

GPE Should Reconsider Uzbekistan Project

The Uzbek government must end state-orchestrated forced labour to ensure GPE funds do not support human rights violations

We urge Global Partnership for Education (GPE) to defer action on the Education Sector Plan for the Republic of Uzbekistan 2013-17 (ESP-Uzbekistan) until the Uzbek government ends state-orchestrated forced labour of children and adults. We strongly support the goal of improving education for all people in Uzbekistan. However, the extent to which state-run forced labour and education systems are intertwined means that some portion of the funds granted will likely be used to support forced labour of children and adults. Teachers and students suffer the brunt of forced labour for the cotton harvest. Any future project in the education sector must include safeguards to ensure it is not facilitating forced labour of children and adults, and must ensure financial accountability by the Uzbek government.

1) Forced child labour and forced labour of teachers and other adults continues in Uzbekistan: State-sponsored forced labour in the cotton sector in Uzbekistan remains systematic and continuous.ⁱ The Uzbek government continues to force farmers to produce state-imposed, annual quotas of cotton and to operate an established infrastructure to coercively mobilise over a million children and adults to pick cotton and prepare the cotton fields each year. Children, mostly aged 15 to 17 years but some as young as 10 years old, are forced to work in the cotton fields under threat of punishment, including expulsion from school, verbal abuse and physical abuse. Adults, including university students, teachers, doctors, nurses, civil servants and private sector employees, are forced to pick cotton under threat of dismissal from work or school, and the loss of salary, pensions and welfare benefits. Authorities harass, intimidate and detain Uzbek human rights defenders who attempt to monitor the harvest.ⁱⁱ The government's on-going forcible mobilisation of children and adults to work in the cotton fields violates national law,ⁱⁱⁱ International Labour Organization (ILO) Conventions No. 105 (Abolition of Forced Labour),^{iv} and in the case of children, No. 182 (Elimination of the Worst Forms of Child Labour).^v

In 2012, several cases of schoolchildren from classes 5-9 (ages 11-15) forced to work in the fields were observed. Government authorities closed school classes 5-9 in at least three regions of the country: Kashkadarya, Samarkand and Andijan. In many other regions, schoolchildren were sent to the fields after a few lessons. Schoolchildren were told to come to school with food, water and aprons for cotton harvesting, and they worked in the fields for up to one month. Mid-way through the harvest, directors of rural schools ordered teachers to take students along with them to pick cotton. In the Marhamat district of Andijan region, schoolchildren of 5 to 8 classes (ages 11-14) picked cotton after classes for one week and then without classes for a second week. In the Ishtihan district of Samarkand region, the district governor Shukhrat Nematov ordered school directors to mobilise children to the cotton harvest, and children from the 8th and 9th classes (ages 14-15) began picking cotton on September 27. During the first month of the 2013 cotton harvest, schoolchildren (under age 15) have not yet been forced to pick cotton; unfortunately, the schoolchildren have historically been sent to the fields at the end of the harvest.

Children ages 15-18, primarily high-school (college and lyceum)^{vi} students, and university students are a significant source of labour for the state-order system. Over half a million high-school students picked cotton during the 2012 harvest, according to the most conservative estimates.^{vii} In 2013, as in previous years, almost all high schools and universities across the country are closed until the end of the harvest and the children are picking cotton. In August this year, high-school and university administrations required parents and students to sign statements committing the students to "voluntarily" pick cotton. Unofficially, students and parents could purchase exemptions for 300,000-800,000 soums (\$142-\$377 USD). Authorities began the nationwide mobilization of

high-school and university students to the cotton fields on September 10. During the first two weeks of the harvest, students from Syrdarya region reported daily picking quotas of 50 kilograms. Administrations continued to threaten parents and students with problems at school for any student who failed to participate in the harvest. On September 20, 16-year old Barhayot Turaev was expelled from Karshi lyceum No. 2 in Karshi for refusing to pick cotton. On September 24, high-school students of Tashkent ran away from the cotton fields to escape poor living conditions, including sleeping on gymnasium floors and unhygienic and inadequate food and water.

2) Cotton at the Expense of Health Care and Education: The massive forced labour of government employees strains the delivery of essential public services, including education and medical care. Even while the mobilization of younger schoolchildren to pick cotton has decreased in 2012 and 2013, the state-sponsored mobilization of teachers, parents, high-school and university students continues to disrupt Uzbek children's development.

In 2012, an estimated 60% of school teachers were forced to pick cotton, resulting in partial lessons and overcrowded classrooms. As in previous years, high-school and university students had no access to education during the harvest. The school calendar for colleges and lyceums (high schools) and universities starts in September, but classes started in November. However, teachers were required to leave false documentation of subjects covered that were not actually covered, as well as assessments of student performance on them. Often, grades depend on how well students picked cotton. From Tashkent, approximately 11,000 nurses and doctors from hospitals and clinics were sent to the fields, and families around the country reported being denied medical services by understaffed hospitals and clinics, including pediatric care.

In 2013, this disruption continues across all levels. In January, the Uzbek government revised contracts for public-sector workers by adding a clause consenting to "voluntarily" help with agricultural work, making consent to pick cotton and conduct other field work a requirement for employment. In May, doctors, nurses and other staff of the central hospital were forced to weed the cotton fields. Starting September 10, authorities began nationwide mobilization of high-school and university students, teachers, doctors and other public-sector workers for the cotton harvest. In advance, administrations of public institutions collected additional statements from teachers and other public-sector workers that their participation in the cotton harvest is "voluntary." Up to one-third of all staff of each school, hospital and other public institution has been ordered to pick cotton. In Jizzak region, Bakhmalski district, kindergartens were closed in September, while staff picked cotton in Mirzachulski. Authorities ordered doctors not to give medical exemptions for most cases. In Tashkent region, officials checked hospital patient records for "false" claims of illness.

Tragically, five young Uzbeks have died during the first month of the 2013 cotton harvest. Muhlisa Rajabova, born in 1996 and beginning her second year at Hilol Agriculture College of Karshi, died of electrocution while picking cotton harvest on the Khilol farm in Qashqadaryo province, on September 2. six-year old Amirbek Rakhmatov suffocated to death under a pile of cotton in Narchok village of Vobkent district of Bukhara region, on September 15. The child accompanied his mother to pick cotton, climbed into a trailer for transporting cotton, and fell asleep. No one noticed, and when cotton was loaded into the trailer at the end of the day, the child was suffocated under the weight of the cotton. A second-year student of Karshi State University, History Faculty stabbed four other students of the same faculty in a cotton field on 16 September. One of the stabbing victims died on the spot. Zulakho Jergasheva, a single mother of two young children and teacher at School No. 55 in Samarkand, died in a car accident while traveling home from the cotton fields. Ms. Jergasheva had been forced to pick cotton and stay near the fields for five days before her administrator granted permission to visit her children.

3) A convergence of international concern: International observers share a common concern for the Government's continued use of forced labour of children and adults in the cotton industry.

In 2013 the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) observed that during the 2012 cotton harvest "children aged 16 and 18 years of age who attend colleges continue to be forced to work during this period, instead of attending school". The CEACR recalled that "the prohibition on the worst forms of child labour, including forced labour and hazardous work, applies to all children *under the age of 18*," noting that "section 241 of the Labour Code prohibits the employment of persons under 18 years in hazardous work", and that the "list of occupations with unfavourable working conditions in which it is forbidden to employ persons under 18 years of age prohibited children from watering and gathering cotton by hand."^{viii}

In June 2013 the ILO Committee on the Application of Standards (CAS), examining application of Convention No. 182 on the Worst Forms of Child Labour, "noted the issues raised by the IOE and the ITUC relating to the systematic mobilization of children by the State in the cotton harvest, including the extensive use of labour of teenagers, young persons and adults in all regions on the country, as well as the substantial negative impact of this practice on the health and education of school-aged children obliged to participate in the cotton harvest." It "...observed with serious concern information provided by several speakers, including representatives of governments and the social partners, that school children between the ages of 16 and 18 continued to be mobilised for work during the cotton harvest." The CAS reminded the Government that the forced labour of, or hazardous work by, all children under 18 constituted one of the worst forms of child labour, and urged the government to take necessary measures as a matter of urgency to ensure the effective implementation of national legislation prohibiting the practice.^{ix}

The June 2013 Concluding Observations of the UN Committee on the Rights of the Child states that the Committee "remains gravely concerned about: (b) The continued involvement of children above the age of 16 years in forced labour in the cotton industry; and, (c) The lack of positive responses to the recommendation contained in the observations issued in 2011 by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation (ILO) to accept a high-level tripartite mission and avail itself to ILO technical assistance."^x

A UNICEF statement issued to the Cotton Campaign in June 2013 stated that "UNICEF's observations do confirm that forced child labour in Uzbekistan remains a major and extensive problem as it observed in 2012 the mass mobilization of senior secondary school students for weeks at a time in the cotton fields. Fewer children from primary and junior secondary school were observed in the fields."^{xi} The statement noted that "UNICEF's informal observations of the 2012 cotton harvest were at best a snapshot of the situation and therefore incomplete, and in no way replaced ILO monitoring which UNICEF has continually advocated to the Government of Uzbekistan to permit."^{xii}

The US State Department 2012 Human Rights Report on Uzbekistan, issued on 19 April 2013, stated that "Many thousands of college, lyceum and university students between the ages of 15 and 18 worked in the cotton fields during the annual harvest as a result of government mobilization."^{xiii}

The US State Department 2012 Trafficking in Persons (TIP) report, issued in June 2013, stated that during the annual cotton harvest "children and adults are victims of government-organized forced labour."^{xiv} Uzbekistan was downgraded to a Tier 3 ranking in this report.

In the ESP-Uzbekistan "Readiness Review Report," the fourth recommendation states, "include lessons learned from previously implemented ECCE projects...including donor and government programs." In September 2013, the World Bank Inspection Panel initiated a review of World Bank programming in Uzbekistan.^{xv} The

Inspection Panel is responding to a submission by Uzbek civil society that notes inadequate risk assessment and mitigation has resulted in the World Bank project contributing to forced labour of children and adults.

4) The Uzbek government has yet to demonstrate any significant commitment to end forced labour and forced child labour: In mid-September, the ILO deployed teams to Uzbekistan to monitor during the 2013 harvest, yet the Uzbek government continues to forcibly mobilize children and adults (See point 1) and to harass, intimidate and detain Uzbek human rights defenders who attempt to monitor the harvest.^{xvi}

The ILO is the expert body to support the application of core labour standards in Uzbekistan. Since 2010 the tripartite ILO CAS has recommended a high-level, tripartite ILO monitoring mission.^{xvii} Such a mission would include tripartite oversight, independent civil-society participation, a mandate to address forced labour and child labour and public reporting. This year, the Uzbek government has not granted unfettered access to the ILO to monitor during the cotton harvest. Teams of ILO staff, led by International Programme on the Elimination of Child Labour (IPEC), are being accompanied by representatives of the Uzbek Government and the official state union and employers' organizations, whose presence is having a chilling effect on Uzbek citizens' willingness to speak openly with the ILO monitors.^{xviii} The Uzbek government has not yet agreed to scope that includes forced labour in the public report and to a validation of the monitoring process and findings. In November, the ILO staff will issue its report to the tripartite ILO Governing Body and CEACR.

For the ILO monitoring this year to serve as a first step towards the application of core labour standards in Uzbekistan's cotton sector, the Uzbek government must refrain from any interference; agree to the ILO including independent information, publicly reporting all findings, and a validation of the process and findings with the International Trade Union Confederation and International Organisation of Employers; and cooperate with the ILO on the application of all fundamental labour conventions.^{xix}

5) The Education Sector Plan presented by the Uzbek government lacks fundamental accountability safeguards: Uzbekistan is one of the most corrupt countries in the world (tied at 170 out of 176 countries in Transparency International's *2012 Corruption Perceptions Index*).^{xx} The ESP-Uzbekistan QAR Phase II report raised this concern, yet the response in the "Final Readiness Review Report" is to delegate procurement responsibility to the Ministry of Primary Education, an active participant in the forced mobilisation of students and teachers for the cotton harvest, and procurement procedure supervisory responsibility to the World Bank, which has been unable to ensure World Bank funds are not contributing to forced labour.^{xxi} The Uzbek government has yet to demonstrate capacity to ensure accountability for the use of GPE funding in the ESP-Uzbekistan.

As an IDA category iii country for the last two years, Uzbekistan had to obtain an exception from GPE policy to be eligible for GPE funding.^{xxii} Criteria for granting funds to an exceptional case should include fundamental financial accountability, which other international lenders have found lacking. The European Bank for Reconstruction and Development cited "serious shortcomings in the transparency, quality, and consistency of macroeconomic data." and noted "Moreover, both national accounts and household surveys find no improvement in the standards of living of the population" in its decision focus financing on the private sector in Uzbekistan.^{xxiii} Major international banks and commodity traders have ceased investment in Uzbekistan on the grounds that the country in question used forced labour during the picking season.^{xxiv}

The Uzbek government management of the cotton sector itself raises serious concerns of lack of financial accountability. The Uzbek government receives an estimated \$1billion USD annually from cotton sales. The official national budget does not account for this income; instead, cotton income goes to the extra-budgetary "Agricultural Fund," to which only the highest level government officials have access and knowledge of its use.

As the assessment of the Uzbek government's proposal to GPE, the GPE Appraisal Report noted concerns about grant management by the Uzbek government. The Appraisal report states,

“Given the very high level of public expenditure on education in Uzbekistan (variously quoted in the ESP as 10-12% GDP, and 24-35% of total public expenditure) and the indication of a budget surplus for education, an issue worth reviewing is efficiency in spending. The ESP, however, does not seem to see it as an issue and thus takes it for granted that the education sector ‘performs well’ in terms of funding. Section 6 of the ESP is also not explicit in the way the policy, plan and budget are developed and/or negotiated.”^{xxv}

“The information does not provide references for how funds are allocated and how they can be monitored.”^{xxvi}

“The financial plan is not adequate and credible.”^{xxvii}

Significant participation of independent Uzbek civil society in the development of the ESP-Uzbekistan would be a starting point for greater accountability. Yet the proposal from the Uzbek government does not include teachers or civil society in the primary GPE local governance structure, a Local Education Group.

6) Conclusions and Recommendations

The Uzbek government continues its long-standing practice of forced labour of children and adults in the cotton sector. The increasing burden on high-school children, teachers and medical professionals is disrupting Uzbek children's development. The Uzbek government has yet to demonstrate commitment to apply fundamental labour standards, even while ILO monitors are in the country. The government's management of the cotton sector, experiences of international financial institutions, and its proposal to GPE raise serious concerns about how the GPE grant would be managed. Thus, we strongly recommend that the GPE:

1. Defer consideration of the ESP-Uzbekistan due to the extreme risk of GPE being drawn into complicity in forced labour and forced child labour,
2. Precondition future GPE funding on the Uzbek government ending forced labour of children and adults, an essential component of reforming the Uzbek education system, and
3. Establish proactive measures to prevent forced labour of students and teachers in any future GPE program in Uzbekistan.

ⁱ Uzbek-German Forum for Human Rights and Cotton Campaign, “A Systemic Problem: State-Sponsored Forced Labour in Uzbekistan's Cotton Sector Continues in 2012,” July 2013, http://www.cottoncampaign.org/wp-content/uploads/2013/07/SystemicProblem-ForcedLabour_Uzbekistan_Cotton_Continues.pdf.

ⁱⁱ In September 2013, independent journalist Sergei Naumov was arrested and detained without access to his lawyer, family or friends for 12 days. Chairman of the Bukhara region branch of the Society for Human Rights in Uzbekistan “Ezgulik” Bobomurad Razzakov was sentenced to four years imprisonment. Human rights activist Uktam Paradaev was placed on house arrest; he was also detained incommunicado during the 2012 cotton harvest.

ⁱⁱⁱ The Labour Code of the Republic of Uzbekistan, Article 7, states that “forced labour, that is, forcing the performance of work under the threat of any penalty (including as a means of labour discipline) is prohibited.” After ratifying the ILO Convention on the Worst Forms of Child Labour in 2008, the Government of Uzbekistan established a law “On measures to implement the Convention, ratified by the Republic of Uzbekistan on the minimum age for admission to employment and the Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”.

^{iv} The ILO Convention on the Prohibition of Forced Labour (No. 105), Article 1(b), prohibits the use of any form of forced or compulsory labour “as a means of mobilizing and using labour for purposes of economic development.” Unquestionably in violation of this Article, the Uzbek government uses forced labour to produce cotton and generate over one billion USD annually. Forced or compulsory labour is defined at Convention No. 29, Article 2.1, as “all work or service which is exacted

from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily". The Uzbek government penalizes children and adults who refuse to work in the cotton fields with expulsion from school, dismissal from work, and fines; and the government uses the threat of these penalties to mobilise children and adults to this work.

^v In its 2013 report, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) "noted that section 241 of the Labour Code prohibits the employment of persons under 18 years in hazardous work," including cotton picking. Additionally, Uzbekistan has ratified the following international treaties prohibiting forced labour and child labour: Convention on the Rights of the Child, International Covenant on Civil and Political Rights, ILO Forced Labour Convention, 1930 (No. 29), ILO Convention on the Abolition of Forced Labour, 1957 (No. 105), ILO Convention on the Minimum Age for Admission to Employment, 1973 (No. 138), and ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182).

^{vi} Colleges and lyceums in the education system of Uzbekistan are equivalent of high school in the United States and many European Union member states. Historically, most Uzbek children start college/lyceum at age 16, although increasingly the first year students are age 15. According to national statistics, more than a third of the 560,345 college and lyceum students began at age 15.

^{vii} In September 2012, 560,345 students were enrolled in the first year of academic lyceums and colleges.

^{viii} ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan, Published 2013.

^{ix} Report of the Committee on the Application of Standards, Part Two, Record of Proceedings, 19 June 2013. Uzbekistan. Worst Forms of Child Labour Convention, 1999 (No. 182)

^x Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Uzbekistan, adopted by the Committee at its sixty-third session (27 May- 14 June 2013), CRC/C/UZB/CO/3-4, Geneva, 10 July 2013, paragraph 65b and c

^{xi} Statement provided by the Vice-President of Public Policy and Advocacy of the US Fund for UNICEF, June 2013

^{xii} *Ibid.*

^{xiii} US Department of State, Bureau of Democracy, Human Rights and Labour, *Country Reports on Human Rights Practices for 2012*, April 2013, Uzbekistan, Section 7.C <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

^{xiv} US Department of State, Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons report 2013*, June 2013, Uzbekistan, p389

<http://www.state.gov/documents/organization/210742.pdf>

^{xv} Inspection Panel, "Uzbekistan: Second Rural Enterprise Support Project: Request 13/07,"

<http://go.worldbank.org/SK6KGC3GSO>

^{xvi} In September 2013, independent journalist Sergei Naumov was arrested and detained without access to his lawyer, family or friends for 12 days. Chairman of the Bukhara region branch of the Society for Human Rights in Uzbekistan "Ezgulik" Bobomurad Razzakov was sentenced to four years imprisonment. Human rights activist Uktam Pardaev was placed on house arrest; he was also detained incommunicado during the 2012 cotton harvest.

^{xvii} ILO Normlex: Country Profiles- Uzbekistan,

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103538

^{xviii} Uzbek citizens have reported that authorities have instructed them to tell international monitors 'we came to pick cotton voluntarily in order to help our government, to raise the economy of the country and work hard for our motherland.' (Uzbek-German Forum for Human Rights, *Chronicle of Forced Labour*, Issue 4, September 19, 2013,

<http://uzbekgermanforum.org/wp-content/uploads/2013/09/4-Cotton-Chronicle-2013.pdf> (accessed 23 September 2013).

^{xix} As a member of the ILO, the Government of Uzbekistan has committed to uphold four fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour, and elimination of discrimination in respect of employment and occupation.

^{xx} Transparency International, *Corruption Perceptions Index*, 2013, <http://cpi.transparency.org/cpi2012/>.

^{xxi} Association for Human Rights in Central Asia, Human Rights Society of Uzbekistan "Ezgulik" and Uzbek-German Forum for Human Rights, "Request to the Inspection Panel," 5 September 2013, <http://uzbekgermanforum.org/human-rights-organizations-call-on-the-world-bank-to-reevaluate-funding-in-uzbekistan/>

^{xxii} International Development Funding (IDA) is the World Bank concessional lending arm. All countries within IDA rank as low income. IDA category iii means the country is at the high end of the lowest income countries.

^{xxiii} European Bank for Reconstruction and Development, "Uzbekistan Strategy,"

<http://www.ebrd.com/pages/country/uzbekistan/strategy.shtml>

^{xxiv} September, 2012, the French cotton trading company Devcot was found in compliance with Organisation for Economic Development and Cooperation Guidelines for Multinational Enterprises for not purchasing Uzbek cotton due to labor violations, <http://goo.gl/sJy8J>. August, 2013, BNP Paribas annual CSR report states that the bank decided to: "suspend any type of financing of cotton from a country in Central Asia on the grounds that the country in question used forced labour during the picking season," <http://goo.gl/xHGZif>.

^{xxv} GOPA and UNESCO, "Education Sector Plan for the Republic of Uzbekistan 2013-17: Appraisal Report," 4 February 2013, page 15.

^{xxvi} *Ibid*, page 16.

^{xxvii} *Ibid*, page 22.