

Environmental Justice Foundation

Alternative Report

Child Labour in Cotton Production in Uzbekistan

for the 42nd session of the Committee on the Rights of the Child

London, 2006

The Concluding Observations of the Committee on the Rights of the Child adopted on 7 November 2001 regarding Uzbekistan, expressed concern at the lack of information on the use of child labour in agriculture. Specifically it noted that children involved in harvesting cotton may be at risk of exposure to hazardous working conditions.

This report aims to provide the Committee with first hand information gathered by EJF and our partners in Central Asia, on Uzbekistan's chronic failure to meet its obligations under the Convention on the Rights of the Child, and to offer constructive recommendations in addressing the exploitation of Uzbek children.

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The Environmental Justice Foundation

The Environmental Justice Foundation (EJF) is a UK based, non-profit organisation which works internationally to address human rights and environmental abuses. In 2004, EJF initiated a campaign to address the negative human rights and environmental consequences of global cotton production. Since then EJF has worked in close partnership with a number of human rights defenders both inside Uzbekistan and abroad, to document and obtain evidence relating to the impact of cotton production in Uzbekistan: the world's second largest cotton exporter.

In autumn 2004, at the request of our partners in Uzbekistan, EJF agents visited the provinces of Ferghana, Tashkent, Namangan, and Jizzakh to investigate the involvement of children in the national cotton harvest. As a result of this collaboration, EJF obtained documentary video evidence of State-orchestrated forced child labour, and conducted interviews with children, parents, teachers, farmers and human rights activists regarding the exploitation of children in Uzbekistan's national cotton harvest. EJF went on to implement a second information gathering mission to Central Asia in the following year.

Evidence gathered by EJF agents, and by our Central Asian partners led to the publication in December 2005 of the report, 'White Gold: The True Cost of Cotton', which we consider to be both comprehensive and authoritative. In addition EJF released an accompanying DVD which includes some of the footage obtained by EJF in Uzbekistan.

Following these investigations, EJF is now working with a number of leading European clothing retailers to address the human rights and environmental abuses associated with cotton production in Uzbekistan, with a view to establishing ethical cotton sourcing policies within the sector. In addition, evidence gathered by EJF is being used to inform policy makers at key European institutions including the European Bank of Reconstruction and Development.

‘The Uzbek Government is ignoring its obligations to the United Nations Convention on the Rights of the Child, which prohibits the use of child labour, all the more so when it is forced and unpaid.’¹

Introduction

Uzbekistan is a party to six major international human rights treaties including the Convention on the Rights of the Child, which it ratified in 1994. Since then Uzbekistan has made several attempts to bring its national legislation into compliance with its obligations under the Convention. Uzbekistan is also a party to several ILO Conventions including Convention 29 on Forced Labour, and Convention 105 on Elimination of Forced Labour. Furthermore both the Uzbek Constitution, and Labour Code specifically prohibit forced or bonded labour.

Despite these legal obligations the Government of Uzbekistan is complicit in the systematic use of State-orchestrated forced child labour. Every year hundreds of thousands of Uzbek schoolchildren, some as young as seven, are forced by their Government to work in the national cotton harvest for up to 3 months. Schools are shut down at the behest of regional governors, and children together with their teachers are ordered into the cotton fields where they are forced to harvest the crop by hand. This practice has a substantial negative impact on both the health and education of those children involved. Furthermore these children gain negligible economic benefit from their labour. Instead the billion dollar profits derived from Uzbek cotton production and export are monopolised by the country’s corrupt Government and used to provide 60% of the State’s hard currency export earnings².

While the use of State-orchestrated forced child labour was a feature of cotton production during the Soviet era, the exploitation of children in association with cotton harvesting has deteriorated since Independence. Prior to 1991 around 50% of Uzbekistan’s national cotton harvest was gathered by machine³, and the use of forced child labour involved children in the 8th grade (14 years old) and above. Since then the degree of mechanisation in harvesting cotton has fallen to 10%⁴, and children as young as the 1st grade (aged 7) are now used as manual cotton harvesters.

Given this grievous exploitation of children, the Environmental Justice Foundation urges the United Nations Committee on the Rights of the Child to raise these issues and the recommendations of this report at the forthcoming session on 19th May.

¹ Statement issued by Mutabar Tajibaeva, Director of *Ut Yuraklar*, an Uzbek human rights organisation (June 2004). In March 2006, Mutabar was sentenced to 8 years imprisonment, effectively because of her efforts to highlight the human rights abuses perpetrated by the Uzbekistan Government.

² Uzbekistan: Country Profile, Economist Intelligence Unit (2004)

³ R. Pomfrett, *State-Directed Diffusion of Technology: The Mechanization of Cotton-Harvesting in Soviet Central Asia* (2000)

⁴ EJF interview with Galima Bukharbaeva, Uzbek human rights campaigner (March 2005)

Economic Exploitation (Article 32, CRC)

Legal Framework

Article 37 of the Constitution of Uzbekistan prohibits forced labour, except as punishment under the sentence of a court, or in some other instances specified by law⁵. The Labour Code of Uzbekistan sets 16 as a minimum age for admission to employment, although children aged 14 are permitted to work after the hours of study in performing light work without any hazards to health, with the permission of a parent or guardian.

Practice

In 2004, EJF travelled to 4 separate provinces within Uzbekistan (Ferghana, Tashkent, Namangan, and Jizzakh) during the autumn cotton harvesting season. Our agents obtained documentary video evidence of fields of schoolchildren harvesting cotton. Interviews with children, parents, teachers, farmers and human rights defenders revealed that the children had been taken to the fields by their teachers and were being forced to pick cotton.

Our investigations also revealed that the teachers directly responsible for orchestrating child labour were acting at the behest of State officials. Under pressure to meet centralised cotton production quotas, local administrators had shut down rural schools. Headmasters had been issued with cotton harvesting quotas, which were in turn subdivided among teachers and then among the schoolchildren in each class. EJF was told that those children failing to meet their cotton harvesting quotas risked punishment by scolding and detentions, and that any student refusing to take part would face expulsion from school.

EJF observations of State orchestrated forced child labour were in line with reports published by the United States Department of State, UNICEF, numerous international NGOs, individual human rights defenders based in Uzbekistan⁶, and photographic evidence obtained by independent photojournalists.

While EJF agents observed forced child labour in cotton production in each of the 4 Uzbek provinces they visited, they were unable to quantify the number of children involved. The only national estimate known to the authors was published by UNICEF in 2000, who suggested that 1.4 million Uzbek children between the ages of 5 and 14 work at least part-time, primarily in cotton harvesting. Estimates prepared by Uzbek human rights defenders working regionally, suggest that around 200,000 children may be involved in cotton harvesting in Ferghana, with 60,000 in Jizzakh. (All 13 of Uzbekistan's provinces are issued with annual cotton production quotas.) While none of the above statistics offers a clear insight into the extent to which children are currently used in cotton harvesting, together they point towards an annual figure running into hundreds of thousands.

⁵ Reference to unspecified laws is very common within the existing Uzbek legislation and leaves room for various interpretations.

⁶ In 2004, 18 separate Uzbek human rights defenders from a number of different organisations came together to produce a joint petition highlighting the use of State-orchestrated forced child labour in the Uzbek cotton harvest.

Uzbek human rights defenders also indicate that the exploitation of children in association with cotton harvesting has deteriorated in recent years, with children now being targeted at a younger age than ever before. These claims tally with statistics which show that the level of mechanisation in cotton harvesting has decreased from 50% prior to Independence, to just 10% now. Some of those children interviewed on camera by EJF were as young as seven years old.

EJF also attempted to establish the extent to which child labourers working in the Uzbek cotton harvest are paid in return for the cotton they pick. In interviews conducted by EJF, children working in Ferghana claimed to work from 7am to 5pm in return for between UZS 100 (8 US cents) and UZS 200 (16 US cents). Others in the same region said they were paid around UZS 42 per kilo (3.5 US cents). In Namangan EJF heard reports of children receiving UZS 30 per kilo (2.5 US cents), UZS 50 per day (4 US cents), and UZS180 for 5 days work (15 US cents).

These extremely low rates of pay are further eroded by State charges made in lieu of food provisions given to the children. One Uzbek human rights campaigner explained that in many cases, the small amounts of money that children earn through cotton harvesting are outweighed by the State debt they accumulate during the harvest⁷. As a result some child labourers make a loss.

While its exploitation of children during the national cotton harvest is both blatant and extensive, officially the State of Uzbekistan continues to deny that it occurs. When EJF contacted the Uzbek embassy in London we were simply told that Uzbekistan does not use child labour. This line reflects numerous Statements issued by the Uzbek State in recent years. In private, however, some Uzbek officials do admit the use of forced child labour in the cotton harvest. In a 2004 interview with journalists from the Institute of War and Peace Reporting, an official from the Jizzakh regional administration privately admitted that the use of child labour was widespread and that the cotton industry couldn't survive without it⁸.

Right to Adequate Living Standard (Article 27, CRC)

Legal Framework

The Constitution does not explicitly recognise the right to adequate living standards. Article 36 of the Constitution guarantees the right to property and article 39 guarantees the right to social security in old age.

Practice

While children working on cotton farms near to their home village can return to their parents after their day's work is complete, older children, and those conscripted to work in more remote areas, are normally accommodated in makeshift barracks. These provide a very low standard of accommodation. Buildings are often semi-dilapidated, without electricity and in some cases lacking glass. To add to this, sleeping quarters

⁷ EJF interview with Galima Bukharbaeva, Uzbek human rights campaigner (March 2005)

⁸ Further Growth in Uzbek Child Labour, Institute of War and Peace Reporting (18 June 2004)
http://www.iwpr.net/?apc_State=hruirca2004&l=en&s=f&o=175887

are commonly overcrowded, and in some cases children are reportedly forced to sleep out in the open⁹.

In 2004, EJF interviewed an Uzbek human rights monitor based in Jizzakh who had worked to monitor living standards for those children working in the cotton fields. Finding the standard of accommodation to be lacking, and the food provisions inadequate, he revealed his observations to the State authorities, but reported that nothing was done to address the situation¹⁰.

Access to water is also a problem. An investigation conducted by the Karshi city branch of the Uzbekistan Human Rights Society found an almost complete lack of clean drinking water in the Nishan region¹¹. A Jizzakh-based human rights worker interviewed by EJF explained that in some cases Uzbekistan's child labourers resort to drinking from irrigation ditches. These claims were corroborated by observers from international NGOs.

Right to Health (article 24, CRC)

Legal Framework

Article 40 of the Constitution of Uzbekistan States that "everyone shall have a right to receive skilled medical care". However the Constitution fails to mention other dimensions of the right to health. There are a number of laws including the law "on Health Care" in which article 13 States that citizens have inalienable right to health.

Practice

After weeks of arduous labour in the cotton fields, often without access to clean drinking water, adequate nutrition or accommodation, many Uzbek children suffer from illness and malnutrition. Some reportedly acquire chronic diseases such as intestinal and respiratory infections, meningitis and hepatitis¹²: inadequate clothing renders others susceptible to rheumatism and conditions associated with exposure to damp and cold conditions.

In extreme cases children die during the harvest. In 2004, one human rights organisation confirmed eight cases of children and students who died while working as cotton harvesters in Samarkand¹³. According to an investigation by the Institute of War and Peace Reporting, some local authorities are so desperate to meet regional cotton production targets that they are reluctant to send sick children to hospital because they need their labour in harvesting cotton¹⁴.

⁹ EJF interview with Michael Hall, Central Asia Analyst, International Crisis Group (2005)

¹⁰ EJF interview with an Uzbek human rights defender based in Jizzakh (2004)

¹¹ Investigation: Patriotic Uzbek Child Labourers, Institute of War and Peace Reporting (2004)
http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=henirca2004

¹² Tahlil and Save the Children, Child labour in Uzbekistan (2002)

¹³ Investigation: Patriotic Uzbek Child Labourers, Institute of War and Peace Reporting (2004)
http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=henirca2004

¹⁴ Investigation: Patriotic Uzbek Child Labourers, Institute of War and Peace Reporting (2004)
http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=henirca2004

The most disturbing health hazards associated with child labour in the cotton industry centre around the application of pesticides. In the summer of 2004, Uzbek human rights monitors, and observers from the international NGO community, documented the case of children in Ferghana who were set to work applying cotton pesticides¹⁵. Provided with no protective clothing of any kind, the children were issued with plastic water bottles containing liquid chemicals and made to douse the crop. The children had reportedly been excused from their end of year exams and told that if refused to apply the chemicals they would be kept back a year at school¹⁶. Journalists who interviewed some of the children involved recorded one as saying that the chemicals burnt his skin upon contact¹⁷, another said that the chemicals had turned his hands white¹⁸.

The chemical constituents were not revealed to the children or their families, but in a Statement to the journalists, an agricultural scientist based in the district insisted that dilution meant that the children would suffer no ill-effects. "I don't think the chemicals are harmful for children," he said. "Anyway, we've been given our orders."

While there is no way of identifying which chemical pesticides these children were forced to apply, EJF has seen a communication issued by the Uzbek Ministry of Agriculture which lists the major pesticides used in Uzbek cotton production¹⁹. The majority of substances given are classified as hazardous under the World Health Organisation's recommended classification.

Right to Education (article 28, CRC)

Legal Framework

According to article 41 of the Constitution of Uzbekistan everyone has a right to education. The Law "on Education" of 1997 contemplates that primary education should be free and compulsory.

Practice

The use of State-orchestrated forced child labour in Uzbek cotton production has a substantial negative impact upon the education of the country's rural schoolchildren. From the age of seven, children living in rural areas can expect to lose up to 3 months of their education every year as together with their teachers they are sent to the fields. This represents a loss of up to one third of the time available for study each year.

¹⁵ EJF interview with Uzbek human rights defender (2005); EJF interview with Michael Hall, Central Asia Analyst, International Crisis Group (2005)

¹⁶ Further Growth in Uzbek Child Labour, Institute of War and Peace Reporting (18 June 2004) http://www.iwpr.net/?apc_State=hruirca2004&l=en&s=f&o=175887

¹⁷ Further Growth in Uzbek Child Labour, Institute of War and Peace Reporting (18 June 2004) http://www.iwpr.net/?apc_State=hruirca2004&l=en&s=f&o=175887

¹⁸ Personal Communication anon (15 October 2004)

¹⁹ Communication from the Uzbek Ministry of Agriculture to Martin Raiser of the World Bank (February 2006)

Conclusion

Uzbekistan's practice of using State orchestrated forced child labour in national cotton production is a clear and substantial breach of its commitments under the Convention. Furthermore the Uzbek State is complicit both in ignoring the problem, and in orchestrating it.

Failure on the part of the United Nations Committee on the Rights of the Child to raise these issues with the Uzbek authorities, in a manner which reflects their severity, would substantially undermine the Convention in the context of the wider international community.

Recommendations to the Government of Uzbekistan

Take urgent action to end the use of children as labour in the cotton fields:

- Adhere to the UN Convention on the Rights of the Child;
- Ratify and fully implement the International Labour Organisation (ILO) Convention C182 on the Elimination of the Worst Forms of Child Labour;
- Make public pronouncements to prohibit child labour and punish those who continue to promote the use of children in cotton production;
- Support independent investigations of labour abuses – including forced labour for students and public employees;
- Provide an enabling environment for independent industry and labour rights bodies to monitor and report on labour conditions in the cotton sector;
- Create an economic incentive for the replacement of child labour in cotton harvesting by establishing a fair minimum wage to be paid to those involved in harvesting cotton.