



Association of Human Rights in Central Asia

FORCED LABOUR IN UZBEKISTAN

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- Namangan unit of the Human Rights Society of Uzbekistan (Uzbekistan);
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¹ In 2008 a group of parents formed an initiative group, which supported a statement circulated by Uzbek political refugees in October 2007. In 2008 and 2009, members made video recordings of children taking part in the cotton harvest. Their identities have not been revealed to protect them.

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Summary

During the first campaign for the presidency of Uzbekistan in 1991 Islam Karimov promised voters that children would not be used to pick cotton, that bread prices would not increase and he also promised democracy for the country. But since then the situation has only deteriorated: The political, social and economic rights of the people have been eroded. This is despite the fact that Uzbekistan was among the first post-Soviet countries to ratify the International Covenant on Civil and Political Rights (ICCPR), among other human rights agreements.

The cotton industry remains at the core of both the country's domestic and external economic activity. Uzbekistan is one of the leading cotton exporters. Despite this, farmers continuously face bankruptcy while mechanical farming equipment is becoming a thing of the past. People have replaced the machine harvesters. The lucky ones earn a pittance. Forced to work are schoolchildren of all ages, university and college students, teachers, workers, provincial civil servants, health workers, military conscripts and sometimes prisoners.

The very fact that Uzbekistan's chief union leader has been accorded the status of Minister shows that the authorities know forced labour is being used and will do anything to maintain the status quo. It is also the reason the International Trade Union Confederation continues to refuse to accept Uzbek trade unions into its fold.

But Uzbekistan's chronic non-compliance with its international obligations seems only natural when seen in terms of its general disregard for its own legislation on human rights and civil liberties, political pluralism, democratic institutions and mechanisms of public oversight of the government. The political and economic leaders of Uzbekistan (often the same people) enjoy total impunity and keep the public in a state of terror as they rule through a penal form of governance. Representatives of the UN Human Rights Council and other international organizations are not allowed to visit Uzbekistan and therefore cannot verify whether Uzbekistan is fulfilling its international obligations. Meanwhile, the government has declared war on dissidents, human rights activists, journalists and the opposition. Ordinary people's rights are violated on a massive scale and their lives are becoming more difficult every day.

In October 2007 political refugees from Uzbekistan disseminated a petition, urging the authorities to abolish the shameful practice of forced child labour in the cotton sector. This was well received by the international community and by parents whose children are used in the harvest across the country. Soon afterwards the For the Abolition of Forced Child Labour in Uzbekistan coalition of human rights organizations was founded. Its mission is to collect data on rights violations effecting children and to inform the public on the issue. The Association continues to receive messages from students and parents with details on local conditions during cotton harvests. We in turn take this data to the UN observers so that they can monitor the government's compliance with Articles 8 and 24 of the ICCPR.

Our monitoring has shown that the state uses all means at its disposal to prevent information about social problems and human rights violations from spreading. Those who disseminate information concerning the use of forced labour and criticise the authorities for their unlawful practices are subject to constant monitoring and harassment and face criminal prosecutions in fabricated cases. Thus, citizens trying to exercise their right to the freedom of expression as provided under Article 19 of the ICCPR, often become victims of unlawful criminal prosecutions and cannot get a fair trial, which constitutes a violation of Article 14 of the ICCPR.

In a gross violation of Article 7 of the ICCPR, the authorities have tortured many human rights activists and ordinary citizens, threatening their health and lives. A steady stream of victims have sought asylum abroad as a result.

The rights of human rights activists and other civil society activists are regularly violated in relation to Article 26 of the ICCPR which states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law".

In addition, Uzbekistan's policies have led to a gross violation of the right to an education.

I. Introduction

This alternative report deals with violations of Article 8 of the International Covenant on Civil and Political Rights (ICCPR) which states in particular that “no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited,” and Article 24 of the Covenant which notes “every child shall have the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.” The Report was prepared for the UN Human Rights Committee (HRC) in connection with its forthcoming consideration of the Uzbekistan government’s 98th Periodic Report assessing its own compliance to the ICCPR.

Our monitoring has shown that the state uses all means at its disposal to prevent information about social problems and human rights tools from spreading. Those who disseminate information concerning the use of forced labour and criticise the authorities for their unlawful practices are subject to constant monitoring and harassment and face criminal prosecutions in fabricated cases. Thus, citizens trying to exercise their right to the freedom of expression as provided under Article 19 of the ICCPR, often become victims of unlawful criminal prosecutions and cannot get a fair trial, which constitutes a violation of Article 14 of the ICCPR. The following farmers’ rights activists have been jailed: Norboy Kholjigitov has been sentenced to 10 years, Habibulla Akpulatov – 3 years, Alisher Karamatov – 9 years, Agzam Formonov – 9 years, Ganikhon Mamatkhanov – 5 years.

In a gross violation of Article 7 of the ICCPR, the authorities have subjected these activists as well as other ordinary citizens to torture, threatening their health and their lives. A steady stream of victims have sought asylum abroad as a result.

The rights of human rights activists and other civil society activists are regularly violated in relation to Article 26 of the ICCPR which states: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law”.

In addition, Uzbekistan’s policies have led to a gross violation of the right to an education.

While working on the Alternative Report we analyzed photo and video evidence, as well as written and oral accounts of forced labor reported by our colleagues and victims of human rights violations themselves. Some of the data comes from official Uzbek government and Internet media sources. Unfortunately much government reference and statistical data is impossible to access even though it does not officially constitute a state secret. We have not requested assistance from Uzbek government institutions since our Association’s inquiries are invariably turned down.

We have strived to show that despite the government’s official rhetoric to the contrary, forced labour continues to be used in Uzbekistan.

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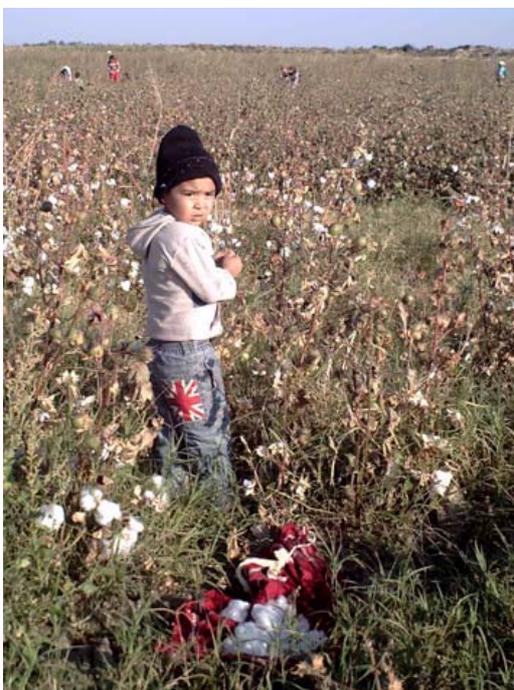
II. On the Practice of Forced Labour in the Cotton Sector

1. General Problems

1.1. Forced labour for pennies

A detailed analysis of the facts on the ground by the Association of Human Rights in Central Asia demonstrates that the use of forced labour in the cotton sector of Uzbekistan is government policy.

The practice of forced child labor in Uzbekistan has existed since Soviet times. But not only was it not abolished when Uzbekistan gained independence; it has become even more extreme. Under the Soviet regime, the child labour force was entitled by the state to some health care, a certain level of food quality as well as to the development of public infrastructure in the villages. Today, the country's rulers exploit the villagers to maximise their own profits, while giving nothing in return to rural working people. That is why there is no interest in bringing internal working conditions in line with international practice which bars forced labour in all its forms.



Uzbekistan in the globalized world of the 21st century. A British flag decorates the jeans of a 5-year old boy picking cotton in Jizzakh. On the same day Uzbekistan inaugurated its 5th International Cotton fair in the capital Tashkent.. Jizzakh province, 14 October, 2009.

The government of Uzbekistan has not reformed the economy and agriculture sector even though revenues from cotton exports are one of the main sources of foreign currency. The cotton industry remains at the core of both the country's domestic and external economic activity and Uzbekistan is one of the world's leading cotton exporters. On November 5, 2008, the on-line edition of CA-News (Uz) ran a report citing the State Statistics Service, which noted that cotton fiber exports constituted 12,4 percent of total Uzbek exports from January to September of 2007, and 9,6 percent of exports during the same period of 2008. The State Statistics Service does not publish the total amount of Uzbek cotton exported.

The population of Uzbekistan equaled more than 27.5 million people as of January 1, 2009² out of which more than 60 percent are accounted for by people under 30. Due to the economic policy of the state, the unemployment rate was and remains high. Over the last decade,

many Uzbeks have migrated to neighboring countries in search of work. In Russia and Kazakhstan alone, there are hundreds of thousands of Uzbek migrant workers. In the

² Uzbekistan's population over 27.5 million. Gazeta.uz, 02.03.2009.
<http://www.gazeta.uz/2009/03/02/population>

meantime the unemployment rate in Uzbekistan continues to rise but strangely the government does not create incentives to attract out-of-work laborers to the cotton sector. Levels of payment for cotton picking are so low that very few people are interested in doing this kind of work voluntarily. Instead, the government uses all means at its disposal to cut production costs and officials use their powers to illegally force anyone dependent on the state to pick cotton or carry out other agricultural works.

Every year starting in September schools throughout the country, except in a few major cities, close down for 2 to 2.5 months³ for the cotton harvest. More than 2 million schoolchildren are engaged. They are forced into the fields against their will, by order of the central and regional authorities.

This also applies to students of colleges, lyceums, and universities; teachers, workers, provincial state officials, health workers, military conscripts and sometimes even prisoners.

The very fact that Uzbekistan's chief union leader has been accorded the status of Minister shows that the authorities know forced labour is being used and will do anything to maintain the status quo. It is also the reason the International Trade Union Confederation continues to refuse to accept Uzbek trade unions into its fold.

1.2. Farmers: Hostages to the feudal economy

By using administrative pressure, the central authorities of Uzbekistan demand that regional administration heads achieve high cotton harvesting targets. They do so without explicitly calling for children to be used in the harvest. But regional chiefs nonetheless issue unwritten orders to mobilize all schools and other state-funded organizations for the cotton harvest. Uzbekistan is an authoritarian country and regional officials unquestioningly carry out orders, at any cost. Farmers fall into line because they cannot own land and are leased it by the government, which forces them to grow cotton and wheat.

Refusal to cultivate cotton and wheat, or criticism of the state's monoculture policy can have serious consequences. You may not only lose your job, you could also end up in prison on trumped-up charges as exemplified by the case of Ferghana farmer Ganikhon Mamatkhanov who was sentenced to 5 years detention. His crime? He planned to tell Uzbek President Islam Karimov about the problems farmers face. He was arrested on the eve of a scheduled meeting between local farmers and the president in the Ferghana Valley.

On orders from regional, city and local administrations, bank staff transfer partial funds for the harvest to farmers to cover purchases of seeds, fuels and lubricants, fertilizers, farm equipment etc. Every quarter farmers sign the relevant payment documents, but have no say in how much they get or what they can use it for.

Farmers are supposed to receive the rest of the money upon delivering the harvest to the state, according to agreements. A typical contract states that farmers are obliged to sell half of their cotton yield to the state at a pre-determined price (at lower than market value). But more often than not their whole crop is taken at the low state price as regional officials struggle to fulfil high harvest targets. Often, farmers end up operating at a loss as harvest projections are often inflated in order to please the central authorities. In 2009 for example,

³ Copy of a page from school attendance records where absences are marked "Cotton campaign."

the harvest projection for the Ferghana Valley equaled 3000 kilograms per hectare, and 2000 in the Kashkadarya province. Actual yields equalled barely half those figures. What's more, deadlines for harvest delivery are dictated from above without regard for regional weather conditions that vary greatly across the country, again leading to lower than expected yields.

In some regions, farmers have yet to be paid for the 2007 harvest.

According to farmers' contracts, cotton pickers are to be paid the equivalent of 3 to 5 US cents per kilo picked. But even this pittance is often not paid out to child workers. In addition, a significant amount of their funds is held back to cover the cost of food.

Moreover, more than 50 percent of what should be cash salaries are given out in the form of consumer goods.

In 2009 the state regulated price for a ton of grade one raw cotton equaled 543,060 Sum (\$259 at the unofficial exchange rate, \$356 at the state rate), Grade 2 — 467,150 Sum (\$222 and \$307), Grade 3 — 396,850 Sum (\$189 and \$260), Grade 4 — 135,300 Sum (\$64 and \$89), Grade 5 — from 90,000 Sum (\$43 and \$59) to 120,000 Sum (\$57 and \$79).

However the price of cotton on global markets equals 1,000 to 1,600 U.S. dollars⁴, depending on its quality. Uzkhlopkoprom, a company controlled by the government, which is entitled to buy cotton from farmers, pays the low state-mandated rate.

Cotton harvesting machinery has almost disappeared in the country. Because of the low prices mandated by the state, farmers cannot afford to use expensive harvester machines and have to rely on forced manual labour.

A cotton combine harvester can pick up to 250 tons of cotton a season; the equivalent amount picked by the pupils of the average village school in the same period.

1.3. Child slaves

Cotton plants must be sowed, weeded, hilled, fertilized and watered. During harvesting, wool is pulled from the 20 to 60 flowers on each bush. The cotton balls closest to the ground grow at a height of about 15 centimetres so cotton pickers have to bend down to get them. Often children cannot carry heavy aprons full of cotton so they leave them in the cotton fields to be collected at the end of the day. After filling two or three aprons with cotton, the child carries each 15 to 20 kg bundle to a tractor a few hundred meters away. All the work is carried out by hand, often under the baking sun. The children work without days off, from early morning till dusk with a one-hour break for lunch. As a rule, during the harvest they live in facilities with no running water or heating. They are not only deprived of normal food and water, but also of medical service and means of communication.

Because of the poor conditions, children often suffer from colds, infectious diseases as well as digestive disorders. Teenage girls are especially susceptible to illness.

⁴ Quotes from the Uzbekistan Republic Commodities Exchange <http://www.uzex.com/>



Pictures taken by children using cell phones during the 2009 cotton harvest in the Namangan region. From left to right: bread the schoolchildren were fed; sleeping quarters; toilets.

Association staff who conducted photo and video filming in the cotton fields for approximately one-and-a-half hours per day suffering from headaches. Schoolchildren picking cotton complained of headaches too. In some cases children developed allergic reactions. Likely these symptoms are the result of overuse of chemical defoliants ahead of the harvest. The levels of pesticides and herbicides in the air far exceed permissible norms. In some districts children picked cotton using gauze bandages instead of respirators.

Cotton is also picked in ecological disaster areas like Karakalpakstan and the Khorezm province, but locals are not given access to ecological data in the areas of cotton cultivation and are left in the dark about the health risks.



Cotton harvesting in fields treated with chemicals. Karakalpakstan, 2009.

Health and safety rules are not adhered to when children are transported, the Association found. For example, in Misken village of Karakalpakstan, 11 to 13 year old children were driven from a field in a dump truck. "They were crammed standing up in the truck like sardines," one witness testified.

During the beginning of the harvest, cotton pickers are expected to gather 50 kilograms of cotton per day, later in the harvest, when yields are lower they are expected to gather 30 kilograms per day, with each bush yielding only roughly 150 grams.

Much evidence testifies to the fact that no less than half of the cotton gathered in Uzbekistan is done so with the use of child labour.

A number of controls are in place to oversee children working in the fields. Those who pick cotton in fields where their parents are employed are under their parents' authority. University and college students answer to their teachers who accompany them to the fields. Temporary police posts are created for the duration of the harvest around the cotton fields. However no one is responsible for the health and lives of the child cotton pickers. The infrastructure is there only to make sure they are at work and productive every day.



These pictures were taken on a Sunday during the harvest when a school-age boy trying to escape from the cotton fields hitched a ride on the back of a tractor pulling a load of cotton. The boy lost his grip and fell from the vehicle at a high speed and was nearly run over by a passing car. The incident shows the level of care teachers and law enforcement officers put into the children's security. Khorezm province, 2009.

Uzbekistan is full of agencies whose stated purpose is to oversee the labour market and insure child and family rights are protected. There are labour inspection agencies, union organizations in every district, family and child protection bodies and regional commissions for the affairs of minors. But no one denounces the use of child labour while violations of children's rights continue unhindered.

Those who refuse to participate in the harvest face the wrath of the authorities and risk being thrown out of school or losing their jobs. In some instances cotton workers have been assaulted physically for their refusal to work while others have been driven to suicide.

The country's mass media, which are controlled by the state, never raise the issue of child exploitation and all data on the subject is suppressed as a matter of state policy.

2. Regional survey of Uzbekistan

Year 2008

From September 1 to November 15, 2008, the Association of Human Rights in Central Asia documented incidents of the use of forced child labour in cotton harvesting in the Kashkadarya, Bukhara, Syrdaryo, Namangan, Ferghana and Khorezm provinces of Uzbekistan.



Gnats and low plants make work especially difficult for the child cotton pickers. Kashkadarya province, 2008

The 2008 cotton campaign was launched on September 18 with a mass mobilization of children across the county.

The Association documented a group of 12 to 14-year-old students of the Number 23 Alisher Navoi school in the Kitab district of Kashkadarya province picking cotton. Photographs taken by Association staff show that many of the children were only slightly



A cotton harvester prepares a meal during a break from work. Kashkadarya province, 2008

taller than the cotton plants themselves. The children were brought 90 km from their homes to the cotton fields, which are located next to a building owned by the Zeromax GmbH⁵ Swiss-Uzbek joint venture. The children worked from 8 am to 5:30 pm and had to walk 4 to 5 km from their barracks every day to get to the cotton fields. No law enforcement officers were seen accompanying the children. They were fed watery porridge and received no money for their work. When an Association representative asked one of the pupils who led them to the field one of the boys took a frightened look at his teacher who gestured indicating he should say nothing.

In the Gidjuvan district of Bukhara province, 8 to 16-year-old students of the Khamza school Number 34 had been harvesting cotton since September 18. They worked close to home between 7 am and 5 pm. No production targets were set for the children. In this area they simply had to pick as much as they could.

In the Namangan and Syrdarya provinces, parents organized unscheduled parent-teacher committee meetings ahead of the harvest to demand that the cotton harvest was not carried out at the expense of their children's schooling. The authorities backed down for the month of September, but towards the end of the harvest in October pupils were forced into the fields nonetheless. Protesting parents were accused of attempting to subvert state affairs and their names were entered into special village council black lists. Many of the families subsequently saw their child support benefits cut.

In spite of heavy rains⁶ between October 24 and 27 in Namangan city and environs, police escorted schoolchildren of all ages, including first graders, into the fields to work. A witness recounted in a letter to the Association how police had blocked all the roads leading away from the fields. Police sat in their cars and watched as the children saved the harvest from destruction by the rain. "I watched my son become totally drenched in the rain with a plastic bag on his head picking cotton, and my heart ached from the realization that I could do nothing to protect him," wrote the mother of one of the school children.

In School number 15 of Kokand city in the Ferghana province, school children were only allowed into school if they had with them 5 to 10 kilograms of cotton each day starting

⁵ Website of the Swiss-Uzbek Zeromax GmbH holding company: <http://www.zeromaxgmbh.com/>.

⁶ Copy of a weather report from October 24–27, 2008, confirming heavy rain fall in Namangan and surrounding areas

on September 1, 2008. Quotas for getting into class were different for each age group. Officially, children were not asked to miss class, but in reality they had to spend half the school day picking cotton “voluntarily.” The cotton was taken by schoolteachers and the school administration prepared productivity reports for the local administration. One letter sent to the Association read: “How can our children prepare their homework after class if they have to rush to the field to complete the teachers assignment before dark? Many of us, in order to save our kids from hard labour, started picking the cotton for them but then workers from the local administration started forcing us to gather an adult quota each day. Of course no one paid us for this cotton...Those who gathered the most were filmed by local TV crews being given stockings as payment. ...I don’t know how we can fight this kind of injustice.”

While filming 14 to 15-year-olds picking cotton in the Dangara district of the Ferghana valley a member of the Association was handed a telephone that had Uzbek parliament member, Anvarjon Mirsadikov, on the line. He was responsible for schools in the area. Instead of fighting for their right to an education, Mirsadikov told the Association member that the school children had come to the field voluntarily.

Director of school number 18 in the Uchkuprik district of the Ferghana province, who gave his name only as Mr. Saratov, admitted he was against sending small children into the cotton fields. He said he was forced to follow unwritten orders even though the school’s administration and teachers had signed written pledges not to take children into the fields.

Eight people who were involved in gathering video material for this report and filmed children picking cotton in 2008 have had to flee Uzbekistan under threat of arrest.

Year 2009

Research confirmed that in 2009, just as in previous years, school-age children in big cities attended classes at the beginning of the school year, while their counterparts in the countryside were sent into the fields.

The earliest instances of children picking cotton in 2009 were documented in the country’s south between September 10 and 20. However, according to information obtained by the Association of Human Rights in Central Asia, a mass mobilization of children across Uzbekistan was started on September 22. We documented schoolchildren aged 13 to 15 picking cotton in the Jizzakh, Andijan, Syrdaryo, as well as Khorezm provinces on that day. However, children were also known to be picking cotton in the Ferghana valley and Kashkadarya province in 2009. We also have photographs showing children aged 12 to 14 picking cotton in areas near the Aral Sea that year.



10 to 12-year-old children deliver cotton to a farmer. Khorezm province, 2009.

In 2009 the government took a more subtle approach to using children in the harvest. In order to make it look as though children were only helping their parents in the field, children were transported in small groups to fields where adults were already working.

As in the past, schools did not issue written orders to send children into the fields. School directors made oral instructions instead, although it is clear that they were doing this under orders from the local and regional administrations carrying out Islam Karimov's policies.



14 to 15-year-old children deliver cotton to a farmer. Jizzakh province, 2009

We took one region of Uzbekistan with a population of 1.5 million people, over half of whom are under the age of 18, as a case study. The region is not being named to protect those involved in the research. By a conservative estimate, in each of the 9 districts of the region there are at least 5,000 children aged 13 to 16. According to an extensive survey of teachers and farmers taken in this region this was the age group that formed the bulk of the forced labour force in the cotton fields. In this region alone, some 45,000 underage boys and girls are estimated to have taken part in the cotton harvest.

At the end of October 2009 Uzbekistan's President Islam Karimov congratulated the people of a number of regions held up by the government as top cotton harvesters. Among the list of regions published by the official Uzinform news agency, were the Gurlen district of Khorezm province and Ellikkalin district of the Republic of Karakalpakstan, where we documented the use of forced child labour.

3. Cases of injuries, deaths and attacks on cotton pickers

Cases of deaths and injuries on the cotton fields are rarely investigated. Statistics on child injuries, mortality and food poisoning that take place during the cotton harvest are not made public.

3.1. Children

Year 2007

a) From September 22 to November 29, 2007, in the Bakhmal district of the Jizzakh region, 15 to 16 year old students of the Jizzakh city medical college picked cotton on orders of M.T. Anarbayev, the head of the local administration. In October, a tractor ran over 15-year-old Gavkhar Abdullayeva, who had fallen asleep in the field because of exhaustion. She died instantly. Witnesses were forced to sign statements promising not to publicise the

incident. To date, human rights activists haven't managed to arrange a meeting with the girl's parents who have faced threats and been warned not to speak to journalists and human rights activists.

b) In the autumn of 2007 in the Navoyi province, two underage girls picking cotton were injured when they were run over by a tractor-trailer. Witnesses were again forced to sign pledges not to talk about the incident.

Year 2008

There are indications that at least seven children died during the 2008 cotton harvest, according to information gathered by the Association. We cannot recount all the cases as we do not have detailed information regarding every incident due to the fact that access to information is highly restricted in Uzbekistan.

a) In October 2008 in the Naymancha village of the Furkat district in Ferghana province, children sent out to the harvest slept in a cow shed. By November temperatures had dropped and the cow shed was freezing at night. One boy, who's parents had asked him to be excused from the harvest because he suffered from a gastric ulcer, died as a result of poor food quality and harsh living conditions. We were not able to obtain the boy's name, as we were not allowed to investigate the incident.

b) On October 7, 2008, 17-year-old Umida Donisheva, a student of the Jizzakh teachers' college, hanged herself in a cotton field in the Dustlik district of the Jizzakh region. Her classmates said they believed she took her life because of the pressure put on her to achieve unrealistic production targets combined with constant abuse and criticism meted out by college instructors.

c) On October 9, 2008, a comprehensive school student picking cotton on orders of the local authorities, drowned in a channel at state farm number 13 of the Zarbdar district of the Jizzakh province. The authorities of Jizzakh did everything to cover up the incident, which is why the Jizzakh human rights activists who uncovered the student's death were unable to get the name and address of the victim. What is known is that she was a resident of the Zaamin district of this region. Farmers and schoolchildren who said they had known the girl said as little as they dared about the incident. They said only that they knew of her death; that she had drowned after falling into a canal but refused to state her name or where she was from.

3.2. Adults

Year 2009

Our research shows that forced labour in Uzbekistan is not exclusive to children. Many adults are affected too. Meanwhile, Article 8 of the ICCPR states, "no one shall be required to perform forced or compulsory labour".

As mentioned before, Unions in Uzbekistan are not effective in protecting workers' rights.

The Association has gathered evidence of several cases of blatant violations of workers' rights going unpunished.

a) In October, 2009 in the Yangibazar district of the Khorezm province 350 workers of medical institutions, divided into 6 groups, took part in the cotton campaign. Their production targets were set at 60 kilograms of cotton per person per day. Just 150 of the health workers from the Yangibazar central hospital were contracted to produce 120 tons of cotton for one local farm. During the harvest, medical staff noted a high incidence of fever among ordinary workers working in the same fields as well as an exacerbated rate of chronic illnesses among the locals. None of them had the opportunity to seek medical help and medicines, which led to a high incidence of colds in the area. At the same time, medical staff were not able to tend to their regular duties in the hospital, which had a negative affect on patients.

b) On October 13, 2009 a member of staff of the Khorezm Cancer Detection Centre who was assigned to pick cotton in a field in the Urgench district was on her way home by foot. At around 7 pm at the side of a highway an unidentified man attacked her. The victim, who was born in 1982 and to whom we are only referring to as G.U. to protect her identity, was severely beaten, raped and had her jewellery stolen. She had to be hospitalized and suffered a nervous breakdown. We feel the incident is indicative of a wider trend in which managers who conscript workers to pick cotton do nothing to ensure their safety and security.

The attacker was however arrested by police soon after the incident.

The victim's husband usually met her after work but was unable to do so on the day in question. Meanwhile, the husband's immediate relatives refused to support the victim or to have anything to do with her. In rural Uzbekistan cultural and religious traditions mean rape victims often take the blame for such incidents, which only worsens their condition. Her husband had asked the senior physician of the Cancer Detection Centre, Svetlana Palvanova, to excuse the victim from work before the harvest, but Palvanova refused citing the need fulfil orders from the regional administration which instructed all staff to take part in the harvest.

G.U. did not sue her employer for failing to uphold her right to a safe working environment, according to our research. This despite the fact that according to the labour code, employers are required to supply transport for workers when they are asked to carry out duties outside their regular area of work. Uzbek workers rarely exercise their contractual and legal rights. Because unemployment rates are high, people are willing to suffer terrible humiliation in order to keep their jobs. Employers prefer to follow unwritten orders received from above, rather than risk their own positions, which accord them a high social status.

At the same time, the management of the Khorezm Cancer Detection Center covered for itself by not issuing any written instructions ordering G.U. to pick cotton.

c) Adult cotton harvesters also suffer work-related accidents. On October 26, 2009 in Urgench district a bus carrying staff of the Urgench central hospital from the fields was broadsided by a tractor-trailer, which had detached after hitting a pothole. The tractor driver had been in a hurry to get a place in line at a cotton processing facility where he was expected to offload his cotton crop. A 28-year-old doctor was killed and two other hospital staff were rushed to the emergency room as a result of the accident.

III. Role of NGOs and independent journalists

As early as 15 years ago, representatives of the Uzbek creative community, the poets Jodgor Obid, Muhammad Salih and Yusuf Juma (Djumayev) as well as singer/song-writer Dadahon Hassan, were among the first to speak openly of the use of forced labour in Uzbekistan. Since then their writings have been banned. Jodgor Obid and Muhammad Salih have lived in exile for more than 17 years. In December 2007, Yusuf Juma was arrested and has faced torture at the hands of the authorities who want him to give up his beliefs, according to his daughter.

Thanks to human rights activists and journalists, the movement against forced labour and for the protection of farmers continues to survive. The Human Rights Society of Uzbekistan (HRSU) founded in the early 1990s was the first human rights organization in the country to widely disseminate information on the use of forced child labour and on the unlawful seizure of farmers' land. HRSU member Bakhtiyor Hamraev continues to observe the situation to this day. As punishment for openly criticising the authorities for their use of forced child labour, his son Ihtiyor Hamraev, also member of The Human Rights Society of Uzbekistan, was jailed for 3 years in 2006 but released in 2007. He has since fled the country and lives in exile. Bakhtiyor Hamraev continues his human rights activity under constant surveillance of the secret services. Since 2004, the Ferghana human rights activist Mutabar Tajibayeva started documenting cases of forced child labour. Her work is especially difficult in the conditions of Uzbekistan because children, teachers and farmers often choose not to take legal action or file complaints in their own defense. Tajibayeva receives constant threats from the local administration and law enforcement officials. Syrdaryo human rights activist Azam Farmonov was sentenced to 8 years detention on trumped-up charges for his defense of farmers rights. He is now serving his sentence in a prison in Jaslyk village (Karakalpakstan). The prison colony is located in an area where chemical weapons were tested under Soviet rule. He has been tortured to force him to abandon his human rights activity.

Authorities arrested farmer and human rights activist Ganikhon Mamatkhanov on October 9, 2009. He was sentenced to 5 years detention under Articles 168 (fraud) and 211 (bribery) of the Criminal Code of Uzbekistan on November 25, 2009. According to our information Mamatkhanov's health has deteriorated. He suffers from a heart condition and muscle spasms. His family members are not always able to get to him the medicines he requires.

The authorities have treated human rights activist Norboy Kholjigitov with exceptional brutality. Arrested in 2005, Kholjigitov was sentenced to 10 years in prison on a number of charges including an alleged attempt to assassinate the president and overthrow the government.

In the last few years over 57 Uzbek human rights activists have been persecuted, 16 journalists have had to emigrate, 27 civil society activists are in detention and dozens of members of human rights organizations face constant surveillance by the National Security Service, the Prosecutor's Office, the Ministry of Interior or even tax enforcers.

IV. Commentary on the Uzbekistan government's response to the UN Human Rights Committee

An impressive list of national projects highlighted in the Uzbekistan government's response to the UN Human Rights Committee was compiled two years before the periodic report was presented. As such, it is too early to evaluate how effective the efforts undertaken and bodies created to implement these projects have been. No information pertaining to whatever measures may have been taken to implement the provisions of ILO conventions Number 138 and 182 on the protection of children's rights and interests are available in the Uzbek media. No opinions contrary to the official government line were visible in any discussions that may have taken place. Cases of injuries and disease caused by substandard working conditions as well as cases of fatalities during the cotton harvest were not discussed at any of the sessions, most of which were held without the participation of international observers or independent or foreign journalists. The convention's provisions were only discussed hypothetically and seminar and conference organizers seemed to choose not to stimulate public interest in the use of national and international mechanisms for human rights protection. The government put forward statistical data from the monitoring period created by the newly established commissions and other agencies, which pointed to a situation in which new bodies are not geared towards protecting citizens' rights. Instead, they seem to have been created to increase control over citizens to guarantee high levels of cotton harvesting and to cover up information on child exploitation, violations of farmers' rights and other problems. Many parents who criticized the use of their children in the cotton fields have now seen their child benefits, handed out by city councils and local administrations, reduced and slashed.

We can only conclude that the official rhetoric of the government of Uzbekistan, which states that a legislative framework ensuring strong protection of children's rights is in place, is untrue.

V. Legislative framework concerning protection of children's rights

The evidence cited above shows that the practice of child labour in Uzbekistan constitutes a grave violation of national legislation on the rights children and labour rights.

Article 37 of the Constitution of the Republic of Uzbekistan states: "Everyone shall have the right to work, including the right to choose their occupation. Every citizen shall be entitled to fair conditions of labour...

Any forced labour shall be prohibited".

Article 38 of the Constitution declares: "Citizens working on hire shall be entitled to a paid rest. The number of working hours and the duration of paid leave shall be specified by law."

Article 65: "Motherhood and childhood shall be protected by the state."

The law on the protection of the rights of the child, which came into force on January 7, 2007, is one of the central legal instruments for the protection of the rights and interests of children in Uzbekistan. Article 3 of the Law states that all persons under 18 years of age shall be considered children.

According to article 4 of the law, one of the core principles of state policy in the area children's rights protection is the safeguarding of children's lives and health. But the government does not safeguard child health rights. On the contrary, it is the government that forces minors to work in harsh and unhealthy conditions in breach of the law on protection of the rights of the child.

Article 10 Paragraph 4 of the law notes that the state shall protect the child from every kind of exploitation. However, instead of protecting children from forced labour, the state itself sponsors exploitation of minors. The state's central authorities engage children in the cotton harvest. School administrations oblige every pupil to work under the pretext that "the country needs cotton."

The state also violates Article 20 "on guarantees of the rights of children to labour." The article states that every child is entitled to work and to freely choose his or her occupation and profession, to fair conditions of labour corresponding to his or her age, state of health and professional qualifications in a manner prescribed by the law. Employment is allowed from age 16. Persons who have reached 15 years of age may be employed with the written consent of one of their parents. Employment of students of comprehensive schools, academic lyceums and professional colleges to perform light labour, which causes no harm to health and development and which does not interfere with studies and is outside of class time is acceptable, but only from 14 years of age and with the written consent of a parent or guardian. This Article "on guarantees of the rights of children to labour" is totally violated by the state since:

— Children are sent to work against their will. The legally accepted employment age is disregarded as children as young as 8 are sent to the fields for cotton harvesting;

— The state of children’s health is ignored; the productivity targets are established for every age group in kilos and no hourly pay rates are in effect;

— Cotton harvesting is performed in harsh climatic conditions in high temperature areas where pesticides, herbicides and defoliant are used without the necessary safety equipment, endangering children’s health.

— Minors are forced to work during school hours and not after class as prescribed by the law.

The law “on the state youth policy framework in the Republic of Uzbekistan” was adopted in November of 1991. Article 8 of this Law prohibits using schoolchildren and college students in public works.

The state also violates a number of articles of the Labour Code of Uzbekistan.

Article 241 prohibits the use of labour of persons under 18 in jobs with harmful working conditions, which could cause harm to the health of such workers. Picking cotton by hand in both hot and cold weather certainly qualifies as harmful working conditions for a child.

Article 242 establishes shorter hours of work for persons under 18. Workers aged 16 to 18 must not work more than 36 hours per week. Persons aged 14 to 16 who work during their vacation must not work more than 24 hours per week. In reality, minors work throughout the holidays and more than 50 hours per week.

Article 243 establishes that remuneration for workers under 18 working shorter hours shall be equal to that of fulltime employees in corresponding positions. In fact, children are paid significantly less than adults for their work in the fields. This violates labour legislation in two ways: Firstly, weekly working hours are not shortened for the children. Secondly, they receive smaller wages than the adults and face deductions for food.

According to article 129, employers must grant workers weekly days off. As for article 130, it prohibits working during designated days off. Children mobilized for the cotton harvest only get one day off every four weeks when they are allowed to visit their homes to wash.

Article 82 of the Labour Code regulates the process through which citizens are hired for work, including minors. It requires employers to provide workers with individual labour contracts. This provision is violated because agreements between schools and employers (farming enterprises) usually contract entire schools to participate in the harvest. This leads to further violations of workers rights. Without individual contracts it is extremely difficult for workers to state their case in a court of law. Teachers as well as pupils as young as 10 years old - or even 8 and 9 in extreme cases in remote areas - are thus conscripted into the harvest. But according to Article 82 people younger than 15 should not have been engaged in any kind of agricultural work in the first place because they are not employable under the rules of the labour code.

On September 12, 2008, the government published a national action plan to bring Uzbekistan into compliance with the Convention Concerning Minimum Age for Admission

to Employment and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Paragraph 11 of this government document clearly prohibits interrupting children's educational activities. A number of state agencies were to implement this provision according to the action plan.

Yet only a few days later on September 18 schoolchildren across the county were mobilized on the orders of the heads of regional administrations with the approval of regional Education Ministry representative offices and under the watchful eye of police officers who's job it was to make sure pupils came to the cotton fields.

By resorting to forced child labour, the government of Uzbekistan violates international law as well. In particular the 1989 UN Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and also the ILO Forced Labour Convention (No. 29); Abolition of Forced Labour Convention (No. 105); Discrimination (Employment and Occupation) Convention (No. 111); Minimum Age Convention (No. 138); Worst Forms of Child Labour Convention (No. 182).

When the UN Human Rights Committee asked the government of Uzbekistan about its record of compliance with the provisions of the International Covenant on Civil and Political Rights, the government declared that the country's legislative system ensured strong protections for the rights of the child.

VI. Recommendations

To the government of Uzbekistan

1. To abandon the practice of forced child labour.
2. To root out all forms of forced labour in Uzbekistan, regardless of social status, age and place of residence.
3. To bring the national law in line with the UN Convention on the Rights of the Child (1989), the International Covenant on Civil and Political Rights, ILO Forced Labour Convention (No. 29), Abolition of Forced Labour Convention (No. 105), Discrimination (Employment and Occupation) Convention (No. 111), Minimum Age Convention (No. 138), Worst Forms of Child Labour Convention (No. 182) and to apply their provisions to all categories of people regardless of their social status, age and place of residence.
4. To prohibit forcing citizens to pick cotton.
5. To publicize the list of environmental disaster zones dangerous to work and live in and allow international experts to visit and assess the situation there.
6. To allow both domestic and international human rights organizations to monitor protections of the rights of the child and labour and ecological laws in Uzbekistan.
7. To constitute an independent commission composed of international experts, human rights activists and representatives of enterprises buying Uzbek cotton, which will monitor Uzbekistan's progress in fulfilling its obligations under international agreements on the rights of the child and the eradication of forced labour including forced child labour.
8. To ensure the independence of labour unions in Uzbekistan.
9. To conduct medical examinations of schoolchildren who have harvested cotton in ecologically harmful territories in order to identify the causes of allergic, infective and other diseases they suffer from and provide them with treatment. (The Association has information that children residing near the Aral Sea have worked in fields treated with chemicals that are harmful to health.)
10. To conduct medical examination of children of all ages to identify the causes of a high prevalence of anemia as well as lung and infective diseases in Uzbekistan.
11. To ensure conditions for compliance with the labour and ecological provisions of ILO Forced Labour Convention (No. 29), Abolition of Forced Labour Convention (No. 105), Discrimination (Employment and Occupation) Convention (No. 111), Minimum Age Convention (No. 138), Worst Forms of Child Labour Convention (No. 182) during cotton production.

To the European Union, the governments of the countries of Europe, the United States and the International Labour Organization

1. To develop a cooperation plan with the government of Uzbekistan, which will further the respect of social and economic rights of farmers and persons forced to participate in the cotton harvest.

2. To pressure Uzbekistan to ensure that cotton harvesting campaigns comply with international labour and ecological norms.

3. To repeal import tariff preferences granted to Uzbekistan under European Commission Council Regulation Number 980/2005 in response to Uzbekistan's continued violation of articles 8 and 24 of the International Covenant on Civil and Political rights

4. To impose a ban on the import of raw materials, products and services produced with the use of forced child labour.

To international retailers, clothing producers, commodity exchanges and cotton traders

1. To stop doing business with producers of cotton in Uzbekistan or any company selling products containing cotton from Uzbekistan while Uzbekistan continues to force children to pick cotton.

2. Copy of a weather report from October 24–27, 2008, confirming heavy rain fall in Namangan and surrounding areas.

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Архив погоды

Выберите город, дату и интервал, для которых нужно получить данные:

Намангон (Узбекистан)

 за

24/10/2008 0:00	+12 °С	724 мм	82%	Зап (250), 6 м/с	Сплошная	Нет
24/10/2008 3:00	+10 °С	725 мм	93%	Ю-З (220), 5 м/с	Сплошная	Ливень
24/10/2008 6:00	+8 °С	726 мм	100%	Ю-З (230), 4 м/с	Сплошная	Ливень
24/10/2008 9:00	+8 °С	727 мм	93%	Ю-В (140), 1 м/с	Сплошная	Ливень
24/10/2008 21:00	+6 °С	729 мм	75%	Сев (20), 1 м/с	50%	Нет
25/10/2008 0:00	+6 °С	729 мм	70%	Сев (350), 1 м/с	90%	Нет
25/10/2008 3:00	+6 °С	729 мм	81%	Сев (350), 1 м/с	90%	Нет
25/10/2008 6:00	+9 °С	730 мм	66%	Сев (20), 3 м/с	Сплошная	Нет
25/10/2008 9:00	+12 °С	729 мм	58%	Ю-В (140), 3 м/с	60%	Нет
25/10/2008 12:00	+11 °С	729 мм	58%	Ю-В (120), 2 м/с	20-30%	Нет
25/10/2008 15:00	+7 °С	729 мм	81%	Сев (350), 2 м/с	20-30%	Нет
25/10/2008 18:00	+7 °С	729 мм	70%	С-З (330), 2 м/с	90%	Нет
25/10/2008 21:00	+6 °С	729 мм	75%	Сев (340), 1 м/с	20-30%	Нет
26/10/2008 0:00	+5 °С	729 мм	70%	Сев (340), 2 м/с	Ясно	Нет
26/10/2008 3:00	+6 °С	729 мм	70%	Штиль	Ясно	Нет
26/10/2008 6:00	+13 °С	729 мм	58%	Вст (80), 1 м/с	Ясно	Нет



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