



European Commission, Call for Evidence

Effectively Banning Products Produced, Extracted or Harvested with Forced Labour

Submission by the Cotton Campaign on how a Ban on Forced Labour Products could Ensure that Goods Made with Forced Labour Cotton from Turkmenistan are no longer Sold Across the EU

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The Cotton Campaign urges the EU to introduce an **effective forced labour instrument, banning the imports of forced labour goods into the EU market**. Such a mechanism is essential to address state-imposed forced labour in the production of textiles and other cotton products sold across the EU, including products containing Turkmen cotton.

All cotton originating in Turkmenistan is produced with state-imposed forced labour. Every year during the harvest, the government forces tens of thousands of public sector workers to pick cotton in hazardous and unsanitary conditions. Within an extremely oppressive regime, lacking protections for freedom of association and expression, as well as independent institutions for accountability, the Turkmen government maintains total control over cotton production and forces farmers to meet official production quotas under threat of penalty including loss of their land.

Products made with Turkmen cotton continue to enter the European market either through direct trade routes or through suppliers in other countries, in particular Turkey, that produce textiles using Turkmen cotton, yarn and fabric.

About the Cotton Campaign:

The Cotton Campaign is a coalition of human and labour rights NGOs, independent trade unions, brand and retail associations, responsible investor organisations, supply chain transparency groups, and academic partners, united to end forced labour and promote decent work for cotton workers in Central Asia.

We use policy, legal, and campaigning tools to pressure the Turkmen government to acknowledge the state-imposed forced labour problem and take concrete steps to address it. The Cotton Campaign coalition hosts a [Pledge](#) in which companies have committed not to source cotton from Turkmenistan—now signed by 140 industry brands and retailers—because of systemic, state-imposed forced labour involved in Turkmenistan’s annual cotton harvest.

1. Context: State-imposed forced labour in Turkmenistan

- 1.1 Every year during the cotton harvest, the Turkmen Government forces tens of thousands of public sector workers to pick cotton in hazardous and unsanitary conditions and extorts money from public employees to pay harvest expenses. The Cotton Campaign has repeatedly sought to engage with Turkmen authorities to reform the state-imposed forced labour system, but the Turkmen Government shut the door to dialogue and continues to deny the forced labour problem.
- 1.2 The Government maintains total control of cotton production and forces farmers to meet official production quotas, under threat of penalty including loss of their land. Worse yet, the Government of Turkmenistan exerts control over all aspects of civil society and has taken harsh actions against those who report on abuses in the sector.
- 1.3 The Cotton Campaign's Turkmen NGO partners – Turkmen.news and the [Turkmen Initiative for Human Rights](https://TurkmenInitiativeforHumanRights.org) (TIHR) – work with brave human rights activists in the country, who provide first-hand reports of conditions in the cotton fields. During the 2021 harvest, the Turkmen Government once again forced tens of thousands of public sector workers to pick cotton or – as alternatives – pay money or hire a replacement worker. Government officials threatened state employees that refusal to participate in the harvest would be punished by the withholding of wages or termination of employment. In some districts of Turkmenistan, the authorities also sent children between 10-16 years of age to the cotton fields.
- 1.4 Turkmenistan is facing a deep economic crisis,¹ which has included shortages of food staples, rising food prices, and new reports of child labour. The fear of losing their jobs if they refuse to take part in the cotton harvest and, therefore, their livelihoods, means that public sector workers are helpless against the authorities. Extortion of money from state employees to pay for cotton pickers in the 2021 harvest placed an additional burden on workers struggling amidst the crisis.
- 1.5 Due to extreme heat and water shortage, the cotton yield was particularly low in 2021. This made it impossible for farmers to meet the state-imposed quotas. The President demanded the cotton harvest to be completed one and a half months earlier than usual, in time for Independence Day (September 27).² In 2021, Independence Day marked the 30th anniversary of the country's independence.³ On November 12, 2021, the Government announced that it met its cotton harvesting targets. However, independent monitors working with Cotton Campaign partners Turkmen News and TIHR estimate that in reality, only about a half of the target was achieved.
- 1.6 Work in the cotton fields is strenuous and requires great physical effort. Cotton pickers worked in the open fields either in the direct sunlight in the summer period or damp, cold conditions in the autumn and were often not able to access medical help when needed. Furthermore, workers were exposed to the use of chemicals, sprayed from planes or tractors. Farmers often did not provide workers with food and water, and thus the workers

¹ <https://en.turkmen.news/spotlight/turkmenistan-o-allah-help-this-country/>.

² <https://www.hronikatm.com/2021/08/m-management/>.

³ <https://www.antislavery.org/turkmenistan-cotton-harvest-new-harvest-same-old-abuses/>.

who were sent to the cotton fields for longer periods of time needed to bring their own food and water with them.

- 1.7 Turkmenistan continued to deny the existence of COVID-19 in the country, even as independent monitors have documented a third wave that appeared to peak in August-September 2021.⁴ No measures to contain the virus were observed during the 2021 harvest. Workers were forced to travel to the fields in overcrowded buses and were not provided with protection masks. The Government tightened travel restrictions, preventing travel between regions and districts. This made it increasingly difficult for the independent monitors working with Turkmen.News and TIHR to conduct field trips to document labour conditions in the harvest. The Government continues to deny the disease⁵ and has punished anyone who attempts to expose the real situation of the pandemic.⁶
- 1.8 In July 2022, Cotton Campaign partners Turkmen News and TIHR will release a joint report exposing the forced labour conditions during the 2021 cotton harvest.

2 Turkmen forced labour tainted cotton entering EU markets

- 2.1 The Cotton Campaign and its partners are making efforts to trace Turkmen cotton and work with global brands and retailers, policy makers, and government authorities to eliminate it from the global market. There are three main streams of Turkmen cotton entering the European single market: i) as finished goods produced in Turkmenistan and directly exported to the EU; ii) as finished goods exported to the EU by suppliers in other countries, in particular Turkey and Pakistan, that produce textiles using Turkmen cotton; and iii) in lesser, but still significant, volume - as direct exports of raw cotton from Turkmenistan to EU member states⁷.
- 2.2 For example, global trade data⁸ shows that in 2020, the EU imported over €7,5 million worth of cotton and over €5 million worth of textiles directly from Turkmenistan. These figures exclude the products made with Turkmen cotton that entered the EU through different routes, within a sprawling cotton value chain.
- 2.3 The 2022 United States Department of Agriculture (USDA) report on Turkey's cotton production⁹ and research by Anti-Slavery International (2019) show that Turkish textile manufacturing is a primary gateway for products made with Turkmen cotton.¹⁰ This puts EU textile and apparel companies' supply chains at particular risk, as Turkey is the third-largest textiles supplier to the EU¹¹ and 20% of Turkish exports to the EU are textiles.¹² In 2020, Turkish clothing exports to the EU were worth €8.3 billion.¹³

⁴ <https://www.hronikatm.com/2021/09/who-open-appeal/>.

⁵ <https://en.turkmen.news/spotlight/turkmenistan-covid-report/>.

⁶ <https://en.turkmen.news/human-rights/five-year-sentence-for-turkmen-blogger/>.

⁷ Based on research by Cotton Campaign members on commercial trade and value chain databases, including UN Comtrade and OEC.

⁸ <https://comtrade.un.org/>.

⁹ https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Cotton%20and%20Products%20Annual_Ankara_Turkey_TU2022-0016.pdf.

¹⁰ <https://www.antislavery.org/wp-content/uploads/2019/04/Turkmenistan-Turkey-report.pdf>.

¹¹ https://ec.europa.eu/growth/sectors/textiles-and-clothing-industries/international-trade_en.

¹² https://webgate.ec.europa.eu/isdb_results/factsheets/country/details_turkey_en.pdf.

¹³ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/turkey_en.

3 Using import controls to stop companies benefiting from Turkmenistan's state-imposed forced labour system

- 3.1 Turkmenistan is currently the 13th largest cotton producer and 15th largest cotton exporter in the world¹⁴. The prominent position of Turkmen cotton on the global market and the apparel and textiles production in the country pose a significant risk of forced-labour cotton from Turkmenistan entering EU supply chains. Often unknowingly, European companies, governments and consumers benefit from the forced labour system in Turkmen cotton production.
- 3.2 By limiting access of forced labour Turkmen cotton goods to international markets, import control measures can play an important role in increasing the economic pressure on the government of Turkmenistan to reform its forced labour system in cotton production. Import control measures against forced labour products already exist in the U.S. – where a Withhold Release Order (WRO) against Turkmen cotton has been effective since 2018 – and Canada.
- 3.3 [U.S. Withhold Release Order \(WRO\) against Turkmen cotton \(in force since 2018\)](#): In 2016, the Cotton Campaign and its partners submitted a petition¹⁵ to exclude all cotton products made in Turkmenistan from the U.S. due to the state-imposed forced labour system in cotton production. The U.S. Customs and Border Protection (CBP) subsequently issued a WRO against Turkmen cotton in May 2018: the first ever country or region wide WRO to exclude an entire commodity.
- 3.4 [Import control measures against forced labour required under the United States-Mexico-Canada Agreement \(USMCA\) \(signed in 2018, in force since 2020\)](#): Article 23.6 of Chapter 23 in the USMCA prohibits products made with forced labour from entering the signatory States. As a result, in July 2020, Canada introduced legislation (the Customs Tariff item No. 9897.00.00) that bans imports of goods manufactured wholly or in part by forced labour.
- 3.5 Import control measures are needed to ensure Turkmen cotton products cannot enter the European market. This would align efforts between the EU and the U.S. and Canada, and ensure Europe is not a safe haven for goods tainted by forced labour. This will create a level playing field among all brands, retailers, and suppliers operating globally.

4 The need for import controls in state- imposed forced labour contexts, such as in Turkmenistan's cotton production

- 4.1 Import controls to withhold the release of goods made or transported in-whole or in-part with forced labour will allow Customs Authorities of EU Member States to immediately stop goods entering the EU single market when there is reasonable suspicion of the use of forced labour, including forced labour of children. In the case of cotton products imports, the onus would then be on the company/importer in question to prove that the product has not been made with any cotton-based inputs from Turkmenistan.

¹⁴ Based on data made available by ICAC <https://www.icac.org/home/index/>.

¹⁵<https://tuatara-jaguar-29pr.squarespace.com/resources-turkmenistan/us-customs-called-on-to-halt-imports-of-forced-labor-made-cotton-goods-from-turkmenistan>.

4.2 Import controls are particularly needed when human rights due diligence efforts on the ground to address forced labour are impossible, as in cases of state-imposed forced labour, or as an enforcement option to compel companies whose products are intended/destined for the EU market. Such an instrument is needed to complement the EU's Corporate Sustainable Due Diligence Directive. The introduction of import controls would strengthen the Directive's enforcement by obliging companies to undertake meaningful supply chain mapping, to ensure that Turkmen cotton is not present in any product entering member states.

4.3 Due to the scale of abuses in contexts of state-imposed forced labour, which in Turkmenistan includes restrictions of the freedom of speech and freedom of association, as well as the state exerting control over all aspects of civil society, companies have no power to improve the human rights situation on the ground and exert leverage. Without such leverage, undertaking human rights and environment due diligence (HREDD) on the ground is impossible. Efforts carried out by the Swedish multinational IKEA in Turkmenistan clearly show businesses' inability to undertake HREDD in such contexts. IKEA tried to implement a project with a group of Turkmen farmers and one specific supplier producing for IKEA, in order to closely monitor compliance with IKEA's supplier code of conduct. As a result of Turkmenistan's failure to comply with relevant ILO conventions and make progress on decent work conditions, openness and transparency, IKEA ended the project in 2015 and decided to ban the use of Turkmen cotton in its products. In a statement, IKEA noted that its "ability to influence the industry outside the scope of this project moving forward is limited".¹⁶

5 Recommendations for reforming regulation

- 5.1 The Cotton Campaign welcomes the EU Commission's commitment to introduce a law prohibiting products made with forced labour from entering the European market. It has been announced that the Commission is planning to introduce an instrument which will include a market withdrawal measure with the possibility of a border measure.
 - 5.1.1 In Turkmenistan, the entirety of the cotton industry is tainted with forced labour, meaning that **such a mechanism must allow for a regional scope** and not focus solely on certain entities. In 2021, in all the regions monitored by the Cotton Campaign Turkmen NGO partners, the government systematically forced public sector employees, conscripts, and students in higher education, colleges and vocational schools to harvest cotton. Consequently, targeting specific entities would not work in this context, and scope to ban the import of *all* goods, made wholly or partially with Turkmen cotton, must be included.
 - 5.1.2 Given the aforementioned situation in Turkmenistan, **we recommend that the upcoming proposal includes an effective border measure that allows for the detention or seizure of imports of forced labour goods at EU borders**. We believe that a market-based-only mechanism could potentially be harder to enforce when applied to imports from a specific country or region, once products are already disseminated in the European market. In addition to this, we also note the potentially heightened negative financial consequences and wasted resources that could affect not only

¹⁶ <https://www.antislavery.org/wp-content/uploads/2019/04/Turkmenistan-Turkey-report.pdf>.

businesses, but also the enforcement authorities of EU Member States, if an option to seize products/shipments at EU borders is not included.

- 5.2 A clear objective of the Forced Labour Instrument must be to ensure the **provision of effective remedy** to affected stakeholders as efficiently and quickly as possible prior to lifting import controls. A remedy-centred element is currently lacking in both the U.S. and Canadian approaches, hence the EU has now the opportunity to play a key role in developing a stronger instrument. Exceptionally, in the context of state-imposed forced labour in Turkmen cotton production, companies are unable to support the direct provision of remedy to workers. As an alternative, the Cotton Campaign recommends that the EU requires companies which are found to have contributed to or benefited from Turkmen forced labour to engage with representatives of the global Turkmen community to support financial aid to Turkmen refugees, including victims of forced labour, and Turkmen human and labour rights organisations working from exile and to monitor the effective implementation of remedy. The Cotton Campaign also recommends that the EU establishes a multi-stakeholder working group, which includes the participation of civil society organisations (CSOs), transparency groups, and academics, to develop a set of guidelines for effective remedy in contexts of state-imposed forced labour.
- 5.3 Victims and groups representing Turkmen citizens (credible representatives and CSOs/NGOs, while noting the absence of independent trade unions in the country) should **have the right to make complaints** through a formalised procedure to Enforcement and Customs Authorities regarding the existence of forced labour in the value chain of products intended/destined for the EU market.
- 5.4 **International cooperation** must also have a key role in order to achieve global impact. The EU and national Member States should liaise with authorities in other jurisdictions to share evidence and align procedures.
- 5.4.1 Enforcement and Customs Authorities of EU Member States should automatically **investigate products/importers implicated in the determinations by Customs Authorities from third countries** to identify the import of potentially tainted products to the EU market. This would facilitate the identification of facilities and suppliers in third countries that are using Turkmen cotton. In practice, this could mean that countries with existing import control mechanisms such as the US and Canada should alert EU member states whenever they identify suppliers (for example from Turkey or Pakistan) using Turkmen cotton in a company's supply chain.
- 5.4.2 Also with regards to international cooperation, the EU and all governments should work to **ensure a global aligned approach on import controls**. An aligned international approach would reduce the risk of halted imports being reshipped to those markets that have not introduced stringent measures, a scenario that would fail to address the overall objective to remedy and prevent forced labour in third contexts.
- 5.5 **Forced labour determinations** should be qualified against the ILO forced labour indicators, including the "Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children", which present an operational definition of what constitutes forced labour, and indicators with which to identify it. The **lifting of any ban** should require credible evidence that, in cooperation and consultation with independent civil society and trade

unions, corrective action has been taken or remedy provided. Proof of the absence of forced labour should be in line with ILO standards - including the "harder to see, harder to count" guidelines - and should not be allowed to rely on audits or certification.

- 5.6 Once a determination has been made that forced labour produced goods have been imported, the **burden of proof must shift to the named importers** to provide evidence. In the case of Turkmen cotton, this would require verified evidence on the origin of materials within a suspected product, through disclosure of suppliers, sub-suppliers and business partners within the product's supply chain, in order to prove the absence of Turkmen cotton within said product. Unless mapping and disclosure of supply chains is ensured, the presence of entities implicated in forced labour within an EU company's value chain will likely be extremely difficult to identify for enforcement and accountability purposes.
- 5.7 **A public list of forced labour import bans/withhold release orders (WROs)** should be created. There should be a clear procedure for workers organisations and CSOs to provide updated information and allegations regarding the entities or WROs. The public list should be updated to include any new findings regarding the same entity or any amendments to the same WRO based on allegations/abuses against the same entity/relating to the same WRO. Customs Authorities should also be transparent about defined criteria for lifting import controls, how those criteria will be assessed, and include clear roles for CSOs and worker organisations in the assessment process. Customs Authorities should also publicly disclose details of the enforcement of the import bans/WROs.

6 Complementary measures

- 6.1 The use of import controls in response to state-imposed forced labour, as a **complement to the EU's Corporate Sustainable Due Diligence Directive**, would be a powerful dissuasive tool to prevent both EU and non-EU companies from importing such products into the EU market and to put pressure on the perpetrating governments to end such practices. Notably, however, the forced labour instrument must have more powerful reach than the current proposed Due Diligence Directive, which, in its current draft, excludes over 99% of the European textile industry, and thus, unless amended, will have limited impact on EU companies' linkage to state-imposed forced labour in Turkmenistan.
- 6.2 To facilitate the identification and monitoring of the importation of products made from forced labour, it is crucial to ensure improved **public access to Customs data**. This is why the European Commission should amend the Union Customs Code to clarify that customs data is not confidential and should be disclosed publicly, as well as requiring companies that import goods into the EU to disclose the name and address of the manufacturer to the relevant Customs Authorities.
- 6.3 The EU should couple import controls in response to state-imposed forced labour with the use of other **trade, diplomatic and foreign policy measures** to put pressure on the perpetrating governments to end the use of state-imposed forced labour. This should include the use of sanctions on the trade, export or provision of products or services with these contexts, which could be used to support the state-imposed forced labour system or other human rights abuses.

6.4 If/when a country/region begins to transition away from the use of state-imposed forced labour, independent, ongoing monitoring, including through support for an enabling environment for civil society and independent trade unions, should then be required.

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Read more about the Cotton Campaign's work to end state-imposed forced labour in Turkmenistan at <https://www.cottoncampaign.org/turkmenistan>

A list of all Cotton Campaign coalition members is available at <https://www.cottoncampaign.org/about/#coalitionmembers>