

**Report to the International Labour Organization Committee of Experts on the Application of Conventions and Recommendations concerning the Government of Turkmenistan's Non-Compliance with ILO Convention No. 105 on Abolition of Forced Labour (ratified 1997)
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By the Cotton Campaign, a global coalition of human rights, labour, investor and business organizations dedicated to eradicating child labour and forced labour in cotton production.¹

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1. Summary: Forced labour in Turkmenistan's cotton industry²

State-sponsored forced labour underpins Turkmenistan's cotton industry. The government of Turkmenistan maintains total control of cotton production and forces farmers to produce state-established and imposed annual cotton quotas. The authorities force public sector workers including teachers, doctors, nurses and staff of government offices to pick cotton, pay a bribe, or hire a replacement worker under threat of losing their job. Officials also force private businesses to contribute workers, or contribute financially or in-kind, under threat of closing the business.

In 2014, the Government used widespread forced labour to reach its national cotton production target. Tens of thousands of adults were forced to pick cotton, and farmers were forced to deliver production quotas, under threat of punishment.

Turkmenistan has ratified both ILO Convention No. 29 on Forced Labour and ILO Convention No. 105 on the Abolition of Forced Labour. The Government's use of forced labour in its cotton production and harvesting violates both national laws prohibiting forced labour, such as the Section 8 of the Labour Code, and its international obligations.

State-sponsored forced labour takes place in a climate of widespread human rights violations in the country. The Government is also responsible for hundreds of forced disappearances; denies freedom of association, movement, expression and religion; and refuses cooperation with United Nations human rights bodies. Those who document forced labour in the cotton industry do so at great personal risk, and do so anonymously to avoid harassment and reprisals.

2. State-Orchestrated Forced Labour in Turkmenistan in 2014

¹ The Cotton Campaign coalition steering committee includes: Advocates for Public Interest Law (APIL, South Korea), AFL-CIO (USA), American Federation of Teachers (AFT, USA), Anti-Slavery International (UK), Association for Human Rights in Central Asia (AHRCA, France, Uzbekistan), Bank Information Center (BIC, USA), Calvert Investments (USA), Child Labor Coalition (CLC, USA), Human Rights Watch (HRW- Kyrgyzstan and USA), International Labor Rights Forum (ILRF USA), Mercy Investment Services Inc. (USA), Open Society Foundations (OSF- Belgium, UK, USA), Responsible Sourcing Network (RSN, USA), Solidarity Center (USA), Uniting Church in Australia Synod of Victoria and Tasmania (UCA, Australia), Uzbek-German Forum for Human Rights (UGF- Germany, Uzbekistan), Walk Free (Australia, UK).

² Information herein is based on monitoring reports by Alternative Turkmenistan News (ATN), a civil media initiative founded in 2010 to report news from Turkmenistan. ATN researched the information for this report with a network of key informants in Turkmenistan. Turkmen government officials, farmers, rural residents, public-sector workers and businessmen provided first-hand accounts, documentary evidence and photographs to ATN.

2.1 A forced labour system imposed and administered by the Government

Turkmenistan is the ninth largest producer and seventh largest exporter of cotton in the world.³ The Government uses systematic and widespread coercion to produce cotton, annually forcing farmers to fulfil cotton production quotas and other citizens to fulfill cotton picking quotas. The Government uses a strict chain of command to mobilise farmers and other citizens to work in the cotton fields. The President of Turkmenistan personally orders regional governors to fulfil their respective portions of the national cotton production target. The state-owned enterprise Turkmenpagta assigns annual production quotas to each farmer in the land lease contract. Farmers Associations, the local-level government agencies responsible for overseeing agricultural production, directly manage the farmers and report to the regional governors. The regional governors also order other government agencies in their region to organise their staff into teams of field workers.

The Government uses coercion to ensure compliance with the cotton production plan. The President threatens regional governors with the loss of their positions if they fail to fulfil their regional cotton target. Regional and district-level officials threaten the Heads of Farmer Associations with the loss of their jobs if they do not fulfill their cotton quotas. Heads of Farmers Associations threaten farmers with the loss of their land for failure to deliver their cotton quotas. The first time a farmer falls short of the production quota he is likely to be reprimanded, but on a subsequent occasion the likely penalty is the loss of his lease to farm the land.

2.2. Cotton production in Turkmenistan – state control and coercion

The Government of Turkmenistan maintains total control over the cotton sector. It owns the land⁴ and the state-owned bank “Dayhanbank” manages all financial transactions in the cotton sector. Reporting to President Berdymuhamedov, the regional governors oversee the Farmers Associations, which manage farmers, and the local-level officials, which mobilize other citizens to harvest cotton. The state-owned company Turkmenpagta has a monopoly over cotton purchasing from farmers and cotton sales. The government does not report total sales, income or allocations of income from cotton. At every level, the system exploits farmers and the general population for the benefit of the central government.

The government leases land to farmers for 1-5 years, depending on the region, and farms average 2.5 hectares. Under the legislation on private farmers and enterprises⁵, the government dictates use of the land through Farmers Associations⁶. Farmers Associations may take away a farmer’s right to use the land for “irrational and inappropriate use,” under the law.⁷ In practice, the

³International Cotton Advisory Committee, ICAC World Cotton Database, <https://www.icac.org>

⁴From 1995- 2005, the Turkmenistan government transferred plots of 3-4 hectares to private individual ownership. Yet only as much as 750 hectares were transferred; only 15 people received land ownership; and the Government stopped transfers to private ownership in 2006

⁵Ministry of Justice of Turkmenistan, http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=649 (Accessed 3 April 2015)

⁶In 1995, the Government replaced Soviet-established collective farms with Farmers Associations and tenant farmers. Since, individual farmers lease land from the government, and the Farmers Associations enforce state-assiend cotton, wheat and rice quotas

⁷Ministry of Justice of Turkmenistan, http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=8375 and http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=14663 (Accessed 3 April 2015)

Turkmen government orders cotton and wheat production on three quarters of the arable land, and Farmers Associations take away land from farmers for many reasons, including local officials' personal views on a farmer concerned. Since 2009 the state has set a fixed production quota of 2 tons of cotton per hectare.

The state-owned Turkmenpagta manages procurement and sales of cotton, and the state-owned Dayhanbank manages financial flows in the cotton sector. The bank's chairman is appointed by the President. Annually, Dayhanbank manages credit lines on behalf of Turkmenpagta and in the names of farmers. The farmers purchase inputs for cotton cultivation with checks under their respective credit lines at Dayhanbank. Yet often Farmers Associations physically hold the checkbooks and in fact charge farmers' accounts for tractors, inputs or other services never provided, resulting in payments to themselves or peers.

During the cotton harvest, Dayhanbank pays into farmers' accounts for cotton delivered daily, and after the harvest the bank settles each farmers' account, in December and January. However, most farmers never see the contract stipulating the procurement price and other terms. The Farmers Associations hold the cotton procurement contracts, leaving the farmers in the dark when settling their accounts. Since 2007, the state-established cotton procurement price has remained 1,040 manats per ton of Upland cotton (95% of cotton grown in Turkmenistan) and 1,500 manats per ton of Pima or long-fiber cotton, despite substantial depreciation of the manat.

Farmers report much more explicit exploitation throughout the annual cotton production process. State owned companies maintain monopolies over inputs. Obahyzmat is the only source for agricultural equipment, and farmers report it regularly charges for services never provided. Turkmendokun is the only source for fertilizers, and farmers report it charges them for more fertilizer than it delivers and cuts fertilizers with fillers. The state owned gins are responsible for transporting cotton from farms to gins and for weighing, grading and recording cotton delivered by the farmers. Farmers report the gin managers fail to transport the cotton yet still charge farmers for the service and then record less volume and a lower grade cotton than what the farmer delivers. While official statements often claim that farmers earn substantial income, in fact Turkmen farmers receive less than a dollar per day.

2.3. Forced labour of public sector workers to pick cotton in 2014

Each year, the Turkmen government forcibly mobilises tens of thousands of people to pick cotton during the cotton harvest, which usually starts around the end of August. In 2014, from 20 August, the government first ordered rural residents to the cotton fields, followed by manual workers (such as guards and warehouse workers), and finally public sector workers from the cities. Those forced to pick cotton were ordered to report to their local municipal government office at 6am, and from there they were transported to the cotton fields in buses organised by the local authorities.

People forced to pick cotton worked ten hours in the cotton fields each day, usually from around 8am in the morning until 6pm. The daily cotton quota in 2014 was reported to be 20 to 25 kilograms of cotton per person. Most cotton pickers reported receiving the state-assigned payment of 20 tenge (7 US cents) per kilogram of cotton, and paying more for food than what they actually received. Conditions in the fields were reported by some to be better than in previous years, as farmers provided warm meals and drinking water. However, temperatures reached as high as 40°C

in the cotton growing regions in September, making the physical work very difficult, and there were reports of people suffering heat stroke.

Administrators of public institutions enforced the quotas with the threat of punishment such as dismissal from employment, having work hours cut, or salary deductions. In 2014, teachers in every region of the country reported that they had been penalised for refusing to pick cotton; some had been dismissed from their jobs and others had their salaries or working hours cut. High unemployment levels in Turkmenistan strengthen the impact of threats of dismissal for non-participation in the cotton harvest.

In many regions, school staff (such as custodians and security guards) and teachers were mobilised to pick cotton by school administrators, under orders from the Education Department. In the Lebap and Mary regions, teachers of upper grade levels and school staff were required to pick cotton on two week-days and on Sunday, each week, throughout the harvest. Teachers of lower grades were generally sent to the cotton fields every other day after the end of the school day. Some schools also sent students, aged 18 and older, to pick cotton after classes each day. In the Dashoguz region, school administrators sent teachers to pick cotton several days each week. Many school administrators ordered teachers to contribute financially, apparently so that the administrator could hire workers instead of sending teachers. It was reported that payments of 10 to 20 manats (US\$3.50-7 approximately) per day were demanded by administrators.

Many government agencies also forced employees to pick cotton. Administrators of state-owned banks, factories and government agencies forced employees to sign a form indicating their awareness that they would “bear the responsibility” if they refused to pick cotton. Most organisations sent their workers in shifts.

Some public sector workers avoided picking cotton by hiring another person to fulfil their harvest quota. A few government agencies did not send any employees to pick cotton but instead required payments from their staff, purportedly so that they could hire people to pick cotton in their place. Employees reported having to pay 15 to 30 manats (US\$5-10) per day. This practice was most common among banking, healthcare, and oil and gas sectors. For example, the state-owned Dashoguz Supply company collected money from its employees. The Dashoguz workers reported they had no idea how their money was used, but they were relieved not to pick cotton.

2.4. Forced mobilisation of the private sector in the 2014 cotton harvest

The Government also forced small, medium and large businesses to contribute workers to pick cotton during the 2014 harvest.

Authorities forced the owners of small businesses such as market vendors, retail stores, cafes, beauty salons, shoe and clock repair shops, amongst others, to close their businesses and pick cotton. The business owners reportedly had to provide a form signed by the farmer as proof of their work in the cotton fields.

Private bus companies were also forced to contribute by transporting forced labourers to the fields, without any compensation. Private buses were used to supplement the use of public buses which were diverted from their usual routes to take people to the fields throughout the harvest. The police confiscated the licenses of any drivers who refused to comply.

In Tejen, Ahal region, the police instructed traders in the city's markets that everyone should be in the fields. From 21 September, the Tejen municipal government limited the business hours of markets and grocery stores to evenings only so that workers and residents could pick cotton during the day, apparently after the President of Turkmenistan had earlier denounced the slow pace of cotton harvesting in the Ahal region. The authorities of Galkynysh district of Lebap region also closed the markets, and in some areas the authorities also closed pharmacies.

The Turkmenabat region Deputy Governor ordered medium and large businesses to send employees to pick cotton during the first week of September. The business owners reported being threatened with extraordinary audit, finance department, tax inspection, and fire inspections if they refused to comply. One business owner reported that three years ago he had negotiated with government officials to send eight employees instead of 15 to pick cotton, because the officials had 'kindly' asked him to repair the street curbs, change the lights, and lay asphalt repeatedly, and each time he had done the repairs free of charge.

3. Established International Concern

The government of Turkmenistan has ignored repeated concerns conveyed by the ILO about the application of ILO Conventions No. 29 and No. 105, despite having ratified both conventions in 1997 and national laws that prohibit forced labour. In both 2011 and 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations included direct requests on C.29 and C.105 to the Turkmen government in its annual report.

In its Direct Requests on C.105 to the Turkmen government in 2011 and 2013, the CEACR stated concern about the application of the Convention Article 1(b) and the “imposition of forced labour as a method of mobilizing and using labour for purposes of economic development.”⁸ In its Direct Requests on C.29 to the Turkmen government in 2011 and 2013, the CEACR elaborated on this concern, stating,

"Mobilization and use of labour for purposes of economic development. The Committee notes from the Government's first report on the application of the Abolition of Forced Labour Convention, 1957 (No. 105) that, according to section 7 of the Law on the Legal Regime Governing Emergencies, of 23 August 1990, in order to mobilize labour for the needs of economic development and to prevent emergencies, state and government authorities may recruit citizens to work at enterprises, institutions and organizations, and also to prevent or eliminate the effects of

⁸ International Labour Organization, CEACR, “Direct Request (CEACR) - adopted 2011, published 103rd ILC session (2012) Abolition of Forced Labour Convention, 1957 (No. 105) - Turkmenistan (Ratification: 1997) available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699323 and International Labour Organization, CEACR, “Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) Abolition of Forced Labour Convention, 1957 (No. 105) - Turkmenistan (Ratification: 1997) available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3146802

emergencies and ensure safety at work. The Committee recalls that the concept of emergency, as indicated by the enumeration of examples in Article 2(2)(d) of the Convention, involves a sudden, unforeseen, happening calling for instant countermeasures. The notion of “needs of economic development”, referred to in the above provision, does not seem to satisfy these criteria and is thus incompatible both with Article 2(2)(d) of the present Convention and with Article 1(b) of Convention No. 105, which prohibits the use of forced or compulsory labour “as a method of mobilizing and using labour for purposes of economic development”. The Committee therefore hopes that the necessary measures will be taken in order to limit the above provision to a strict minimum allowed by the Convention, so that recourse to compulsory labour under emergency situations does not develop into mobilization for purposes of economic development, and that the legislation will be brought into conformity both with the present Convention and Convention No. 105. The Committee requests the Government to provide, in its next report, information on the action taken in this regard.”⁹

The government of Turkmenistan has ignored the ILO’s request for information on the application of Conventions No. 29 and No. 105.

4. Recommendations

In view of the above, the Government of Turkmenistan is urged to:

- Publicly recognise and renounce forced labour in the cotton industry, and take urgent action to end this practice, including by-
 - Enforcing national laws that prohibit forced labour,
 - Instructing officials at all levels of government to refrain from using coercion to mobilise citizens to work in the cotton field, and
 - Initiating fair judicial processes that conform to international standards, with those found to have forced citizens to pick cotton prosecuted, and those found guilty held accountable with penalties that reflect the severity of the crime and serve as a deterrent for future crimes;
- Establish and implement a comprehensive national action plan to end forced labour in the cotton industry, including by-
 - Ending mandatory cotton production and harvest quotas,
 - Ensuring that people are not penalized for not growing cotton or working in the cotton fields, and
 - Committing all resources necessary to the implementation of this action plan; and
- Allow independent journalists, human rights defenders, and others to document and report concerns about the use of forced labour without fear of reprisals.

⁹ International Labour Organization (ILO), CEACR, “Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012) Forced Labour Convention, 1930 (No. 29) - Turkmenistan (Ratification: 1997),” available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698227 and International Labour Organization (ILO), CEACR, “Direct Request (CEACR) - adopted 2013, published 101st ILC session (2014) Forced Labour Convention, 1930 (No. 29) - Turkmenistan (Ratification: 1997),” available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3147037