

**SUBMISSION IN RESPONSE TO THE REQUEST FOR INFORMATION
UNDER THE UNIVERSAL PERIODIC REVIEW
UZBEKISTAN**

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Office of the High Commissioner for Human Rights
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I. Methodology

The International Labor Rights Forum (ILRF) is a 501(c)(3), non-governmental organization located in Washington, DC. It is an advocacy organization dedicated to achieving just and humane treatment of workers worldwide. The ILRF is engaged in an international campaign to eliminate child labor in the cotton industry of Uzbekistan. Through dialogue and partnerships with various activists and non-governmental organizations throughout the world, ILRF has collected data that forms the basis of this submission.

II. Background on Child Labor and Forced Labor in Uzbekistan

Beginning in grade five, or at 10 years of age, Uzbekistan's children are ordered to the cotton fields by their schools, which are in turn carrying out the directives of local government authorities. For at least two months, the schools require children to pick cotton until state-mandated quotas are met, threatening students with expulsion if they do not comply. Parents may also lose their jobs or state welfare benefits for non-compliance. Conditions in the fields, where children are sometimes housed for the duration of the season, are primitive and hazardous. The children are sometimes paid the equivalent of one US dollar per day. Most children report that the funds they earn do not cover their expenses of food and clothing over the course of the harvest.¹

The main reason the state has resorted to forcing schoolchildren to pick cotton has been the drastic decline in farm mechanization since Uzbekistan's independence. Though the government of Uzbekistan denies the fact of forced child labor both at home and before the international community, this problem continues to represent one of Uzbekistan's most acute human rights issues. Nearly two million schoolchildren from almost nine

¹ Forced Child Labor in Uzbekistan's 2007 Cotton Harvest: Survey Results by Group of Human Rights Defenders and Journalists of Uzbekistan, 2008; See Attached

thousand schools in the republic are forced to work in cotton fields each year. Furthermore, there is ample evidence that child labor provides no less than half of the cotton produced in Uzbekistan.²

The country also forces adults to work in its cotton fields. In its comments on a 2004 Uzbek government report to the International Labor Organization “on measures taken to give effect to the provisions of Convention No. 29 concerning Forced or Compulsory Labour,” the Council of Trade Unions Federation of Uzbekistan notes, “There are instances where public sector workers are forced to help farmers with weeding and harvesting cotton.”³

More extensive information related to these problems is contained in the attached reports.

III. Uzbekistan’s International Obligations

Uzbekistan is a party to numerous international human rights and labor rights treaties. Since its independence in 1991, Uzbekistan has ratified all six major UN international human rights treaties, including the Convention on the Rights of the Child.⁴ Article 32 of this Convention recognizes the right of a child “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral and social development.”

Uzbekistan has ratified several International Labor Organization (ILO) Conventions, including Convention 29 on Forced Labor, Convention 105 on Elimination of Forced Labor, and Convention 111 on Discrimination in Respect of Employment and Occupation. As of July 2008, Uzbekistan has also ratified Convention 138 on the Minimum Age for Acceptance of Employment and Convention 182 on the prohibition and immediate measures for extermination of the worst forms of child labor, although the documents related to Convention 138 have not yet been deposited with the ILO.⁵

In April 2006, the UN Committee on the Rights of the Child stated in its concluding observations that it is “deeply concerned at the information about the involvement of the very many school age children in the harvesting of cotton resulting in serious health problems such as intestinal and respiratory infections, meningitis and hepatitis.” The Committee recommended to the government of Uzbekistan that it take all measures to comply with international child labor standards and establish mechanisms to monitor the situation.⁶ The Committee on Economic Social and Cultural Rights also mentioned

² Idib.n.1

³ “Report Submitted by the Republic of Uzbekistan for the period 1997 to 2004, under Article 22 of the Constitution of the International Labour Organization, on measures taken to give effect to the provisions of Convention No. 29 concerning Forced or Compulsory Labour (1930),” 2004.

⁴ “Status of major international human rights instruments,” *Human Development Report 2007 / 2008*, United Nations Development Programme, <http://hdrstats.undp.org/indicators/321.html>

⁵ Newsletter No. 2 by the Coalition Against Forced Child Labour in Uzbekistan (March 2008); See Attached

⁶ Concluding Observations of the Committee on the Rights of the Child: UZBEKISTAN,

forced child labor in its concluding observations for Uzbekistan. It stated: “The Committee is concerned about the persistent reports on the situation of school-age children obliged to participate in the cotton harvest every year who, for that reason, do not attend school during this period.”⁷

The government of Uzbekistan fails to meet its international obligations to prevent child labor and forced labor, to protect children from hazardous labor conditions and to protect their health and right to education. Uzbekistan refuses to implement the recommendations of the UN Committee on the Rights of the Child. As a result, children are forced to labor in the fields, fall ill and are forced to forgo their right to an education.

IV. Uzbekistan’s National Obligations to Eliminate Child Labor and Forced Labor and Guarantee Health and Education

Economic exploitation of children is prohibited in both the Constitution and Labor Code of Uzbekistan. Article 37 of the Constitution of Uzbekistan prohibits forced labor, except as punishment under the sentence of a court, or in some other instances specified by law.⁸ Article 77 of The Labor Code of Uzbekistan sets 16 as a minimum age for admission to employment⁹, although children aged 14 are permitted to work after the hours of study in light work, as long as the work poses no hazards to their health or moral development nor infringes on their educational process, with the permission of a parent or guardian.¹⁰ Additionally, Article 241 of Uzbekistan’s Labor Code prohibits the use of child labor, “...which can damage [their] health, safety and morality”. Article 8 of the Labor Code states that “the Republic of Uzbekistan directly prohibits child labor during education periods, if such activity is not related to the major subjects or part of an internship, or if outside the education period based on an individual or collective volunteer act of the youth.” A joint legal resolution issued by the Ministry of Labor and the Ministry of Health, and registered by the Ministry of Justice in September 2001 (No. 1040), lists cotton picking and other forms of child labor on a national list of unfavourable working environments prohibited for workers under 18 years of age.¹¹

In practice, the government does not enforce these regulations.¹² The economic exploitation of school-age children is widespread and organized by the government itself, as is the conscription of public servants for cotton weeding and harvesting. The US Department of State’s Human Rights Report for 2007 stated that the Government of

Forty-second session. CRC/C/UZB/CO/2, 2 June 2006.

⁷ UZBEKISTAN. Concluding observations of the Committee on Economic, Social and Cultural Rights E/C.12/UZB/CO/1, 24 January 2006, Thirty-fifth session.

⁸ See also: Article 7 of the Labour Code of the Republic of Uzbekistan

⁹ See also: Article 20 Guarantee of the Right of Child to Labour of The Law of the Republic of Uzbekistan on the Guarantees of the Rights of the Child

¹⁰ See US Embassy – Tashkent, *unclassified telegram no. 3730* cited by U.S. Department of Labor. Bureau of International Affairs. See at: <http://www.dol.gov/ILAB/media/reports/iclp/tda2003/uzbekistan.htm>

¹¹ US Department of State. Foreign Labour Trends Report: Uzbekistan 2006. <http://www.state.gov/g/drl/rls/78396.htm>

¹² Earth Justice Foundation, “White Gold: The True Cost of Cotton,” London, UK, 2005. See Attached

Uzbekistan did not effectively implement laws and policies to protect children from exploitation in the workplace. According to the report:

A 2001 government decree prohibits those under age 18 from engaging in manual cotton harvesting and other jobs with unhealthy working conditions; however, in rural areas children often helped to harvest cotton and other crops. The large scale compulsory mobilization of youth and students to help in the fall cotton harvest continued in most rural areas. Such labor was poorly paid. There were occasional reports from human rights activists that local officials in some areas pressured teachers into releasing students from class to help in the harvest and in many areas, schools closed for the harvest.¹³

The rights of a child to education and to health are stipulated in Uzbek law. Article 41 of the Constitution stipulates that basic education is compulsory and free for nine years. Article 40 of the Constitution states that “everyone shall have a right to receive skilled medical care”. Article 13 provides an inalienable right to health for all citizens.

The school term is scheduled to begin in the autumn, but many rural schools and some universities are shut down in order that their children may go to the fields and begin picking cotton. Children are usually forced to remain in the fields until early December and it is only then that the actual school term really begins.¹⁴ “In total, compulsory work in agriculture requires school children to miss 3-4 months of study each year.”¹⁵

Reports abound of children that have fallen ill and died during the harvest while gathering cotton.¹⁶ The deputy head of a Samarkand human rights centre confirms the deaths of eight Samarkand children and university students while picking cotton over the last two years.¹⁷ Children complain of harsh conditions while working in the cotton fields. Often, they are provided with nothing more than a concrete floor to sleep on and only small amounts of food, which have a poor nutritional value.¹⁸ While working in the fields, the children inhale dust saturated with the residues of chemicals, pesticides and defoliants abundantly used in the cotton fields before the collection of cotton.¹⁹

The main law enforcement agencies in Uzbekistan are the Prosecutor General and the Ministry of Interior. The Ministry of Labor and Social Protection does not have legal jurisdiction over child labor enforcement.²⁰ Uzbek laws provide for criminal and

¹³ US Department of State, Bureau of Democracy, Rights and Labour, “Country Reports on Human Rights Practices 2007: Uzbekistan.” <http://www.state.gov/g/drl/rls/hrrpt/2007/100623.htm>

¹⁴ Newsletter No.1 by the Coalition Against Forced Child Labour in Uzbekistan (March 2008); See Attached

¹⁵ Ibid. n.5

¹⁶ Investigation: “Patriotic” Uzbek Cotton Labourers, Institute of War and Peace Reporting, (Dec. 2004) http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=heirca2004

¹⁷ Ibid. n.14; See also Ibid. n.5 and Newsletter No.3 by the Coalition Against Forced Child Labour in Uzbekistan (May 2008) for further instances of deaths and severe injuries suffered by child laborers. See Attached

¹⁸ Uzbekistan: Call for Boycott Over Uzbek Child Labour, Radio Free Europe Radio Liberty (Nov. 2007) <http://www.rferl.org/content/article/1079173.html>

¹⁹ Ibid.n.16

²⁰ U.S. Embassy- Tashkent, *unclassified telegram no. 2056* cited by US Department of Labour. Bureau of International Labor Affairs. See at: <http://www.dol.gov/ilab/media/reports/iclp/tda2004/uzbekistan.htm>

administrative sanctions to punish violators of child labor laws. However, the sanctions are not adequate to deter violations related to the cotton harvest, and in any case are not enforced. There are no reports of prosecutions or administrative sanctions resulting from any inspections.²¹

In 2004, representatives from the Government of Uzbekistan participated in an assessment mission to gather preliminary information about the child labor situation in Central Asia.²² Subsequently, the US Department of Labor provided funding to ILO-IPEC for a sub-regional project to enhance the capacity of national institutions to eliminate the worst forms of child labor and to share information and experiences across the sub-region.²³ However, there has been no positive change in the situation in cotton harvesting in Uzbekistan since the initiation of that project.

V. Recommendations

1. The United Nations Human Rights Council should recommend that the government of Uzbekistan end its practice of using child labor and forced labor in its cotton sector.
2. The United Nations Human Rights Council should direct that the Special Rapporteur on contemporary forms of slavery or another appropriate Special Rapporteur or Independent Expert investigate the use of the slavery-like practices in Uzbekistan, including forced labor and the worst forms of child labor.
3. The United Nations Human Rights Council should recommend that the Committee on the Rights of the Child convene an immediate review of Uzbekistan's violations of the Convention on the Rights of the Child one year ahead of the 2010 scheduled review.

²¹ Ibid. n.10.

²² The mission was lead by ILO-IPEC and took place in June 2004. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, 1. The Government of Germany provided funding in 2003 to carry out these activities. ILO-IPEC Official, Active IPEC Projects as of May 1, 2004, USDOL Official, 2004.

²³ Countries participating in the sub-regional project are Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. See ILO-IPEC, *CAR Capacity Building Project*, vii.