

**Human Rights Society of Uzbekistan “Ezgulik”**

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**Forced Child Labor in Uzbekistan:  
Official Obligations and Situation on the Ground**

Report to the 98<sup>th</sup> session of the Committee on Civil and Political Rights

In its replies to the List of Issues comments of the Committee on Civil and Political Rights adopted by the Committee’s 96<sup>th</sup> session, the Government of Uzbekistan touched the issue of child labor. The response made particular note that the country had adopted the law “On Guarantees of the Rights of the Child,” ratified International Labour Organization (ILO) Conventions No.138 “On The Minimum Age for Admission to Employment,” and No. 182 “On the Prohibition of the Worst Forms of Child Labor,” and on the basis of these conventions, a national program was developed to implement them. However, this entire program was reduced to a series of formal events, seminars, and roundtables, and did not contain any specific practical measures to eradicate the practice of forced child labor, which is widely used in the cotton sector of the country.

The Resolution of the Cabinet of Ministers dated 12 September 2008 No. 207 "On the implementation of the Convention to establish a minimum age for employment and the Convention on urgent measures to prohibit and eliminate the worst forms of child labor", signed by the Prime Minister of the Republic of Uzbekistan Shavkat Mirziyoyev, and the national action plan, developed in accordance with this Resolution, stated that the use of children in the cotton harvest shall be punished in accordance with the procedure established by law. However, within 12 days following the publication of the Resolution, i.e. 24 September, 2008, large numbers of children were once again sent to pick cotton, as had been done in years before, and schools were closed for two months. In 2008 alone, according to our data, over one million school students in Uzbekistan were sent to the fields to pick cotton.

In its response, the Government notes that the Cabinet of Ministers created a complex of family, maternal, and child protection measures, and set up a Commission on Juvenile Justice at the General Prosecutor’s office. The Government also states that the “Code of the Republic of Uzbekistan on administrative responsibility” assigns administrative responsibility to individuals guilty of exploiting child labor. It also notes that the joint Order of the Ministry

of Education and the Ministry of Labor and Social Protection have banned the use of children to pick cotton. The report also points out that the joint proposals between the Farmer's Association and the Federation of Trade Unions include a signed agreement banning all forms of child labor. It also says that from September 29, 2008, telephone hotlines to deal with child labor were set up. However, these numbers for the telephone hotlines were never advertised to the public and no one has been brought to justice for the exploitation of child labor during the cotton harvest.

All these laws and commitments adopted by the Government of Uzbekistan, were virtually disregarded with a single telegram No. 306, signed by Prime Minister Shavkat Mirziyoev and sent on 15 October, 2009 addressed to the Zhukorgu Kenges of the Republic of Karakalpakstan, regional khokims, prosecutors, police chiefs, and heads of departments of justice, according to which the local khokims, prosecutors, and heads of law enforcement agencies were personally charged with the responsibility to ensure both timely and completed cotton harvests. Local administrations understood this telegram as an instruction to launch a massive mobilization of the population, and that they could take any measures needed, including using forced labor and child labor to meet the State's cotton quotas. It is worth mentioning that even the Ministry of Education had no objection to the closure of schools for the entire two month (and, in some cases even longer) period, and the local schools district administration directly managed the mobilization of children into the cotton fields. All of the laws protecting the rights of children, and all of Uzbekistan's international obligations were forgotten in one fell swoop. All of its obligations were simply discarded.

This is very characteristic for contemporary Uzbekistan, where the administrative authorities do not abide by the norms set out by the Constitution and the law, but follow orders through such telegrams and oral instructions, even when they require actions that are clearly in violation of the law. It is also characteristic of the same government to on the one hand, sign fair laws and conventions, and on the other, continue the old practices of forced labor.

The data from our monitoring indicate that in 2008 and 2009, as in previous years, children in large numbers were taken to the cotton fields for up to two months. And in 2009, children were kept in the fields for longer than usual, even until December. While they were working in the fields, their schools were actually closed. The entire mobilization campaign was orchestrated by the local administrations, with the tacit acquiescence and encouragement of the central authorities. Over the course of, and at the conclusion of the cotton campaign, not a single official was brought to administrative or criminal justice for being complicit in the organization of forced labor of children and adults.

Our organization has for the past two years monitored the use of child labor during the cotton harvest. According to our observations, in 2009, from the start of the academic year (from September 15), school children from grades 4 through 9, as the practice had been, were taken to the fields to pick cotton without adequate food and medical care.

Here, for example, are excerpts from interviews we conducted with teachers and students of Denau district schools:

“Since September 15, 2009, older schoolchildren, and later, younger ones were sent to the fields to pick cotton. It was said that the cotton ripened late, and therefore, the cotton harvesting season would probably last until December. But the RAIONO (district school board) instructed us to inform the students that we would be returning from the cotton fields sooner, as a measure intended to minimize discontent among the students. We returned from the cotton fields 5-6 days ago (30 November), however, the cotton harvest still continues. Though they attend school, alongside their studies, schoolchildren are required to pick cotton after lunch every day, and then bring the cotton back to the sports facilities of the school. Each day, a minimum of at least 15 kilograms. As for the school administration, should it continue to organize studies in the usual manner? Of course, as it is an order from above to take the children to the cotton fields. Meetings are held, first by the regional hokimiyats, and then by the district hokimiyats. These meetings are attended by law enforcement officers, heads of local government authorities, staff of academic, educational and other institutions, as well as all agencies and departments located in the district. The meetings are lead by the authorized official representative of the Ministry of Agriculture and Water Resources. These meetings provide guidance on the use of students from schools, colleges, and universities for picking cotton (teacher, 5 December, 2009).

"-This year, everyone participated in the cotton harvest. As did the others, we went to pick cotton on 15 September. At first, only students from Grade 6 and older went into the fields, and then later from Grades 4 – 5. They didn't give an exact date for when we would return from the fields. But this year's cotton season, will probably last a long time, as the cotton ripened late. It's already been a week since we returned from the fields. School sessions began on 24 November, but as of 20 November, the children haven't returned yet from the fields.

-Students went to pick cotton at someone's personal orders, or at the request of the school administration? Or, perhaps of their own will?

-At whose request? Well, of course, the government's!

-Whose exactly [from the government] ...

-I don't know exactly. They say that there was a district meeting in which the regional hokim was present. I heard that representatives of the Ministry came from Tashkent. At this meeting, our Director was told about this. "(Teacher, 27 November, 2009).

In such circumstances of large scale mobilization of children to pick cotton, it is inevitable that children suffer illness, injuries, and even death. Despite an information blockade and a ban by the authorities for the local press to publish any kind of information that criticizes the cotton campaign, we were able to obtain data on some of these unfortunate incidents.

For example, in 2008, students of School No. 69, located in the Shokh Usmon village collective farm "Mustakillik," in the Forish district of Jizak region, were forcibly sent to the cotton fields. In fact, in the school attendance journals, when the schoolchildren were in the cotton fields, school children had been given falsified grades for academic performance for various subjects. During the cotton harvest, one unsupervised student from the 8<sup>th</sup> grade, Lochin Norboev, died in the cotton field after he was hit by a tractor. Lochin's relatives filed a complaint with law enforcement authorities and as a result, the teachers from the school faced criminal charges brought against them. Forish District Court for criminal affairs (chaired by Judge B.K. Boybutaeva) gave a verdict in the case, in which the teachers of the school Dj. Djuraev, A. Kholbutaev, B. Fozilov, Z. Rahmonkulov, O. Norboev, U. Sirliboev, O. Norzhigitov, K. Darhonov, I. Sandiboev, N. Bolibekov, S. Kilicheva, and A. Boysinov were convicted under Article 228 of the Criminal Code of the Republic of Uzbekistan<sup>1</sup> for forgery of documents. They were sentenced for paying penalty. Each of their salaries covering the period of the cotton harvest, in the amount of 335,638 sums (approximately 250-300 US Dollars), was returned to the district finance department. The teachers, therefore, were used as scapegoats and punished, rather than those who gave them the orders to exploit child labor. Rather than accusing the regional and district leaders, the teachers, themselves subjected to forced labor in the fields, were to take the blame.

The director of the very same school, A. Ganiev, had also been prosecuted under article 209<sup>2</sup> of the Criminal Code of the Republic of Uzbekistan and lost his right to hold management positions in the educational system for two years. But by the harvest season 2009 A. Ganiev was re-appointed director of the school. In the court's verdict, issued in 2009 *on the occasion of the event*, there was no one single mention of the responsibility of the local hokimiyat for the mobilization of citizens and children to participate in the cotton harvest. It is also notable that both teachers and the school director were charged not for mobilizing school children to pick cotton, but for forgery of school documents.

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<sup>1</sup> Article 228. Preparation, forgery of documents, stamps, forms, their realisation and use. Persecuted with penalty of

<sup>2</sup> Counterfeit committed by an office holder.

According to Ezgulik's data, other victims of the cotton campaign who met a fate like Lochin Norboeva include:

- Jahongir Ergashev, a student of Guzar District Vocational College,
- Erkin Eshboev, a student of Kukdalinski Community College
- Umida Gaipnazarova, an instructor from Syr Darya Agribusiness Complex,
- Umida Donishevay, a first-year student of Jizak Pedagogical Institute,
- Brother and sister and Abdurasul Suvonov and Oisha Suvonova, both students of Zhandarski District Secondary School
- Sardor Ahmed, a student of Kitab Service College,
- Mahmoud Saloyev, Grade 8 student, from the village of Sara, Karshi district.

Taking into account the aforementioned observations we recommend the following:

To date, The Uzbek Government has taken on sufficient commitments in the law and international conventions to address the issue of child labor. We believe that it is time to put them into practice and to begin a meaningful cooperation with the International Labor Organization and the World Bank to effectively address this issue. We hope that the Committee on Civil and Political Rights, in its concluding opinions, will highlight the problem of forced child labor as a separate item and will support our recommendations.