

Recommendations for the 3rd cycle UPR of Turkmenistan: State-sponsored forced labour in the cotton sector and harassment and imprisonment of forced labour monitors

SUMMARY

State-sponsored forced labour underpins the cotton sector in Turkmenistan. Each year during the cotton harvest the Government forces tens of thousands of public sector workers including teachers and doctors to pick cotton, pay a bribe, or hire a replacement worker to pick cotton under threat of punishment including loss of wages and termination of employment. Officials also force private businesses to contribute workers, or contribute financially or in-kind, under threat of closing the business. A poor harvest in 2017 led governors in some districts to force children to pick cotton, in violation of the ban on children harvesting cotton. The Government maintains total control of cotton production and forces farmers to deliver state-established, annual cotton production quotas under threat of penalty.

Human Rights Defenders (HRDs) who document and report upon forced labour face harassment, arrest and imprisonment. Forced labour monitor **Gaspar Matalaev** remains imprisoned on politically motivated charges of minor fraud and bribery, to which he confessed under torture, in retaliation for his reporting on forced labour during the 2016 cotton harvest.

The forced mobilisation of farmers, public and private sector workers to produce and pick cotton violates national laws including Article 8 of the Labour Code, and Turkmenistan's international obligations. There is widespread international concern about forced labour in the cotton sector, including by the ILO's Supervisory mechanisms, the Committee on Civil and Political Rights, and major international brands.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKMENISTAN

To end forced labour in the cotton sector:

- Make public, high-level policy statements condemning forced labour in the cotton sector, which make clear that all work should be voluntary and fairly compensated.
- Reform the agriculture sector to end the practice of forcing farmers to grow cotton, and public and private sector workers to pick cotton.
- Enforce national laws that prohibit the use of forced labour and child labour, and fully implement its obligations under ILO Conventions on forced labour.
- Fully implement the recommendations on forced labour made by the Committee on Civil and Political Rights (2017) and the ILO's Supervisory Bodies. Co-operate with United Nations agencies and human rights bodies, including the ILO. Respond positively to outstanding Special Procedure country visit requests and invite the Special Rapporteur on contemporary forms of slavery as a matter of priority.
- Put in place a time-bound national action plan to address forced labour in the cotton sector and its root causes, including ending the use of penalties for failure to pick cotton, abolishing mandatory production and labour quotas, and granting farmers autonomous management of land.

To end harassment and imprisonment of journalists and HRDs who report on forced labour:

- Allow independent journalists, HRDs and civil society organisations to document and report on forced labour in the cotton sector without fear of reprisals.
- Immediately release Gaspar Matalaev, who is imprisoned on politically motivated charges of fraud and bribery in retaliation for his reporting on forced labour during the 2016 cotton harvest.

FORCED LABOUR IN THE COTTON HARVEST

Each year in the four cotton-growing regions (Ahal, Dashoguz, Lebap and Mary), the Government forces tens of thousands of workers from the public and private sector, including teachers and doctors, to pick

cotton during the cotton harvest, or to pay a bribe or hire a replacement worker to pick cotton instead. This takes place under the threat of punishment including intimidation, public censure, wage deductions, and termination of employment. Officials force cotton pickers to sign written statements of voluntary consent, declaring that they agree to participate in the harvest for ‘the people and the motherland’. Public services such as education, healthcare and public transportation are disrupted during the harvest as a result of this mass mobilisation.

Officials also force private businesses to contribute workers to pick cotton or to contribute financially or in-kind during the harvest, under threat of sanction including closing the business. Private bus companies are forced to transport cotton pickers to the fields. Members of the military report mandatory participation in the cotton harvest. Students from agricultural universities and technical colleges are forced to pick cotton under the guise of internships, but under threat of expulsion in reality.

Each cotton picker is assigned a quota of cotton to pick daily, around 50kg. Workers often fail to meet this quota, and fraudulent reporting is widespread with bribes paid to receive a receipt certifying fulfillment of the quota. Cotton picking is arduous work and conditions in the fields are poor, with limited access to fresh drinking water. Conditions for those picking cotton in more remote areas, where they have to stay overnight, are worse. Every year, cotton pickers report illnesses.

CHILDREN FORCED TO PICK COTTON IN THE 2017 COTTON HARVEST

The involvement of children in harvesting cotton is prohibited. Despite this, the pressure to fulfil quotas leads to some children picking cotton alongside their parents, particularly during the school holiday. Other children are hired as replacement workers by people mobilised to pick cotton. In 2017, a poor harvest and lack of cotton made fulfilling the state cotton quota difficult in Ahal province. In response, the Governors of Ruhabat and Baharly districts forced school children to pick cotton. The local education department sent a secret order to schools to mobilise children during the school holiday, accompanied by their teachers.

INTERNATIONAL CONCERN ABOUT STATE-SPONSORED FORCED LABOUR

There is widespread international concern about state-sponsored forced labour in the cotton sector. In 2017, the Committee on Civil and Political Rights stated that “**The State party should promptly put an end to forced labour in the cotton sector, inter alia, by fully enforcing the legal framework prohibiting forced labour. It should clearly communicate to public officials and the public at large that mobilisation of persons to pick cotton under coercion or threats is unlawful, prosecute those responsible for such violations, and provide full reparation to victims.**” The ILO’s Committee of Experts noted with “*deep concern* the widespread use of forced labour in cotton production which affects farmers, businesses and private and public sector workers...” in 2016. In 2017, Turkmenistan was kept in Tier 3 in the US Department of State *Trafficking in Persons* report, the lowest possible ranking. Several large international companies including H&M, IKEA and Inditex boycott cotton from Turkmenistan.

HARRASSMENT AND IMPRISONMENT OF FORCED LABOUR MONITORS

The Government has completely failed to implement its supported second cycle UPR recommendations to end arbitrary detention and other acts of intimidation against journalists and HRDs. Those who monitor and report on forced labour in the cotton harvest cannot operate openly and face arrest and imprisonment. The Government takes extensive measures to prevent documentation and identify those responsible for monitoring and photographic evidence. Forced labour monitor Gaspar Matalaev remains imprisoned on politically motivated charges of minor fraud and bribery, to which he confessed under torture, after his arrest on 4 October 2016, two days after he published a report on the extensive use of forced labour in the 2016 cotton harvest. Other prisoners convicted of the same minor fraud offence have been released or pardoned on the occasion of national and religious days.