

When “Trust but Verify” Is Not Enough: Continued Pressure is Needed to End Forced Labor in Uzbekistan

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- ▶ The international community is too eager to praise Uzbek reforms of the forced labor system without holding the Government of Uzbekistan accountable for enforcement;
- ▶ This readiness to take Uzbekistan at its word undermines governments’ and international organizations’ own efforts to move Tashkent on this issue;
- ▶ Uzbekistan’s partners must focus on pushing Tashkent to actually implement reforms designed to dismantle the state-sponsored forced labor system of cotton production.

Introduction

In recent years, western governments and international organizations have praised the Government of Uzbekistan (GOU) for reforms aimed at eliminating the use of child labor during the country’s annual cotton harvest, citing these efforts as evidence of the government’s increasing commitment to ending the practice. While recent initiatives look promising on paper, so far they have failed to be implemented or enforced. While fewer children might be harvesting cotton, Uzbekistan authorities simply have shifted the burden of compulsory labor to adults throughout the country rather than altogether end its forced labor system of cotton production.

The eagerness on the part of the international community to take Uzbekistan at its word undermines its own efforts to pressure the country to eradicate child and forced labor. What limited progress exists is a direct result of international pressure. Cosmetic reforms are not enough, and international bodies engaging the GOU must be critical when evaluating progress on these issues, remembering that the government in Tashkent often over-promises and under-delivers. A review of U.S. government reports and cables made public through

WikiLeaks clearly demonstrates how one key international actor has repeatedly rushed to embrace promises of progress that later proved ephemeral.

2008: The National Action Plan and ILO Conventions on Child Labor

In March 2008, the lower house of Uzbekistan’s parliament ratified the International Labor Organization (ILO) Conventions on Child Labor. The U.S. Embassy in Tashkent described this as a “significant step forward,” while acknowledging that the true test of the GOU’s commitment to reform would be how well it implemented these Conventions on the ground.¹

In July 2008, the Uzbek government introduced a national action plan to comply with ILO conventions and international labor law. The U.S. embassy welcomed the plan and said it was proof that steady engagement with the GOU “can eventually pay dividends.”²³

At the beginning of the harvest, the embassy noted reports that Prime Minister Shavkat Mirziyoyev had given a verbal warning to regional governors *not* to mobilize school children and that the Labor Ministry had published a letter explaining the illegality of the practice. The embassy praised these efforts as “good news and a sign that [the GOU] is becoming more serious about combating child labor.”⁴

But in October 2008, the embassy reported that local officials ignored these warnings as pressure mounted on them to fulfill harvest quotas.⁵ When faced with the choice between losing their jobs by failing to fulfill quotas or obeying orders not to mobilize children, local officials concluded that Tashkent cared more about quotas. This pattern has continued through the 2014 harvest.⁶

As the U.S. Embassy wrote in 2008, “Sadly, it comes as no surprise that regional officials continue to rely upon child labor, as alternative sources of labor are not in place.”⁷ In another cable, the embassy wrote that the un-implemented National Action Plan was “overly ambitious.”⁸

2009-2010: Legislative Reforms and Initiatives

In a cable from June 2008, the U.S. Embassy in Tashkent acknowledged that there was a disconnect between Uzbek laws on child labor and their enforcement.⁹ Despite this understanding and the subsequent failure of the National Action Plan, the U.S. continued to embrace Tashkent’s unimplemented reforms as signs of commitment and progress. In December 2009, Uzbekistan announced two initiatives to end child labor. The first was a legislative change holding individuals responsible for using children to work under hazardous conditions, and the second was the dedication of 2010 to “the

Year of the Harmoniously Developed Generation,” an initiative meant to focus attention, policy, and funding on youth development. The U.S. took these initiatives as another sign that the GOU was “taking concrete steps to address the child labor problem on its own terms” with increasing commitment on the part of President Islam Karimov.¹⁰

In December 2010, President Karimov signed into law amendments that increased penalties on public and private individuals for using child labor and did away with a provision that allowed 14-year-olds to do light work with parental consent. The U.S. embassy reported that these changes showed “commitment to addressing the child labor problem,” and that through these amendments, “the GOU has demonstrated that it will move forward on child labor in its own way, at its own pace, tacitly acknowledging a need to respond to our concerns. And while these amendments are not the dramatic steps forward that the international community would like to see, they are steps forward, nonetheless. They argue for continued pragmatic engagement with the GOU on this issue.”¹¹

Despite this optimism, no one was prosecuted for violating Uzbek laws on child labor following the 2010 harvest even though government-sponsored, systematic forced and child labor continued unabated.¹²

2011-2012: Keeping Uzbekistan at Tier II Watch List

The State Department’s annual Trafficking in Persons (TIP) Report is “the U.S. Government’s principal diplomatic tool to engage foreign governments on human trafficking.”¹³ In the report, the State Department ranks countries according to the extent to which their governments comply with the Trafficking Victims Protection Act (TVPA)’s “minimum standards for the elimination of trafficking in persons.”¹⁴

In 2008, when Congress reauthorized the TVPA, it added a provision stating that countries that had been ranked as Tier 2 Watch List, the second lowest category, for more than two consecutive years had to either improve their practices to warrant an upgrade or be automatically downgraded to the lowest category, Tier 3. Congress, however, granted the State Department authority to waive the automatic downgrade for an additional two years if a country put in place a plan that would, if implemented, result in significant progress.¹⁵ The State Department elected to waive Uzbekistan’s automatic downgrade to Tier 3 in both 2011 and 2012, even though by 2011 the country had been classified as Tier 2 Watch List for four consecutive years. The problem with failing to place Uzbekistan in the lowest category was that its government not only failed to take sufficient steps to address trafficking, the state actually organized it.^{16,17}

Both years’ TIP reports included strong language concerning the state-sponsored forced and child labor system in the country and the lack of compliance with the

minimum standards for the elimination of trafficking. The 2011 report highlighted the GOU’s lack of efforts to “investigate or prosecute officials suspected to be complicit in the use of forced adult and forced child labor during the 2010 harvest” or “prevent the use of forced labor of adults and children during the annual cotton harvest.”¹⁸ The 2012 report echoed the lack of investigations and prosecutions and went further in documenting compulsory tactics used by officials:

In June 2011, the prime minister reportedly demanded an abundant cotton harvest and threatened jail time for those local administrators who fail to produce state quotas. Authorities applied varying amounts of pressure on governmental institutions, schools, and businesses to organize schoolchildren, university students, teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton. There were some reports of government officials threatening students with retaliation if they did not work or achieve designated quotas. Teachers were often held accountable by local officials for student cotton quotas; there continued to be reports that students and adults who did not make their quotas were subject to ridicule or abuse by local administrators or police. There were reports that government officials threatened to withhold social benefit payments to the elderly until they picked cotton.¹⁹

Given the U.S. government’s observations of Uzbekistan’s state-sanctioned forced labor system and the Uzbek government’s history of failing to enforce and implement its laws and reforms, the GOU’s flimsy action plan was not sufficient justification for keeping Uzbekistan at Tier 2 Watch List status.

In 2013, after running out of waiver authority, the State Department downgraded Uzbekistan to Tier 3. Notably, the Uzbek authorities only began to take some positive steps after the downgrade, including inviting the ILO to monitor child labor during the fall 2013 harvest and making an effort to decrease the use of child labor, even while keeping the forced labor system intact and increasing use of adult forced labor.

Conclusion

From 2009-2013, the U.S. government displayed a pattern of taking GOU plans to address forced and child labor at face value. Even after Tashkent’s plans revealed themselves to be cosmetic and unimplemented, the U.S. continued its pattern. Yet the U.S. is not the only international player that has followed such an approach. In 2014, for example, the World Bank inaugurated a number of new loan programs to support the agricultural and education sectors in Uzbekistan, without requiring any prior steps to end the use of forced labor or stop the coercive mobilization of students, faculty and school staff to pick cotton.²⁰

Even while reducing the use of forced child labor, in 2014 the GOU coercively mobilized more of its citizens than in past years to pick cotton.²¹ The scale of

corruption and extortion also grew, with businesses and ordinary citizens increasingly forced to fund cotton production out of their own pockets.²² While it is necessary to support positive steps taken by the GOU, it is critical that the U.S. and the entire international community hold the government accountable for implementation and enforcement of its obligation to end the practice of modern slavery. The importance of such pressure cannot be understated, considering how lucrative the current system is for the country’s elite.²³ International organizations must not be taken in by declarations and plans but instead continue to press Tashkent to carry through and dismantle the forced labor system.

¹ “Uzbek Lower House Adopts International Labor Organization Conventions on Child Labor,” WikiLeaks. WikiLeaks cable: o8TASHKENT365. 26 March 2008. Paragraph 14. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT365#para-209652-14>>.

² *2013 Findings on the Worst Forms of Child Labor: Uzbekistan*. U.S. Department of Labor. <<http://www.dol.gov/ilab/reports/child-labor/uzbekistan.htm>>.

³ “Uzbek Authorities Develop Plan to Implement Child Labor,” WikiLeaks. WikiLeaks cable: o8TASHKENT793. 9 July 2008. Paragraph 7. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT793#para-215755-7>>

⁴ “Government Adopts National Action Plan on Child Labor,” WikiLeaks. WikiLeaks cable: o8TASHKENT1086. 19 September 2008. Paragraph 10. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT1086#para-220116-10>>.

⁵ “Uzbekistan: Activist Detained After Providing Tour of Cotton Fields,” WikiLeaks. WikiLeaks cable: o8TASHKENT1149. 8 October 2008. Paragraph 18. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT1149#para-221191-18>>

⁶ *Preliminary Report on Forced Labor During Uzbekistan’s 2014 Cotton Harvest*, Uzbek-German Forum for Human Rights. 7 November 2014. <<http://uzbekgermanforum.org/wp-content/uploads/2014/11/Forced-Labor-During-Uzbekistans-2014-Cotton-Harvest.pdf>>.

⁷ “Uzbekistan: UNICEF Discusses Child Labor Action Plan,” WikiLeaks. WikiLeaks cable: o8TASHKENT1156. 9 October 2008. Paragraph 16. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT1156#para-221327-16>>.

⁸ “Uzbekistan: UNICEF Shares Results of Child Labor Assessment,” WikiLeaks. WikiLeaks cable: o8TASHKENT1256. 30 October 2008. Paragraph 2. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT1256#para-222517-2>>.

⁹ “Uzbekistan: Information on Forced Labor and Child Labor for Mandatory Congressional Reporting Requirements,” WikiLeaks. WikiLeaks cable: o8TASHKENT632. 6 June 2008. Paragraphs 15-16. <<https://cablegatesearch.wikileaks.org/cable.php?id=o8TASHKENT632&q=cotton%20uzbekistan>>.

¹⁰ Uzbekistan: GOU Takes Small Steps on Child Labor,” WikiLeaks. WikiLeaks cable: o9TASHKENT1627. 15 December 2009. <<https://cablegatesearch.wikileaks.org/cable.php?id=o9TASHKENT1627&q=cotton%20uzbekistan>>.

¹¹ “Uzbekistan: Strengthening Laws on Child Labor,” WikiLeaks. WikiLeaks cable: 10TASHKENT9. 14 January 2010. Paragraphs 1, 6. <<https://cablegatesearch.wikileaks.org/cable.php?id=10TASHKENT9&q=cotton%20uzbekistan>>.

¹² *Country Reports on Human Rights Practices 2010: Uzbekistan*. U.S. Department of State. <<http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154489.htm>>.

¹³ “Trafficking in Persons Report.” U.S. Department of State. <<http://www.state.gov/j/tip/rls/tiprpt/index.htm>>.

¹⁴ “Trafficking Victims Protection Act: Minimum Standards for the Elimination of Trafficking in Persons.” U.S. Department of State. <<http://www.state.gov/j/tip/rls/tiprpt/2011/164236.htm>>.

¹⁵ U.S. Department of State (1 February 2011), Special Briefing with Ambassador-at-Large Luis CdeBaca, “New Interagency Initiatives to Combat Trafficking in Persons.” <<http://www.state.gov/j/tip/rls/rm/2011/155833.htm>>.

¹⁶ *Trafficking in Persons Report 2011: Uzbekistan*. U.S. Department of State. <<http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>>.

¹⁷ *Trafficking in Persons Report 2012: Uzbekistan*. U.S. Department of State. <<http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm>>.

¹⁸ *Trafficking in Persons Report 2011: Uzbekistan*.

¹⁹ *Trafficking in Persons Report 2012: Uzbekistan*.

²⁰ “World Bank: Reconsider Uzbekistan Projects.” Human Rights Watch, 9 June 2014. <<http://www.hrw.org/news/2014/06/09/world-bank-reconsider-uzbekistan-projects>>.

²¹ *Global Slavery Index: Uzbekistan*. Walk Free Foundation, 2014. <<http://www.globalslaveryindex.org/country/uzbekistan/>>.

²² *Preliminary Report on Forced Labor During Uzbekistan’s 2014 Cotton Harvest*, Uzbek-German Forum for Human Rights.

²³ Goldstein, Jeff, and Matt Fischer-Daly. “Exposing a Disgrace: Uzbek Elite Keep Profiting from Forced Labor.” *Open Society Foundations*. 24 Oct. 2014. <<http://www.opensocietyfoundations.org/voices/exposing-disgrace-uzbek-elite-keep-profiting-forced-labor>>.

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