



A TURNING POINT IN UZBEKISTAN'S COTTON HARVEST

NO CENTRAL GOVERNMENT-IMPOSED FORCED LABOR
FREEDOM OF ASSOCIATION NEEDED TO SUSTAIN REFORMS



UZBEK FORUM
FOR HUMAN RIGHTS

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While the vast majority of pickers interviewed by Uzbek Forum monitors said they picked cotton voluntarily, they still perceived a threat of penalty for refusal to go to the fields

I. EXECUTIVE SUMMARY

For the first time in eleven consecutive years of monitoring forced child and adult labor in Uzbekistan's cotton fields, Uzbek Forum for Human Rights (Uzbek Forum) found no systemic or systematic, government-imposed forced labor during the cotton harvest. Although incidents of forced labor were identified in all seven regions monitored by Uzbek Forum, this is a landmark accomplishment which could pave the way to open Uzbekistan's textile industry to international markets.

The persistent involvement of government officials in the organization of the harvest and recruitment of pickers presents significant concerns. While the vast majority of pickers interviewed by Uzbek Forum monitors said they picked cotton voluntarily, they still perceived a threat of penalty for refusal to go to the fields.

As in previous years, Uzbek Forum worked with a network of 14 independent human rights monitors who conducted 455 interviews in seven regions during the 2021 harvest from September to November. The majority of interviews were conducted in the second half of the harvest, when the risk of forced labor increases as the amount of cotton available decreases and cotton picking becomes less attractive to voluntary pickers.

For the first time, independent monitors did not document systemic, government-imposed forced labor organized by the central government in any of the areas monitored. Although

there were some incidents of forced mobilization of state employees imposed by government officials, it was not on a scale that suggests it was coordinated by the central government.

Uzbekistan has demonstrated that it is able to harvest cotton almost entirely without coercion. This is in part due to a significant increase in pay for cotton pickers which rose incrementally as the harvest progressed to compensate for lower earning potential. The minimum wage for 1 kilo of hand-picked raw cotton at the first stage of the harvest was 1,200 soums (approximately \$0.11) and at the second stage 1,500 soums (approximately 0.14). Some pickers in some districts were able to earn up to 2,000 soums per kilo (approximately \$0.18).

The central government's policy of preventing the forced labor of cotton pickers was tangible and was communicated throughout all branches of government. *Hokims*, the heads of districts and regions, were instructed by the Deputy Prime Minister not to use forced labor and the Ministry of Employment and Labor Relations (Ministry of Labor) played an important role in awareness raising efforts to build public knowledge about the prohibition of forced labor to pick cotton. The Labor Inspectorate monitored information published in the media and social media and conducted an investigation and published an official statement on every case identified. These notifications were accompanied by a reminder that forced labor is unacceptable. Uzbek Forum shared information of cases of forced labor with the Ministry of Labor which were immediately investigated by the Labor Inspectorate.

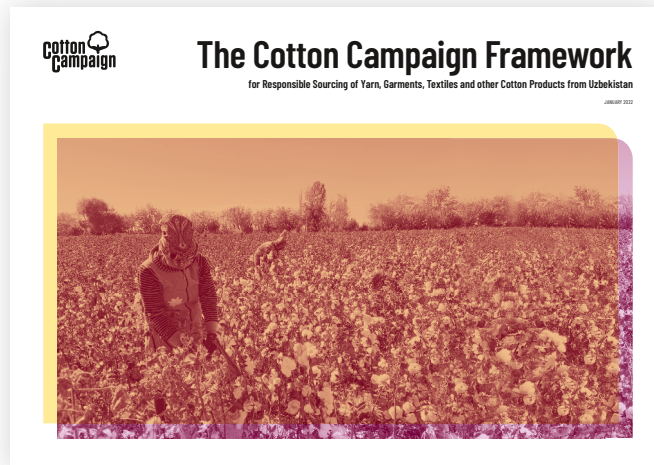
Nevertheless, there remain factors that seriously threaten the long-term durability of the progress achieved to date and further work should be undertaken to consolidate success and continue reforms. Key risks include:

- The lack of an enabling environment including freedom of association for independent monitoring and reporting of labor rights violations.
- Population density and shortage of labor that lead to insufficient voluntary pickers in some areas and some stages of the harvest.
- Persistent involvement or interference of government officials in the organization of the harvest that can lead to the use of coercion on farmers and cotton pickers.
- The lack of fair and independent recruitment systems and reliance on *mahalla* (neighborhood councils) to recruit pickers.
- The system of contract farming and unequal relationships between farmers and cotton companies or clusters who hold monopolistic power in the districts where they operate and increase the risk of exploitation of farmers and government interference.
- Persistence of the "allocation" system, which sets the size of land allocated for cotton and wheat. The process is controlled by the Ministry of Agriculture and local *hokimiyats*, which set the cotton production quota for each farmer based on the size and yield of the land. Farmers are not protected from arbitrary inflated cotton production quotas and cannot reduce the amount of land allocated for cotton production.

For these reasons, Uzbekistan remains a high-risk environment for forced labor and other forms of labor exploitation. Given the well documented nature of these labor risks, it is especially important that all who are involved in the production and sourcing of cotton identify these risks and take tailored measures to prevent, mitigate, and remediate any labor abuses that may occur.

At the same time, Uzbekistan presents a unique opportunity for both producers and buyers to build a new kind of cotton supply chain, one that allows for full transparency and traceability, and in which all actors participate in ensuring the protection of labor rights. The Cotton Campaign developed a Responsible Sourcing Framework to leverage this unique

opportunity in Uzbekistan while mitigating ongoing human rights risks and promoting strong standards across the industry.



For more information about the Cotton Campaign Framework for Responsible Sourcing, please visit www.cottoncampaign.org/uzbekistan

In 2020, Uzbekistan stopped exporting raw cotton to complete the shift to value-added processing in the country. Integrated cotton textile clusters control all aspects of production: cotton growing and harvesting (either directly or by contract with local farmers) and ginning, spinning, fabric production and textile manufacturing operations. Some clusters are innovating, investing in state-of-the-art technology, upskilling, and working to meet international standards. Others have entangled relationships with local officials and leverage this influence to take advantage of farmers in the contracting process, for example by delaying payments for cotton, not paying them in full, or imposing exploitative contracts without negotiation.

A responsible sourcing framework would ensure the involvement of independent monitoring and effective grievance mechanisms to mitigate these risks, and provide companies wishing to source cotton from Uzbekistan with the assurances they need to fulfill their due diligence commitments and supply chain laws. Uzbek Forum is working with the Cotton Campaign to pilot such a framework with brands, retailers and a number of Uzbek textile companies that have demonstrated the will and commitment to prevent labor rights violations in their operations.

2. KEY FINDINGS

2021 Harvest

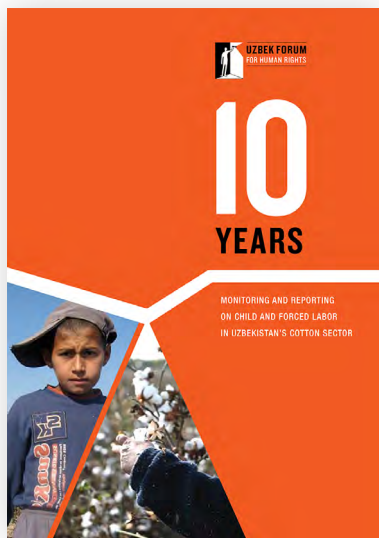
- Systematic, state-imposed forced labor is no longer used in the cotton harvest.
- In some districts, local government officials and *mahalla* councils remained involved in organizing the recruitment of cotton pickers, creating risks for coercion. Monitors documented some cases of forced labor mobilized by local officials and coercion by *mahalla* recruiters.
- The Labor Inspectorate was responsive to all cases of forced labor identified through hotlines, in the media and social media, or by civil society partners, and promptly investigated. More capacity is needed to protect complainants from reprisals. Official hotlines have low public confidence.
- Most public employees and people recruited by their *mahalla* councils continued to perceive a threat of penalty for refusing to pick cotton, although most of them still picked voluntarily, to earn extra money.
- Unequal relationships between farmers and the clusters they produce cotton for resulting in exploitative contracts.
- There are no mechanisms to prevent, identify and address forced labor or labor exploitation at field level.
- The majority of cotton is grown through the contract system (i.e., on farms that are not under direct control of the cluster), creating risks for unfair recruitment, coercion, and exploitative practices.

Restrictions on the Enabling Environment for Labor Rights

- National reforms towards an enabling environment for labor rights lag far behind economic reforms in the sector, despite Uzbekistan having ratified relevant ILO conventions.
- There are no independent trade unions, democratically-elected, or representative workers' organizations, or farmers' organizations.
- All union activity in the country continues to be dominated by the government-aligned Federation of Trade Unions of Uzbekistan (FTUU).
- Constraints on freedom of association, assembly and expression undermine an enabling environment.
- Independent labor and human rights organizations face roadblocks to register and operate freely.

3. METHODOLOGY

Uzbek Forum conducted independent monitoring of the 2021 cotton harvest, its eleventh consecutive year monitoring labor and human rights conditions in the harvest.¹ A team of 14 monitors conducted monitoring from September 20 until December 1, 2021 in seven regions of Uzbekistan: Andijan, Fergana, Syrdarya, Khorezm, Kashkadarya, Jizzakh and the Republic of Karakalpakstan. Monitors all have years of experience in monitoring the cotton harvest as well as other labor and human rights issues in Uzbekistan. The monitors, who include journalists, schoolteachers, farmers, and cotton brigade leaders, all permanently live and work in the areas they monitored. Several monitors also picked cotton in 2021, allowing them to directly observe working conditions in different fields and over different periods in the season, as well as allowing them to speak to other cotton pickers.



10-year review of Uzbek Forum's monitoring of the cotton harvest, 2020

Monitors used a mixed methods interview approach, asking respondents both closed and open-ended questions. 455 detailed interviews were conducted in total, with hundreds of additional brief interviews, along with visits by monitors to fields, worker housing, local institutions, and gathering sites for picker transportation. The majority of interviews were conducted in the second half of the harvest, when the risk of forced labor increases as the amount of cotton available decreases and cotton picking becomes less attractive to voluntary pickers.

In addition, throughout the cotton season, monitors and Uzbek Forum staff conducted analysis of social media, local newspaper articles, and social media channels and groups covering the cotton harvest. Uzbek Forum again was given privileged access to "Pakhtagram," a Telegram channel of Radio Ozodlik, the Uzbek language edition of Radio Free Europe/Radio Liberty (RFE/RL), which for the past five years has provided a dedicated platform for its audience to share any information about labor rights violations of pickers and farmers during the cotton harvest. Although the platform received many fewer messages than in previous years, it provided another opportunity to gather

information about labor conditions during the harvest. Uzbek Forum also cooperated actively with the Labor Inspectorate of the Ministry of Employment and Labor Relations to exchange information and to report cases of forced labor in a timely manner. The Labor Inspectorate investigated cases brought by Uzbek Forum and shared information on the results of the investigation.

In December 2021, Uzbek Forum, accompanied by members of the Cotton Campaign, shared preliminary findings from the harvest monitoring with representatives of the Ministry of Labor and Employment Relations, Labor Inspectorate, Ministry of Agriculture, *Uztextilprom*, the Uzbek Textile Association, the Cluster Association, a group of cluster operators, and a group of cotton farmers, to solicit their views on the results and corroborate information.

1 Uzbek Forum, "Ten Years Monitoring and Reporting on Child and Forced Labor in Uzbekistan's Cotton Sector", October 2020: <https://www.uzbekforum.org/wp-content/uploads/2020/10/10-Year-report-UF.pdf>.



Kashkadarya , October 2021 , ©Uzbek Forum

4. 2021 MONITORING RESULTS

4.1 NO SYSTEMATIC GOVERNMENT-IMPOSED FORCED LABOR FOUND

Forced labor is any work or service performed involuntarily and under the explicit or perceived threat of penalty.² In 2021, Uzbek Forum monitors did not document systemic forced labor or forced labor organized by the central government in any of the areas monitored. Information from other sources, such as the media, social media channels, the Labor Inspectorate, and local contacts, suggests that these results were consistent throughout the country. Uzbekistan demonstrated that it is able to harvest cotton almost entirely without forced labor or coercion.

A key result of the reform process is the higher rates offered to pickers and an increased awareness of the need to create the working conditions and incentives needed to attract voluntary labor. In 2021 there was a significant increase in pay for cotton pickers, which was between 1,200 and 1,500 soums (approximately \$0.12 and \$0.14) at the beginning of the harvest and rose to 2,000 soums (approximately \$0.18) per kilo of cotton by the end. Thus, even where local officials and *mahalla* councils recruited or mobilized pickers, they mostly did so by promising bonuses, such as cooking oil or household items, and food and transportation to the fields. In addition, improved working conditions for pickers contributed to the increase in voluntary labor. Most pickers interviewed said they did not have to pay for food or transportation, increasing their net take home pay. These efforts, along with the increased awareness of the prohibition on forced labor and enforcement for violations, have

² ILO Convention 29 , Article 2 (1) , https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029 .

resulted in the overwhelming majority of pickers working voluntarily. Even among pickers who picked cotton at the direction of a supervisor or official and said they would experience negative consequences for refusing to pick cotton (see below), the majority said they picked voluntarily, to earn money.

Although Uzbek Forum documented individual cases of forced labor, it shared information with the Labor Inspectorate, which reacted expeditiously to investigate. In previous years, despite progressive improvements, the central government had continued to organize, incentivize, or allow groups of state workers to be forcibly mobilized to pick cotton during the harvest. The 2021 findings are the first time in Uzbek Forum's 11 consecutive years of monitoring the cotton harvest that the central government did not mobilize groups of state employees to pick cotton.

Uzbek Forum and other civil society monitors also encountered little interference in monitoring, and did not face reprisals for their work. In a few cases, officials, pickers, and farmers did not want to provide interviews or information to farmers, expressing fears that they could somehow get in trouble or face repercussions for sharing negative information, despite guarantees of anonymity for all interviews.

Overall, the 2021 findings represent a meaningful break from Uzbekistan's long history of state-imposed forced labor and provide a measure of confidence that continued improvements to reduce existing labor risks can be made. Despite these positive developments, Uzbek Forum identified ongoing risks for labor exploitation and forced labor, especially the continued interference or involvement by some local officials in the management of the cotton harvest, the lack of fair and effective recruitment systems for seasonal labor, freedom of association for workers, and concrete independent mechanisms for field-level monitoring, grievance, and remedy. These are discussed in more detail in the following sections. Significant further reforms are needed, particularly in the areas of the enabling environment and protection of farmers' rights to ensure that progress achieved to date is sustained, with an emphasis on implementing systems to ensure that ongoing risks of forced labor and labor abuses can be effectively prevented, mitigated, and remedied.

4.2 EFFORTS TO PREVENT AND MITIGATE FORCED LABOR

Awareness Raising

The Ministry of Employment and Labor Relations (Ministry of Labor) played an important role in awareness raising efforts to build public knowledge about the prohibition of forced to pick cotton. Flyers and billboards were posted with a short number to call in the event of coercion to pick cotton. The Labor Inspectorate monitored information published in the media and social media and conducted an investigation and published an official statement on every case identified. These notifications were accompanied by a reminder that forced labor is unacceptable.

At the beginning of the cotton season, informational videos prepared by the Federation of Trade Unions of Uzbekistan (FTUU) were broadcast on television and popular social media channels. They included information relating to the obligation to sign contracts with pickers, provision of hygiene facilities, and hot meals. Information about complaints hotlines was displayed prominently in public places, near farms, and circulated on television and social media. Despite these efforts, a significant proportion of people interviewed who picked cotton said that they did not see information about the hotlines or did not know how to report violations. This suggests that despite concerted efforts to raise awareness on labor rights ways to protect them, many cotton workers lack information or are under-informed about their rights and what to do in cases of violations.

Contracts with Pickers and the Need for Mechanisms for Bargaining

The FTUU informational videos explained that all pickers should have a contract and that pickers could terminate their contracts if promised working conditions were not met. Uzbek Forum found that few pickers had individual contracts for cotton picking. Some had group contracts, negotiated and signed on behalf of a group of pickers by a brigade leader, the leader of a picking group who is usually paid by a farmer or cluster to recruit and supervise pickers. The relative absence of contracts represents a change from the 2020 harvest when a concerted attempt was made to have pickers sign individual contracts, though the impact of this is far from clear. Pickers interviewed by Uzbek Forum in 2020 often did not know what was in their contracts and both pickers and farmers, long accustomed to more informal forms of agreement, tended to view them as an unnecessary burden. But research underscores the importance of cotton workers' ability to negotiate their own wages and working conditions, individually or collectively, with representatives they select. Half of all cotton pickers interviewed by Uzbek Forum expressed dissatisfaction with their payments or working conditions, including excessive or non-transparent deductions made for trash content and moisture in the cotton and long waiting times to have their cotton weighed.

Further work should be done to ensure that cotton workers can bargain for their working conditions and have recourse if they are not met. The system of brigade contracts offers some promise as a model but brigade leaders may not represent workers' interests or be chosen by them. Greater protections for freedom of association to allow workers to bargain collectively and form representative organizations is essential.

Labor Inspectorate

Through its information sharing arrangement with the Labor Inspectorate, Uzbek Forum found that the work of the Labor Inspectorate is effective if complainants are willing to talk to the inspector and provide evidence of forced labor, but that trust still needs to be built. Complainants were not always willing to talk to the inspector for fear of consequences from their superiors. For example, a group of pickers in the Namangan region told Uzbek Forum that they picked cotton at the direction of their supervisor and did not want to risk negative consequences, did not want to report the incident to the Labor Inspectorate because they did not believe that the the Inspectorate could actually protect them.³ In another case, monitors documented instances of child labor in Mirishkor district, in Kashkadarya region, where some children voluntarily picked cotton with their teachers to earn money, and Uzbek Forum subsequently communicated the case to the Labor Inspectorate for investigation.⁴ A teacher who had been willing to be interviewed by Uzbek Forum did not agree to provide information to the Labor Inspectorate because the Labor Inspectorate does not have effective mechanisms to protect complainants from reprisals. A Labor Inspector who visited the area found no evidence of child labor on the day of the visit, as the children had been urgently returned to school, a positive outcome.

Low Confidence in Feedback Mechanisms

Monitoring shows that after seven years' of operation, trust in official feedback mechanisms – hotlines run by the Ministry of Labor and the Federation of Trade Unions of Uzbekistan to report forced labor and other complaints– remains fairly low. Almost half of workers interviewed by Uzbek Forum who said they picked cotton because their supervisor directed them to do so, told monitors that it is useless to complain to the hotlines because they did not believe they would be effective or did not even know where to complain. As one worker

3 Uzbek Forum interviews with pickers, Namangan region, October 17, 2021.

4 Uzbek Forum interview with employee of school No. 33, September 16, 2021.

said, “It’s useless. Because on TV and all over the Internet they tell you to call us if you are forced to pick cotton, but they always make the leaders innocent.”⁵

Despite this, public awareness raising on the availability of hotlines and the prohibition of forced labor are important and should continue and the Labor Inspectorate should be empowered to ensure that investigations go up the chain of command to those in authority and refer cases to prosecution when appropriate.

The lack of trust may be compounded by several examples from the harvest that show that the Labor Inspectorate does not yet have the full capacity needed to fully investigate all aspects of abuses connected to the harvest. Some workers said that it was pointless to report to government officials as they were the ones organizing the forced labor, even if they were at the local level instead of in the central government, while *mahalla* residents said they would not report forced labor because they believed it would have a negative impact on their benefits.⁶ In October 2021, a blogger from Namangan made a short video in which he said that he recognized several schoolteachers picking cotton. The Labor Inspectorate investigated the allegation and announced it could not find evidence to support the allegation that teachers had been picking cotton, possibly because the teachers did not want to give information to the inspectors. Subsequently, the blogger made a second video, in which he appeared nervous and afraid. In it, he declared that he had been joking in his initial video. The blogger later recanted his first video, claiming it had been a joke, then fell out of public view completely, deleted all his social media accounts, and refused to meet with any interviewers or monitors. It remains unclear what could have caused his reaction.⁷

4.3 ONGOING RISKS OF FORCED LABOR AND LABOR EXPLOITATION

Together with the significant achievement in ending state-imposed forced labor in 2021, Uzbek Forum continued to document risks of forced labor and labor exploitation in the cotton harvest, in addition to individual cases of forced labor or where these risks were present. Key risks include the lack of an enabling environment including freedom of association for independent monitoring and reporting of labor rights violations, population and labor dynamics that lead to insufficient voluntary labor in some areas and some stages of the harvest, the lack of fair recruitment systems, and the continued involvement of government officials in the organization and oversight of the harvest and the recruitment of pickers.

Given the well documented nature of these labor risks, it is especially important that cotton producers, both farmers and clusters contracting with them for cotton production, as well as government officials at all levels, and buyers identify these risks and take tailored measures to prevent, mitigate, and remediate any labor abuses that may occur.

Continued Oversight and Interference of Local Officials in Cotton Production

Key among the risks for labor exploitation is the continued role of local officials in overseeing cotton production in their districts. As in previous years, including pre-privatization of the cotton sector, *hokimiyats*, regional or district administrations, monitored and oversaw the progress of the cotton harvest although their level of involvement varied widely from district to district, even within the same region. In some districts, the participation of local authorities and *mahallas* was minimal, for example in Karakalpakstan, while in others, such as Jizzakh, the local authorities exercised significant oversight over the hiring of cotton pickers and organizing logistics. The attitude of local officials depends, at

5 Uzbek Forum interview with picker, Namangan region, October 17, 2021.

6 Interview with *mahalla* residents, various regions, September 27 - November 3, 2021.

7 Video message, Telegram, October 3, 2021, on file with Uzbek Forum.

least in part, on what pressure they may experience from regional or central authorities to deliver a successful cotton harvest or their fear of being reprimanded or held to account for failure to ensure a successful harvest.

Clusters operators and farmers told Uzbek Forum that some local officials attempt to interfere in farming and play an outsized role in the contracting process. Several owners of privately owned and operated clusters that engage in both direct and contract farming told Uzbek Forum that they frequently have to fend off attempts by local officials seeking to interfere in their operations, including telling them when to start picking their cotton and sending workers to their fields without being requested to do so. These operators, all from successful, well-resourced and managed clusters and who have significant personal influence, said they were able to tell officials to stay out of their business without consequences but acknowledged that this is not an easy task for other cluster operators who may have more difficulties in their operations, or business relationships or entanglements with local officials that make them vulnerable to pressure. Similarly, a group of cotton farmers from different regions told Uzbek Forum that district officials interfered in relationships between farmers and the clusters they contracted with, including in price setting, and even when farmers started to harvest their crops.

Throughout the 2021 harvest, quantitative data was collected daily at the Cotton Headquarters of each district, which was then transmitted to the Cabinet of Ministers. Deputy Prime Minister Shukhrat Ganiev, who directly oversees the agricultural sector, held video conferences with regional and district officials several times per week to get updates on the conduct of the harvest and call out shortcomings. This may have created pressure for *hokims* to speed up the pace of the harvest, even if it meant resorting to various forms of pressure or coercion to recruit pickers without regard to whether farmers or clusters actually needed or wanted their involvement.

Kasbi , Kashkadarya region , September 2021 , ©Uzbek Forum



Since there are certain benchmarks for the daily cotton harvest, the pace of cotton picking, which is also affected by the weather, is of no small importance, creating additional risks that local authorities could use coercive methods to ensure their districts meet targets. These benchmarks, known as “forecast figures” are production targets set by farmers’ contractual obligations, the total amount of cotton farmers in the district were obligated to grow under contract. In some respects, these forecasts share characteristics of the former quota system. While these targets are not imposed by the central government, local officials in some districts continue to exert influence over the contracting process and can use these targets to push farmers to harvest as quickly as possible and meet the targets. This created incentives for officials in some districts to recruit pickers for the harvest, directly or through *mahallas*, sometimes resorting to coercion.

Increased Voluntary Labor, Some Threat of Penalty Remains

Despite the positive trends, now in place for several years, of attracting more voluntary labor by increasing payments and improving working conditions, vestiges of the former system of forced mobilization of pickers remain. Most prominent is the system by which local officials directed people under their control, especially heads of institutions, to send their employees to pick cotton. Employers then directed employees to pick cotton under the threat of dismissal, reduction in hours, disciplinary action, or other penalty. This system, deeply ingrained for many years, created the expectation among many employees, especially medical and education workers, employees of state-owned enterprises, and staff of local government agencies, that spending days or weeks picking cotton every year was simply a cost of keeping their jobs. Similarly, *mahalla* council officials remain responsible for recruiting pickers and more than half of those interviewed said that there persists an expectation that people who receive public benefits should go to the fields. The dismantling of the government-driven production system that created incentives for the government at all levels to mobilize labor has played an important role in the effort to eliminate forced labor and, as described above, continues to persist in some ways. In addition, the expectation that cotton picking is an obligation and that refusal comes with negative consequences remains deeply ingrained among the workers most commonly in forced labor in the past as well as the people tasked with mobilizing them— public sector employees and their employers as well as *mahalla* residents receiving benefits and *mahalla* council officials.

Local officials that remain involved in the conduct of the harvest continue to turn to public sector institutions and *mahallas* to provide pickers and apply pressure to the heads of these institutions to turn out workers. *Mahalla* officials tasked with recruiting pickers also said they experienced pressure to recruit and feared consequences if they refused. Monitoring revealed that despite being largely willing to pick cotton, many pickers from these groups still said they feared or perceived a penalty or negative consequence if they refused. Most of the pickers interviewed by Uzbek Forum said that they were aware of the prohibition of forced labor and there was overall less pressure on people to go to the fields, replaced by increased attempts to incentivize picking.

Despite this the majority of public employees interviewed who picked cotton said that as well as to earn extra money, they did so because there was an expectation they should go to the fields and they would face problems at work or other consequences if they refused. Employees of local government agencies across different regions, such as the landscaping department, department of housing, as well as hospitals, said that their bosses had told them to go to the fields. Public employees in Jizzakh, Khorezm, Fergana, Namangan said that although they were told to pick cotton by their boss, they thought the order ultimately came from *hokimiyat* officials. Of the 35 employees who said their boss had told them to pick cotton, 16 nonetheless considered it voluntary which appears to show a lack of understanding and expectation of fundamental labor rights.



Mahalla Do`stlik , Kashkadarya , October 2021 , ©Uzbek Forum

Role of *Mahalla* Councils and Risk of Coercion

Traditionally the *mahalla* council, a community governance body formally under the jurisdiction of the Ministry for Support of *Mahalla* and Family, was the main body of the organization of cotton pickers. Formally, there is no legal or official basis for *mahalla* councils to be involved in labor recruitment at all.⁸ However, *mahallas* maintain data on each family living in the neighborhood, on the number of unemployed, and the number of needy families. Lists of families in need are recorded in a register known as an “iron notebook,” according to which the *mahalla* should provide various kinds of support, including the allocation of material social assistance. Since the *mahalla* already has lists of the unemployed and those in need, it was perhaps logical to expect this structure to help organize voluntary cotton pickers. They know the residents in their neighborhoods and are well-placed to know who may need money or is looking for work and who might be able to take on seasonal work. In addition to recruiting pickers, *mahallas* have been responsible for organizing food, transportation, and housing for cotton pickers, collecting money to defray harvest costs, and ensuring that districts fulfilled their cotton quotas.

Despite the lack of a legal basis for involvement, *mahalla* councils continue to play a central role in the recruitment of cotton pickers, particularly for farmers and clusters in the contract system where farms are typically mid-sized and do not have enough permanent or regular seasonal employees to harvest cotton and must rely on temporary seasonal workers. The role of *mahalla* councils in recruitment raises concerns. *Mahalla* councils are official government bodies with a long history of exercising community surveillance and organizing

8 Ministry for the Support of *Mahalla* and Family Affairs , Tasks and Functions of the Ministry : <https://moqqv.uz/en/menu/osnovnye-zadachi-ministerstva->

communities to carry out street and beautification work or other tasks at the behest of local officials. *Mahalla* councils also have oversight of social welfare, child, and disability payments to residents and can exercise nearly complete discretion over who receives benefits. This direct influence over the material well-being of residents in the *mahalla* creates unique risks for coercive recruitment. The risk of coercion embedded in the use of *mahallas* as a main recruitment channel for cotton pickers depends significantly on local officials and the extent to which they involve themselves in the organization of the harvest and exert pressure on *mahallas* to deliver pickers.

According to the Ministry of Labor, it has made efforts to establish local employment centers by sending employees from the Ministry of Labor to work with *mahallas* to recruit pickers and provide them training and support. None of the *mahalla* officials Uzbek monitors spoke to said that they had had support from the Ministry of Labor or were aware of this program. If *mahallas* continue to play a role in labor recruitment going forward, this role should have an official basis with appropriate oversight, regulation, and accountability. Together with programs such as the one undertaken by the Ministry of Labor, this would play an important role in reducing risks of coercive practices by *mahalla* recruiters.



Mahallas Mustaqillobod and Qoratepa , Kashkadarya , October2021 , ©Uzbek Forum

Uzbek Forum interviewed 118 *mahalla* employees involved in hiring and organizing cotton pickers in 34 districts. The majority said they experienced difficulties in attracting sufficient voluntary labor by late October when the harvest was still ongoing in many districts but low volumes of cotton available to pick made the work unattractive to many. Lack of sufficient voluntary pickers occurred in both high and low population districts, given the need to attract thousands of people to the fields. *Mahalla* employees from neighborhoods closer to urban areas said they had a more difficult time finding sufficient voluntary pickers because residents worked at the market or had other opportunities to earn more than they could earn picking cotton.⁹

9 Uzbek Forum interviews with *mahalla* council employees , Andijan , 2021 .

Over the past several years, as Uzbekistan has taken greater efforts to end forced labor practices, *mahalla* councils have adapted their recruitment approach to try to attract pickers voluntarily, through persuasion or offering material incentives, such as cooking oil or other bonuses. However, due to pressure on *mahallas* to recruit pickers and the shortage of pickers in some areas or at some stages of the harvest, some *mahalla* councils resorted to pressuring residents or applying coercion, including by threatening them that they would not receive their benefits payments if they refused to pick. About half of *mahalla* residents interviewed said they feared loss of benefits or other penalties if they refused to go to the fields.

Uzbek Forum documented cases of local governments pressuring *mahalla* councils to recruit pickers, increasing the risks that *mahalla* councils could resort to coercive recruitment tactics. In Jizzakh, for example, Uzbek Forum found that local government officials in Forish district, which does not grow cotton, and Pakhtakor district, where cotton picking is mechanized, pressured *mahalla* councils to recruit their residents to pick cotton in neighboring Zafarabad district, where there was not enough local labor. Employees of *mahalla* councils in Forish and Pakhtakor said that they experienced significant difficulties trying to find sponsors among local businesses to provide gifts and material incentives to attract pickers or other ways to find pickers. They said they also made promises they would extend social benefits for people who agreed to go to Zafarabad, even though they did not know if they would have the funds to do so, raising concerns that some people may have been recruited under false pretenses.

Shortages of Voluntary Pickers in Later Stages of Harvest and in Low Population Districts

Some of the key risks that have existed in previous years continue to persist. Of special concern is the risk of forced labor and coercive recruitment practices connected to a shortage of voluntary pickers. This risk increases as the cotton season progresses. In later stages of the season, less cotton is available to pick and consequently pickers can earn less, so the number of voluntary pickers decreases. Although wages for pickers generally increase as the season progresses, the earning potential or incentives may not be enough to attract sufficient numbers of pickers. Shortages of voluntary pickers also occur in less densely populated areas and in areas with lower cotton yields, and these shortages are compounded as the season progresses, further increasing the risk for forced labor or coercive mobilization.

In some low population districts efforts were made by clusters, farmers, and local officials to attract internal labor migrants to pick cotton to offset local shortages of voluntary pickers. In situations where large groups of domestic migrant workers traveled to other regions to pick cotton, local officials usually oversaw logistics and housing, security, and other arrangements for the workers. Some farmers in Jizzakh, a relatively low population region that usually experiences shortages of pickers, negotiated directly with leaders of picking brigades to bring large groups of seasonal workers from Namangan and Surkhandarya to work during the harvest.¹⁰ Even in these cases, local authorities through the Cotton Headquarters assisted with the organization of food and housing since picking groups typically move around between farms to work as cotton ripens.

Farmers working with well-managed clusters that took measures to avoid forced labor or coercive recruitment practices were able to organize pickers without resorting to improper or illegal methods. Since the vast majority of farmers do not have sufficient resources to fund cotton production on their own and only get paid for their crop at the end of the season, they rely on the cluster with which they contract to provide pre-financing— usually a

10 Uzbek Forum interviews with farmers, Jizzakh, 2021.

fixed percentage of the total estimated value of the contract amount– to fund production and harvesting costs.

One farmer, who grows cotton on 20 hectares, explained that he assigns two of his employees to every hectare of land. They hire an additional two seasonal workers. They receive money for picking in addition to the cotton stalks, which they use as fuel. Another farmer, from the Shavat district, told Uzbek Forum that he is able to attract sufficient pickers himself by offering attractive terms: he negotiates payment, pays on time, and offers a hot lunch to pickers. He also noted that he does not cheat pickers when weighing their cotton, by inflating deductions for trash and moisture content in the cotton. (Due to such deductions, which can range from 8-15% of the total weight, pickers earn less than the advertised price per kilo.) As a result, he said that he always has more applicants than jobs for pickers. He clarified that farmers do not always independently have the resources to guarantee such conditions. Instead, they are dependent on the cluster they contract with to pay the advance on time, which allows the farmer sufficient resources to prepare for the harvest and pay pickers on time. The vast majority of farmers interviewed by Uzbek Forum said that their ability to produce a good crop as well as to pay workers and create attractive conditions to recruit sufficient voluntary labor, depends on how reliably the cluster pays the farmer and provides the inputs needed to produce a successful crop.

Enabling Environment

The government of Uzbekistan’s commitment to eliminate forced labor in cotton production is real, but the sustainability of the reforms introduced in recent years depends on the ability of workers, farmers, and the broader civil society to monitor and report on the human rights situation in the country.¹¹ An independent, vibrant, and diverse civil society has a critical and essential role in ending forced labor and ensuring the success of the reform process by promoting transparency. Free access to information and the unimpeded operation of independent activists and groups provide critical accountability and help protect rights. Workers and farmers must be able to represent themselves democratically and independently and to address workplace grievances, without fear of reprisal, and with appropriate legal protections in place. Empowering civil society, including workers and farmers, in these ways is essential to all other actions necessary to achieve the core objective of ending forced labor.¹²

Uzbekistan remains a deeply authoritarian society. According to Human Rights Watch, “the pace of human rights reforms in Uzbekistan [has] stalled and backtracked on some aspects, ...[and] the lack of independent trade unions and civil society organizations in Uzbekistan undermines sustainability of progress made so far.”¹³ Restrictions on freedom of speech and freedom of association, key elements of an enabling environment, have been well documented, particularly throughout 2021.¹⁴ The authorities continue to block social media sites such as Twitter and TikTok, as well as critical websites such as Radio Free Europe/Radio Liberty and its Uzbek language counterpart, Ozodlik. This raises serious concerns about the sincerity of the government’s commitments to international human rights standards.

11 Uzbek Forum , “ The Door to Uzbekistan has Opened but there is a Risk it Could Slam Shut” , December 21 , 2021 : <https://www.uzbekforum.org/the-door-to-uzbekistan-has-opened-but-there-is-a-risk-it-could-slam-shut/> .

12 Cotton Campaign , “A Roadmap of Reforms to End State-Sponsored Forced Labor in Uzbekistan” , June 26 , 2019 : <https://www.cottoncampaign.org/resources-uzbekistan/a-roadmap-of-reforms-to-end-state-sponsored-forced-labor-in-uzbekistan>

13 Human Rights Watch , 2021 , Uzbekistan : <https://www.hrw.org/world-report/2022/country-chapters/uzbekistan>

14 Uzbek Forum , “Uzbek Bloggers and Activists under Attack - The Cases Mount” , January 18 , 2022 : <https://www.uzbekforum.org/uzbek-bloggers-and-activists-under-attack-the-cases-mount/>

Farmworkers and cotton pickers do not have independent organizations or trade unions to represent their interests or collectively bargain for their conditions and workers and farmers wishing to form democratic organizations face obstacles both in law and in practice from doing so. Uzbekistan ratified ILO Convention 87 on Freedom of Association and Protection of the Right to Organize in 2016 and has a duty to respect, protect, and fulfill the right of workers to join and form trade unions of their choosing but the country does not have a history of independent trade unions. Until 2021, attempts at independent organizing faced brutal reprisals.¹⁵ The FTUU, the only union federation in Uzbekistan, is not independent. Following a mission by the International Trade Union Confederation (ITUC) to Uzbekistan to assess the FTUU's eligibility for membership in 2017, it concluded, "that the Federation of Trade Unions of Uzbekistan cannot be considered as an independent trade union."¹⁶ Based on that finding, the ITUC General Counsel denied full membership status to the FTUU in 2017 and again in 2019, although it retains an affiliated organization status.¹⁷

Independent organizations such as labor and human rights groups that monitor labor conditions in the cotton harvest face serious constraints to register and operate freely without interference. Although the government introduced legislative changes ostensibly to ease the registration process of nongovernmental organizations (NGOs), in reality, the Ministry of Justice has repeatedly denied registration of independent NGOs for arbitrary and spurious reasons.¹⁸

Obstacles to Freedom of Association

Cotton Workers' Union at Indorama Agro

In early 2021, Uzbekistan's first democratically elected trade union was established by workers at Indorama Agro, a cotton and textile company in the Sardoba district in Syrdarya region, a historic achievement.¹⁹

In February, in response to low wages, harsh working conditions, job cuts, the use of seasonal contracts for permanent employees, denying workers social protections, and retaliations against complainants, close to 300 Indorama workers gathered spontaneously and announced their intent to establish a trade union. The workers faced harassment and interference from both Indorama management and local officials, including disciplinary measures against an Indorama employee at the forefront of organizing. In the lead up to the union's election, officials at the local administration who did not identify themselves called leaders and warned them that their involvement in union activities would cause them problems. Two leaders said that the Akaltyn district *hokim* called them to warn them. Others said they received calls from local police officers demanding that they stop their organizing activities and leave the union.²⁰

On March 19, 280 employees held a founding meeting to establish the union and elect its leadership. Members union leaders, including 11 deputies, each representing a subdistrict.

15 "Union Leader Released from Prison," Tula Connell, Solidarity Center, May 15, 2018, <https://www.solidaritycenter.org/uzbek-union-leader-released-from-prison/>.

16 General Counsel Report of the ITUC 2017, Appendix V. II - 17GC/E/5: https://www.ituc-csi.org/IMG/pdf/17gc_e_05_-_affiliation_annex_v.ii_uzbekistan_revised_by_tn_al.pdf.

17 General Counsel Report of the ITUC 2019: https://www.ituc-csi.org/IMG/pdf/21gc_e_05_-_affiliation_questions_rev.pdf.

18 Open Democracy, "Uzbekistan has 10,000 NGOs, but what do they do?," June 9, 2021: <https://www.opendemocracy.net/en/odr/uzbekistan-has-10000-ngos-what-do-they-do/>.

19 The union was originally founded under the name of Xalq Birligi (People's Unity).

20 Human Rights Watch, *Uzbekistan: Registration Barriers for Independent Groups: Outdated Rules Limit Freedom of Association*, January 7, 2021, <https://www.hrw.org/news/2021/01/07/uzbekistan-registration-barriers-independent-groups#>.

Workers had long attempted to raise concerns about low wages, poor working conditions, and lack of social benefits, bringing complaints to the company, local authorities, and the media. Instead of meeting with them to discuss and resolve the complaints, management and the local authorities threatened some employees with dismissal and other consequences for making their complaints public.

At the founding meeting, workers, many of them former farmers who had operated independent farms before the land was leased to Indorama Agro, spoke out about the challenges they face at Indorama. One farmworker said he had worked for two years without vacation or holiday leave. Others said they could not support their families on the low wages.

A lawyer for Indorama told Agaydorova that the company already had one trade union and would not recognize another one. Indeed, in May 2020, a workers' union was established at an Indorama facility in Kashkadarya region, 400 km away from Syrdarya, although some workers only learned of its existence after discovering that 1% of their salary had been withheld as a membership fee. "I did not write an application for membership in the union. I did not agree to pay the membership fee and asked to have the money withheld from my salary returned to me," an employee of Indorama in the Nishan district of Kashkadarya region wrote to Uzbek Forum.

Indorama eventually recognized the union, which now represents some 500 employees. The union had hoped to register as an independent organization, but that would have required registration with the Ministry of Justice under Uzbekistan's burdensome registration rules, a process which may have taken months or longer and risked rejection. The union ultimately voted to affiliate with the FTUU in order to address urgent workers' rights and address concerns arising from restructuring of the company and further redundancies.

Lack of Representative Farmers' Organization

The Council of Farmers of Uzbekistan, formally established to "protect the rights and legitimate interests of farms" was established by presidential decree in 2012.²¹ In 2018, by decree of President Mirziyoyev, the organization was renamed the "Council of Farmers, Dekhkan [smallholder] Farms and Owners of Homestead Plots,"²² to increase control over the effective use of land by farmers and dekhans.

The head of the Council is formally elected by the Council Presidium, but is de facto appointed with approval from the prime minister, who participated at the Presidium.²³ The current head is Aktam Hayitov, a former Minister of Labor and leader of Uzbekistan's Liberal Democratic party.²⁴ According to the decree, membership of all farms and dekhkan farms in the Council is mandatory and termination of membership is grounds for termination of the right to use or lease a land plot. The Farmers' Council is responsible for monitoring and exerting public control over the implementation of contractual obligations of dekhkan farms

21 Presidential Decree On Measures to Further Improve the Organization of Activities and Development of Farming in Uzbekistan , 2012 : <https://lex.uz/docs/2071936> .

22 Presidential Decree On Measures to Radically Improve the System of Protection of the Rights and Legitimate Interests of Farmer , Dekhan Farms and Owners of Homestead Lands , the Effective Use of the Cultivated Areas of Agriculture , 2018 : <https://lex.uz/docs/3371646> .

23 Formally , according to the structure of the Council , the main body is the Conference of the Council , which elects the Presidium of the Council , consisting of 27 people . The Presidium of the Central Council then elects the Presidium of the Territorial Councils . According to the formal structure , the executive office of the Council is an elected body . In reality , the Council itself and its entire structure are controlled by the state .

24 Podrobno . uz , "Министр занятости и трудовых отношений Узбекистана оставил свой пост" , April 11 , 2018 : <https://podrobno.uz/cat/politic/ministr-zanyatosti-i-trudovoykh-otnosheniy-uzbekistana-ostavil-svoy-post-/> .

and owners of homestead land plots. The Farmers' Council is financed at the expense of mandatory membership fees, which amount to 0.8 percent of the purchase price of raw cotton and grain for farms specializing in the production of cotton and grain crops.

Farmers are calling for a Farmers' Council that represents and protects their interests

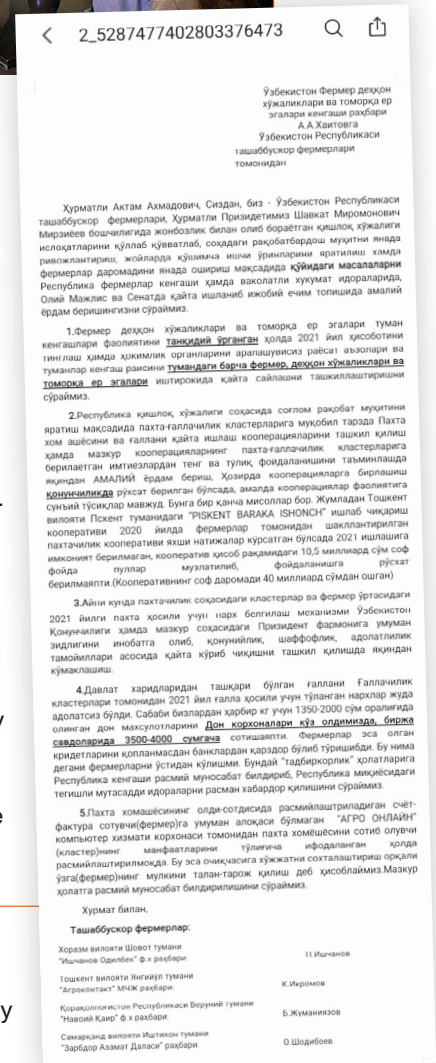
Numerous interviews conducted by Uzbek Forum with Uzbek farmers reveal the undemocratic nature of the Farmers' Council. Given the dramatic changes to the situation of farmers as a result of the privatization process, which has also seen thousands illegal confiscation of farmers' land,²⁵ Uzbek farmers are now organizing to push for a body that would truly represent and protect their interests.



On December 5, 2021, a group of five farmers from Karakalpakstan and Khorezm, Samarkand, and Tashkent regions, representing numerous other farmers with whom they had organized the action, sent a letter to Haitov, the head of the Council.²⁶ In the letter, the farmers say that they and other farmers in the contract farming system generally lack autonomy and meaningful choice over the cluster(s) for which they produce cotton, and provide several examples. The letter calls for a number of immediate actions, including:

- Organizing democratic elections of Farmers' Council leadership. Because the Council leadership is in effect appointed by the government, farmers are calling on the Council to organize democratic elections to ensure a full representation of farmers' rights and interests.
- The facilitation of robust competition in the agricultural sector, where farmers can freely establish cooperatives that can access the market on equal terms with clusters. Although the current legislation technically permits the creation of farm cooperatives, in practice farmers face barriers when they attempt to establish them.
- A review of the mechanism for setting the price that cotton clusters pay farmers for raw cotton. Farmers say that the price setting mechanism for the 2021 cotton prices violates national law and a presidential decree. The price setting process should be a transparent and inclusive process, and include meaningful consultation with farmers.

Although there was no official response to the farmers' concerns, several meetings with the Farmer's Council in Tashkent subsequently took place and dialogue continues.



25 Apparel Insider, "Land-grabs – the new red flag for Uzbek cotton sector", February 19, 2021 : https://apparelinsider.com/land-grabs-the-new-red-flag-for-uzbek-cotton-sector/?fbclid=IwAR1O_3uIKOfIyb8ZGnivLbJBa7mVwES8-oP4-0xCX7qM-eIT1MOhGhvJiMs.

26 See Appendix for full translation of the letter.

4.4. Якуний ҳисоб-китоблар пахта топшириш якунлангандан кейин “Буюртмачи” томонидан “Хўжалик”ка берилган аванс маблағлари, йиғим-терим учун ўтказилган пуллар чегириб ташланиб, маҳсулотни транспортда ташиш ва тушириш харажатлари ҳам белгиланган нормалар ва меъёрий тарифлар доирасида ҳисоб китоб ҳосил йилининг 25 декабрига қадар 90 фоиз, кейинги йилининг 25 январига қадар қолган 10 фоиз тўлиқ амалга оширилади.

5. ТАРАФЛАРНИНГ ЖАВОБГАРЛИГИ

5.1. Маҳсулотни қабул қилиниши асоссиз рад этилишининг ҳар бир ҳолати учун “Буюртмачи” “Хўжалик”ка устамалар тўланиши ҳисобга олинмаган ҳолда амалда шаклланган ўртача нархдан келиб чиқиб қабул қилинмаган маҳсулот қийматининг 20 фоизи миқдорида жарима тўлайди.

5.2. Шартномада белгиланган маҳсулотни топширишдан асоссиз бош торганлиги, маҳсулотни тўлиқ етиштириб бермаганлиги учун “Хўжалик” “Буюртмачи”га топширилмаган маҳсулот қийматининг 20 фоизи миқдорида жарима тўлайди. Жарима маҳсулотнинг амалда



Farmers attend conference call to negotiate contract , February 2022 , ©Uzbek Forum

Risks of Exploitation of Contract Farmers and New Developments

As Uzbekistan initiated privatization of the cotton sector in 2017, it provided for the establishment of cotton-textile clusters, vertically integrated companies that control cotton production, ginning, spinning and other value-added production, up to finished goods. Clusters produce cotton under one of three models: 1) directly, on land leased by the cluster, which oversees farming; 2) by contracting with local farmers who lease the land; or 3) a combination of direct and contract production.²⁷

Generally, farmers who lease land from the government to produce cotton for contract with clusters have few legal or practical protections from exploitation and structural disadvantages. Clusters generally have the support of local officials, who view it as part of their duties to ensure the success of clusters in their districts. Clusters enjoy this support even when they violate their contractual obligations to farmers, such as delay payments for cotton delivered. By contract, clusters are supposed to pay farmers in full for their cotton by the end of the year. In reality, when clusters owe farmers payment, farmers face difficulties to collect their debts, sometimes for years. Their main recourse is to go to the courts, which can be costly and burdensome, and do not function with full independence.

The persistence of the crop placement system, which determines the size of land allocated for cotton and wheat, creates pressure on farmers. Farmers have little input into determining the yields they are expected to produce under contract. The process is controlled by the Ministry of Agriculture and local *hokimiyats*, which set the cotton production amount for

27 Regulations of the Cabinet of Ministers N° 733, December 4, 2021: <https://lex.uz/uz/docs/5760091>.

each farmer based on the size and yield of the land. Farmers are not protected from arbitrarily inflated cotton production targets and cannot reduce the amount of land allocated for cotton production.

Interference by *Hokims* in Cotton Contracts

Uzbek law allows citizens and legal entities to enter into contracts and forbids the use of duress or coercion to induce someone from entering a contract.²⁸ Any transaction performed under the influence of violence or threat of penalty may be declared invalid.²⁹ The law also expressly prohibits State bodies and officials from “interfering with the activities of subjects of entrepreneurial activity” carried out in accordance with the law.³⁰ Under a November 2021 presidential decree, farmers have the right to voluntarily enter into futures (pre-financing) contracts for raw cotton with any cotton-textile clusters in their region.³¹ This new decree provides a welcome change to past practices that limited farmers to contract only with clusters operating in the same district. Since most districts have just one or two clusters, this gave clusters monopolistic or disproportionate power over farmers to set the terms of the contract, because farmers had few alternatives. There is hope that increasing competition and allowing farmers more options over which cluster they contract with will address some of the disparities in the relationships between clusters and farmers and improve terms for farmers.

However, in early 2022, cotton farmers who attempted to take advantage of this opportunity to contract with the clusters in other districts faced administrative obstacles from local branches of the Ministry of Agriculture and district *hokims*. *Hokims* pressure farmers or interfere with their contracts to prevent them from working with clusters outside their own district. Two farmers in Ulugnor district of Andijan region told Uzbek Forum that in February 2022 they had concluded contracts with a cluster in Khujabad district, who, in their view, provided a better business opportunity for them than the cluster they had previously worked with in Ulugnor. The farmers said that the cluster they have been working with since 2019 has consistently broken commitments, delayed payment for cotton, and imposed inflated prices for seeds and fertilizers. Despite the new decree, the Department of Agriculture refused to register these contracts, a necessary procedure for recognizing the validity of a contract. At the time of writing, the farmers’ confrontation with the district bureaucracy continues. At the last meeting with the district leadership, according to the farmers, the prosecutor said he “could not allow cotton grown in their district to be sent to another district.”³²

Some district *hokims* are forcing farmers to continue entering into cotton production contracts with clusters that are in debt to farmers for past seasons’ harvests.³³ A farmer from Izboskan district of Andijan region told Uzbek Forum that the *hokimiyat* is forcing farmers to continue working with the local cluster, although it has delayed full payment for cotton to farmers for three years in a row. In March 2020, a group of farmers wrote a letter to Uzbek Forum complaining that the district cluster has still not paid for the 2019 cotton harvest, despite a court decision obliging the cluster to pay the debt, including all bank penalties imposed on farmers, who in turn cannot pay their taxes and debts to product suppliers.³⁴

28 Civil Code of the Republic of Uzbekistan, December 21, 1995: <https://lex.uz/docs/111181>, Art. 354.

29 Civil Code Art. 123.

30 Law of the Republic of Uzbekistan on Guarantees of Freedom of Entrepreneurial Activity, May 2, 2012: <https://www.lex.uz/acts/4177>.

31 Presidential Decree on Measures to Regulate the Activities of Cotton Textile Clusters, November 16, 2021: <https://lex.uz/ru/docs/5731036>.

32 Message from cotton farmer who was present at the meeting with Uzbek Forum, Ulugnor district, Andijan region, February 22, 2022.

33 Eltuz: “Избосканлик фермерлар: «Бизнинг ҳуқуқларимиз паймол этилмоқда», March 23, 2021: <https://eltuz.com/sas/217188/>.

34 A copy of the court decision is available at Uzbek Forum.

According to information published on dedicated Telegram channels whose subscribers are farmers, a similar situation is happening in Muborak, Chirokchi, Payarik, Buston, Ulugnor, and Furkat districts, whereby *hokims* are forcing farmers to sign contracts with the cluster in their district.

Obstacles to the Creation of a Cooperative

According to law, as an alternative to contracting individually with clusters to produce contracts, farmers have the right to form cooperatives. Clusters receive financing at favorable rates from the government agricultural fund. Farmers' cooperatives would also be eligible for financing from this fund. Only five farmers are required to join together to form a cooperative and laws governing registration of cooperatives are relatively simple. However, in practice, officials from *hokimiyats* and the local department of agriculture have blocked the registration of cooperatives or prevented their functioning by preventing farmers from contracting with the cooperatives to produce cotton in several districts.

In Shavat district, in Khorezm, a group of farmers managed to register a cooperative, but the local authorities have taken steps to prevent it from functioning. On February 15, farmers sent an open letter to the president and various ministries:

Using our rights and legitimate interests, we, Shavat district farmers, have created a cooperative which was registered with the Agency of state services in February 2022. Our cooperation also includes farmers from other districts in Khorezm region: Gurlan, Yangibazar, Honka and Urgench. We have secured investment to build a 40-billion-soum cotton-cleaning facility in Shavat district using modern technology.

On February 10, 2022, at 5 p.m., we announced a constituent assembly for members of the cooperative through our Telegram channels. We notified Azamat Yakubov, the acting hokim of Shavat district, of the meeting. 4-5 hours before the meeting was due to begin, we received a call from the district police department and were told to cancel our meeting and were invited to a meeting at 3 p.m. at the hokim's office.³⁵

This meeting was attended by the deputy hokim of Khorezm region, Komiljon Sobirov, Deputy Regional Prosecutor Bahriddinov, employees of the regional department for fighting extremism and terrorism, acting hokim of Shavat district, Azamat Yakubov, the district prosecutor and the head of the Textile Finance Khorezm cluster. Sobirov announced that we would not be able to create a cooperative and made reference to the Cabinet of Ministers decree from December 4, 2021 "on the activities of cotton-textile clusters." He said that according to this regulation we could create a cluster, but not a cooperative and demanded that we cancel the farmers' meeting.

In February 2022, some 40 farmers in nearby Gurlan district wanted to join the cooperative but the Gurlan *hokim* threatened them, telling them they could face criminal charges for participation in illegal formations if they joined the cooperative instead of signing contracts with the cluster in the district. Uzbek Forum received an audio recording of this meeting, which was also published in the local media, in which he could be heard issuing the farmers an "official warning" not to join the cooperative.³⁶ After information about the hokim's threats

35 Letter available at Uzbek Forum

36 Kun . uz , "Гурлан тумани ҳокими кооперативларга уюшмоқчи бўлган фермерларга "статьялар" билан таҳдид қилди", February 23, 2022: <https://kun.uz/news/2022/02/23/gurlan-tumani-hokimi-kooperativlarga-uyushmoqchi-bolgan-fermerlarga-statyalari-bilan-tahdid-qildi>.

was published in the media, the hokim stated that he did not threaten the farmers but believes it is better for the farmers and the district if the farmers contract with the cluster.³⁷

Negotiations of Cotton Futures Contract for 2022

More than half the farmers interviewed by Uzbek Forum said they were dissatisfied with the cluster with which they contracted. The reasons cited by farmers for their dissatisfaction were largely economic: clusters demanded too much cotton at too low prices, and with insufficient or too expensive inputs or interest rates.

In a positive development, for the first time, a group of independent farmers drafted a futures contract for the 2022 cotton crop that would reflect the interests of cotton farmers, and appealed to the Ministries of Agriculture and Justice to meet their demands in full. On February 5, 2022, a virtual conference was held to discuss the final proposal of a futures cotton contract. The meeting, held online, was open to the public and all farmers and was advertised on several Telegram [a messaging platform] channels with close to 15,000 subscribers.

The meeting was attended by representatives of the Ministry of Justice, the Ministry of Agriculture, the Farmers Council, representatives of the Cluster Association, and farmers. Over four hours, each point of the draft contract was discussed. Representatives of all parties were able to express their comments and suggestions based on their interests. All parties were listened to and a final version of the “Futures contract for the production and supply of raw cotton” was adopted.³⁸

In the past, the district offices of the Ministry of Agriculture overestimated the potential yield of the land, which was the basis for calculating cotton production quotas. This led to unrealistic targets which many farmers had difficulty in achieving. Failure to meet quotas specified in the contract, was grounds for farmers’ land being taken away. To avoid this, farmers often had to buy extra cotton from other farmers and deliver it to the cluster in order not to get on the list of lagging farmers. According to Nemat Ishchanov, a cotton farmer from Khorezm, and one of the initiators of the meeting, the new contract gives farmers more rights and differs from previous ones in significant ways:

- The farmers were promised that the minimum purchase price would be specified in the contract before it is signed.³⁹
- It was proposed to prohibit empty clauses in the contract. The cluster must pay an advance of 70% of the total amount of cotton. Farmers will be given the choice of whether they buy fertilizer and fuel from the cluster or on the market.
- The contract will specify the exact cost of delivering cotton to the cluster based on the number of tonnes of cotton and kilometers traveled to the collection point or ginn.
- At the time the cotton is received and evaluated in the laboratory, the moisture and contamination discount will only be deducted once. Previously, the laboratory would make multiple deductions.⁴⁰

37 “Гурлан тумани ҳокимининг таҳдидли аудиоёзувига муносабат билдирилди [Comments on the threaetning audio recording of the mayor of Gurlen],” *Kun . uz*, February 25, 2022, <https://kun.uz/news/2022/02/25/gurlan-tumani-hokimining-tahdidli-audioyozuviga-munosabat-bildirildi>.

38 https://uza.uz/uz/posts/fermerlar-bilan-ochiq-muloqot_344016.

39 During the negotiations, the price of 12,000 soums per kilo of cotton was proposed by the farmers, with a recommended price of approximately 10,000 soums expected to be approved (in 2021 the price for cotton was 7,000 soums).

40 A new version of the proposed futures contract is available here: <https://cdn.uza.uz/2022/02/05/16/24/MCQteviXHS2lcUqj3qEbwbNA4fvJLgUU.pdf>.

After this negotiation, the first of its kind in Uzbekistan, the Ministry of Agriculture confirmed that it had officially printed and distributed the contract to the regions. Although all parties were represented at the negotiation and negotiated in good faith, some clusters are refusing to sign the new contracts. A farmer from the Tashkent⁴¹ region told Uzbek Forum that the local cluster rejected the negotiated contract, insisting that farmers sign contract terms proposed by the cluster. Given that farmers need to begin field preparations for the 2022 cotton season, farmers have little recourse but to agree to the cluster's terms. Similarly, a farmer from the Takhiatash district of Karakalpakstan said that the local cluster is refusing to agree to the negotiated contract.⁴² The farmer said that local officials locked district farmers into an office at the *hokimiyat* and refused to release them until they agreed to the terms proposed by the cluster and signed contracts. A farmer from Khorezm said that the clusters in Shavat and Gurlan refused to use the new contract and farmers are left without options since they need pre-financing to begin preparations for planting, which occurs in early spring.⁴³ Some clusters, apparently accustomed to their privileged status, are reluctant to give up their advantages. These events suggest that while there is support for improvements in the contract farming system from the Ministry of Agriculture, further work needs to be done to ensure that local officials and clusters do not exercise their authority to undermine these improvements and continue to exploit the vulnerability of farmers. Further support also needs to be given to the formation of an independent Farmers' Council that could fairly represent farmers' interests in negotiations and in accessing legal avenues to defend their rights.

41 Uzbek Forum interview with cotton farmer, Tashkent region, February 23, 2022.

42 Uzbek Forum interview with cotton farmer, Takhiatash district, Karakalpakstan, February 21, 2022.

43 Uzbek Forum interview with cotton farmer, Shavat district, Khorezm, February 28, 2022.

Cotton pickers tent, Kashkadarya, ©Uzbek Forum



5. IMPLICATIONS FOR GLOBAL BRANDS AND RETAILERS WISHING TO SOURCE UZBEK COTTON

Over 300 brands and retailers signed the Uzbek Cotton Pledge and publicly committed to not use Uzbek cotton in their products as long as it is produced with state-orchestrated forced labor.⁴⁴ The Pledge, hosted by the Cotton Campaign and Responsible Sourcing Network (RSN), has played a critical role in creating pressure to reform the system of forced labor.

This report has shown that in the 2021 cotton harvest, independent civil society monitors found no systematic, government-imposed forced labor. However, significant human rights risks remain linked to the production of Uzbek cotton. For this reason, labor rights protection, freedom of association, and collective bargaining must be integral to the processes of opening the Uzbek cotton market to global brands and retailers.

Uzbek Forum and the Cotton Campaign encourage responsible sourcing of yarn and cotton products from Uzbekistan, to promote the creation of decent jobs for Uzbekistan's workers, create space for collective bargaining, participate in labor rights training, and access grievance mechanisms and remedy.

Responsible sourcing is an approach to sourcing and supply chains, whereby companies undertake human rights due diligence in all aspects of sourcing. Going beyond first-tier suppliers, it covers sub-suppliers and business partners throughout the supply chain, to the raw material level.

There are specific risks at each level of production, which are enhanced by Uzbekistan's generally weak enabling environment for labor rights assurance. These are listed below. As Uzbekistan has integrated its cotton supply chain – with clusters controlling all aspects of production, from cotton growing and harvesting, through to various stages of value-added processing, up to manufacturing of finished goods – the brands that are interested to source yarn, garments, or textiles from Uzbekistan must conduct human rights due diligence and ensure that labor rights are protected at each stage of production.

Specific Human Rights Risks at Each Level of Uzbek Cotton Production

At the farm level, as it relates to the growing of cotton:

- Unequal relationships between cotton farmers and the textile clusters they supply. Farmers are, for example, often requested to sign blank contracts which renders them vulnerable to unfair pricing.
- Weak bargaining power means that farmers often lack meaningful choice over which cluster to produce for, which exacerbates the risk of exploitation.
- Clusters control prices for seeds, fertilizers, and other inputs, which affect profitability of cotton production for farmers.
- There are no independent organizations/associations that represent farmers' interests and no civil society organizations that can monitor and report.

44 The Pledge was launched in 2010: <https://www.cottoncampaign.org/uzbek-cotton-pledge>.

At the farm level, as it relates to the harvesting of cotton:

- In some districts, government officials remain involved in organizing the recruitment of cotton pickers, which creates risks for coercion and recruitment fees.
- Cotton pickers continue to perceive a threat of penalty for refusing to pick cotton.
- Independent monitors documented cases of children accompanying parents to pick cotton.
- There are no mechanisms to prevent, identify and mitigate labor abuses at the farm level.

At other levels of production, up to the manufacturing of finished goods:

- There are no mechanisms to prevent, identify and address forced labor or exploitative working conditions.
- There are no mechanisms for independent, credible, and ongoing monitoring of the labor rights situation.

These risks are enhanced by the fact that in Uzbekistan, farmers and cotton workers have no independent organizations or trade unions to voice concerns and defend their rights. There are constraints on freedom of association and expression, with many independent labor and human rights NGOs facing difficulties to register in the country and monitor the human rights situation.

Kasbi , Kashkadarya region , September 2021 , ©Uzbek Forum



Brands must exercise human rights due diligence in all aspects of their interactions with the Uzbek textile industry, from evaluating its commercial attractiveness to establishing and maintaining commercial relationships with Uzbek clusters. In accordance with the UN Guiding Principles on Business and Human Rights, the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, as well as corporate due diligence and liability laws and legislative proposals in the U.S., Europe, and Australia, human rights due diligence consists of:

- **Identifying and assessing actual or potential adverse human rights impacts** that the brand may cause, contribute to, or be directly linked to.
[The risk assessment methodology should be tailored to the Uzbek context.]
- **Taking appropriate action** and integrating findings from impact assessments across relevant company processes.
[The company should ensure the actions are tailored to the labor context in Uzbekistan and should develop a plan for using and increasing its leverage to provide effective remedy.]
- **Tracking the effectiveness of measures** to assess whether they are working.
[The company should ensure that its reports are based on credible, independent, on-site and ongoing monitoring at the Uzbek cluster(s) it sources from.]
- **Communicating with stakeholders** about how impacts are being addressed and show stakeholders that there are adequate policies and processes in place.
[The company should have a strategy for meaningful engagement with the farmers and workers involved in the production process at the Uzbek cluster(s) it sources from.]

The Cotton Campaign developed a Framework for Responsible Sourcing to support brands in conducting their human rights due diligence⁴⁵. This Framework offers brands the opportunity to work collaboratively with the emerging Uzbek textile industry and labor groups to establish and maintain strong practices and turn Uzbekistan into a key sourcing country for sustainable cotton and textiles.

The elements of the Framework - independent monitoring, capacity building, the operation of an independent grievance mechanism, accountability, and traceability - are tailored to the context of Uzbekistan and are based on international best practices to safeguard workers' rights and ensure compliance with mandatory human rights due diligence and other supply chain obligations. The Cotton Campaign Framework is designed to leverage the unique opportunity for supply chain visibility and traceability down to the raw material level that Uzbekistan offers, while mitigating ongoing human rights risks and promoting strong standards across the industry.

45 For more information, please visit www.cottoncampaign.org/uzbekistan



Ministry of Labor Hotline Information , © Uzbek Forum

6. RECOMMENDATIONS

To the Government of Uzbekistan:

- Introduce broader reforms to empower civil society and develop effective institutions to provide transparency and accountability across all aspects of the cotton sector.
- Take steps to ensure that textile clusters uphold international labor standards across all stages of production.
- Uphold commitments to implement ILO Convention Conventions 87 on Freedom of Association and Protection of the Right to Organize and 98 on the Right to Organize and Collective Bargaining. Do not obstruct workers or employers, including farmers, from creating independent representative organizations and unions.
- Ratify the ILO Minimum Wage Fixing Convention (No. 131) and take steps to set a minimum wage that reflects the minimum income necessary for a cotton worker at all stages of production to meet the basic needs of herself and her family, including some discretionary income.
- Develop and enact human rights due diligence (HRDD) legislation.

In particular, to the Ministry of Justice:

- Permit the timely and straightforward registration of independent human and labor rights NGOs in the country. Desist from rejecting registration applications on non-substantive errors and permit immediate correction of such errors without the need to resubmit.

In particular, to the Ministry of Labor and Employment:

- Engage constructively with international and domestic independent human and labor rights NGOs, the Cotton Campaign, and the ILO, to implement ILO Convention 87 on Freedom of Association and the Protection of the Right to Organize and ILO Convention 98 on Right to Organize and Collective Bargaining.
- Train labor inspectors on international labor standards and best practices for implementation.
- Continue and strengthen its engagement with the Cotton Campaign in the areas of labor inspection investigations, capacity building on international labor standards, monitoring the implementation of international labor standards at cotton farms and clusters, and worker empowerment, to ensure decent work in the cotton sector.

In particular, to the Ministry of Agriculture:

- Take steps to ensure transparency and fairness in land allocation and prevent arbitrary land confiscation.
- Take steps to ensure meaningful consultation with farmers in the process of setting the price that cotton clusters pay for raw cotton.
- Publicly support farmers' efforts to create an independent Association to represent and protect their interests.
- Ensure that all farmers have access to and copies of their land lease contracts.

To Uzbek Cotton Producers and Cotton-Textile Clusters:

- Commit to fair recruitment practices for workers at all levels of the supply chain - including cotton pickers and workers in production facilities - in accordance with the *ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*. This means ensuring that prospective workers receive correct information on their working and living conditions; that workers are not asked to make advance payments; and that workers are formally registered at the relevant administrative authorities.
- Provide all workers with written employment contracts and monthly payslips in a format that workers can understand.
- Pay all categories of workers, from apprentices to skilled workers, a wage that enables them to cover their basic needs and have a discretionary income.
- Facilitate the establishment and functioning of democratically elected, independent, farm-level and factory-level trade unions and worker organizations. Engage in good faith dialogue with these unions and organizations with a view to producing collective bargaining agreements that are respected and implemented, and regularly renegotiated as per the law.
- Ensure that international labor standards are upheld across all stages of production. To this end, allow labor rights organizations to conduct labor rights training with employees and management.
- Engage in good faith with the Cotton Campaign and the international brands and retailers who wish to source from Uzbekistan in order to align workplace practices with international labor standards.

To International Brands/Retailers that Use Cotton:

- Assess whether sourcing Uzbek cotton goods meets their human and labor rights commitments and legal obligations to not use forced and exploitative labor in their supply chains. Each company looking to source from Uzbekistan must evaluate whether it has the means and capacity to effectively implement human rights due diligence and mitigate human rights risks in its Uzbek supply chain.
- Exercise human rights due diligence in all aspects of their interactions with the Uzbek textile industry, from evaluating its commercial attractiveness to establishing and maintaining commercial relationships with Uzbek clusters.

The vertical integration of the Uzbek supply chain requires brands to conduct human rights due diligence to identify, prevent, mitigate, and account for adverse human rights impacts at all levels of production, including the cotton farms controlled by the supplier clusters, their spinners, fabric mills, and cut-make-trim units.

- Actively commit to furthering freedom of association and collective bargaining. Facilitate the establishment and functioning of democratically elected, independent, farm and factory-level trade unions and worker organizations.
- Adhere to responsible purchasing practices that enable those involved in all tiers of the supply chain to offer decent work, including offering employment contracts, and paying a living wage to their workers.

Fair purchasing practices across all levels of the cotton supply are essential to ensure decent work for cotton workers. These cover business relationships between brands and their direct suppliers, and between suppliers and their sub-suppliers, all the way down to the cotton farmers.

Fair purchasing practices include:

- Fair contractual terms;
 - Fair prices based on fair and 'open costing';
 - Mutual agreement between buyer and supplier on production planning and lead times;
 - Reasonable payment terms (60 days);
 - No unilateral suspension or cancellation of contracts;
 - Transparency about purchasing practices and costing methodologies. Contracts between buyer and supplier should not contain clauses that deny parties the right to publicly disclose such information.
- Ensure that the clusters they work with (suppliers) do not directly, or through the involvement of local officials, exploit farmers by requesting them to sign blank contracts, delay payments, or renege on contractually agreed terms.
 - Publicly support the farmers' efforts to create an independent Association that promotes and protects their interests.
 - Engage in good faith with the Cotton Campaign and explore the possibility of sourcing through the Cotton Campaign Framework for Responsible Sourcing. The Framework was designed to ensure that brands can begin sourcing from Uzbekistan in a manner consistent with their human rights due diligence requirements and legal obligations.

Key elements of the Framework include:

- A co-governed Board with equal representation of brands, labor, and textile clusters;
- Implementation of ILO standards at all levels of the textile supply chain;
- Independent grievance mechanisms and access to effective remedy;
- Independent and ongoing monitoring;
- Accountability at both supplier & buyer levels;
- Capacity building and contributing to an enabling environment for labor rights, including freedom of association.

To Key International Governments and Institutions Engaged with Uzbekistan:

- In the context of political and trade relations with Uzbekistan, both bilateral and in EU/ international settings - for example, as part of the European Commission's ongoing engagement with Uzbekistan under the GSP+ Arrangement - urge the Government of Uzbekistan to implement the recommendations outlined in the section above.
- As Uzbekistan seeks to establish itself in the global textile market, it is crucial that all governments join responsible brands, investors, and civil society organizations in conveying to the Uzbek Government that:
 - Under corporate due diligence and liability laws in Europe and the U.S. and in accordance with international standards for responsible sourcing including the UN Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, the brands and retailers that are interested in sourcing from Uzbekistan must be able to identify, prevent, and mitigate the risks of forced labor and exploitative working conditions in their Uzbek supply chain.
 - Independent human and labor rights NGOs, independent trade unions, workers' organizations, and independent farmers' associations are essential to ensure these risks are minimized and can be addressed through meaningful consultation with affected stakeholders, which is a key requirement of brands within the mandatory human rights due diligence framework.

To Licensing, Auditing, and Certification Programs:

All licensing and certification schemes, covering in scope either the farm or production level of the Uzbek supply chain, should:

- Consult with the Cotton Campaign and independent civil society organizations in decision-making about the development and/or implementation of programs and projects in Uzbekistan.
- Prior to starting a program/project in Uzbekistan, conduct comprehensive due diligence, including a risk analysis and assessment of the enabling environment for labor rights. This exercise should take into account the implementation of reforms to end forced labor in practice, a gap analysis, and mitigation strategies.
- Use their influence to advocate for broader reforms to empower civil society and achieve an enabling environment for labor rights.

To International Institutions:

- Promote freedom of association and freedom of speech as essential components of an enabling environment.
- Urge Uzbekistan to register independent NGOs as part of its binding international legal obligations.

To Multinational Development Banks:

- Conduct meaningful due diligence in any project or investment connected to the cotton sector to ensure that labor rights are protected.
- Ensure all projects are in full compliance with performance standards regarding stakeholder engagement, freedom of association, mitigation requirements, and access to complaints mechanisms (Performance Standard 2).
- Provide meaningful, accessible and efficient grievance mechanisms for affected stakeholders to report and remediate rights violations.
- Conduct meaningful stakeholder engagement prior to lending and ensure all project information is readily accessible in Russian and Uzbek.

Kasbi , Kashkadarya region , September 2021 , ©Uzbek Forum



7. ANNEX

Translation of farmers' letter to the Farmers' Council, December 5, 2021

An initiative group of farmers appealed to the head of the Farmers' Council and put forward the following suggestions:

1. To conduct a critical analysis of the activities of the District Farmers' Councils, to listen to the reports on their activities and to hold elections of the entire leadership of the Farmers' Council. The elections should be held without government interference and with the participation of all farmers, dekhkans, and owners of homestead land plots of the republic.
2. To create healthy competition in the agriculture sector, allow the free establishment of cooperatives of cotton and grain farms by giving them the same preferences and opportunities as cotton and textile clusters. At present, although the legislation allows the creation of cooperatives of farms, in practice there are certain barriers. There are several examples of this. In Pskent district of Tashkent region in 2020, farmers created the production cooperative PISKENT BARAKA ISHONCH. Despite the fact that this cotton cooperative worked successfully, in 2021 its activities became impossible. The bank account of the cooperative, which has 10.5 billion soums of net profit in its account, is frozen. At the moment, a lawsuit is ongoing.
3. We ask that the mechanism of price formation for raw cotton between farmers and cotton-textile clusters be reviewed. We believe that the 2021 cotton price setting mechanism violates the legislation of Uzbekistan and the decree of the President of Uzbekistan and ask to make this process open and fair for all parties involved.
4. The prices for the grain given to the clusters in excess of the state plan were unfairly underestimated. Grain enterprises paid farmers 1,500 - 2,000 soums for 1 kilo of grain and immediately sold the grain on the exchange at double the price of 3,500-4,000 soums. At the same time, farmers cannot repay their loans to the banks for growing grain. We ask the Farmers' Council to make an official statement on this matter.
5. The program which registers invoices for the purchase of cotton from the farmer (seller) to the cluster (buyer), carried out by "Agro Online" takes into account only the interests of clusters. We believe that this is a violation of the right to property of farmers and we ask for an official position.

Sincerely, an initiative group of farmers:

Farmer Ishchanov,
Khorezm region, Shavat district

Ikromov Kamoliddin,
Head of the Agrobusiness Association of Uzbekistan, Tashkent region, Yangiyul district

Farmer Jumaniyazov,
Karakalpakstan, Beruni district

Farmer Shodiboev,
Samarkand region, Ishtikhan district

ACKNOWLEDGEMENTS

Uzbek Forum for Human Rights would like to thank the many colleagues at the Cotton Campaign who have been steadfast in their cause to end forced labor in Uzbekistan's cotton fields for over a decade. Above all, our deepest appreciation goes to all the brave, dedicated human rights activists who sacrificed so much to tell the stories of the thousands of victims of forced labor in Uzbekistan. This is for you.

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March 2022

Cover Photo: Khorezm region, October 2021, ©Uzbek Forum



A TURNING POINT IN UZBEKISTAN'S COTTON HARVEST

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March 2022