICEF⁸, the US Embassy in Tashkent⁹, and the US Office to Monitor and Combat Trafficking in Persons¹⁰, have likewise confirmed that the cause of forced labor in Uzbekistan is the government imposed growing system of cotton, otherwise known as the "state-order system," or command economy for cotton.

Respectfully submitted,



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⁸ U.S. Department of State. (Classified) Cable from US Embassy in Tashkent: *UNICEF Shares Results of Child Labor Assessment*, at para. 1. (October 30, 2008).

⁹ U.S. Department of State. (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan: Information on Forced Labor and Child Labor for Mandatory Congressional Reporting Requirements*, at para. 8. (June 6, 2008).

¹⁰ U.S. Department of State. *Trafficking in Persons Report 2011*. Found at: <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>