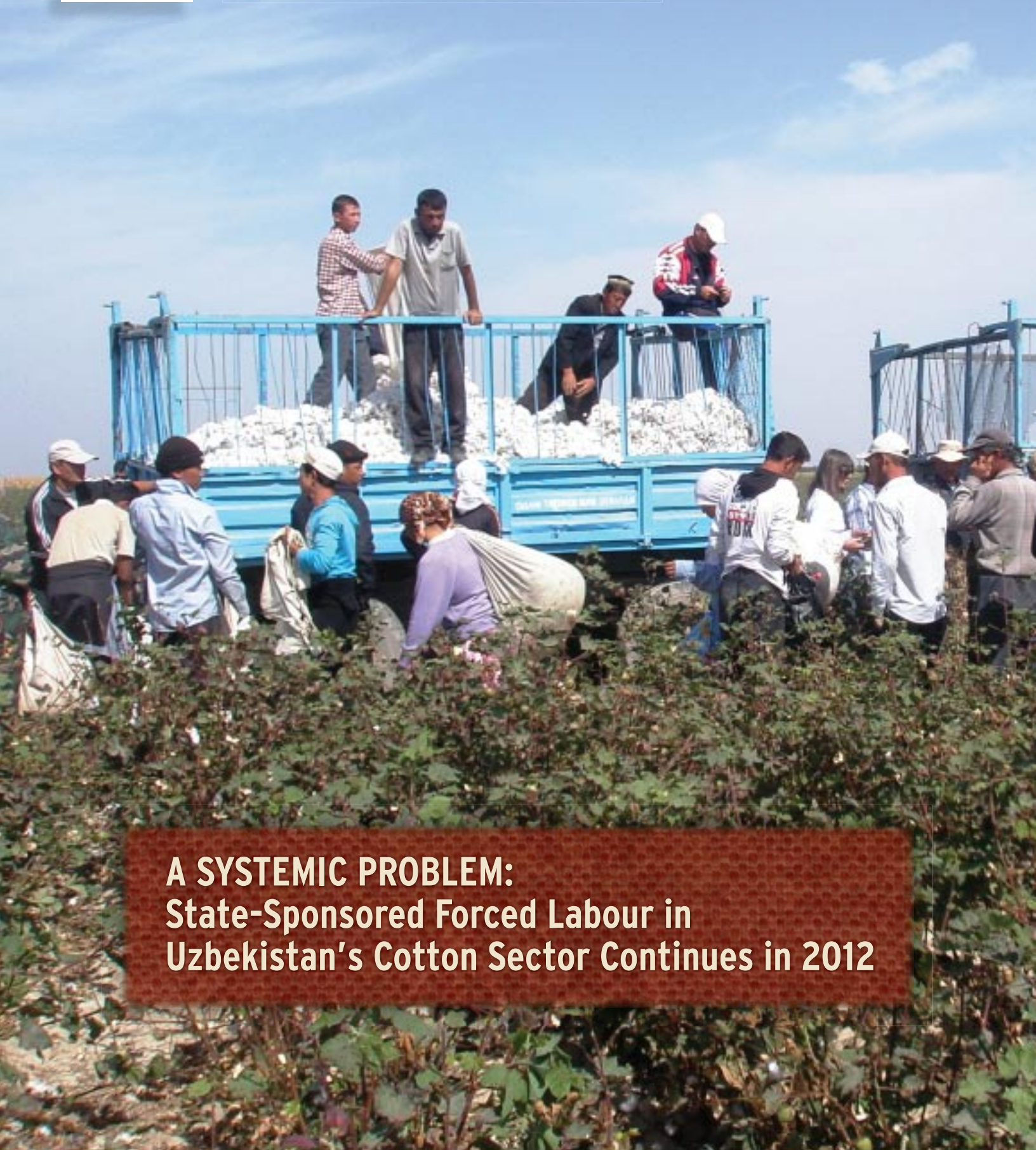




# COTTON CAMPAIGN



**A SYSTEMIC PROBLEM:  
State-Sponsored Forced Labour in  
Uzbekistan's Cotton Sector Continues in 2012**

# A SYSTEMIC PROBLEM: State-Sponsored Forced Labour in Uzbekistan's Cotton Sector Continues in 2012

## TABLE OF CONTENTS

|       |                                                                                                                                                   |    |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------|----|
| I.    | Executive Summary .....                                                                                                                           | 3  |
| II.   | Introduction and Methodology .....                                                                                                                | 5  |
| III.  | The Government of Uzbekistan's Forced Labour System of Cotton Production .....                                                                    | 7  |
| IV.   | Continued Forced Labour of Children and Adults in the 2012 Cotton Harvest .....                                                                   | 16 |
| V.    | Social Decline: Impacts of the Forced Labour System on Society .....                                                                              | 33 |
| VI.   | Roles of Other Governments and Companies .....                                                                                                    | 40 |
| VII.  | Conclusions: Pressure Can End State-Sponsored Forced Labour in Uzbekistan .....                                                                   | 45 |
| VIII. | Recommendations to the Government of Uzbekistan, bilateral partners, companies operating in Uzbekistan and companies using cotton worldwide ..... | 47 |

### ABOUT THE AUTHORS:

**Uzbek-German Forum for Human Rights (UGF)** is a German based NGO aimed at improving the human rights situation in Uzbekistan and strengthening and promoting Uzbek civil society. UGF was established and registered in Berlin in July 2008 as a joint venture of Uzbeks and Germans with the purpose of furthering Uzbekistan Human Rights advocacy through the engagement of public opinion and European institutions. The goal of the organization is to put an end to human rights abuses in Uzbekistan by building capacities of local human rights groups, advocacy with the EU and international institutions and by mobilizing public opinion in European countries. This especially in Germany, since it holds a particular interest in the region of Central Asia and enjoys a strong influence upon the EU foreign policy.

Website: [www.uzbekgermanforum.org](http://www.uzbekgermanforum.org)

Contact: Umida Niyazova, [info@uzbekgermanforum.org](mailto:info@uzbekgermanforum.org)

**The Cotton Campaign** is a global coalition of labour, human rights, investor and business organizations coalesced to end forced labour of children and adults in the cotton sector of Uzbekistan.

Website: [www.cottoncampaign.org](http://www.cottoncampaign.org)

Contact: Matthew Fischer-Daly, [cottoncampaigncoordinator@gmail.com](mailto:cottoncampaigncoordinator@gmail.com)

Design: Amy Thesing, [www.amythesing.net](http://www.amythesing.net), *Progressive Design Solutions*

Photography: Uzbek-German Forum for Human Rights

## I. Executive Summary

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**T**he Government of Uzbekistan has for decades relied on the forced labour of children and adults as a central component of the state-driven cotton production system. In 2012, the Government of Uzbekistan entrenched the use of forced labour in its cotton harvest.

A shift in the demographic targeted has rooted the practice even more deeply in the country's political economy, as an unprecedented mass mobilization of teenage children, university students and both public-sector and private-sector employees accompanied an apparent reduction in the mobilization of children under the age of 15. The Government failed to take steps to end the state-sponsored forced labour system, denied the practice existed, and steadfastly refused to cooperate with the International Labour Organization (ILO). Government authorities also continued to repress citizens who reported the on-going use of forced labour of children and adults. This report presents evidence gathered by human rights defenders in Uzbekistan on their government's system of forced labour during the 2012 cotton production cycle. Claims of progress ring hollow in the ears of the children and adults of Uzbekistan who again were forced to pick cotton by the government authorities.

For the 2012 cotton harvest, the provincial government offices (*hokimiyats*) coercively mobilized children aged 15 to 17 and adults to meet state-established cotton quotas. While the Government did not orchestrate a mass mobilization of children under the age of 15, there were instances of authorities forcing primary school children to pick cotton. Children picked cotton under the threat of punishment, including expulsion from school, verbal abuse, and physical beatings. Government employees—including teachers, doctors, nurses, military servicemen; pensioners; welfare recipients; and private sector employees were forced to pick cotton under the threat of dismissal from work, the loss of salary, pensions, and welfare benefits. Children and adults were forced to meet individual cotton quotas and therefore worked excessive hours, conducting arduous physical work in hazardous conditions (including exposure to pesticides, lack of potable water, and unsanitary accommodation).

**Cotton has been cultivated in the region for millennia. In modern-day Uzbekistan, all cotton is produced within the "state order system."**

The state order system continued to strain Uzbek society and impede development. Law enforcement agencies were again used to enforce illegal forced labour. Government authorities extorted money from citizens who did not want to pick cotton or failed to meet their individual quotas. The scale of forced labour of government employees disrupted the delivery of essential public services. With unprecedented numbers of teachers, nurses and doctors in the fields, students lost months of lessons, and mothers were turned away by hospitals lacking the staff to attend to their children.

As in previous years, government authorities continued to harass and arbitrarily detain independent civil society activists in Uzbekistan attempting to monitor forced labour in the cotton fields, even holding one activist, Uktam Pardaev, in incommunicado detention. The Government of Uzbekistan continued to refuse to cooperate with the ILO, despite continued recommendations

from international workers and employers organizations as well as other governments that the Government of Uzbekistan invite a high level ILO tripartite observer mission.

The labour rights violations in the cotton sector occur in the context of a horrendous human rights situation in Uzbekistan. Human rights experts of the United Nations (UN), international and Uzbek experts have documented the severe suppression of civil society; the widespread and systematic use of torture throughout the criminal justice system; violations of due process and fair trial protections; and severe, undue restrictions on the freedoms of association, press, religion, and movement. In 2013, the International Committee of the Red Cross announced it would cease all prison visits in Uzbekistan, citing lack of cooperation by the Government. Since 2003, the Uzbek government has denied entry to at least 11 UN special procedures (experts) for human rights monitoring. Coercion in the cotton sector exemplifies the broader practices of the Government of Uzbekistan such as the use of police to enforce illegal forced labour, repression of citizen reporters, and pervasive corruption, presented in section five of this report.

This report is also a call to action to governments and companies to use their leverage to urge the Government of Uzbekistan to end forced labour in its cotton sector. The final section presents recommendations to governments with significant interests in Uzbekistan—including the United States, Germany, South Korea, the United Kingdom and the European Union; the private sector—including companies operating in Uzbekistan and companies using cotton worldwide; and international financial institutions. Recommendations include calls for:

- The Government of Uzbekistan to take immediate action to end forced labour, beginning with inviting a high-level ILO tripartite observer mission;
- Companies operating in Uzbekistan to establish independent monitoring and public reporting led by local civil society, use their influence to urge the Government of Uzbekistan to reform, and divest should the system of state-sponsored forced labour continue;
- Companies using cotton to implement a ban on business with companies profiting from the Uzbek state-sponsored forced labour system of cotton production; and
- Governments with interests in Uzbekistan to use all diplomatic engagements to strongly call for the end of forced labour and implement anti-forced labour laws—including the withdrawal of trade preferences under the respective US and EU Generalised System of Preferences (GSP), the prohibition of imports of goods containing cotton from Uzbekistan into the US under its Tariff Act, and a US Trafficking in Persons Report ranking that corresponds to on-going state-sponsored forced labour in Uzbekistan.

These recommendations derive from the premise that stability and rule of law are in the interest of governments and the private sector alike. In deciding to take a stand against forced labour, governments and companies should consider that political change will eventually come to Uzbekistan, and that the people of Uzbekistan will long remember if the world did everything possible to end their servitude.

## II. Introduction and Methodology

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The Central Asian Republic of Uzbekistan is one of the world's largest producers and exporters of cotton. In 2012 Uzbekistan was the fifth largest cotton exporting country.<sup>1</sup> The largest importers of Uzbek cotton are, in order: China, Bangladesh, Russia, and the European Union. Most of this cotton is used to produce clothing and household goods.<sup>2</sup>

Uzbekistan's cotton sector is a state-order system underpinned by the forced labour of children and adults. For over two decades the sector has remained fundamentally unchanged. This report presents the process of cotton production in Uzbekistan in 2012 and documents the systematic exploitation of children and adults who were forced to work in the cotton fields by the government.

Except where cited otherwise, the information presented in this report was gathered by Uzbekistan's human rights defenders through interviews and observations during and immediately after the 2012 cotton harvest. Thirteen citizens of Uzbekistan (in five groups) conducted 141 interviews, reviewed government documents, and collected both local and foreign media reports on the cotton harvest. They gathered information in four provinces and Tashkent city. An equal number of people from eight population categories were interviewed: students of colleges and lyceum (the equivalent of high schools in the European and American education systems<sup>3</sup>), university students, teachers, *mahalla*<sup>4</sup> committee members, *mardikors* (day labourers), parents, and medical staff—including doctors and nurses. Annex 1 presents a summary of the interviews. All interviewees had direct experience of participating in the 2012 cotton harvest. The interviewees were from different families and different schools. The team of human rights defenders received training on interview techniques. The team conducted all interviews between November and December 2012 using a questionnaire consisting of 60 questions concerning all aspects of the cotton harvest. A social scientist facilitated the training and designed the questionnaires. The monitoring team operated anonymously for their personal protection.

The Government of Uzbekistan continues to interfere with efforts to monitor and report on labour violations in the cotton sector of Uzbekistan. The Government has steadfastly denied the International Labour Organization access to monitor the harvest and continues to intimidate, harass and detain citizens who attempt to document violations in the cotton fields. The authorities carefully curtail documentation of the coercive mobilization of adults and children by employing police surveillance and other abusive tactics throughout the harvest. Despite the Government of Uzbekistan's efforts to suppress reporting on the cotton production system,

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1. US Department of Agriculture, Economic Research Service, "Table 01 Cotton World Supply, Use, and Trade (Season Beginning August 1)," available at <http://www.fas.usda.gov/psdonline/psdHome.aspx>, last accessed 1 June 2013.
  2. Apparel (clothing) accounts for 60% of global cotton usage, according to the United Nations Conference on Trade and Development (UNCTAD), "Market: Cotton Production," *Market Information in the Commodities Area*, available at <http://r0.unctad.org/infocomm/anglais/cotton/market.htm>, last accessed 1 June 2013. Uzbekistan's cotton is high quality and typically used for knits, denim and towels. See, for example, Responsible Sourcing Network *From the Field*, 2012, available at [www.sourcingnetwork.org](http://www.sourcingnetwork.org).
  3. Colleges and lyceums in the education system of Uzbekistan are the equivalent of high school in the United States and many European Union member states. Historically, most 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.
  4. Mahalla committees are local, citizen groups that operate as the lowest level of state control in Uzbekistan. They are responsible for distributing government welfare benefits to low-income residents, typically young mothers and the elderly.

human rights defenders have worked at great personal risk to ensure that ample evidence is documented each year.

The information presented in this report confirms the serious, systematic and continuous nature of forced labour throughout the cotton production cycle in Uzbekistan. The provincial government offices (*hokimiyats*) coercively mobilized children (aged 15 to 17) and adults to meet the 2012 harvest quotas. While the Government did not shut down all primary schools to mobilize children under the age of 15, a prominent characteristic of previous harvests, younger children were sporadically forced to pick cotton. Children forced to pick cotton worked excessive hours, conducting arduous physical work in hazardous conditions and under threat of punishment, including expulsion from school. Government employees, including teachers, doctors, nurses, and soldiers, and private business employees were forced to pick cotton under threat of dismissal from work, the loss of salary, pensions and welfare benefits. The authorities imposed harvest quotas on those forced to pick and extracted fines from those who failed to meet their cotton quotas. The scale of forced labour of government employees disrupted the delivery of essential public services such as health care and education. As in previous years, the authorities continued to harass and arbitrarily detain independent civil society activists who attempted to monitor the cotton harvest.

This report is a call to action to governments, companies and investors around the world to use their leverage to urge the Government of Uzbekistan to end forced labour in the cotton sector. After describing the state order system of cotton production, the coercive mobilization of children and adults in 2012, and the impact on society, the final section presents recommendations for the Government of Uzbekistan and its bilateral partners, multilateral institutions and companies. The government attempted to deflect international criticism of its forced child labour practices in 2012 by mobilizing more adults and children between the ages of 15 and 17 rather than young children. While state-sponsored forced labour continued, the shift demonstrated that pressure applied on the Government of Uzbekistan does work, and can end involuntary servitude in Uzbekistan's cotton fields.

### III. The Government of Uzbekistan's Forced-Labour System of Cotton Production



#### A. Introduction to Cotton Farming in Uzbekistan

*"If we ourselves could sell [cotton] 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, exceeding the quota. Wheat from ten hectares of land was left for us, so we had some profit. If we planted wheat on all the land instead of cotton, we could make 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."* **-Holdor, farmer, November 2012**

According to Uzbekistan's President, Islam Karimov, in 2012 3.35 million tons of cotton was harvested.<sup>5</sup> Government control over the cotton sector remained complete, spanning everything from land titles to domestic and international sales. Income from cotton continued to accrue to the political elite while farmers were left with debt. Increasingly farmers migrated to Russia or Kazakhstan for work to sustain their families.<sup>6</sup>

5. "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](http://www.fibre2fashion.com/news/textile-news/newsdetails.aspx?news_id=117221), last accessed 4 March 2013.

6. 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.

Modern-day Uzbekistan has slightly more land area than California, but only 10% of Uzbekistan's land is arable.



Cotton has been cultivated in the region for millennia. Modern-day Uzbekistan has slightly more land area than California, but only 10% of Uzbekistan's land is arable. The "dekhan" (small family farm) farm was the traditional unit of Uzbek agriculture. Under the Soviet Union, dekhan farms were merged and converted into state-owned and operated "kolkhozy" (collective farms) and "sovhozy" (state farms). It was at this time that the cotton monoculture was introduced to supply industrial production elsewhere in the Soviet Union. Since independence, the lot of Uzbekistan's farmers has only deteriorated. During the first decade of independence, the government passed at least 55 laws, decrees and resolutions concerning agricultural land.<sup>7</sup> It began to semi-privatize land and agriculture but retained the state-order system of cotton production. With one of the earliest privatization reforms, the Government abolished state farms to relieve itself of the financial burden of paying the large state agricultural workforce.<sup>8</sup> It then introduced land leasing and directed kolkhoz administrators to mobilize rural families for fieldwork, including springtime weeding and ploughing and the fall harvest, in order to meet the state order for cotton.

Subsequent regulations consolidated land and decision-making under the control of regional and district-level "hokims" (governors). A 1998 law established a farmer's certification requirement; apparently 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*.<sup>9</sup> In 2000, regional *hokims* gained control over markets for inputs, such as fertilizer, seed, defoliants and fuel.<sup>10</sup> In 2008, a law ostensibly aimed at increasing efficiencies of scale further consolidated farms into larger plots under the control of the politically appointed regional authorities.<sup>11</sup> Currently, there are 35,000 farms, less than half the number of both collective and cooperative farms at the start of independence. The US embassy reported in 2008 that "virtually all farms in Uzbekistan . . . are still tied to the state order system,"<sup>12</sup> which means that all cotton is produced within the "state order system." In 2012, the Uzbek President abolished the farmers' association.<sup>13</sup>

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7. 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.

8. 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.

9. *Ibid.*

10. Farmer, interviewed for report, anonymous for personal security. Personal Interview by Matthew Fischer-Daly, 26 September 2012.

11. *Ibid.*

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 fulfil their quota.")

13. "Uzbekistan Farmers Association Abolished" UZ Daily, 24 October 2012.

Note: the State-run UZ Daily published the headline only, available at: [http://www.cottoncampaign.org/wp-content/uploads/2012/10/UZDaily\\_Uzbekistan\\_Farmers\\_Association\\_abolished.jpg](http://www.cottoncampaign.org/wp-content/uploads/2012/10/UZDaily_Uzbekistan_Farmers_Association_abolished.jpg).

## B. Government Control of Land and the Quota System

*"Nowadays [the government] takes [farmers'] 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 fulfil. But they go further—even beating and insulting farmers and forcing them to write resignation letters. That way they are forcing people to give up their lands."*

**-Rahmonberdi, farmer, November 2012**

To cultivate land in Uzbekistan, farmers sign leases (lasting between 40-60 years) with the government. The contracts specify the percentage of land on which cotton is to be grown and specifies 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 *Uzpaxtasanoat*. For the 2012 harvest, approximately 50% of each farm's land was dedicated to cotton. Many contracts in force in 2012 also required another percentage of the farm land to be dedicated to wheat production, for which the harvest is mechanized. 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.

*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 fulfil 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 miss the criminals but are granted full authority over farmers."*

**-Furqar, farmer, November 2012**

The quota system is implemented by the regional and district *hokims*, who report to the prime minister. The national cotton production plan is developed by 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, Investments and Trade, and the Association *Uzpaxtasanoat*. Then the prime minister, reporting directly to the president, publicly announces the national plan for cotton production, including the national production target.<sup>14</sup> The prime minister then convenes the regional *hokims* and dictates the cotton production quotas for each region.<sup>15</sup> The regional *hokims*



14. Uzbek human rights activists, names anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September - 6 October, 2012.

15. *Id.*

are responsible for ensuring that their region's quota is delivered, including the forced mobilization of farmers to meet a share of the Government imposed cotton quota.<sup>16</sup>

The *hokimiyat* delivers quotas to farmers each year after receiving its orders from the central government. Farmers have to meet state-ordered cotton production quotas in order to retain their land leases, and therefore their livelihood. If a farmer fails to produce his assigned cotton quota, the regional *hokim* will 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* closely monitor production rates. In Jizzak and surrounding regions, regional *hokims* are known to convene daily meetings to receive reports from all the farmers in the region.<sup>17</sup> At these meetings, the regional *hokims* verbally and physically abuse farmers who are under-producing.<sup>18</sup> In 2012, farmers strove to fulfil quotas of 3,000 kg on average.

**The *hokimiyat* delivers quotas to farmers each year after receiving its orders from the central government. Farmers have to meet state-ordered cotton production quotas in order to retain their land leases, and therefore their livelihood. If a farmer fails to produce his assigned cotton quota, the regional *hokim* will assign the land to another farmer.**

*"If we fail to fulfil 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 fulfil the quota. As a result, both hokim and the district would be awarded by the president with an 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 lead 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 exceeded the quota up to 110 %. Later, we were picking the cotton until November and to cover up the shortage just bought some more cotton."*

**-Holdor, Farmer, November 2012**

The Government of Uzbekistan continues to deny that the state order system exists and claims that farmers are free to manage their farms. In testimony to the executive branch of the US government, the Ambassador of Uzbekistan to the U.S. stated,

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16. Id. at para. 4. (unclassified)

17. Farmer, Jizzak region, anonymous for personal safety. Personal Interview by Matthew Fischer-Daly, 25 September 2012.

18. Id.

*"It is not national policy because I already mentioned that today, 100 percent of cotton are produced on the farms, and farms can make a policy or farms, we have more than 215,000 farms today in Uzbekistan, small and big farms (sic). And they will make a decision what they should have, cotton, vegetables, or others. That's why there is no nationwide policy in our agriculture sector because farmers make the decision what they will do, not the government. For example, I have some friends that are also farmers in Uzbekistan. And they are very successful farmers, very rich farmers, and they don't have any problems with the government. The government never dictates for them to sell cotton or vegetables, or others."*

**-Uzbek Ambassador to the U.S. Ilhom Nematov, 2013<sup>19</sup>**

Government documents tell a different story. In the letter below, the Djizzakh Region Prosecutor's Office confirms the opening of a criminal case against farmers who planted vegetables instead of cotton and requests security support from the District Head of the Police.

*Translation: See Annex 2 for original text*

The Republic Of Uzbekistan  
Prosecutor's Office  
Djizzakh Region Prosecutor's Office

The Head of the Police Zarbdor District  
To: Major A. Begmatov

A criminal case opened by the Djizzakh Region Prosecutor's Office against authorities of the 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 designated 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 security measures to prevent the farming of vegetables and plants by the heads of the farms or its workers detailed in the attached list.

Enclosed: 8 page list

Djizzakh Region Prosecutor's Office  
Head of the Criminal Investigation Department  
Junior Justice Advisor  
H. H Goziev

Land confiscation is not the only form of punishment for farmers who fail to meet production quotas. Following the harvest, government authorities continued to use harsh forms of coercion. On April 19, 2013, the Namangan region deputy *hokim* (vice governor) Uktam Ergashev beat seven farmers for the "unlawful" planting of onions.<sup>20</sup>

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

20. "Vice governor beats 8 people at government meeting in Uzbekistan", CA-News, 26 April 2013, available at [http://www.cottoncampaign.org/wp-content/uploads/2013/04/CA-NEWS\\_-Vice-governor-beats-8-people-at-government-meeting-in-Uzbekistan.pdf](http://www.cottoncampaign.org/wp-content/uploads/2013/04/CA-NEWS_-Vice-governor-beats-8-people-at-government-meeting-in-Uzbekistan.pdf), last accessed 1 June 2013.

### C. The Uzbek state-order cotton production system aggravates rural poverty



*"Even when I delivered 118%, I came out with a 2 million [sum] loss."*

**-Farmer, Shahrizabz district, 2012**

Under the state-order system of cotton production, the Government of Uzbekistan not only controls the land and enforces cotton production quotas, but also controls input markets, prices and cotton sales. As a result, even farmers who fulfil their cotton quota frequently end up indebted and cannot hire labour.

The Government monopolizes inputs, through the state-controlled companies: Uzhimprom for agrochemicals, Uzekenergo for fuel, Uzneftprodukt for petrol, Uzagromashservis for mechanical equipment, and Agrobank, formerly known as Pakhtabank (pakhta means cotton in Uzbek) for credit. Under their lease contracts, farmers are obligated to sell their cotton to one of the 127 state-controlled gins of the association Uzhklopkoprom or to the 18 gins of the Ministry of Agriculture and Water Resources (MOA). 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.

To set the procurement price for cotton, authorities subtract official costs from export revenues. Costs include loans to farmers for inputs, irrigation system maintenance, ginning, and marketing. The Government of Uzbekistan further squeezes farmers by undervaluing costs and using a highly overvalued exchange rate for the international price.<sup>21</sup> Additionally, state-controlled gins further reduce the price paid to farmers by claiming high “trash” or water content.<sup>22</sup> In 2012, farmers reported the following average prices, less than half the rates paid to cotton farmers in neighbouring Kazakhstan (See Annex 3 for chart on 2012 Prices):

- 885,000 sums (\$333 USD<sup>23</sup>) per ton, 1st grade, 1st class
- 862,000 sums (\$324 USD) per ton, 1st grade, 2nd class
- 800,000 sums (\$301 USD) per ton, 2nd grade, 2nd class
- 700,000 sums (\$263 USD) per ton, 3rd class

For many farmers, the income from cotton sales, at the state price, to the state-controlled gins, was less than half of production costs. An agronomist surveyed farmers in 2012 and estimated the following costs and income from producing cotton on one hectare of land:

- |                                      |                             |
|--------------------------------------|-----------------------------|
| • Ploughing:                         | 100,000 sum (\$38 USD)      |
| • Preparation for sowing:            | 200,000 sum (\$75 USD)      |
| • Soil cultivation:                  | 400,000 sum (\$150 USD)     |
| • Ammonium nitrate:                  | 300,000 sum (\$113 USD)     |
| • Removal of local fertilizer:       | 50,000 sum (\$19 USD)       |
| • Soil testing:                      | 50,000 sum (\$19 USD)       |
| • Salary for 1 worker, e.g. foreman: | 2,500,000 sum (\$940 USD)   |
| • Payment for the cotton harvesters: | 900,000 sum (\$338 USD)     |
| • Equipment maintenance:             | 300,000 sum (\$113 USD)     |
| • Taxes on the land:                 | 500,000 sum (\$188 USD)     |
| • Total expenses:                    | 5,400,000 sum (\$2,030 USD) |
| • Income:                            | 2,200,000 sum (\$827 USD)   |

21. During the 2012 cotton harvest, the official exchange rate was 1,975 sum per \$1 USD, and the exchange rate in use throughout the country was 2,660 sum per \$1 USD.

22. 12 Uzbek human rights activists, names anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September - 6 October, 2012. Uzbek-German Forum for Human Rights, “*Cotton—it’s not a plant, it’s politics*” *The system of forced labour in Uzbekistan’s cotton sector*, Berlin, 2012, available at <http://uzbekgermanforum.org/wp-content/uploads/2012/12/cotton-its-not-a-plant-its-politics-online.pdf>, last accessed 4 March 2013.

23. The exchange rate used throughout this paper is \$1 USD = 2,660 sum, the exchange rate in September and October 2012, the height of the cotton harvest.

Fundamentally, the state-order system of cotton production did not change at all in 2012. The government continues to exploit farmers as peasants on its plantations.<sup>24</sup> The high costs of production, combined with a low purchase price fixed by the central government, inadequate financing, and the coercion throughout the system force farmers into debt or to migrate to other countries. Farmers are unable to invest to improve farms, much less hire labour.<sup>25</sup> Unemployment and underemployment are high in Uzbekistan and particularly high in rural areas, where over 62% of the population lives.<sup>26</sup> Yet farmers and rural residents cannot earn a living by farming, so they increasingly join the estimated 27% of the population of Uzbekistan that has emigrated to countries such as Russia and Kazakhstan.<sup>27</sup> Rural families now depend on the remittances sent by these labour migrants, which amount to as much as 35% of the total gross domestic product.<sup>28</sup> In the most extreme cases, the coercive cotton production system has driven desperate farmers to take their own lives. In recent years, several farmers in the Samarkand region have committed suicide, reportedly from depression and frustration with the system.<sup>29</sup> In 2012, after his release from prison for failing to meet his cotton quota, farmer Ismoil Turanazarov wrote a suicide note explaining that he was unable to meet the cotton production quota and then hanged himself.<sup>30</sup>

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24. On the lives of farmers, see: Zanca, Russell, *Life in a Muslim Uzbek Village: Cotton Farming After Communism*, 2011, Wadsworth, Cengage Learning, pages 26-30.

25. 12 Uzbek human rights activists, anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September - 6 October, 2012.

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

27. 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.

28. 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.

29. Resident of Bukhara 2, anonymous for personal security. Personal Interview by Matthew Fischer-Daly, 26 September 2012; Resident of Jizzak, name anonymous for personal safety. Personal Interview by Matthew Fischer-Daly, 25 September 2012; "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.

30. "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.

## IV. Continued Forced Labour of Children and Adults in the 2012 Cotton Harvest

### A. Forced labour violates national law and international conventions

**D**espite national laws prohibiting forced labour and child labour, commitments to international conventions concerning forced labour and child labour, and its own statements, the Government of Uzbekistan continued to forcibly mobilize children and adults to work in the cotton fields in 2012.

The Labour Code of the Republic of Uzbekistan, Article 7, states that “forced labour, that is, forcing the performance of work under the threat of any penalty (including as a means of labour discipline) is prohibited.” After ratifying the ILO Convention on the Worst Forms of Child Labour in 2008, the Government of Uzbekistan established a 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”. In its 2013 report, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) “noted that section 241 of the Labour Code prohibits the employment of persons under 18 years in hazardous work,” including cotton picking.<sup>31, 32</sup> The ILO Convention on the Prohibition of Forced Labour (No. 105), Article 1(b), prohibits the use of any form of forced or compulsory labour “as a means of mobilizing and using labour for purposes of economic development.” Additionally, Uzbekistan has ratified the following international treaties prohibiting forced labour and child labour:

- Convention on the Rights of the Child,
- International Covenant on Civil and Political Rights,
- ILO Forced Labour Convention, 1930 (No. 29),

31. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) is an independent body composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO member States. The annual report of the Committee of Experts covers numerous matters related to the application of ILO standards. The report of the Committee of Experts is also available at: [www.ilo.org/global/standards/lang-en/index.htm](http://www.ilo.org/global/standards/lang-en/index.htm).

32. CEACR, page 405. “Uzbekistan: Worst Forms of Child Labour Convention, 1999 (No. 182) ILO. *CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan*, 2013, page 406.

- ILO Convention on the Abolition of Forced Labour, 1957 (No. 105),
- ILO Convention on the Minimum Age for Admission to Employment, 1973 (No. 138), and
- ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182).

## **B. Government mobilization of labour continued in 2012**

In 2012, as in previous years, government authorities forced over a million children and adults to pick cotton, under threat of punishment. Despite an attempt to substitute one form of forced labour with another by shifting the harvest burden to older citizens, children continued to pick cotton. The serious and systematic state-sponsored forced labour of children and adults that has been observed for years continued.

The work day in the cotton fields typically starts at 4:30am and lasts for 10 to 12 hours. Public-sector and private sector employees were not paid for their labour in the cotton fields. Deductions for food and transportation reduced payments to children and university students to negligible amounts. For example, for picking the daily quota of 60 kilograms, payment would only be made for 25 kg worth, approximately 20 cents USD for a 10-12 hour work day. Conditions for the men, women and children working in the cotton harvest were unsafe, unsanitary and unhygienic. Observers photographed tractors spraying agrochemicals in fields, immediately beside the people picking cotton. Accommodation lacked essential hygienic facilities and adequate potable water. A Masters student of the Uzbek State University of World Languages described the day:



*“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 fulfil the norm.”*

**-University student, November 2012**

## **1. The quota system and the role of public officials**

A clear chain of command ensures the mobilization of forced labour for the cotton harvest. Taking orders from the Prime Minister, the regional *hokim* in turn controls deputies who have responsibilities for specific sectors such as education, health care and the military.<sup>33</sup> In most districts, the *hokimiyat* functions as the headquarters for the mobilization of children and adults to harvest cotton. It includes the staff of the *hokimiyat*, the district prosecutor, the district police, and the director of the district departments of public services.



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33. *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. 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 midway through the harvest, they increased 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 the 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 shift to include groups of the population who had previously largely avoided mobilisation, such as residents of the capital, government employees and private sector employees, meant that in 2012 many inexperienced people were sent to the cotton fields.



## 2. The use of coercion to enforce the cotton quota

Failure to meet the quota is not an option. Each province and region of Uzbekistan has an established infrastructure to enforce participation. Just like farmers, citizens who refuse to participate in the cotton harvest face punishment by the state, including the loss of employment; suspension, expulsion or other disciplinary action at school or work, loss of state welfare payments, fines, social ostracization, verbal abuse, public humiliation, and physical abuse. The government, not farmers, force children and adults to pick cotton. As explained by an interviewee, "Farmers have no say whatsoever, not even one of them has ever indicated what to do. The deans are the foremen." 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 *hokimiyat*, who also often visits farms to reinforce the pressure.

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

- In Angren, Tashkent, parents of students [aged 15-18] 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 (ages 15-18) were obliged to sign permission slips to establish their 'voluntary' participation in the cotton harvest, under threat of not being allowed to graduate.
- In the Buka district of 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 (aged 15-18) to pick cotton.
- In the Nizhnechirchiksky district, Tashkent region, students with illnesses 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.
- Staff of several medical clinics reported salary deductions 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.
- Students of the Tashkent National University of Economics were threatened with expulsion.
- 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 on your own initiative"
- In the Chirchiq district, students were threatened with expulsion and beaten by school staff, as coercion to meet their quotas.
- Sulton, a student at the College of Food & Hospitality, received a bloody nose for failing to meet his daily quota.
- Shoir, a young mother in the Sharhrisabz district, reported that she had to pick cotton or lose child-care benefits, which are distributed by the *mahalla* committees.

The enforcement practices used in 2012 repeated a pattern observed in previous years,<sup>34</sup> and penalties for underperformance once again extended to local authorities. Regional and local officials risk their own career if they fail to fulfil quotas. The Prime Minister, Shavkat Mirziyayev, convenes regular meetings (*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.<sup>35</sup> Following the 2011 harvest, the *hokim* of Bukhara region lost his job after farmers of his region protested at the late delivery of finance from the government-owned bank during the 2011 season.<sup>36</sup> As a school administrator explained, the pressure continued during in 2012:

*"We have a new district prosecutor. In the evening, after submission of the picked cotton, he invites the team leaders, who did not fulfil the plan. Three to four policemen are also present during the meeting. The first time, one can get away with curses and threats, but the second time he can order one's arrest. On March 1, I spent one night in the cell of the district police station. Next morning I was released. This is done in order to keep us in fear."* **-School administrator, 2012**

### C. Forced child labour continued in the 2012 cotton harvest

*"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, 2012**

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 labour. Apparently in response to international pressure, the Government of Uzbekistan attempted to shift the burden to other demographic groups: older children and adults. What has remained constant is that this is forced labour and forced child labour.

While primary schools were not closed for their pupils to pick cotton nationwide, as they had been in past years, children over the age of 15 were forced to pick cotton nationwide, and younger children, aged 11-15, were forced to pick cotton by the government authorities in at least three regions: Kashkadarya, Samarkand and Andijan. In the Marhamat district of Andijan region, young schoolchildren picked cotton from the 24th of September till 10th of October.

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34. On the 2009 harvest, see *Pick All the Cotton: Update on Uzbekistan's Use of Forced Child Labor in 2009 Harvest* by a group of human rights defenders in Uzbekistan and ILRF, at <http://goo.gl/YAcps>. On the 2010 harvest, see *Forced Child Labour in Uzbekistan: Some Changes- But Not For The Better*, by Centre d'Etudes en Géopolitique et Gouvernance, Grenoble Ecole De Management, at <http://goo.gl/ZsFlw>. On the 2011 harvest, see *"Cotton, it's not a plant—it's politics,"* by Uzbek-German Forum for Human Rights, at <http://goo.gl/28Q8y>.

35. *UzNews*, "Мирзиёев объявил хлопковый хашар," (Mirziyayev announces a cotton 'voluntary mobilization') *UzNews*, 24 September 2009, available at [http://www.uznews.net/news\\_single.php?lng=ru&sub=hot&cid=2&nid=11338](http://www.uznews.net/news_single.php?lng=ru&sub=hot&cid=2&nid=11338), last accessed 4 January 2013.

36. Resident of Bukhara 2, anonymous for personal security. Personal Interview by Matthew Fischer-Daly. 26 September 2012.

During the first week they picked cotton after two lessons, and later on during the harvest, the school was closed. In the Ishtihan district of Samarkand region, the district *hokim* Shukhrat Nematov called rural school directors and ordered them to mobilize young children for the cotton harvest, beginning September 27. In Kashkadarya, a teacher explained:

*"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 20th of September, the children of the 7-9th classes were sent to the cotton harvest. After ten days, children of the 5th class and during the last days the second class were sent to the fields."*

**-Teacher, Yakkabog, Kashkadarya, November 2012**



Monitors observed dozens of additional cases of young schoolchildren, aged 11-15, forced to work in the cotton fields. 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.

In addition to the push of direct government coercion, the pull of helping their families led to a greater number of children from rural families participating in the harvest compared to previous years. Rural families sent their children to pick cotton and then sell it to adults struggling to fulfil daily picking quotas. By intensifying their coercive mobilization of adults, the authorities created perverse incentives for children to work in the fields. One student explained,

*“Children wanted to pick, because they wanted to help their poor parents earn money.” -Student, November 2012*

As the ILO Committee of Experts reminded the Government of Uzbekistan, minors under age 18 picking cotton is one of the worst forms of child labour, prohibited by international conventions and national law:

*“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.”<sup>37</sup>*

In clear violation of national law and international conventions, the Government of Uzbekistan shut down nearly all colleges and lyceums (high schools) and mobilized the forced labour of students ages 15-18 nationwide. According to the most conservative estimates, the number of college and lyceum students involved in the 2012 cotton harvest was more than half a million people.<sup>38</sup> Lyceum and college (high-school) students across the country began their school year only after the harvest, in November, two months after the official start.



37. 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.

38. In September 2012, 560,345 students were enrolled in the first year of academic lyceums and colleges.

The Government traditionally mobilizes college (high-school) students for the harvests. In 2012, the burden on teenagers increased, for example, with more students of the academic lyceums, where the most talented children prepare for higher education, sent to pick cotton. A student from a lyceum in Angren recounted that they were sent to harvest cotton from the 15th of September 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. Our surprised parents were told they could pay an additional 300.000 sums [approximately USD\$110] to hire mardikors [day labourers],"*

**-15-year-old lyceum student, November 2012**

As of November, most college and lyceum students had not yet spent a single day studying during the academic year, which commences in September. The children lived and worked for more than two months in the fields, from the start to the end of the harvest. In some regions, children worked in the fields until the 10th of November, despite the fact that the cotton harvest plan had been fulfilled. A high-school teacher explained that he was waiting for authorization from the *hokimiyat*, because he could not unilaterally let the children go home.

*"The cotton crop was over. More than 100 students and teachers were in the fields until November 10, as there was no authorization [to leave]."*

**-Teacher, November 2012**

Government authorities publicly acknowledged the participation of children of high-school age in the 2012 harvest. State media announced events and celebrated the 'most active schools, students and families.'<sup>39</sup>

*"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."*

**-State news agency UzInform, 25 September 2012<sup>40</sup>**

In contrast to the laudatory state media, students faced punishment, including threats of expulsion from school and physical beatings, for failing to fulfil the established individual harvesting quotas. Adolescent children were forced en masse to harvest cotton and were subjected to humiliation, physical and psychological punishment and living in squalid conditions. One college teacher observed, *"This year in order to avoid refusals, the authorities morally prepared parents for a cotton campaign."* Starting on 2nd of September, college administration and *hokimiyat* representatives held meetings with parents and explained that the cotton harvest is the 'duty to the country'. When persuasion did not work, the Government of Uzbekistan threatened families. Parents who tried to protest were asked to write "explanatory notes" to justify their refusal to send their children to harvest 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. Authorities also commonly threatened students with expulsion.

Attendance was not sufficient to fulfil one's 'duty'. Children also had to fulfil their daily cotton picking quotas. As one student from Samarkand explained, the boys who failed to fulfil their quotas had to get up earlier than others and jog around the field. Others were beaten:



*"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."*

**-College (high-school) student, Samarkand, November 2012**

39. UZINFORM, "Победители очередного пятидневного сбора урожая" (The winners of the next five-day harvest), 8 October 2012, available at [http://www.aloqada.com/News/2012/10/08/pobediteli\\_ocherednogo\\_pyatidnevnoego\\_sbora\\_urozhaya](http://www.aloqada.com/News/2012/10/08/pobediteli_ocherednogo_pyatidnevnoego_sbora_urozhaya), last accessed 8 April 2013.

40. UzInform, "Долг перед Родиной" (The debt to the motherland), 25 September 2012, available at <http://www.uzinform.com/ru/news/20120925/15373.html>, last accessed 8 April 2013.

As in past years, living conditions for many of the cotton pickers continued to be unsanitary and unsafe.

*"We lived in the cattle yard. In winter they keep sheep there. Before our arrival they whitewashed the walls and fixed the door. We, 40 boys, were accommodated in this place. Girls settled among local residents."*

**-Student, Samarkand, November 2012**

*"There are no conditions. Imagine, 250 people are waking up in the morning, all of them need to wash, whereas there are only five wash bowls. It was impossible to bathe, so we had to pay local people to do so at their houses."*

**-College (high-school) student, Angren, November 2012**

Living conditions were often so severe that parents tried to buy their children's release. To go home, a student needed to pay 15,000 sums per day.

*"We were taken to fields far away from the big roads. Only adult pickers worked near the roads. One had to keep watch out for human rights defenders or foreigners taking photos in the fields. We were also supposed to tell that we worked out of own goodwill. Those, who could not fulfil the quota had to pick cotton into the night or buy it from the locals. They even refused to give food to those who didn't fulfil 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 (high-school) student, Samarkand, November 2012**

However, "buyout" was not always possible. To deter students from leaving, police guarded the roads to the cotton fields, as described by a 16-year old student from Angren and the mother of a college student from Samarkand:

*"Our college has 700 students. The college was closed and all were sent to the 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 the 10th of September, my father took me to the field himself."*

**-Student, Angren, November 2012**

*"I paid a teacher 170,000 sums in order to take my daughter back home. On the way we were stopped by the 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."*

**-Mother, Samarkand, November 2012**

## D. Forced Labour of Adults Continued in the 2012 Cotton Harvest

The government intensified the forced labour of adults in 2012, apparently as part of its attempt to orchestrate a demographic shift of the cotton burden onto older citizens. University students, welfare beneficiaries, public-sector workers and private-sector employees were forced to pick cotton under threats of dismissal, non-payment of wages or loss of social benefits. Sharing the fields with the children, university students and adults were forced to pick cotton in 2012, a reality openly acknowledged by the state media.

### 1. University students faced beatings and expulsion for not fulfilling their cotton quotas.

*"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."*

**-State news agency Uzinform, Fergana region, October 9, 2012**

*"More than 5.000 tons of cotton over a labour 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."* **-State news agency Uzinform, October 21, 2012**

The academic year for university students across the country started off with the cotton harvest. While in previous years only a few universities were obliged to send their students to pick cotton, in 2012 almost all had to send their students. For the first time for in years, Tashkent students were sent to pick cotton. Like high-school children, the participation of university students in the cotton campaign was obligatory—refusal to participate risked expulsion from the university. Students received ultimatums, and none of the students and parents interviewed for this report doubted that their access to education was at stake. As a university official reported to Radio Liberty:

*"If a student doesn't go to pick cotton, she/he will be expelled from university. Students go during the cotton cultivation period and any other work related to cotton production. This is not the first year. Ever since this university was established, this activity has been taking place. And it will continue in the future."*

**-University official, November 2012<sup>41</sup>**

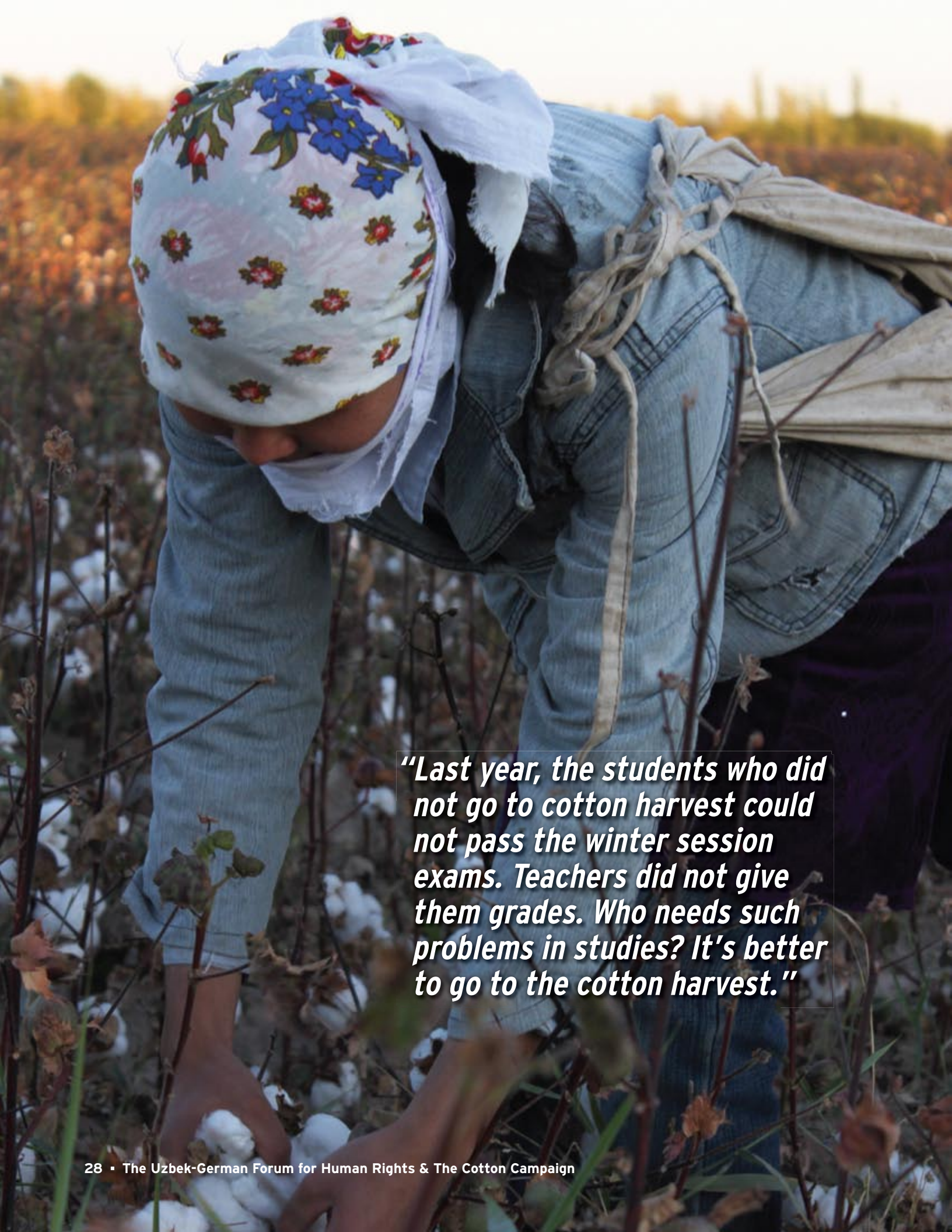
The students were well aware of the penalties faced for refusing to pick cotton:

*"To avoid the cotton harvest one has to have either power or 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, November 2012**

Mobilizing university students is effective due to the extreme coercion and severe threats from university administrators. Without this coercion many more students would refuse to pick cotton. Students explained their dilemma:

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41. "Пахтага чиқмаган талаба ўқишдан ҳайдалади," *Radio Ozodlik*, 1 November 2012, available at <http://www.ozodlik.org/content/article/24757842.html>, last accessed 30 April 2013



***"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."***

*"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."*

**-University student, Andijan, November 2012**

*"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."*

**-Student of the Tashkent Institute of Irrigation and Reclamation, November 2012**

## **2. Mahalla committee members faced the loss of social welfare benefits for not picking cotton.**

As in previous years, *mahalla* committees mobilized social welfare beneficiaries and the unemployed to work in the cotton fields. *Mahalla* committees are local, citizen groups that operate as the lowest level of state control in Uzbekistan. They are responsible for distributing government welfare benefits to low-income citizens. During the cotton harvest, *hokimiyats* order *mahalla* committees to send residents to the cotton fields. Although often described as voluntary labour, their participation is actually forced, based on threats to their livelihood. *Mahalla* members 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 labour 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 those in receipt of social welfare would have to pick cotton. Many could not and were therefore denied social welfare benefits—including stipends for the elderly and young mothers.

In mid-September, human rights defender Uktam Pardaev reported that the *mahalla* committees in Jizzakh region had 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 and held in incommunicado detention. 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 against those 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."*

**-Jasurbek, Pakhtakor district, Jizzakh, November 2012**

In Tashkent, one *mahalla* committee was ordered to send 80 people to the cotton harvest. If there were not enough *mahalla* residents they were supposed to hire people "from outside." Women with small children could send someone in their place or pay the *mahalla* committee to hire a cotton picker. As one committee member observed:

*"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 they have reached a cap on their benefits, or someone is working in their household so they are not eligible anymore or that there is no money for them."*

**-Mahalla committee member, November 2012**

### **3. Public-sector workers faced the loss of their job, salary or benefits for not fulfilling their cotton quotas.**

Public sector workers were the third group of adults forced to pick cotton en masse in 2012. While this is not new, in 2012 public-sector workers were mobilized on an unprecedented scale. The group most affected were teachers, with approximately 60% of them sent to the cotton harvest. Other groups targeted include nurses, doctors and military personnel. Conservative estimates suggest that 1 out of every 6 employees of government institutions picked cotton in 2012.

The Government of Uzbekistan began mobilizing public-sector workers on the 3rd of September. Each organization received orders to send a certain number of employees. The administration of each organization—school, college, lyceum, university, hospital, ministry, etc.—planned out shifts of 2-3 weeks for employees to pick cotton. Upon one group's return from the field, the administration sent a second group until the organization fulfilled the quota assigned by the regional authorities.

The daily cotton quota for public-sector workers was between 60 to 80 kilograms. Many public-sector workers were unable to fulfil their daily quota and had to buy cotton from local residents. As noted, this created an incentive for rural, poor families to take their children to pick cotton and sell it to the public-sector professionals. For government employees who could not fulfil their quota and could not buy the missing cotton, the money was deducted from their salary.

The largest government institutions collected money from employees who did not go to the



field for reasons such as serious illness. They then used the money to pay local “*mardikors*” (day labourers) to reach the quota. In some cases government organizations hired *mardikors* to fulfil a double quota and replace two people. Many unemployed people did not seek such work, due to the costs, as explained by two *mardikors* hired to pick the cotton quota of two government employees:

*“I had to collect at least 120 kg a day. It was unbearably hard work, and the food was very poor. If I worked in a different place that hard, I could have earned twice as much. Besides, I got sick and had to pay a lot for medicine.”*

**-Day labourer, Tashkent, November 2012**

*“I was saving money and in the end earned 600,000 sums during 15 days. Out of those, I spent 100,000 sums on food and accommodation. I brought 500,000 sums home. But I caught a cold in the field and had to buy medicine for 150,000 sums.”*

**-Day labourer, Tashkent, November 2012**

Smaller public organizations could not hire *mardikors*, so their employees had to pick their quotas and pay for any difference between the amount they picked and their quota.

#### **4. The private sector faced tax fines for not contributing adequately to the cotton harvest.**

For the 2012 cotton harvest, the Government of Uzbekistan also mobilized the private sector. In July, local government authorities instructed private businesses to contribute to the cotton campaign by providing labour, financial or in-kind support. In some districts authorities ordered *mahalla* committees to impose a “donation” on private trade and service businesses. According to the official version, the donation was voluntary, but in reality it was accompanied by threats of tax fines for businesses that failed to provide support. A waitress at a private café in Angren explained:

*“On the 16th of September 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, Angren, November 2012**

According to workers’ reports, employees of the General Motors (GM) Uzbekistan factory in Asaka, Andijan region, were also forced to pick cotton for the second year in a row. One employee of GM Uzbekistan told human rights defenders in 2012 that they were sent to pick cotton between September 20 and October 22, mainly in the Andijan and Syrdarya regions. Company managers reportedly supervised the employees picking cotton. The employees did not refuse or demand payment for the extraordinary labour because they did not want to lose their jobs.

*“There were no cases that someone refused to go because one has to perform the assigned task. Do you think it is easy to get a position in such a company? If you lose this job, you’re unlikely to find another.”*

**-Employee of GM Uzbekistan, October 2012**

At the height of the cotton harvest, the death of 19-year-old Navruz Muysinov became known. Radio Ozodlik reported that the cotton picker decided to return home early on the 6<sup>th</sup> of October and was stopped by the police on his way.<sup>42</sup> According to Ozodlik's source, an alleged eyewitness of the incident, the young man and a police officer had a quarrel. Navruz was beaten.<sup>43</sup> After that, the police took him to the hospital, where he died.<sup>44</sup> The results of the investigation into the cause of death remain unknown. Sadly, each year human rights activists report deaths in the cotton fields. In 2012, in addition to Navruz, there were several tragic deaths. Igor Yachkevskiy, a 55-year old resident of Tashkent city, died of a heart attack while picking cotton in Okkurgon district, Tashkent region on the 17th of September.<sup>45</sup> Aziz Bakhtiyorov, 18, a second year student of Jizzakh Arts College, died of a heart attack in the cotton fields on the 30th of September.<sup>46</sup> Umid, a third year student of the Bukhara Engineering Institute of High Technologies, died after he was hit by tractor on his way from the field after dark on the 22nd of October.<sup>47</sup> The authorities failed to report any information concerning these tragic deaths during the cotton harvest.

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42. Barno Anvar, "Шахрисабзлик мархум теримчининг оиласи адолат кутмоқда," *Ozodlik.org*, 15 October 2012, available at <http://www.ozodlik.org/content/article/24740357.html#hash=relatedInfoContainer>, last accessed 212 October 2012.

43. *Ibid.*

44. *Ibid.*

45. Барно Анвар, "Шахрисабзлик мархум теримчининг оиласи адолат кутмоқда," *Radio Ozodlik*, 15 October 2012, available at <http://www.ozodlik.org/content/article/24740357.html#hash=relatedInfoContainer>, last accessed 1 May 2013.

46. *Ibid.*

47. Садриддин Ашур, "Бухорода ҳашарчи талаба фожиали ҳалок бўлди," *Radio Ozodlik*, 25 October 2013, available at <http://www.ozodlik.org/content/article/24750266.html>, last accessed 1 May 2013.

## V. Social Decline: Impacts of the Forced Labour System on Society

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### A. Corruption Increased in the 2012 Cotton Harvest

Corruption runs through the entire state order cotton production system. Transparency International ranks Uzbekistan tied at 170 out of 176 countries in the annual *Corruption Perceptions Index*, topped only by Afghanistan, Myanmar, North Korea, Somalia and Sudan. The state order cotton production system provides government officials, particularly those with specific roles in the cotton industry, multiple avenues for extorting money from their less-powerful fellow citizens. The Government enforced cotton quotas with unprecedented zeal, forcing the transfer of money from citizens to authorities through unpaid wages, direct payments for unfulfilled quotas, hiring day labourers, and fines.

The 2012 cotton crop was harvested faster than in previous years, and apparently at a lower cost to the state, because costs were shifted to the citizens. Across the country, adults were charged for the difference between the cotton they picked and their assigned quota. In many cases, students, day labourers, members of *mahalla* committees, nurses, doctors and others forced to bring in the harvest paid local residents to fulfil their quotas. Children and students forced to pick cotton were unpaid or underpaid relative to even the small amount of pay promised for their labour by the central government. As a farmer explained:

*"The director and teachers misappropriate the money earned by children. A college director asked me whether I have the money for 30 tons of picked cotton, which amounts to 4.5 million soms [\$1,692 USD]. The director said he had a lot of expenses, needed to pay the authorities, daily transport expenses to go to the regional meetings. He asked me to give him 2.5 million soms [\$940 USD] in cash and promised to give me a statement for 4.5 million soms, signed by children. Then he told the children that the farmer went bankrupt and the bank paid him no money. Children first asked about the money, but after 2-3 months no one asks where the money went."*

**-Farmer, Tashkent region, November 2012**

Government authorities repeatedly told children and adults that their labour barely covered the cost of the food and transportation for their work in the fields. Yet no one knew how much money was used to feed the cotton pickers. If a sum of 24 to 40 kg of picked cotton was deducted for food costs, this would translate into anywhere from 3,600 to 6,000 soms (\$1.35-\$2.26 USD) per day, enough for two significant meals, let alone the meagre meals served to cotton pickers. Due to the poor food quality, many cotton pickers did not eat the food offered and instead had to buy meals from local residents. One teacher reported:

*"Costs for lunch are calculated for 300 people and include 3.5 kg of meat, onions, potatoes and water. This food should cost a maximum of 1,500 soms [\$0.56 USD] per person. But they deducted the price for 30-35 kg of picked cotton for this food, which is 5,000 soms [\$1.88 USD] for a meal per person. The authorities stole millions of sums through fraud with nutrition."*

**-Teacher, Kashkadarya, November 2012**

Many Uzbek citizens had to pay the Government to support the 2012 cotton harvest. Anyone who could not fulfil their quota had to hire a *mardikor* or pay the government institution directly. 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 (\$9.40 USD) to fulfil her quota. Payments to avoid going to the harvest ranged from 300,000-600,000 soms (\$113-\$226 USD) and were paid to the principal, chief doctor, *etc.* The money was allegedly used for hiring *mardikors*, but there was no public accounting for the funds. Students had to pay 300,000-400,000 soms (\$113-\$150 USD) to avoid picking cotton, or risked expulsion. 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 was only allowed to go home after paying 100,000 soms (\$38 USD). According to the latest World Bank data, the gross national income per capita is \$1,510 USD.<sup>48</sup>

Despite official statements to the contrary, the vast majority of public sector workers picked cotton without receiving any additional compensation.

*"We were told we will be paid 150 soms [\$0.06 USD] per kg. We received nothing. After we complained to the staff representative in Tashkent part of our group, 400 nurses, received money for the last five days. Later, we found out that these payments were made from the money collected from the remaining physicians. Neither farmers nor the state paid us. The Chief Doctor said he did not receive money, earned by cotton pickers last year. Money is as a rule misappropriated by chiefs of cotton factories, prosecutors and governors."*

**-Doctor, Tashkent hospital, November 2012**

Private businesses faced fines for failing to contribute to the cotton harvest in past years, and prices increased in 2012. A businessman from Angren told Radio Liberty, *"The Tax Inspectorate told us last year that we either have to pick cotton ourselves or pay 50,000 soms [\$18.80 USD]. We paid the money, but received no receipts and do not know how the money was spent."*

Even after the harvest, the government authorities continued collecting money. Some college and lyceum (high-school) administrators charged parents, who allegedly did not let their children go to the fields, approximately \$100 per child, without further explanation. A student of a prestigious Andijan lyceum explained,

*"There were those who did not go to cotton campaign and paid no money. As the studies started on November 1, they were told to pay 300.000 soms [\$113 USD]; otherwise, they would be expelled. They immediately paid because our lyceum is good, and to enter it one has to pay a bribe."*

**-Student, Andijan, November 2012**

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48. The World Bank Group, "Data: Countries and Economies - Uzbekistan," available at <http://data.worldbank.org/country/uzbekistan>, last accessed 1 June 2013.

## **B. Turning the Rule-of-Law Upside Down: Law Enforcement Agencies Enforced the Forced Labour System**

Law enforcement agencies, the police and national security agency, enforce participation during the cotton harvest. They are obliged to make sure that farmers harvest the cotton and deliver it to the state. Prosecutors and police officers are assigned to “control the execution of government regulations on agriculture.”

During the cotton season, prosecutors and police officers take part in daily meetings devoted to the daily harvest results. *Hokims* and policemen, under the *hokims'* orders, are known to have physically beaten farmers for not fulfilling production quotas or for the unauthorized planting of alternative crops. In 2012, a farmer from Kashkadarya region reported that he gave up his land because he was tired of continued threats and harassment from the local governor and prosecutor. Parents reported that police intimidated them into sending their children to pick cotton.

Law enforcement forces were also charged with preventing attempts to monitor and document the cotton harvest. Policemen were guarding the roads and watched the people arriving in the cotton-growing areas. They instructed adult cotton pickers to work in those areas where there was a lot of traffic, and newly arriving “volunteers” to pick further away near residential areas and field camps, and college and lyceum (high-school) students to work in the most remote fields. Cars passing the fields were checked for cameras and cell phones. The police instructed teachers and farmers to prevent photography in the cotton fields and to report the appearance of any stranger. In at least one incident, security officials arrested and deported foreign journalists who sought to report on the 2012 cotton harvest.

## **C. The Government of Uzbekistan persecuted citizens who attempted to document the 2012 harvest**

In 2012, the Government of Uzbekistan continued to conceal information about illegal practices in the cotton harvest by harassing, intimidating and detaining citizens who attempted to document them. After years of government repression of the freedoms of speech, press and association, only a few brave human rights defenders in Uzbekistan continue to investigate and report on the system of state-sponsored forced labour in the cotton sector.

On the 22nd of September, the Yakkabag district police detained activists Yelena Urlaeva and Malokhat Eshankulova and searched them for photos and videos. The day before, Urlaeva and Eshankulova had documented the cotton picking of grade 4-6 schoolchildren (aged 10-12) from school No. 70 in the village of Beshkaltak. The human rights activists believe that their activities attracted the authorities' attention after they visited the teachers and students of school No. 70 in the Yakkabag district of Kashkadarya.

*“We were followed by several cars with people in civilian clothes,”* Eshankulova said. She and her colleagues attempted to go to another district where children were working in the cotton fields, Kamashi, but the traffic police stopped them again. *“Our car was blocked by six policemen. They demanded that we give them our video and photo equipment,”* Eshankulova described.

Gulshan Karaeva of the Human Rights Society of Uzbekistan (HRSU) was arrested on the 27th of

September on ambiguous charges of libel. She believes this was the authorities warning her to stop reporting on the cotton harvest, as she used to do in previous years.

At the height of the cotton harvest, the authorities arrested human rights activist Uktam Pardayev in Djizzakh on charges that still remain unknown to him. He was held in incommunicado detention for 15 days. Immediately prior to his arrest, Pardayev had reported on forced labour of children and adults in the Djizzakh region.

#### D. Cotton at the Expense of Health Care and Education



The massive and nationwide forced labour of government employees strained the delivery of many public services, including essential medical care and education. Just in Tashkent, approximately 11,000 nurses and doctors from hospitals and clinics were sent to the fields.

An employee of a Tashkent regional hospital described the situation in his hospital during the cotton campaign:

*“Chief physicians supervised the cotton harvest. They travelled from Tashkent to Djizzakh and brought money and food. Heads of department collected money from those employees who did not go to the fields. And junior staff and doctors picked cotton.”*

**-Hospital staff, Tashkent, November 2012**

A Bukhara resident reported:

*“My niece got sick, so I took her to the children’s hospital. They told me there were no doctors.”* In another interview, a gynaecologist from Bukhara region reported that the medical staff in her area were mobilized to pick cotton. Citizens reported similar situations throughout the country.

Official media published reports of “voluntary cotton pickers” or “*khasharists*” from various government organizations and described the situation at the workplaces as “solidarity”. In those schools, hospitals and other government organizations, employees who were not sent to the fields had to pick up the work of those in the cotton harvest, for the same payment.

*"More than 300 employees of regional and district departments of culture and sport went to the cotton khashar. But one shouldn't think that the cultural and sports life stopped. The remaining employees work for two people—for oneself and for the other."*

**-Sports instructor of the Namangan Department of Cultural Affairs and Sport**

An emergency medical technician (EMT) who worked on an ambulance in Tashkent, and who was sent to pick cotton for three weeks, reported that the remaining colleagues had to work nonstop—seven days a week without days off.

The education sector was also severely affected. Even where younger school children were not mobilized for the harvest, the state-sponsored mobilization of teachers, parents and older school children continued to negatively affect the learning process. As the result of an estimated 60% of school teachers being forced to pick cotton, primary school students received partial lessons for two and a half months and, while not in the fields themselves, teachers had to manage combined classes of 50 to 60 children, without additional payment.

*"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, November 2012.

As in previous years so in 2012, both high school and university students had no access to education during the harvest. The school calendar for colleges and lyceums (high schools) and universities starts in September, but classes started in November. Teachers were required to falsify records indicating that lessons had been covered. Often grades depend on how well students picked cotton. The impacts on Uzbekistan's next generation cannot be overstated. As a 20-year-old man, working as a *mardikor*, reported,

*"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 weeding, besides that to constant "subbotniks" [obligatory participation in public works]. Instead of studying, we swept streets and planted trees."*

**-Day labourer, Tashkent, November 2012**

## **E. The Government of Uzbekistan has dressed-up forced labour as a cultural norm**

*"What is there to like?"* **-Nurse Nigora, November 2012**

Nurse Nigora's succinct and exasperated response to questions about the 2012 cotton harvest reflected the reality that in modern-day Uzbekistan if you are not connected to the governing elite then your livelihood depends on picking cotton. Fulfilling your cotton quota is necessary to keep your job, receive your salary, your diploma, your child-care support, or your pension. You have lived your entire life observing parents powerless to keep their children from labouring in the cotton fields, farmers powerless to earn a living, local authorities enriching themselves, and central authorities proclaiming such greatness that you often wonder if they were speaking of a foreign land.



For decades both adults and children in Uzbekistan have been compelled to labour for the government in the cotton fields under the constant and real threat of penalty, a condition that the ILO defines as “psychological compulsion.” Psychological compulsion, as explained by the ILO, is “an order to work, backed up by a credible threat of a penalty for non-compliance,” and anyone suffering from psychological compulsion, or any other form of coercion, cannot voluntarily consent to work.<sup>49</sup>

Through this continuous and systemic use of coercion, picking cotton has become a cultural norm in Uzbekistan. Nearly half of the population has lived their entire lives under President Karimov, who has ruled since becoming head of Uzbekistan under the Soviet Union in 1990.<sup>50</sup> Whether a farmer or not, citizens know that farming cotton leads to debt since the returns for fulfilling the quota are lower than the cost of production. Whether they have personally experienced expulsion from school or not, nearly all students understand and avoid such a consequence by picking cotton to fulfil their quotas. Whether personally having lost employment or not, the young professionals choose to pay their employer or hire a day labourer to fulfil their cotton quotas rather than risk the consequences of refusal. Whether personally having been denied pension payments by the *mahalla* committee or not, welfare recipients do not dare refuse their call to the harvest and

49. International Labour Organization, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 2005, at Box 1.1, pg. 6.

50. 47.5% of the population of Uzbekistan is age 24 or younger. President Islam Karimov became chief of state in March 1990.

so risk their child-care or pension payments. Whether fined in past years by the tax authorities for insufficient contributions to the cotton harvest or not, businessmen contribute to the local authorities to avoid suffering penalties that could bankrupt their business. Every single person interviewed for this report reported fear of punishment for not fulfilling their cotton harvest requirements.

Despite comprehensive government propaganda, citizens recognize the system of exploitation and the underlying reasons for it. As a day labourer in Angren reported, the “Weight was wrong of course,” when he delivered the cotton that he picked. A nurse from Tashkent described the charges for food, “This was an obvious fraud.” Others commented:

*“For the state, it is a freebie. They can use our children to collect cotton for free. Not only did they not pay for the work, it is easier to manipulate children.”*

**-Parent, 2012**

*“What is the use of cotton for us? Even farmers themselves don’t make any profit, only the government needs it.”*

**-Parent, 2012**

*“The government only sticks to those who are scared of losing jobs or who can be forced. That’s why teachers and medical doctors are involved and the military.”*

**-Teacher, 2012**

Yet the people of Uzbekistan do not feel that they can resist. Attempting to protect their children might risk a family’s livelihood:

*Who would argue with them? If someone demands their rights, they will cut child benefits with some kind of excuse. These neighbourhood office people find a thousand ways of cutting benefits. They say that the limit is over, or someone is working in their household so they are not eligible, or there is no money for them.”*

**-Mother, 2012**

The use of a few select but severe examples punishment create fear for everyone: firing a regional *hokim*, withholding salary from a few nurses, expelling a few students, or reallocating the land of some under-performing farmers are acts that speak volumes to all members of these groups.



## VI. Roles of Other Governments and Companies

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In 2012, on the whole, foreign governments and companies refrained from using their full leverage to urge the Government of Uzbekistan to end the forced labour cotton production system, although select government statements and company actions represented significant exceptions.

### A. The role of governments with interests in Uzbekistan

The governments of China, Bangladesh, the European Union, Germany, India, South Korea, the United Kingdom, and the United States have the most notable economic and security interests in Uzbekistan. They, and other governments, must recognize that political change will inevitably come to Uzbekistan and the Uzbekistan's people will remember whether the governments of other countries did everything possible to help end their servitude.<sup>51</sup> Additionally, by committing to the OECD Guidelines for Multinational Enterprises along with the United Nations' Guiding Principles on Business and Human Rights, the EU, German, South Korean, UK and US governments have duties to protect human rights by working proactively to ensure that multinational companies from their countries and their subsidiaries in Uzbekistan:

1. Respect the internationally recognized human rights of those affected by their activities;<sup>52</sup>
2. Take adequate steps to ensure that forced or compulsory labour does not exist in their operations;<sup>53</sup>
3. Avoid causing or contributing to human rights violations, and address violations when they occur;<sup>54</sup>
4. Prevent or mitigate human rights violations directly linked to their operations, products, or services by a business relationship even when the company has not contributed to or caused the human rights violation;<sup>55</sup> and
5. Carry out risk-based due diligence to identify, prevent, and mitigate actual and potential human rights violations.<sup>56</sup>

Importantly, the European Parliament overwhelmingly rejected a proposal to extend a trade deal with Uzbekistan due to concerns over the on-going use of forced labour in the country's cotton industry. In December 2011, 603 members of parliament (MEPs) voted against this proposed legislation that could have increased EU textile imports from Uzbekistan, until the issue of forced labour has been addressed. Only eight MEPs voted against. The accompanying resolution emphasised the importance of enforcing trade preference (Generalized System of Preferences,

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51. See Bennett Freeman, Mark P. Lagon and Nate Herman, "Uzbekistan Must End State-Sponsored Slavery," available at <http://www.opensocietyfoundations.org/voices/uzbekistan-must-end-state-sponsored-slavery>, last accessed 16 March 2013.

52. OECD Guidelines for Multinational Enterprises (2011), Ch. II (A)(2)

53. Id., Ch V (1)(d)

54. Id., Ch. II (A)(11)

55. Id., Ch II (A)(12) Ch. IV(1)(3)

56. Id., Ch. II (A)(10)

GSP) rules and “demonstrating consistency in the application of these rules,” and MEPs have kept Uzbekistan on the Trade Committee agenda throughout 2012. In September 2012, the German Human Rights Commissioner Markus Löning called for a boycott of Uzbek cotton.<sup>57</sup> In its 2012 Human Rights Report, the U.S. reported “government-compelled forced labor” as an on-going human rights concern.<sup>58</sup> US Congressional representatives expressed grave concern that the Government of Uzbekistan continues to use forced labour, during a 2013 hearing on combating human trafficking.<sup>59</sup> In its Trafficking in Persons Report 2013, the US Department of State stated “The Government of Uzbekistan remains one of only a handful of governments around the world that subjects its citizens to forced labor through implementation of state policy” and placed Uzbekistan in Tier 3, the category for governments that are failing to make significant efforts to eliminate human trafficking.<sup>60</sup>

Yet the EU and U.S. have stopped short of applying laws against trade of products made by forced labour and with partners who practice forced labour. For example, the EU’s GSP sets the grounds for temporary withdrawal when there are violations of ILO Conventions.<sup>61</sup> By opening an investigation into GSP to Uzbekistan, the EU would align its relations with Uzbekistan with the EU Strategic Framework on Human Rights, notably the “promotion of universal ratification and implementation of the four ILO core labour standards: the ban on child labour, the ban on forced labour, non-discrimination and freedom of association and collective bargaining.”<sup>62</sup> US law also conditions GSP on the protection of internationally recognized worker rights. Under US law, GSP requires that the Government of Uzbekistan take steps to afford workers “internationally recognized worker rights”<sup>63</sup> and “implement its commitments to eliminate the worst forms of child labour”.<sup>64</sup> The US Tariff Act specifically prohibits imports of goods made wholly or in part with forced labour or child labour.<sup>65</sup> Implementing these laws would incentivize the Government of Uzbekistan to reform.

These policy decisions affect the citizens of Uzbekistan and dynamics throughout Central Asia, and provide vital guidance to multinational companies, which are obliged to avoid complicity in human rights violations. It is therefore incumbent on governments to utilize their diplomatic and economic leverage to build political will in the Government of Uzbekistan to end the forced labour system.

57. Von Ralf Neukirch, “Kinderarbeit: Löning fordert Boykott gegen Usbekistan,” *Spiegel*, 23 October 2012, available at <http://www.spiegel.de/politik/ausland/kinderarbeit-boykott-von-baumwolle-aus-usbekistan-gefordert-a-862904.html>, last accessed 5 February 2013.

58. United States Department of State, Uzbekistan 2012 Human Rights Report, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dld=204417>, last accessed 23 April 2013.

59. U.S. House of Representatives, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations. Tier Rankings in the Fight Against Human Trafficking, Hearing, April 18, 2013. Available at: <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-tier-rankings-fight-against-human-trafficking>. Accessed April 19, 2013.

60. United States Department of State, Trafficking in Persons Report, June 2012, “Uzbekistan (Tier 2 Watch List),” available at <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>, last accessed 20 June 2013.

61. Article 19 of EU GSP establishes the grounds for temporary withdrawal when there are violations of conventions listed in Part A of Annex VIII of the Regulation.

62. Council of the European Union, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 25 June 2012, Outcome IV.15.

63. United States Code: Title 19 – Customs Duties, 19 U.S.C. § 2462(b)(2)(G) & (c)(7) and defined in 19 U.S.C. §2467(4).

64. United States Code: Title 19 – Customs Duties, 19 U.S.C. §2462(b)(2)(H) and defined in 19 U.S.C. § 2467(6)

65. See “Tariff Act Complaint,” International Labor Rights Forum, 15 May 2013, available at <http://laborrights.org/stop-child-forced-labor/cotton-campaign/resources/tariff-act-complaint-ilrf-calls-on-us-customs-serv>, last accessed 1 July 2013.



## **B. Businesses' human rights due diligence**

Companies have a responsibility to respect human rights in their operations and supply chains. They have a duty to assess the risks of human rights impacts, monitor for violations, and remediate violations when they occur. Companies have this responsibility whether they are directly responsible for the human rights impacts concerned or not. In high-risk contexts, companies must be aware that inaction presents not only direct reputational risks but also potential material losses, as customers can no longer afford to be associated with another entity complicit in human rights violations. High-risk contexts are characterized by weak rule of law; essentially, the government concerned is failing to fulfil its own duty to protect human rights.<sup>66</sup> Uzbekistan is a high-risk country, where rule of law is "characterized as a chaotic mass production of incomplete and incongruous statutory acts, theoretical in their content and barely designed to be executed in practice."<sup>67</sup> In this high-risk environment, companies must either conduct adequate human rights due diligence to ensure against complicity or risk being associated with forced labour.

### **1. Companies operating in Uzbekistan**

Uzbekistan does not import any raw cotton.<sup>68</sup> After raw cotton is ginned, one of three state trading companies (Uzprommashimpeks, Uzmarkazimpeks, and Uzinterimpeks) then export 75% of the cotton lint, and then Uzbeklegprom (the government-controlled 'Association of State Cotton

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66. SHIFT, "Respecting Human Rights Through Global Supply Chains Report," 2012

67. Bakhriev, Karim, *A speech on freedom of speech*, R. Elinin Publishing House, 2004, page 17.

68. United States Department of Agriculture, Production, Supply, and Distribution Report: Cotton, Table 6. Available at <http://www.fas.usda.gov/psdonline/psdHome.aspx>

Enterprises) sells the remaining 25% of the cotton lint on the domestic market.<sup>69</sup> Uzbekistan's cotton exports are very significant in the global marketplace, making up one third of cotton imports in Bangladesh, where a \$20 billion apparel manufacturing industry supplies global brands and retailers. Cotton processing in Uzbekistan's textile sector is dominated by companies from South Korea, Turkey, and Russia.

Companies operating facilities to process cotton in Uzbekistan—producing yarn, cotton pulp, fabric, cotton seeds, cottonseed oil, etc.—are purchasing cotton produced by state sponsored forced labour. These companies are aware of the state-sponsored forced labour of children and adults in the cotton sector of Uzbekistan. As noted by the most significant processor of cotton in Uzbekistan:

*"First of all, we, Daewoo International Corporation fully understand that the Uzbek forced labour issue must be solved as soon as possible without reference to adult or child,"*

**-Daewoo International, February 13, 2013.<sup>70</sup>**

Daewoo International has accounted for over 20% of cotton processed in Uzbekistan and operates Daewoo Textile Fergana LLC, Daewoo Textile Bukhara LLC and, in partnership with KOMSCO, Global Komsco Daewoo, but the South Korean corporation is not alone.<sup>71</sup> In 2012, Singapore-based Indorama Corporation increased its investment in its Kokand Textile Factory. In addition to Daewoo and Indorama's facilities, the top 25 buyers of cotton in 2012 included: Osborn Textile, Uzteks Tashkent, Hain Tex, Mili Guliston Textile, Bahattekstil, Bakht textile, Daka Tex, Skorton Tekstil, Navbahor textile, Tashkayatekstil, Koray Tekstil, Nanyang Red Cotton, PAPFAM, Peshkuteks, Al'Yortex, Marhamattekstil, SENASA textile, Los Gigantes Textiles, Kottontex, Toshbuloq Tekst, and Surhonteks.

Only through contributing to an end of state-sponsored forced labour and establishing a robust monitoring and public reporting program implemented by independent civil society in Uzbekistan will companies processing cotton in Uzbekistan be able to avoid complicity in the Government of Uzbekistan's forced labour system. Thus far, Daewoo International, Indorama Corporation, and other companies processing cotton in Uzbekistan, have ignored their due diligence duties; instead, they have continued supporting and benefiting from forced labour in the cotton sector of Uzbekistan.

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69. 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. 12 Uzbek human rights activists, anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September - 6 October, 2012.

70. "Daewoo International re purchasing cotton produced in Uzbekistan with child & forced labour," *Business & Human Rights Resource Centre*, 19 February 2013, available at <http://www.business-humanrights.org/Documents/CottonCampaignHandM>. Daewoo International Corporation operates two textile mills and one cotton pulp factory in Uzbekistan. The latter is a joint venture with the Korean Minting company KOMSCO and produces pulp for use in currency for the Republic of Korea. Daewoo is owned by Posco, the third-largest steel company in the world, headquartered in South Korea, and has been operating in Uzbekistan since 1996.

71. Until March, 2013, Daewoo Textile Fergana website stated, "In 2010 volume of 'Daewoo Textile Fergana' production has made 20.29% from total amount of the textile production made in Uzbekistan." The website has subsequently changed, <http://en.daewootextile.com/>.

The increasing tendency of the Government of Uzbekistan to expand and intensify enforcement of adult forced labour to harvest cotton has led to direct pressure on companies operating in non-cotton sectors to become complicit in the forced labour system. Uzbekistan's authorities reportedly pressure these companies to contribute to the system, typically by lending their employees to pick cotton. These companies have a human rights responsibility to avoid complicity, as well as a business interest in refusing to contribute free labour or other resources to the cotton harvest. Furthermore, the companies' returns on investments depend on predictable rule of law, which is undermined by the Government of Uzbekistan's unsustainable forced labour system of cotton production.

## **2. Cotton in global supply chains**

All businesses have a responsibility to conduct due diligence that ensures human rights are respected in their supply chains, even if they have not contributed directly to the rights violation. While forced labour continues in Uzbekistan's cotton fields, companies, including traders and apparel brands, must avoid using Uzbekistan's cotton in their supply chains until the use of forced labour in Uzbekistan's cotton sector is ended. Since the government has total control of the cotton sector, boycotting Uzbek cotton will directly and solely impact the government, not the farmers or those forced to work picking cotton.

Commodity traders and apparel companies have the most significant role outside of Uzbekistan.

With the exception of Devcot, cotton trading companies continued to buy and trade Uzbekistan's cotton, despite the statement by the Organization for Economic Cooperation and Development (OECD) National Contact Point (NCP) of France that such trade violates international standards for multinational corporations.<sup>72</sup>

In the apparel (clothing) and home goods industry, over 100 global brands and retailers have publicly stated their commitment to press for the elimination of forced child labour in Uzbekistan's cotton fields. However, few global brands have successfully established full supply-chain transparency that would allow for their customers to know if cotton from Uzbekistan is in their products. In supply chains of cotton products, the country of origin of cotton is typically identified on the bales received by spinning facilities, which produce yarn, but not passed further along the supply chain. Despite this challenge, brands and retailers can identify companies in their supply chain and ban business throughout the supply chain with companies known to be profiting from Uzbekistan's forced-labour system of cotton production, such as Daewoo and Indorama. Since 2012, several major brands have already taken steps to cut Daewoo out of their supply chains.

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72. See the French OECD NCP final statement and background on cotton traders and Uzbekistan by European Center for Constitutional and Human Rights at <http://www.ecchr.de/index.php/uzbekistan.html>.

## VII. Conclusions: Pressure Can End Forced Labour in Uzbekistan

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In 2012, the Government of Uzbekistan continued the state-order system of cotton production with mass forced labour of children and adults. In an attempt to substitute more forced labour of adults for forced labour of children, the Government of Uzbekistan did not shut down all primary schools nationwide to mobilize their pupils to pick cotton, as they have done in previous years. However, the government authorities continued to force children (systematically for those aged over 15 and sporadically for those under 15) to work the 2012 cotton harvest. And shifting the burden has just led to the intensification of the forced labour of adults, and pushing corruption to unprecedented levels.

One clear lesson is that the Government of Uzbekistan was at some level responsive to on-going international pressure concerning their labour practices in the cotton sector. Unfortunately, the step taken to reduce the number of children under age 15 forced to pick cotton resulted in moving two steps back from establishing the rule of law. The Government of Uzbekistan ignored the message that state-sponsored forced labour of any kind, whether involving children or adults of any age, is illegal under national law and violates international standards. Instead, they continued to deny the practice.

After ratifying 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 appearing to implement the convention. Juxtaposed with the continued forced labour 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. Despite their direct responsibility for the system of forced labour, the government continues to deny it exists. At the March 2013 public hearing on the government's continued eligibility for trade benefits under the United States GSP, Uzbekistan Ambassador Ilhom Nematov denied the practice, stating,

*"...there is no compulsory to [sic] forced labor..."<sup>73</sup>*

The ILO tripartite Committee on the Application of Standards has repeatedly recommended that the Government of Uzbekistan invite a high-level ILO tripartite observer mission. In its latest 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."<sup>74</sup>*

and

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73. Executive Office of the President, Office of the U.S. Trade Representative, "Public Hearing for U.S. Generalized System of Preferences (GSP): 2013 Review of Country Practices." March 28, 2013, Washington D.C. Case No. 004-CP-08 WR - Uzbekistan.

74. 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.

*“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.”<sup>75</sup>*

In light of the Government of Uzbekistan’s intransigence, it is increasingly incumbent on governments and companies as well investors to use their leverage to build political will in the Government of Uzbekistan to end the forced labour system. When the incentives for the Government of Uzbekistan are no longer sufficient to continue the practice, it will end. As Human Rights Commissioner of the Federal Government of Germany Markus Löning observed in the midst of the 2012 cotton harvest:

*“organized forced labour and child labour” is “state-initiated and -organized. This also means that forced and child labour can be stopped quickly at the appropriate pressure.”<sup>76</sup>*

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75. 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.

76. Von Ralf Neukirch, “Kinderarbeit: Löning fordert Boykott gegen Usbekistan,” *Spiegel*, 23 October 2012, available at <http://www.spiegel.de/politik/ausland/kinderarbeit-boykott-von-baumwolle-aus-usbekistan-gefordert-a-862904.html>, last accessed 5 February 2013.

## VIII. Recommendations

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*"We, the undersigned citizens of Uzbekistan, call for an international boycott of Uzbek textile and companies that use it. For the Uzbek textile is produced of cotton harvested using forced labour of children and adults. Foreign investors and partners of Uzbek textile companies must comply with international human rights standards, and press for the Government of Uzbekistan to respect human rights. Only independent monitoring by the International Labour Organization can confirm when Uzbekistan ceases the practice of forced labour. We urge the European Union and the United States of America to cancel the trade benefits for Uzbek textile manufacturers, provided by the General System of Preferences. Below is a list of companies in Uzbekistan that feed cotton products into supply chains of Western companies. We call for a boycott."*

**-124 Citizens of Uzbekistan, September 6, 2012.<sup>77</sup>**

The Uzbek citizens' call to boycott the Uzbek cotton industry is the appropriate response to the uniquely broad and egregious practice of state-sponsored forced labour in Uzbekistan's cotton sector.<sup>78</sup> The practice is state-organized, by a government that denies the practice and continues to benefit from it. As the International Trade Union Confederation explained,

*"The participation of children in the annual cotton harvest is not a result of poverty or family need, but this participation is organized and enforced by the authorities, channelled through local administration and directly benefits the Government."*<sup>79</sup>

Recommendations to the Government of Uzbekistan, companies and governments with interests in Uzbekistan focus principally on the urgent demand to end the serious, systematic and continuous state-sponsored forced labour system of cotton production in Uzbekistan. Second, recommendations consider the long-term development needs and highlight actions to build the foundations for the respect of human rights in Uzbekistan's agricultural sector.

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77. Available at

<http://www.cottoncampaign.org/2012/09/20/uzbek-citizens-call-to-boycott-uzbek-textile-and-companies-using-it/>.

78. Only 10% of forced labour cases globally are state-sponsored, and of those, the majority of cases are prison labour under conditions that contravene ILO standards and work imposed by state military or rebel armed forces. (See ILO, *ILO Global Estimate of Forced Labour*, International Labour Office (ILO) Special Action Programme to Combat Forced Labour, 2012.) In contrast, Uzbekistan's government forces its citizens to pick cotton using threats to the individual's livelihood.

79. ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Individual Observation concerning the Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan*, 2013, pg. 407.

## **A. Recommendations to the Government of Uzbekistan:**

### **1. Take immediate and effective time-bound measures to eradicate forced labour of children and adults in the cotton sector.**

The Government of Uzbekistan should take this step unilaterally and immediately.

### **2. Invite a high-level ILO tripartite observer mission to conduct unfettered monitoring during the cotton harvest.**

Independent assessment of the cotton production system is a necessary step towards a cotton sector that respects fundamental rights. Given its role, the government cannot credibly assess and report on forced labour in the cotton sector. As noted by the ILO Committee of Experts in its 2013 report, the continued reports of forced labour of children and adults contrast sharply with the claims by the Government of Uzbekistan that it is addressing the issue. The Government of Uzbekistan denies the existence of forced labour and represses citizens who attempt to document the cotton harvest. An ILO observer mission would, importantly, include unfettered access, participation of civil society and public reporting.

### **3. Abolish compulsory cotton production quotas and state-established prices of raw cotton, and ensure that cotton farmers have decision-making authority over the use of their land, access to competitive markets to obtain agricultural inputs, and access to competitive markets to sell cotton and other agricultural outputs.**

The price for raw cotton set by the central government does not cover the cost of production. Therefore, farmers are unable to either hire labour or invest in improvements to farming practices. Farmers in Uzbekistan have long identified the sale price of raw cotton and the terms of finance as major impediments to cotton production. With real bargaining power, Uzbekistan's farmers would become employers and positioned to hire labour to produce cotton and other crops. As a farmer commented following the 2012 harvest:

*"It is possible to pick cotton without children. If the government pays a reasonable price for the cotton, there is no need for the children. If we were given the right to sell cotton ourselves, we could pay adults well. For instance, our local people go and pick cotton on Kazakh lands. They are paid 600 sums and get their wage on the spot."*

**-Farmer, 2012**

### **4. Allow unhindered access for independent monitors, including the eleven UN Special Rapporteurs who have been unable to visit due to the government's refusal to issue the required invitations, and implement recommendations by independent monitoring bodies, including UN treaty bodies and special procedures.**

The continued imprisonment of over a dozen human rights defenders and journalists and the enduring practice of torture in Uzbekistan's criminal justice system must end. Several citizens who attempted to observe the 2012 cotton harvest, were subjected to harassment and detention for their efforts. The denial of human rights underpins the persistence of forced labour in the cotton fields.

## **B. Recommendations to companies**

### **1. Companies operating in Uzbekistan's cotton sector**

It is vital that Daewoo International, Indorama Corporation and other companies operating cotton processing facilities in Uzbekistan meet their human rights due diligence duties by:

- a. Establishing and paying the costs of human rights monitoring and public reporting by a team of international experts and local civil society representatives of their operations in Uzbekistan as well as their respective supply chains. The scope of the human rights monitoring should be defined by the monitoring team and should include, but not be limited to, cotton fields and communities in the regions from which the company sources cotton;
- b. Using all of their influence and necessary resources to encourage the Government of Uzbekistan to invite an International Labour Organisation high-level tripartite observer mission with full freedom of movement and unfettered timely access to monitor cotton production in 2013 in order to assess adherence to ILO Conventions No. 105 and No. 182; and
- c. If the Government of Uzbekistan refuses to invite the ILO high-level tripartite observer mission, ceasing all purchases of cotton from Uzbekistan and divesting from all operations in Uzbekistan related to cotton.

### **2. Companies operating in Uzbekistan in non-cotton sectors should:**

- a. Refuse to provide employees with cash or in-kind contributions to the cotton harvest and report any and all requests for such support to their embassy, in the case of companies with foreign ownership, and to both the Ministry of Justice of Uzbekistan and independent media in the case of companies with no foreign ownership;
- b. Establish and pay the costs of human rights monitoring and public reporting by a team of international experts and civil society representatives of their operations in Uzbekistan as well as their respective supply chains. The scope of the human rights monitoring should be defined by the monitoring team and should include, but not be limited to, cotton fields and communities in the regions from which the company sources cotton. Small- and medium-sized enterprises which are members of local business associations should use this opportunity to cost-share and find other efficiencies to make such monitoring viable;
- c. Use all its influence to encourage the Government of Uzbekistan to invite an International Labour Organisation high-level tripartite observer mission with full freedom of movement and unfettered timely access to monitor cotton production in 2013 in order to assess adherence to ILO Conventions No. 105 and No. 182.

### **3. Global companies using cotton should take the following steps:**

- a. Establish a company policy that prohibits the use of Uzbekistan's cotton and prohibits business with companies that are either invested in the cotton sector in Uzbekistan or using Uzbekistan's cotton, including explicitly all companies of Daewoo International Corporation, Indorama Corporation, and other companies identified as operating in Uzbekistan (See Annex 4);
- b. Implement the company policy on Uzbekistan's cotton by incorporating language into vendor agreements and purchase orders that effectively prohibits suppliers from doing business with all companies that are either invested in the cotton sector in Uzbekistan or using its cotton;
- c. Require suppliers, suppliers' subsidiaries and suppliers' affiliates to (a) establish a company policy that prohibits the use of cotton from Uzbekistan and prohibits business with companies that are either invested in the cotton sector in Uzbekistan or using its cotton, including explicitly all companies of Daewoo International Corporation, Indorama Corporation, and those companies identified as operating in Uzbekistan (See Annex 4), and (b) implement the company policy on Uzbekistan's cotton by incorporating language into vendor agreements and purchase orders that effectively prohibits their suppliers from doing business with all companies that are either invested in the cotton sector in Uzbekistan or using its cotton;
- d. Remove all companies of Daewoo International Corporation, Indorama Corporation, and identified companies operating in Uzbekistan (See Annex 4) from the company's supplier database. Lock suppliers out of the company's supplier database that have not signed the revised vendor agreement and fully complied with point 3;
- e. Verify compliance with the company policy by incorporating a check on implementation of the ban on business with companies that are either invested in the cotton sector in Uzbekistan or using its cotton into supplier social compliance audits; and
- f. Release documentation of these steps publicly.

## C. Recommendations to governments with interests in Uzbekistan

In all diplomatic engagements, governments should emphasize the duty of the Government of Uzbekistan to protect human rights. Diplomacy should be based on the recognition that downplaying human rights positions them against the people of Uzbekistan and on the wrong side of history. Firmly calling for abolishing involuntary servitude in the cotton fields ought to be an ever-present and high-priority item on the agenda of any diplomatic engagement with the Government of Uzbekistan.

The US and EU governments should withdraw Uzbekistan from GSP trade preferences until the Government of Uzbekistan demonstrates that it meets GSP conditionality to protect fundamental human rights. The EU's GSP sets the grounds for temporary withdrawal when there are violations of ILO Conventions.<sup>80</sup> The European Parliament already supported trade restrictions in December 2011, with an overwhelming rejection of a proposal to expand textile trade with Uzbekistan, due to concerns over the on-going use of forced labour in the country's cotton industry. Under US law, GSP requires that the Government of Uzbekistan take steps to afford workers internationally recognized worker rights<sup>81</sup> and "implement its commitments to eliminate the worst forms of child labour"<sup>82</sup>.

The US government should enforce the Tariff Act and place Uzbekistan in Tier 3 in the Global Trafficking in Persons Report to Tier III. The Tariff Act prohibits imports of goods made wholly or in part with forced labour; therefore, shipments of goods containing Uzbekistan's cotton should be detained by US Customs. In the Trafficking Report, Tier 3 placement would accurately represent the Government of Uzbekistan's refusal to make significant efforts to eliminate forced labour and send the message that state-sponsored forced labour is unacceptable.

The Government of Germany should use its leverage with the Government of Uzbekistan. Importantly, in October 2012, the German Federal Commissioner for Human Rights, Markus Löning, called for a boycott of Uzbekistan's cotton until state-sponsored forced labour of children and adults is eradicated in the country.<sup>83</sup> This call should be actively followed up by other German government actors with concrete measures, and be accompanied by a change of federal policy towards Uzbekistan that prioritizes the promotion of democracy and human rights. In particular, Germany must firmly support a high level ILO tripartite observer mission in Uzbekistan.

The Government of the Republic of Korea should require firms headquartered in South Korea to meet their human rights due diligence duties in their operations in Uzbekistan. While all governments have a responsibility to take steps to ensure that businesses headquartered

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80. Article 19 of EU GSP establishes the grounds for temporary withdrawal when there are violations of conventions listed in Part A of Annex VIII of the Regulation.

81. United States Code: Title 19 - Customs Duties, 19 U.S.C. § 2462(b)(2)(G) & (c)(7) and defined in 19 U.S.C. §2467(4).

82. United States Code: Title 19 - Customs Duties, 19 U.S.C. §2462(b)(2)(H) and defined in 19 U.S.C. § 2467(6)

83. Von Ralf Neukirch, "Kinderarbeit: Löning fordert Boykott gegen Usbekistan," *Spiegel*, 23 October 2012, available at <http://www.spiegel.de/politik/ausland/kinderarbeit-boykott-von-baumwolle-aus-usbekistan-gefordert-a-862904.html>, last accessed 16 March 2013.

in their country respect human rights throughout their operations, the risk of inaction is particularly high for South Korea. Korean businesses account for an estimated 30% of investment in Uzbekistan's textile sector. Not only is Daewoo International Corporation processing more cotton in Uzbekistan than any other firm, but the Korean state-owned enterprise Korea Minting & Security Printing Corporation (KOMSCO) is producing cotton pulp in Uzbekistan that is used to produce currency for the Republic of Korea. Therefore, the Government of Korea should clearly establish its expectations of Daewoo, Komsco and other companies invested in Uzbekistan, as outlined above in recommendations to the companies operating in Uzbekistan.

## ANNEX 1: Summary of interviews

| Group of interviewees                               | No. of interviewees | gender |        | Average No. of days spent working in the cotton fields | Compensation for cotton picked                           |                                                                                          | Payments to Government Authorities                                                                                                           |                                                                            |
|-----------------------------------------------------|---------------------|--------|--------|--------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
|                                                     |                     | male   | female |                                                        | Percentage who received 0 compensation for cotton picked | Of those who received any compensation for cotton picked, the average daily compensation | Percentage who made payments to government authorities (teachers, directors of schools and hospitals, district and regional governors, etc.) | Of those who made payments to government authorities, average amount paid. |
| <b>Students</b>                                     | 34                  | 15     | 19     | 48                                                     | 60%                                                      | 1,667 sum (\$0.63 USD)                                                                   | 10%                                                                                                                                          | 150,000 sum (\$56 USD)                                                     |
| <b>Parents of children</b>                          | 36                  | 17     | 19     | 50                                                     | 70%                                                      | 1,000 sum (\$0.38 USD)                                                                   | 70%                                                                                                                                          | 70,000 sum (\$25 USD)                                                      |
| <b>Teachers</b>                                     | 18                  | 3      | 5      | 20                                                     | 90%                                                      | 1,500 sum (\$0.56 USD)                                                                   | 5%                                                                                                                                           | 30,000 sum (\$11 USD)                                                      |
| <b>Medical personnel</b><br>(Doctors, Nurses, etc.) | 19                  | 8      | 11     | 18                                                     | 60%                                                      | 4,444 sum (\$1.67 USD)                                                                   | 30%                                                                                                                                          | 80,000 sum (\$30 USD)                                                      |
| <b>Mahalla residents</b>                            | 12                  | 3      | 9      | 20                                                     | 25%                                                      | 11,500 sum (\$4.32 USD)                                                                  | 10%                                                                                                                                          | 250,000 sum (\$94 USD)                                                     |
| <b>Mardikors</b><br>(day labourers)                 | 12                  | 10     | 2      | 40                                                     | 0%                                                       | 7,000 sum (\$2.63 USD)                                                                   | <i>Not applicable</i>                                                                                                                        | <i>Not applicable</i>                                                      |
| <b>Farmers</b>                                      | 10                  | 8      | 2      |                                                        | <i>Not applicable</i>                                    | <i>Not applicable</i>                                                                    | <i>Not applicable</i>                                                                                                                        | <i>Not applicable</i>                                                      |
| <b>TOTAL</b>                                        | <b>141</b>          |        |        | <b>33</b>                                              |                                                          |                                                                                          |                                                                                                                                              |                                                                            |

**ANNEX 2: Letter from the Republic Of Uzbekistan Prosecutor's Office, Djizzakh Region Prosecutor's Office to the Head of the Police Zarbdor District Major A. Begmatov, concerning farmland confiscated by the government from farmers who planted vegetables and other crops instead of cotton:**



**ЎЗБЕКИСТОН РЕСПУБЛИКАСИ  
ПРОКУРАТУРАСИ  
ЖИЗЗАХ ВИЛОЯТ  
ПРОКУРАТУРАСИ**

130100, Жиззах шаҳри,  
Сайилжойи кўчаси, 65-уй  
2011 йил «09» август  
№18-11

Зарбдор туман ички  
ишлар бўлими бошлиғи  
майор  
А.Бегматовга

*Ушбу ҳужжат  
10.07.11  
1051  
10.07.11*

Жиззах вилоят прокуратураси томонидан вилоят Кишлоқ ва сув хўжалиги бошқармаси ҳамда Ер ресурслари ва давлат кадастр бошқармаси мансабдор шахсларига нисбатан кўзгатишган жиноят иши тергов қилинмоқда.

Тергов жараёнида Зарбдор туман ҳудудида фаолият кўрсатаётган фермер хўжаликлари томонидан пахта экилиши режалаштирилган ер майдонларига ҳар хил турдаги сабзавот, полиз ва бошқа экинлар экилганлиги аниқланган ва ушбу ноқонуний экилган сабзавот, полиз ва бошқа экинлар давлатга етказилган зарарни қоплаш мақсадида хатланган.

Юқоридагиларга кўра, юборилаётган рўйхатда қайд этилган фермер хўжаликлари ер майдонларидаги хатланган сабзавот, полиз ва бошқа экинлари фермер хўжалик раҳбарлари ёки ишчилари томонидан бегоналаштирилиб ва ўзлаштирилиб кетилишининг олдини олиш чоралари кўрилишини таъминлашини сўрайман.

Илова: Рўйхат “8” варақдан иборат.

Жиззах вилоят прокуратураси  
жиноятларни тергов қилиш  
бўлими бошлиғи  
адлия кичик маслаҳатчиси

*X.X.Ғозиев*

X.X.Ғозиев

10.07.11 1051

## ANNEX 3: 2012 Raw Cotton Prices

ПАХТА ХОМ-АШЁСИНИНГ ХАРИД НАРХЛАРИ (O`z DSt 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 |                |         |         |
|                                    |                              | 1a                               | 1b        | 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 | 1 067 600 | 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                   | <b>801 204</b> | 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 |

## ANNEX 4: Major Uzbekistan textile companies with foreign capital

(Acronyms: JV - Joint venture; FC - subsidiaries of foreign companies; TBD—to be defined)<sup>84</sup>

| No | Company Name                              | Country Investor | Foreign Investor                                        | Uzbek cotton fibre purchase volume in 2012, ton | Location        | Output, export                                                                                                                                                                                                                                                        |
|----|-------------------------------------------|------------------|---------------------------------------------------------|-------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | FC "Daewoo Textile Fergana"               | South Korea      | Daewoo Int'l                                            | 30,000                                          | Fergana         | Yarn                                                                                                                                                                                                                                                                  |
| 2  | FC "Daewoo Textile Bukhara"               | South Korea      | Daewoo Int'l                                            | 10,500                                          | Bukhara         | Yarn                                                                                                                                                                                                                                                                  |
| 3  | FC LLC "OSBORN TEXTILE"                   | Turkey           | Tarmak Group                                            | 9,600                                           | Tashkent oblast | Spinning Unit - 17 tons; Yarn Dyeing Unit - 17 tons; Towel Weaving - 3 tons; Sewing Unite - 3 tons; Sales volume: US\$10 Million - US\$50 Million                                                                                                                     |
| 4  | JV LLC "Indorama Kokand Textile"          | Singapore        | Indorama Group                                          | 6,000                                           | Fergana         | Spun yarn. Targeting more than 90 per cent of exports mainly to Latin America, Europe, Bangladesh, CIS.                                                                                                                                                               |
| 5  | JV LLC "Uztex Tashkent"                   | UK, Switzerland  | TBD                                                     | 5,400                                           | Tashkent        | Combed and carded yarn                                                                                                                                                                                                                                                |
| 6  | FC LLC "HAIN TEX"                         | South Korea      | TBD                                                     | 5,000                                           | Namangan        | TBD                                                                                                                                                                                                                                                                   |
| 7  | JV LLC "Mili Guliston Textile"            | UK               | TBD                                                     | 3,100                                           | Syrdarya        | TBD                                                                                                                                                                                                                                                                   |
| 8  | JV "Baht Tekstil"                         | Lichten-stein    | TBD                                                     | 3,000                                           | TBD             | TBD                                                                                                                                                                                                                                                                   |
| 9  | JV "Bagattekstil"                         | Turkey           | TBD                                                     | 3,000                                           | Khorezm         | TBD                                                                                                                                                                                                                                                                   |
| 10 | FC LLC "DAKA-TEX"                         | Russia           | TBD, <a href="http://www.dakatex.uz">www.dakatex.uz</a> | 2,760                                           | Samarkand       | Yarn 34/1 Nm—68/1, 250-300 tons monthly                                                                                                                                                                                                                               |
| 11 | FC "SKORTON TEKSTIL"                      | US               | TBD                                                     | 2,500                                           | Andijan         | TBD                                                                                                                                                                                                                                                                   |
| 12 | FC OAO "KORAY TEKSTIL"                    | Turkey           | TBD                                                     | 2,000                                           | Tashkent oblast | TBD                                                                                                                                                                                                                                                                   |
| 13 | JV "TashKaya Tekstil"                     | Turkey           | TBD                                                     | 2,000                                           | Tashkent        | Cotton fabrics, yarns, threads and textile materials. Main Markets: North America South America Western Europe Eastern Europe                                                                                                                                         |
| 14 | FC "Navbahor Tekstil"                     | Turkey           | TBD                                                     | 2,000                                           | Navoi           | Main markets: Europe (Poland, Germany); Mid East; cotton yarns for weaving and knitting in the count size varying from Nm10/1 to Nm70/1, with capacity of 6300 tons per year, 2300 tons from them are twisting yarns in the count size varying from Nm10/2 to Nm70/2. |
| 15 | FC LLC "Nanyang Red Cotton Angel Textile" | China            | NANYANG RED COTTON GROUP CO., LTD                       | 1,700                                           | Andijan         | TBD                                                                                                                                                                                                                                                                   |

84. Available at [http://www.cottoncampaign.org/wp-content/uploads/2012/09/ahrca2012Uzbek\\_textile\\_companies\\_Eng.pdf](http://www.cottoncampaign.org/wp-content/uploads/2012/09/ahrca2012Uzbek_textile_companies_Eng.pdf)

#### ANNEX 4 continued

|    |                                     |                       |                                                                      |       |              |                                                                                                                                                                         |
|----|-------------------------------------|-----------------------|----------------------------------------------------------------------|-------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16 | JV "PapFen"                         | Turkey                | 80% owned by Tekfen Foreign Trade Co. Inc, Tekfen Group of Companies | 1,650 | Namangan     | Yarn, treads                                                                                                                                                            |
| 17 | JV "PESHKUTEKS"                     | Belarus`              |                                                                      | 1,600 | Bukhara      | Angora yarns                                                                                                                                                            |
| 18 | JV "AL'YORTEX"                      | TBD                   | TBD                                                                  | 1,200 | Andijan      | TBD                                                                                                                                                                     |
| 19 | FC LLC "Baraka Tekst"               | TBD (created in 2012) | Baraka Textiles Ltd.                                                 | 1,000 | Syrdarya     | TBD                                                                                                                                                                     |
| 20 | FC "Senas Tekstil"                  | Korea                 | TBD                                                                  | 1,000 | Andijan      | TBD                                                                                                                                                                     |
| 21 | JV "Kottontex"                      | Russia                | TBD                                                                  | 1,000 | Khorezm      | Yarn 2.5 tons annually, market: Poland, Russia                                                                                                                          |
| 22 | JV LLC "TOSHBULOQ TEKS"             | Russia                | TBD                                                                  | 1,000 | Namangan     |                                                                                                                                                                         |
| 23 | JV LLC "Los Gigantes Textiles"      | Turkey                | TBD                                                                  | 1,000 | Fergana      |                                                                                                                                                                         |
| 24 | JV "Surkhontex "                    | USA                   | TBD                                                                  | 1,000 | Surkhandarya |                                                                                                                                                                         |
| 25 | JV "Marhamattekstil" (Marhamat OAO) | UK                    | TBD                                                                  | 1,000 | Andijan      |                                                                                                                                                                         |
| 26 | JV LLC "Platinum Invest"            | China                 | TBD                                                                  | 1,000 | Tashkent     |                                                                                                                                                                         |
| 27 | JV "Cotton road"                    | USA, Turkey           | TBD                                                                  | 800   | Kashkadarya  |                                                                                                                                                                         |
| 28 | FC LLC "Jilasum Tashkent"           | TBD                   | TBD                                                                  | 800   | Khorezm      |                                                                                                                                                                         |
| 29 | JV "Amin invest international"      | Russia                | TBD                                                                  | 600   | Samarkand    |                                                                                                                                                                         |
| 30 | FC "MEGA TEKSTIL"                   | Turkey                | Mega Tekstil                                                         | 600   | Namangan     | Target markets: North and South America; Western and Eastern Europe; Eastern and Southeast Asia; Mid East; Africa; Oceania, Total Annual Sales:US\$50 Mln - US\$100 Mln |
| 31 | JV LLC "Textiles Spektrum Kolors"   | UK                    | TBD                                                                  | 600   | Bukhara      | Markets: Poland, China, CIS                                                                                                                                             |
| 32 | JV LLC "TOSH-ROSS-TEXTIL"           | Russia                | TBD                                                                  | 500   | Tashkent     |                                                                                                                                                                         |

#### ANNEX 4 continued

|    |                               |             |                                                                                          |         |          |                                                                                                                                                                                             |
|----|-------------------------------|-------------|------------------------------------------------------------------------------------------|---------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 33 | FC "Muruvvat-Teks"            | Switzerland | Zeromax GmbH                                                                             | 500     | Other    |                                                                                                                                                                                             |
| 34 | JV OJIO "BAYPAK TEXTILE"      | Turkey      | Baypak Textile                                                                           | 500     | Tashkent |                                                                                                                                                                                             |
| 35 | FC LLC "ADM TEKSTIL"          | UK          | Adm Textile Ltd                                                                          | 500     | Tashkent | Markets: Western and Southern Europe                                                                                                                                                        |
| 36 | JV "POYTUG TEX"               | UK          | TAGUS Management Services Ltd., member of Makarios Group - MAKARIOS (MG) Holdings GmbH   | 350     | Andijan  |                                                                                                                                                                                             |
| 37 | JV LLC "BULUT TEXTILE"        | Russia      | TBD                                                                                      | 300     | Fergana  |                                                                                                                                                                                             |
| 38 | FC "BAYTEKS TICARET"          | Turkey      | Bayteks Tekstil Sanayi Ve Ticaret AS                                                     | 300     | Tashkent | Bayteks Ticaret exports products to One Step Up in New York via Istanbul                                                                                                                    |
| 39 | JV "TAGUS TEXTILE"            | UK          | "TAGUS Management Services Ltd.", member of Makarios Group - MAKARIOS (MG) Holdings GmbH | 300     | Andijan  |                                                                                                                                                                                             |
| 40 | JV LLC "MUSAVARTEX"           | TBD         | 300                                                                                      | Fergana |          |                                                                                                                                                                                             |
| 41 | JV LLC "SIRKECHI TASHTEKSTIL" | Turkey      | Sirkeci Tekstil                                                                          | 200     | Tashkent | output 6,000 tons annually                                                                                                                                                                  |
| 42 | JV "Les quates de Boukhara"   | TBD         | TBD                                                                                      | 200     | Bukhara  |                                                                                                                                                                                             |
| 43 | JV "FERGHANA SPINNING"        | Jordan      | TBD                                                                                      | 200     | Fergana  |                                                                                                                                                                                             |
| 44 | JV LLC "Cotton Wool Impex"    | TBD         | TBD                                                                                      | 200     | Other    |                                                                                                                                                                                             |
| 45 | FC LLC "China-UK SLLD"        | China, UK   | TBD                                                                                      | 150     | Other    |                                                                                                                                                                                             |
| 46 | JV Barakat Alfa Ltd           | Afghanistan | Barakat Company Ltd                                                                      | 100     | Tashkent | Pharmaceutical cotton, capacity of over 4000 tons per year. Markets: well-known in healthcare and cosmetic cotton production in France, Italy, Greece, Turkey, Russia, Ukraine, and Poland. |
| 47 | JV LLC "Madaniyat-Arteks"     | Russia      | TBD                                                                                      | 50      | Other    |                                                                                                                                                                                             |
| 48 | JV "ASKLEPIY-SVIFT"           | UK          | TBD                                                                                      | 50      | Tashkent | Medical absorbent cotton wool, bandages                                                                                                                                                     |