

INVISIBLE TO THE WORLD?



The Dynamics of
Forced Child Labour in the
Cotton Sector of Uzbekistan



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Co-ordinated by Deniz Kandiyoti



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Contents

Acknowledgements	iv	6 Who Bears Responsibility for Child Labour in Uzbekistan?	29
Executive Summary	v		
1 Child Labour: Definitional Issues	9	7 Where Do Child Labour Practices in Uzbekistan Stand with Respect to International and Domestic Law?	30
1.1 Global trends and debates	9	7.1 International law	30
1.2 Children's work or forced child labour?: Where does the cotton sector in Uzbekistan stand?	12	7.2 National legislation	30
2 Why Child Labour? Changing Trends in the Cotton Sector of Uzbekistan	13	8 Invisible to the World? The International Response to Child Labour in Uzbekistan	32
2.1 A partial process of agrarian reform	13	8.1 UNICEF	32
2.2 Characteristics of the crop cycle	14	8.2 ILO	32
2.3 The decline of mechanization	15	8.3 CRC	34
2.4 Cotton farming and new patterns of out-migration	15	8.4 International NGOs	35
3 Survey Profile: Scope and Methodology	17	9 Conclusions and Recommendations	37
4 Survey Results	19	References	39
4.1 The scale of recruitment	19		
4.2 Methods of recruitment	19		
4.3 Work conditions	20		
4.4 Health and safety hazards	21		
4.5 Educational losses	22		
4.6 Economic contribution of child labour	23		
5 The Consequences of Child Labour in Uzbekistan	28		
5.1 Restricting access to education	28		
5.2 Widening the rural–urban gap	28		
5.3 Deteriorating human capital and the inter-generational transmission of poverty	28		
5.4 Erosion of social trust	28		



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The report is dedicated to the children of Uzbekistan who, like children the world over, are entitled to a better future.



Executive Summary

- 1 Policy debates on child labour have evolved towards more child-centred perspectives. Distinctions are made between children's work, which is locally valued including by children themselves, and child labour, which is exploitative and detrimental to the child's well-being and future prospects. These distinctions mandate concerted efforts against those forms of child labour that are perceived as especially harmful and exploitative, as specified in the International Labour Organization (ILO) Convention on The Worst Forms of Child Labour (Convention 182, 1999).
- 2 The central objective of this policy paper is to provide an evidence-based assessment of the recruitment of school-age children for the cotton harvest in Uzbekistan. It draws on the results of a survey administered in six rural districts in 2007 that examines the scale and mechanisms of recruitment, the conditions of work and the consequences for children's welfare. The findings point to widespread compulsory recruitment of children for the cotton harvest for up to two months. This results in interruptions in schooling as well as exposure to conditions of work that merit close examination in light of the criteria set by the ILO Convention 182.
- 3 The issue of child labour in Uzbekistan cannot be addressed in isolation. It is symptomatic of a systemic failure to establish a system of incentives that could stimulate the growth of agricultural incomes and the lack of initiatives to reduce dependence on cotton exports. Although the mobilization of child labour for cotton harvests has its institutional and organizational roots in the Soviet command economy, its current persistence is best explained with reference to a combination of factors: a partial process of agrarian reform that continues to tie private farmers into compulsory crop-sowing and procurement quotas, a sharp decline in farm mechanization since independence and a short harvesting season that creates labour bottlenecks at peak times. The sharp increase in seasonal or more permanent labour migration from rural areas to wealthier neighbouring countries, mainly Kazakhstan and Russia, is both a response to increasingly precarious rural livelihoods and a further cause aggravating dependence on alternative sources of cheap labour.
- 4 The survey shows that between 86% to 100% of the schools in the districts under study were subject to compulsory recruitment of children between grades 5 to 9 (ranging between the ages of 11 and 14). The number of days they were employed on the cotton fields ranged between 51 and 63 days without weekend breaks and under detrimental sanitary, health and nutritional conditions. Non-written directives to recruit children are conveyed by local authorities to schools and local farmers. Farmers are charged with paying harvesting wages and providing transportation and other amenities. The children's wages are received by school administrations and teachers who distribute the pay weekly.
- 5 Children's involvement in compulsory agricultural labour results in significant losses in schooling, in the widening of rural-urban gaps (since the burden falls disproportionately on rural children), a deterioration of human capital with aggravated



consequences for the inter-generational transmission of poverty and the consequent erosion of social trust in the state's capacity to provide welfare for its citizens.

- 6 The practice of child labour in Uzbekistan represents a distinctive case. Global patterns suggest that it is generally families and/or employers who tend to be the major initiators and beneficiaries of children's work. Uzbekistan represents a rare instance of state-sanctioned mass mobilization of children's labour. The principal beneficiaries are not households or primary producers but state-controlled trading companies higher up the value chain. Their exclusive control over cotton export revenues and their ability to appropriate the profits generated by the disparity between domestic and international market prices gives them a stake in the maintenance of the current procurement and labour control regime.
- 7 The Government of Uzbekistan appears to be in breach of several ILO Conventions to which it is a signatory. These include the 1973 Minimum Age Convention, No. 138; the 1999 Worst Forms of Child Labour Convention, No. 182; the 1930 Forced Labour Convention, No. 29; and the 1957 Abolition of Forced Labour Convention, No. 105. It is also in breach of several articles of the 1989 Convention of the Rights of the Child. The practice of child labour contravenes several items of national legislation. After a long period of denial concerning the existence of child labour, the Government of Uzbekistan (GoU) is showing a greater readiness to acknowledge that a problem exists. A resolution was passed by the Cabinet of Ministers to adopt a National Action Plan to monitor the implementation of ILO Conventions 138 and 182. However, even if political will was assumed to exist the systemic nature of reliance on an element of coercion in the operations of the cotton sector in Uzbekistan – spelt out in detail throughout this report – erects powerful obstacles to the eradication of child labour in the absence of a substantial overhaul of the system as a whole.
- 8 In order to assess the scale of child labour in Uzbekistan, major international institutions with a mandate to safeguard child and labour rights have mainly relied on instruments such as the Multiple Indicator Cluster Surveys (MICS), conducted with technical support from UNICEF and UNFPA. Seasonality effects (due to surveys carried out in summer and at the end of winter instead of during the harvest season) have resulted in significant biases, leading to an underestimation of the scale of child labour. International NGOs have relied on smaller scale but more reliable studies. This points to an urgent need for a more adequate information base and more rigorous monitoring of trends.
- 9 The main conclusion of this report is that child labour is not simply a response to rural poverty at the household or community level but is an intrinsic feature of the current operations of the cotton sector in Uzbekistan and part and parcel of its methods of labour control. As a consequence, the process of eradication of child labour can only become feasible as a component of a broader package of reforms in

agricultural policies. Currently, an estimated hundreds of thousands of children appear to be involved in harvesting activities and are responsible for a substantial proportion of the cotton harvested. A path of agrarian reform that releases primary producers from the administrative dictates of central government, that stimulates the growth of agricultural incomes and that diversifies the economy in ways that promote alternative employment would obviate the need for coercive means of labour control, including recourse to child labour, and restore citizens' confidence in their government's ability to safeguard their welfare.



1 Child Labour: Definitional Issues

1.1 Global trends and debates

Children throughout history and across cultures have always engaged in some form of work. In the past, children in the developed world were also engaged in economic activities working for their families or else employed in agriculture, commerce, industry or the informal sector. As economies transformed and developed, a new discourse evolved defining childhood as a time away from work and other adult activities. Education and school rather than labour rose to prominence as the key socializing force and domain for children (James and Prout 1990). Over the last one hundred and fifty years, since the pioneering campaigns against child labour, state interventions and social attitudes have made children's role in the world of work largely unacceptable, particularly in developed countries (Ennew 1994).

The movement towards the abolition of child labour worldwide is informed by a conception of childhood that can be said to have originated in Europe and North America. It has gained in strength globally over the last two decades, resulting in a number of legislative landmarks (Boyden 1990). These include international treaties such as the International Labour Organization Treaty concerning the Minimum Age for Admission to Employment (Convention 138, 1973), the United Nations Convention of the Rights of the Child (1990), and most recently the ILO convention on The Worst Forms of Child Labour (Convention 182, 1999). Although these treaties have been rapidly ratified by most countries and, in a number of cases, have even influenced national laws, the ILO estimates an approximate figure of 317 million economically active children today, out of a total population of around 1.57 billion 5 to 17 year olds (ILO 2006).

In much of the developing world, children, especially those from the poorest sections of society, continue to play a significant role in the workforce. They often make an important economic contribution to their families and, in turn, fulfil social roles that many young people regard as a source of pride (Gailey 1999,

Woodhead 1999). Researchers have, over the years, come to gain a greater understanding of the ways in which children's work may be important in specific contexts, given the socio-economic conditions, cultural expectations and the role of work in socializing them into adult life (Woodhead 1999, Liebel 2003). What has emerged from these understandings, both amongst researchers and those working on interventions at the international, national and local levels, is the need to distinguish between **different forms of work** and the **diverse kinds of relationships** that children become enmeshed in through work (White 1999). This perspective is gaining ground amongst researchers, NGOs, and more recently in multilateral organizations like the ILO, as exemplified by the Convention No. 182 on the Worst Forms of Child Labour (1999). This points to an emerging consensus amongst these various actors (Myers 1999). Conceptual distinctions are now drawn between **children's work**, something that is locally valued including by children themselves; and **child labour**, which is exploitative and detrimental to the child's well-being or future prospects and which, if identified as such, can be more effectively combated (see Article 3 of ILO Convention 182, p. 10). Distinguishing whether the forms of economic activity children are engaged in constitute 'work' or 'labour' and, in this latter case, whether these are hazardous or exploitative, means answering a series of questions concerning the type of work carried out, the level of difficulty involved, the setting and conditions in which it takes place, the level of remuneration, and whether coercion is present.

This 'child-centred' perspective does not concentrate solely on the negative aspects of child work but places such work along a continuum in terms of its effects on children, ranging from the intolerably harmful through neutral to wholly beneficial (White in Myers 1999). Whereas most child work tends to fall somewhere in between this spectrum, with some positive and some negative aspects, this perspective also allows a concerted effort against those forms of child labour that are perceived as especially harmful and exploitative.

ILO Convention 182 on the Worst Forms of Child Labour (1999)

Article 3

For the purposes of this Convention, the term 'the worst forms of child labour' comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Signatory countries to Convention 182, which now number 169, are required to identify and take action against the worst forms of child labour through national laws and initiatives. Despite the swift and high level of uptake of Convention 182, ILO figures estimated that around 1.8 million children were involved in the worst forms of child labour worldwide in the year 2000,¹ with a further 170 million engaged in hazardous work (ILO 2006, see Table 1).

Children work in a range of different settings and sectors that can be broadly classified as follows:

- work in the family (in the home or a home-run business);
- work in the informal sector (for an employer or self-employed);
- work in the formal sector (in agriculture, industry and services) (Ansell 2006).

Although exploitation and the worst forms of child labour can be found in all three contexts, it is on the latter two that most media attention and international campaigns have focussed. High-profile cases of the use of child labour in the garment industry in Bangladesh,

for instance, providing services for well-known brands in the West surfaced in the late 1980s and early 1990s. Such high-profile cases, it is now felt by a number of researchers and NGOs, often fail to take on a nuanced 'child-centred' perspective that includes the conditions, effects and motivations to work. Granted that there are many cases of children being sold into labour in the garment industry, and that conditions and pay are often appalling (Gailey 1999), there are also cases where work in particular socio-economic and cultural contexts fulfils an important role.

There are, however, numerous examples of the worst forms of child labour that have mobilized broad consensus concerning their unacceptability. Documented cases of coerced child labour throughout the globe tend to focus on children sold to middlemen to work in factories (Gailey 1999), child trafficking for prostitution (UNICEF 2005, Montgomery 2000), and children forcibly recruited into the armed forces (Human Rights Watch 2001, 2004, 2007). In these cases it is often families, independent actors, gangs or militias that are involved in exploitation. It is relatively rare to encounter cases of states' and state agents' direct involvement in the exploitation of children through the

¹ This may be an underestimate in light of the fact that the figures used for Uzbekistan do not reflect reality. See section 4.6 for further details.

Table 1 Classification of children's work and labour and estimated populations, 2000 and 2004

		Population in millions 2000	% of total age group	Population in millions 2004	% of total age group
Children at work in economic activity	Children undertaking productive work in the formal and informal sector, including unpaid, casual and illegal work, but not domestic chores within children's own households	351.9	23.0	317.4	20.3
Child labour	Ages 5–11 All children in economic activity	186.3	15.5	165.8	13.7
	Ages 12–14 All children at work in economic activity minus those in light work (certain forms of work that are not detrimental to the child can be undertaken up to 14 hours a week)				
	Ages 15–17 All children in hazardous work and undertaking the worst forms of child labour				
	Total number of child labour 5–17 age group	245.5	16.0	217.7	13.9
Hazardous work	Work in mining or construction, using heavy machinery or being exposed to hazardous substances or conditions; work of more than 43 hours per week	170.5	11.1	126.3	8.1
Unconditional worst forms of child labour	Trafficking; forced or bonded labour; including in armed conflict; prostitution and pornography; illicit activities	1.8	0.5		

Sources: ILO (2000, 2006) and Ansell (2005).

forced recruitment of child soldiers or child labourers. The military regime in Burma represented one such instance and was banned from the ILO in 1999 for its persistent use of such practices (Human Rights Watch 2007).

The objective of this report is to offer an evidence-based account of the use of child labour in the cotton sector in Uzbekistan with a view to assessing its nature, scope and effects on children's welfare.

1.2 Children's work or forced child labour? Where does the cotton sector in Uzbekistan stand?

Uzbekistan's record of forced child labour has increasingly come under international scrutiny. Several media and international NGO reports have drawn attention to the prevalence of this phenomenon.² In a statement issued in April 2008, the Ministry of Labour and Social Protection of Uzbekistan refuted allegations made by international NGOs and the Western media concerning the use of forced child labour in the agriculture of Uzbekistan.³ The Ministry statement cited Uzbekistan's adoption of ILO's Minimum Age for Admission to Employment (Convention 138) and The Worst Forms of Child Labour (Convention 182). In terms of national legislation, article 37 of the Constitution prohibits the use of any form of forced labour. The Law 'On guarantees of the rights of a child' adopted in 2007 recognizes the right to work from 16 years old onwards and the right to combine work and education in a manner that is not detrimental to compulsory schooling from 14 years old onwards (see section 7.2 for details).

Existing patterns of child labour in Uzbekistan were explained by the Ministry with reference to 'recognized family values and traditions of Uzbek society' which 'assume and predetermine [the] participation of elder children in creating family well-being'. In brief, the Ministry placed the economic contribution of minors in the category of child work, distinguishing it from

child labour. The statement concluded that after post-Soviet reforms and the privatization of agriculture in Uzbekistan there were no social or economic grounds for the use of forced child labour in agricultural work, including cotton-harvesting operations.

In contrast to this posture of systematic denial, there have been some, as yet mixed, indications that the Government of Uzbekistan may be more receptive to an acknowledgement that child labour is a problem. The Cabinet of Ministers has passed a resolution to approve a National Action Plan for the implementation of ILO conventions 138 and 182.⁴ However, reports concerning the impact of these new dispositions remain contradictory.⁵ In any event, efforts at eradicating child labour must identify the root causes of this phenomenon and be based on an accurate assessment both of its extent and its effects, an assessment which the present report hopes to contribute to.

In what follows, the report will:

- 1 examine existing evidence on the evolution of the agricultural sector in Uzbekistan since independence in 1991 to clarify the rationale of continuing forms of child labour
- 2 analyse the results of a survey carried out in six rural districts in 2007 in order to achieve a better understanding of the scale, patterns of recruitment and working conditions of children in the cotton sector and the implications for their welfare.

² Among these we may list a BBC documentary ('Child Labour and the High Street', *Newsnight*, BBC Two, 30 October 2007, 22.30 GMT) and reports such as 'White Gold: The True Cost of Cotton. Uzbekistan, Cotton and the Crushing of a Nation', London: Environmental Justice Foundation, 2005, and 'The Curse of Cotton: Central Asia's Destructive Monoculture', International Crisis Group Asia Report, No. 93, 28 February 2005, <http://www.crisisgroup.org/home/index.cfm?id=3294&l=1>. This culminated in a campaign that led major international buyers such as Tesco, Marks and Spencer, and Wal-Mart to boycott products using Uzbek cotton.

³ Clarifications by the Ministry of Labour and Social Protection of Populations of the Republic of Uzbekistan with Regard to Allegations on 'Forced Child Labour in Uzbekistan', Tashkent, April 2008.

⁴ Resolution of the Cabinet of Ministers 'On measures on realization of ILO conventions on minimal age of employment and on prohibition and immediate measures on eradication of worst forms of child labour', *Uzmetronom*. Com, 15 September 2008, http://www.uzmetronom.com/2008/09/15/zapret_na_detskij_trud.html (in Russian).

⁵ Malik Mansur, 'O'zbekistonda o'quvchilar paxta terimiga jalb qilinmasligi mumkin, Amerika Ovozi, 7 September 2008; 'Uzbekistan Trying to Avoid Child Labour in Cotton Industry', *Uznews.net*, 12 September 2008, http://www.uznews.net/news_single.php?lng=en&sub=top&cid=2&nid=7135; 'Uzbekistan bans child labour in cotton fields', *AFP*, 15 September 2008, <http://www.eubusiness.com/news-eu/1221490021.81>; 'Uzbekistan: Children Continue to Work on Cotton Fields despite Official Ban', *Ferghana.Ru*, 16 September 2008, <http://enews.ferghana.ru/article.php?id=2466>; 'Uzbek Cotton and Forced Child Labour - Is the Government Serious?', *Ethical Corporation*, 21 September 2008, <http://www.ethicalcorp.com/content.asp?ContentID=6093>; 'Uzbek Child Labour Ban Hard to Enforce', *IWPR*, 23-Sep-08, http://www.iwpr.net/?p=buz&cs=b&co=346822&apc_state=henb; 'Schoolchildren Sent to Pick Cotton in Jizak Region', *Uznews.Net*, 23 September 2008, http://www.uznews.net/news_single.php?lng=en&sub=top&cid=2&nid=7340; 'Schoolchildren Sent to Pick Cotton in Samarkand Region', *Uznews.net*, 26 September 2008, http://www.uznews.net/news_single.php?lng=en&sub=top&cid=2&nid=7398

2 Why Child Labour? Changing Trends in the Cotton Sector of Uzbekistan

The reliance of the Soviet command economy in Uzbekistan on 'cotton campaigns' that mobilized the population, including school-age children, during harvest periods is well documented. An integrated network of institutions, from regional and local administrations, to schools and collective farms were involved in securing additional labour at peak times. At first glance the use of child labour in cotton harvests, relying on an existing infrastructure of institutions, may appear as a carry-over from collective agriculture. However, the evidence points to significant changes in both the *context* and the *mechanisms* of reliance on child labour in the aftermath of agrarian reforms starting after the break-up of the Soviet Union and Uzbekistan's independence in 1991.

During the Soviet period, Uzbekistan was a region of high rural unemployment and underemployment and, compared to the rest of the Union, of low agricultural wages (Craumer 1992, Lubin 1984). These trends were aggravated further after independence when Uzbekistan's agriculture, organized around some 940 *kolkhozy* and 1,108 *sovhozy* in 1990, was gradually de-collectivized. Collective enterprises, apart from providing their members with jobs, also played an important role in allocating additional plots to households who were able to supplement their incomes by planting a second crop. The second crop economy also absorbed some surplus labour. Privatization policies did not only result in massive job losses but, over time, also restricted access to the second crop economy for the majority of former collective enterprise workers. Furthermore, after independence the terms of trade for agriculture deteriorated drastically. The government, cut off from the budgetary grant it received from the USSR, was forced to find new sources of revenue. Extraction of surplus from agriculture by driving a wedge between the procurement price and the export price of cotton was a readily available alternative. By 1994, the procurement price for cotton in real terms was a fraction of what it was in 1990. The agricultural sector continues to be subject to high levels of taxation (World Bank 2005, Djalalov 2007, Abdullaev, Giordano and Rasulov 2007) while levels of investment

in rural industries (which used to provide additional jobs during the Soviet period) have plummeted. These adverse trends have combined to deepen both unemployment and rural poverty.

Given an abundant labour supply and the effects of privatization on the organization of production, how can we account for continuing reliance on child labour?

2.1 A partial process of agrarian reform

Private access to land was steadily expanded in Uzbekistan through the allocation of leaseholds to a new private farming sector that took over production from *shirkats* (collective enterprises). However, farmers continue to be tied to the state procurement system through a *shartnoma* (contract) system that specifies the particular combination of crops they are allowed to cultivate and the state delivery quotas for strategic crops, namely wheat and cotton (Kandiyoti 2003a). Producers have little control over crop allocation, access to input markets or buyers for their crops. Local *hokims* (provincial governors), who play a key role in allocating land for private farming, are still held responsible for ensuring that their region meets its procurement quotas and risk endangering their jobs if they fail to do so. While local administrators are motivated to extract as much cotton as possible from farmers, farmers are caught between the obligation to fulfil delivery quotas, their desire to maximize their profits and the necessity to cut their costs as far as they can. Thus, although different players in the agricultural sector do not necessarily have identical stakes over the utilization of child labour, they share a common interest in timely access to a source of cheap labour.

A much less understood and documented effect of privatization on cropping patterns has to do with the entrance of new, more powerful players into the ranks of 'new' farmers. Micro-level studies clearly suggest that their ability to farm profitably rests on their ability to negotiate activities and crop mixes that

minimize their involvement in cotton farming.⁶ To what extent does the ability of well-connected new private farmers to evade the unprofitable cotton crop actually *increase* the pressures on those who are still subject to cotton delivery quotas? Does this have a bearing on methods of labour control? Do new exit strategies of both the more privileged and of the poor (see 2.4 below) increase the need for coercion in securing an adequate labour supply for cotton cultivation, including the labour of children? These issues certainly merit further, in-depth investigation.⁷ It is, however, safe to conclude that the path of agricultural reform adopted by the Government of Uzbekistan is far from having created conditions that would help eradicate forced child labour and other forms of coerced labour.

The structural shortcomings of the agricultural sector, spelt out above, are leading the Government of Uzbekistan to take further measures to close any loopholes and tighten existing land tenure arrangements through administrative means. On 6 October, 2008 the Cabinet of Ministers adopted Decree P-3077⁸ which signalled the launch of a campaign to “optimize” land holdings in a manner that is tantamount to the expropriation of one category of farmers in favour of the enlargement of the holdings of others. *Hokimiyats* across the country have started prompting farmers to sign applications for ceding their lands to inventory commissions created under the auspices of local administration. These commissions are tasked with providing inventories of land use and of farmers’ performance (with respect to meeting their cotton production quotas) with particular attention to the availability of tractors and other farm machinery.

According to some reports local authorities have gone beyond the letter of the decree. Tender commissions were set up issuing prompt decisions concerning land reallocation. Local sources report that *hokimiyats* may have been responding to instructions to halve the number of farmers by consolidating the size of holdings.⁹ Minimum landholding sizes have been set to reflect local conditions (such as population density and available arable land per capita). Prior to the decree, according to official statistics, there were 218 thousand private farmers in the country. If local authorities were indeed aiming to reduce the number of farms by half, no fewer than 100 thousand farmers would be affected

by these measures. Understandably, concerns over the modalities of land “consolidation” and reallocation are mounting. Some farmers may resist relinquishing their holdings by resorting to courts but it is not clear how long they could hold out.

Apart from further aggravating inequalities in access to land, it is doubtful whether these measures could solve the problem of low productivity and reliance on coerced labour since they leave the disincentives built into pricing mechanisms unaddressed.

2.2 Characteristics of the crop cycle

The cotton-picking season is short and starts with the maturing of cotton bolls, usually at the beginning of September. The onset of autumn rains and cold weather reduces the quality of the cotton which starts fetching lower prices as the harvesting season advances. The first two weeks of the harvesting season are critical. Farmers who are not able to pick the bulk of their cotton on time stand to lose financially. This creates pressures to harvest as much cotton as possible within a narrow timeframe. As the picking season advances, the quality, quantity and pay levels of the cotton harvest decline to such an extent that there are hardly any profits to be made from this activity. Child labourers can be made to stay on the fields until the very end of the harvest period, well beyond the point when the adult labour supply has dried up.

2.3 The decline of mechanization

The lower profitability of cotton cultivation for direct producers and the lack of investment in rural areas had serious implications for farm mechanization and labour use. Significantly, in his speech to the Tenth Session of the Oliy Majlis, President Karimov already acknowledged the decline in levels of mechanization, in particular in the use of combine harvesters. Whereas in 1992–1993, combines harvested up to 40% of the cotton crop, this went down to 6% in 1996 and only 4% in 1997 (Karimov 1997). The dissolution of MTPs (Machine Tractor Parks) has meant that the purchase and maintenance of equipment has suffered. Existing harvesting equipment is in a bad state of repair and the import of new farm technology has been hampered

by the limitations of access to credit and the underdevelopment of leasing operations.

2.4 Cotton farming and new patterns of out-migration

The process of agrarian reform initiated a new period of hardship for rural populations (according to 2005 figures 64% of the population live in rural areas and the agricultural sector employs about 32% of the workforce).¹⁰ In the initial stages of de-collectivization, *shirkats* were chronically in arrears of wages. Rural households were only able to survive through a combination of livelihood activities in the informal sector and the second crop economy. As privatization proceeded and *shirkats* were dismantled rural households started to lose their toehold in the second crop economy and many joined the ranks of a casual labour force of male and female *mardikor* (daily workers) (Kandiyoti 2003b). Without the direct and indirect benefits of membership in collective enterprises, the livelihoods of rural households became increasingly precarious.

The population responded to these hardships through seasonal migration to wealthier countries with a high demand for labour, primarily Kazakhstan and Russia. Experts estimate that the total number of labour migrants (legal and illegal) from Uzbekistan to varied destinations such as Russia, Kazakhstan, South Korea, Turkey, UEA and others may reach 1–1.5 million and

account for up to 8% of the GDP in remittances.¹¹ The higher wages labourers are able to earn by becoming migrants (an approximate average monthly wage of US\$300–500 per month as compared to US\$200 per harvesting season in Uzbekistan) act as a magnet for able-bodied men and women who can no longer subsist in the agricultural sector of Uzbekistan.

This has increased the pressures on the operations of the cotton sector. The administration now has to combat two different types of centrifugal tendencies in order to keep up levels of production: a) the attempts of farmers to get out of cotton production in favour of more profitable crop mixes; and b) the attempts of labourers to exit Uzbek agricultural production altogether in favour of more lucrative jobs elsewhere.¹² This conjuncture has led to increasing levels of coercion and policing of both land use and of the agricultural labour force, pushing up demand for a cheap substitute labour force.

The combination of factors detailed above points to a new set of constraints that condition the demand for child labour. If anything, the relative contribution of child and other forms of coerced labour to total output could increase unless the Government of Uzbekistan adopts a new mix of agricultural policies that can successfully break the vicious cycle of reliance on compulsion to keep up production levels. Likewise, diversification of the economy and decreasing reliance on cotton as a key export commodity could, in the longer term, assist in alternative job creation.

⁶ Several studies document the mechanisms new farmers use to achieve better usufruct terms for their leaseholds by negotiating more profitable crop mixes and avoiding the unprofitable cotton crop. See Trevisani (2007) Jozan et al (2007).

⁷ There are some indications that the pressures created by the diversion of land resources are being countered by administrative measures. The “grave shortcomings” leading to the sackings of the acting governor of the Tashkent Region, three district heads and one mayor include “the embezzlement and illegal appropriation of state agricultural lands for private use” Uzbekistan: A Purge is Underway, Posted December 17, 2008 © *Eurasianet* <http://www.eurasianet.org>

⁸ The full text of the Decree may be found at http://www.ferghana.ru/news.php?id=10770&mode=snews_02.12.2008

⁹ Uznews.net reports that in Djizak oblast only 5 out of 9 thousand farms have been liquidated as a result of this campaign. See http://www.uznews.net/news_single.php?lng=ru&cid=2&sub=usual&nid=840820.01.09

¹⁰ Government of Uzbekistan, *Welfare Improvement Strategy Paper*, 2007, p. 21.

¹¹ According to Russian Central Bank figures, migrants from Uzbekistan transferred US\$1 billion in 2006. However, it must be borne in mind that many also use informal channels for money transfers. <http://www.ferghana.ru/news.php?id=6374&mode=snews&PHPSES-SID=a6734282955ca52f3b8fc99ed5e0edfa>

¹² According to some reports, although the current economic downturn is translating into a lower volume of remittances, there is no decline in the number of Kyrgyz, Uzbek and Tajik citizens seeking jobs abroad. See Erica Marat “Shrinking Remittances Increase Labor Migration from Central Asia” *Central Asia-Caucasus Analyst* Vol.11, No. 3, 11 February 2009, pp.7-9.

In summary, the issue of child labour cannot be addressed in isolation. It is symptomatic of a broader failure to establish a system of incentives that could stimulate the development of agriculture in Uzbekistan and of a more diversified economy that could reduce dependence on cotton exports.

Having clarified why the demand for child labour is **endemic** to the current operations of the cotton sector in Uzbekistan, it is important to evaluate whether the types of recruitment and work conditions children are subjected to qualify as the worst forms of child labour specified by ILO Convention 182. This is the task that the current investigation has set itself.

3 Survey Profile: Scope and Methodology

The primary source of information for an assessment of the nature and scope of forced child labour in the cotton sector of Uzbekistan is a small-scale survey conducted during the summer of 2007 in six rural districts of three provinces (*viloyats*). The results pertain to the 2006 harvest season. The names of the districts and provinces included in the survey sample have been omitted to protect the anonymity of researchers and respondents. A total of 136 interviews were carried out with representatives of various stakeholder categories: school children, parents, school teachers, farmers, civil servants and officers of local authorities (see Table 2). The interviews were based on open ended, non-structured questionnaires. Despite the small size of the sample, the interview data, alongside anecdotal information and individual narratives, permits some extrapolations of the trends identified in this study to other regions of Uzbekistan.

The criteria adopted to define child labour for the purposes of this report derive from the ILO Conven-

tions detailed in section 1.1 above. The International Programme on the Elimination of Child labour (IPEC), in its report 'Every Child Counts: New Global Estimates on Child Labour', provided updated definitions of child labour and related terms. *Child labour* refers to **all children under 15 years of age** who are economically active **excluding** (i) those who are **under five years old** and (ii) those between **12 and 14 years old** who spend **less than 14 hours a week** on their jobs, unless their activities or occupations are hazardous by nature or circumstance. **Added to this are 15–17 year-old children in the worst forms of child labour.**¹³

According to the same report, *hazardous work* by children derives, among other conditions, from excessive workloads, adverse physical conditions of work, and/or work intensity in terms of the duration or hours of work even where the activity or occupation is known to be non-hazardous or 'safe'. Any child below the age of 18 working 43 hours or more a week was considered to be in hazardous work.¹⁴

Table 2 Sample Design

	District #1	District #2	District #3	District #4	District #5	District #6	Total
No. of interviews	34	20	22	23	19	18	136
<i>Including:</i>							
School children	21	4	5	4	4	5	43
Parents	5	3	4	4	4	3	23
Farmers	2	5	5	5	4	5	26
School teachers	3	5	5	5	5	3	26
Civil servants	1		1		1		3
Other	2	3	2	5	1	2	15

¹³ 'Every Child Counts: New Global Estimates on Child Labour', IPEC, the International Programme on the Elimination of Child labour, in its report, International Labour Office, Geneva, 2002, p. 32.

¹⁴ Ibid., pp. 33–34.

Finally, the *unconditional worst forms of child labour* include, among other features, forced or compulsory labour, including forced or compulsory recruitment,¹⁵ the criteria of which are spelt out by the ILO Forced Labour Convention No. 29 (1930). The Convention stipulates that the term *forced or compulsory labour* shall mean 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/herself voluntarily (paragraph 1, Article 1).¹⁶

Following these definitions, the survey targets the work of school children between the ages of 10 and 15 years old, attending school from grades 5 to 9 inclusive. This is precisely the category of children in Uzbekistan who are subjected to compulsory recruitment and whose conditions of work are detailed below.

4 Survey Results

4.1 The scale of recruitment

Almost all school children in the six districts under study were compulsorily recruited for the cotton harvest in 2006. There were a small number of exemptions: schools in big cities, mainly in provincial capitals, and children who were excused on health grounds were exempted from working on the cotton fields. The school children interviewed and their parents were able to report not only on their own personal experiences but on the overall situation within their schools. These personal accounts were complemented by information provided by farmers and key informants from local administrations to the districts' general education administrations (*rayono*).

Taking into account media reports and press releases issued by human rights activists,¹⁷ the situation in these six districts would appear to be fairly representative of the cotton growing districts of the country as a whole. Practically all school children between the ages of 10 and 15 years old (from 5th to 9th grades) in rural areas and small towns (district centres) were being recruited for the cotton harvest.

It was possible to calculate the proportion of schools involved in the cotton harvest in 2006 for five out of the six surveyed districts as follows:

4.2 Methods of recruitment

In 2006 school children were recruited from 5 September until the fulfilment of the district delivery quotas (imposed by the government on each rural district and oblast). In fact, the start of classes signals the official end of the harvest period. Children had been kept on the cotton fields for up to two months, until the beginning of November.

Other sources (media and the press releases of human rights groups) confirm that this practice is observed at each harvest period. There may be slight differences in timing as a result of variations in the start of the harvesting season which sometimes kicks off at the very beginning and sometimes in the middle of September. According to reports from the same six districts, in 2007 children were taken to the cotton fields starting from 10 September. Unwritten directives concerning the recruitment of children were conveyed from the local administration, oblast and district *hokimiyats*, to the schools.

The recruitment process (according to the procedures reported for 2006) proceeds as follows:

- the *hokimiyat* (local administration) assigns cotton delivery quotas to schools and to local farmers;

	% of all schools in the district	Number of school children mobilized
District 1	97%	25,000
District 2	100%	15,000
District 3	Estimate of 90–95%	15,000
District 4	92%	20,000
District 5	86%	12,000
District 6	95%	12,000

¹⁵ Ibid., p. 34.

¹⁶ <http://www.ilo.org/ilolex/english/convdisp1.htm>

¹⁷ 'Forced Child Labor in Uzbekistan's 2007 Cotton Harvest Results' by Group of Human Rights Defenders and Journalists of Uzbekistan, 2008; Newsletters of the Coalition Against Forced Child Labour in Uzbekistan; 'Investigation: "Patriotic" Uzbek Child Labourers', Institute of War and Peace Reporting, December 2004, http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=heirca2004

- on the basis of this quota, farmers conclude agreements with school administrations and, if necessary, provide transportation for the conveyance of the children to the fields;
- school administrations transmit the order to teachers and children;
- farmers take responsibility for the organization of work: they take delivery of the harvested cotton and pay for it; sometimes farmers provide meals for children, but the cost is deducted from the salaries;
- farmers pay the school administration for the harvested cotton and the teachers distribute the pay among children weekly.



Clearly, the mobilization of school children on such a scale, including extensive school closures, can only be achieved under directives or tacit consent of the central government. Despite the absence of written communications to that effect, an indirect indication of the active intervention of the central government in the cotton harvest may be found in a report by the official Information Agency UzA. The report states that the government formed 20,000 working teams and prepared 5,000 buses for the delivery of labourers to the fields in 2007.¹⁸ This scale of mobilization is consistent with the findings of our survey.

There are no mechanisms to obtain consent to these arrangements from the parties concerned, nor any formal contracts or agreements with children or parents that specify mutual obligations and entitlements to give them legal force.

Gulnaz, (mother): 'I have two children; my son goes to grade 7 and my daughter to grade 8. At the beginning of each school year, approximately at the beginning of

September, the classes in school are suspended, and instead of classes children are sent to the cotton harvest. Nobody asks for the consent of parents. They don't have weekend holidays [during the harvesting season]. If a child is for any reason left at home, his teacher or class curator comes over and denounces the parents. They assign a plan to each child, from 20 to 60 kg per day depending on the child's age. If a child fails to fulfil this plan then next morning he is lambasted in front of the whole class.

Compliance with orders is closely monitored by school administrations. If a child tries to evade work the school teacher is sent to the household of the offender and exhorts the family to fulfil their obligations. If these softer forms of persuasion fail to produce results the school administration has the power to adopt more punitive measures.

4.3 Work conditions

Rural school children are taken to the cotton fields daily, so they are not separated from their families during the harvest period. Children from urban areas spend the picking season at the field barracks and camps equipped for machine and combine operators. Rural children walk to the fields if they are sufficiently close to their school, or are transported by buses provided by farmers. The working day starts at 9 am and ends at 5 pm, with a one-hour lunch break.

	No of days during which children were employed for the cotton harvest
District 1	56
District 2	63
District 3	63
District 4	63
District 5	53
District 6	51

The children are given a daily quota (or norm) to fulfil, varying between 30 and 50 kg of raw cotton, depending on the age of pickers, with older children working to a higher norm.

4.4 Health and safety hazards

The following factors represent potential health hazards for child labourers in the cotton fields:

- According to the respondents of the survey, the medical commissions that check the condition of children before sending them to the cotton harvest have a clear threshold indicator for disqualifying children with poor health. In practice, the commissions, most probably under pressure from the local administrations, have lowered this threshold and give a green light to children with indicators of anaemia. Rural children are especially susceptible to anaemia due to malnutrition.
- The sanitation, hygiene and health provisions for children are minimal. The current situation compares unfavourably with the Soviet period when the children were released on Sundays to take a bath. Unlike the Soviet period, there is no sanitary provision such as hot water and hygiene tents for girls. Children working at the cotton harvest used to be provided with nutritious food, including butter and a hot meal with meat. Nowadays, farmers rarely prepare meals for children who, in many instances, have to bring their own food. The menu usually consists of bread and a few vegetables. If a meal is provided the cost is deducted from their pay.
- In violation of national legislation, children recruited for the cotton harvest are working overtime. The working day lasts no less than eight hours. Children have to carry heavy bales of cotton to the cotton reception points. Heavy work such as carrying bales for long distances is especially harmful for young girls.

Children are also expected to work without weekend breaks. They are, in principle, recruited to work continuously for two months without breaks for rest, recreation or personal hygiene.

- Children who work on the cotton fields are exposed to dust particles carrying residues of chemicals and fertilisers sprayed for cultivating cotton. During the late Soviet period the cotton fields were treated with *Butifos*, the most effective defoliant with the fastest effect on the cotton plants. It was infamous for its toxic effects and has been banned. The cotton fields are sprayed with nitrates (such as Carbamid or Urea) during the spring and summer seasons, in order to stimulate cotton growth and maturation. The nitrate fertilizers are produced by the mineral fertilizer plant located in Navoi oblast. During the ripening period, in August and September, the cotton fields are sprayed with defoliants in order to speed up the fall of cotton leaves to expose the cotton bolls to direct sunshine necessary for their rapid maturation.

Two major defoliants are currently in use in Uzbekistan:

- 1 *Auguron*¹⁹ was applied to 600,000 ha of cotton fields in 2006. Its chemical and toxic features are poorly known. There are concerns that it may have been accepted without pre-testing its effects on human health;
- 2 *Magnesium Chlorate*²⁰ was used on the remaining cotton fields. It is toxic to humans in the proportion 1 g per 1 kg of mass.

The use of chemicals makes the cotton sector highly hazardous to the health of children. No medical tests have been carried out, to date, to assess how the use of these fertilizers and defoliants may affect health, and what safety measures need to be adopted to allow children to work on cotton fields without exposing them to unacceptable risks.

¹⁹ It is produced by Russian firm 'August', <http://www.firm-august.ru>. It is used as a suspension by dissolving 380 milligram of the substance in 1 litre of water.

²⁰ This product is being dissolved in the proportion of 160 kg per 6,000 litres.

¹⁸ UzA, 14 September 2007, <http://uza.uz/ru/business/739/>

4.5 Educational losses

Children mobilized for the cotton harvest experience significant educational losses. Two months of school closure during the harvest period are *de facto* deducted from their schooling. This represents a net loss of about 25% of their exposure to education. The cumulative effects of these losses over the years, between grades 5 to grade 9, amount to one entire year of net school time. Other field reports suggest that schoolchildren in rural areas may also be subject to recruitment for spring farm labour (hoeing, weeding and transplanting) occasioning further suspension of classes for weeks at a time. Thus, the total educational losses of rural school children may be even higher than those identified by our survey.²¹

Many school children are acutely aware of the significance of this loss for their future prospects. They are at a clear disadvantage in comparison to their urban counterparts and are resentful of these obstacles to their educational and social mobility. Some extracts from interviews with children, their parents and teachers express concern and discontent with the current state of affairs:

Parent:

During the first and second picking period children are not needed. Cotton at this period can be collected by tenants themselves. Then they go to their own vegetable gardens. In general, the school children are needed during October and only for 15–20 days, when tenants are busy with their vegetable plots and nobody is left on the fields.

Rural school teacher:

I've taught school for 35 years. There is no need to recruit children for 2-3 months. It would be enough for 20, at most 30 days, before the lowering of the cotton quality grade. But children are kept on cotton fields when they have nothing to do because there is so little cotton left. At this period they can't make enough money to even reimburse the wear and tear of their clothes and shoes. Why are they being kept from school at this time I can't comprehend. ... When it comes to passing exams and entering universities, rural and urban children find themselves in very unequal positions. Urban children are better prepared. Their schools have computers and internet, but rural schools have nothing.

Rural school teacher:

Is there a concrete need to recruit school children in your area?

In my opinion, no. The first picking they finish in 10 days, the second in 5 days, the third in 2 days. The children are left idle and scatter in all directions, some look after their cattle, some go fishing. As a result, the state loses out, and the curriculum is not fulfilled. If there is no knowledge tomorrow, how will the society develop?

Adult respondents did not necessarily object to children working in the cotton fields, justifying it as an opportunity to make some money. However, almost all respondents believed that the period of children's recruitment is too long and could be reduced to just 20 days, or a maximum of 30 days. After 30 days, some claim that children have little left to do on the fields and 'just loaf about and waste time'.

School girl, 15, grade 9:

For us at the entrance exam to universities there are no benefits. The specialists from rural schools turn out to be of poor quality. Because we're being cut off from education. ... I'm not happy about that, because I want to enter university. I don't know how I'll pass the exam.

School boy, 13, grade 7:

What is better: cotton harvesting or study at school?

School is better.

Parent:

It would be better if they (pointing at her son) were not taken for cotton harvesting and deprived from schooling... They must study, but they could work on the cotton fields after classes each day.

Rural school teacher:

I personally don't support the closure of schools for the period of the cotton harvest. If children are needed then a corresponding law should be adopted. If farmers need help then let them conclude an official agreement. I, for instance, didn't see any document on the closure of schools. ... It is possible to go to help picking cotton after classes for 1-2 hours, if they wish. We're not against picking cotton, but children are left without knowledge.

Rural school teacher :

Cotton harvesting has a negative impact on study. Lessons and themes are left untaught. The exam grades are declining and this is especially evident at inter-school competitions (olympiads). Rural children tend to lose out to urban children who spend less time on cotton fields.

In some cases private farmers lease their land to tenant farmers, giving them plots of about 1–2 ha to cultivate. Many tenants prefer to pick the cotton themselves. Nonetheless, local administrators still impose children on such farms.

These observations should not lead us to conclude that the use of child labour is devoid of economic rationale. Cotton picking is an activity with clearly diminishing returns. As the harvest progresses, both the quantity and the quality of cotton declines creating labour bottlenecks since adults are inclined to allocate their labour time to more lucrative pursuits such as tending their own vegetable plots or engaging in home repairs and other preparations for the winter. As noted in the testimony of a school teacher above, by the end of the cotton season the remuneration becomes so low that it hardly compensates for the wear and tear of children's shoes and clothing. The availability of child labourers until the very end of the harvest season makes them an attractive source of captive labour since they can be made to pick well beyond the point where there are any incentives left for carrying on. It is therefore quite clear that, alongside the urgent need for labour at peak times, drafting child labour is partly a response to inadequate incentives for farmers, as the transcript below suggests:

Q: In your district, what is the percentage of farmers that need the assistance of children?

A: No more than 25% of the farmers. If certain conditions are met, farmers can cope with the cotton harvest on their own.

Q: What sorts of conditions?

A: If the payment for harvesting was increased to UZS 100 per kg (as compared to UZS 53 this year) there would be more pickers. Even though school children or other assistants are involved in the harvest, productivity is still very low.

Q: Is there some sort of misunderstanding concerning this state of affairs on the part of the district administration?

A: The fact is that the administration asks for a certain number of people at the harvest. Because of fear of being reprimanded from the top, they mobilize people.

The use of child labour sometimes works to the detriment of farmers who, despite their narrow profit margins, are required to bear the costs of transportation of labourers and receive no subsidies for feeding their workforce. Some strongly feel they should receive more help with their expenditures for the harvest. Alongside receiving payments for their crops with considerable delays, cotton farmers are now deprived of a number of former benefits such as receiving cotton-seed oil and oil cake which they could use as fodder or sell on the market. In addition to production costs, farmers are also burdened with having to make compulsory contributions to various communal funds.²²

The main beneficiaries of child labour are not the primary producers, who occupy the lowest rung of the value chain and are squeezed by low procurement prices, but actors and institutions higher up the value chain who stand to gain most from cheap cotton traded at international market prices. Whereas during the Soviet period harvesting costs (including the transportation of labourers, meals, accommodation and health and sanitation facilities) came out of subsidized enterprise accounts, these costs are now being passed on to a private farming sector that responds by cutting down its obligations to labourers to an absolute minimum. This inevitably leads to a deterioration of nutritional, sanitation and health standards. However, this is a state of affairs for which farmers themselves can hardly be held responsible.

4.6 Economic contribution of child labour

The Government of Uzbekistan stands to make substantial profits from the differences between low local procurement prices and world market prices of cotton. The purchase prices for cotton and the pay levels for cotton pickers are set by the government. The rate of pay depends on the grade of raw cotton delivered to the cotton gins by farmers. Cotton harvested during the first couple of weeks is accepted as first grade, declining to second grade in the following two weeks, and considered to be third grade thereafter. The payment declines accordingly, with the lowest grades fetching the

²¹ Reports received from local human right groups for spring 2008.

lowest prices. In 2006, the farmers paid cotton pickers 53 Uzbek Soum (UZS) per kg for first-grade cotton and UZS 25 per kg for the lowest grades. The average pay rates for child labourers were as follows:

Average pay of school children for the 2006 harvest season

	In UZS per kg	In US cents
District 1	25	2
District 2	35–40	3
District 3	35–40	3
District 4	35–40	3
District 5	35–50	4
District 6	35–50	4

Even during the first period of harvesting when cotton gins pay for first-grade cotton, the farmers do not always pay the corresponding rates to their child labourers. In a number of surveyed districts, it was established they only paid UZS 30–40 per kg.

It is, in any case, difficult to estimate the exact proportion of the pay that finally reaches the children and their families. For instance, in cases where farmers provide meals for children the cost of the food may be deducted from children's salaries. The pay is distributed via school teachers. It is often the case that cash-starved school administrations withhold some money to meet some essential school needs (such as repairs to buildings, refurbishment or compulsory subscription to government publications). However, these mechanisms lack transparency and may lead to abuses. This is something farmers comment on with disapproval:

Teachers who are supposed to organize the cotton harvest sometimes cheat by not giving money directly to children and making up false statements. Having bargained with the farmers they pocket the children's

money from the harvest as if the children were complete strangers. How can you treat children like aliens? (Farmer)

A consequent change in procedure was mentioned by one farmer:

The money is given to the oldest member of the group of schoolchildren and he distributes it among them. There was a case when at one school an instructor pocketed all of UZS 1.5 million and did not distribute the money. It is a fact that he gave 500,000 out of UZS 1.5 million to the director. As soon as this fact was discovered, they immediately gave out the money. (Farmer)

Even if child labourers were paid in full, in line with officially designated purchase prices, the differences between these prices and the world market rates at which the government exports cotton would remain significant. The world price for cotton fibre varied in 2006–2007 between 60–64 US cents per pound, or 132–141 US cents per kg. In local currency, the world price for cotton fibre would amount to between UZS 1,653 and 1,764 per kg, and between UZS 551–588 for raw cotton. Although labour costs only account for a fraction of total production costs, this is still 13–15 times higher than the government of Uzbekistan pays for domestic cotton pickers as shown in Table 3.

It is possible to attempt an estimate of the proportion of the cotton harvest contributed by child labourers on the basis of a number of assumptions. A rough approximation of the overall numbers of child labourers involved in the 2006 harvest may be obtained on the basis of the following assumptions: a) that all children starting from Grade 5 are subject compulsory recruitment for the cotton harvest; b) that children from Tashkent city and oblast capitals (according to reports and observations) are excluded from this number; c) that around 5% of children are exempted on health grounds (although they also suffer from suspension of the educational process). All provinces (with the exception of Tashkent) are under directives to set aside 35% of their arable land for cotton cultivation.²³

Table 3 The comparison of cotton world and domestic prices in Uzbekistan

Margins of world prices for cotton fibre*			World price for raw cotton	Average payment rate for cotton pickers	The difference between world price and domestic payment rate
US cent/pound	US Cent/kg	UZS/kg	UZS/kg	UZS/kg	
60	132	1,653	551	30–40	13–15 times
64	141	1,764	588		15–17 times

* The quotes are valid for 2007 when the survey was conducted. Source: www.bbc.co.uk.

Table 4 Estimated number of children involved in cotton harvesting (2006–2007)

Total number of schoolchildren in 5–9 grades*		Population ratio of Tashkent city and oblast capitals**	Estimated number of schoolchildren in Tashkent city and oblast capitals	Estimated number of schoolchildren subject to recruitment***	Adjusted total after exclusion of 5% children exempted on health grounds***
Categories	Number				
Year 5–9	3,101,652	16.8%	521,078	2.5 million	2.4 million
Year 10–11	419,048	16.8%	70,400	348,000	331,000
Year 5–11	3,520,700	16.8%	591,478	2.9 million	2.7 million

* Ministry of General Education, 2006–2007, <http://uzedu.uz/eng/info/indicators/>

** Cities where schoolchildren were not mobilized for harvest.

*** These estimations are based on assumption of total mobilization of schoolchildren of Year 5–11, with the exception of oblast capitals. The actual figure might be slightly lower due to non-attendances on health and other grounds.

Although cotton is not cultivated with the same intensity across all provinces, provinces with less arable land suitable for cotton cultivation are also less populated and that is reflected in their enrolment figures. Table 4 offers estimates for the numbers of children involved in the 2006–2007 cotton harvest.

The proportion of the total harvest contributed by child labourers may be estimated by assuming an average productivity varying between 15 and 20 kg per day over an average period of 50 days (a relatively conser-

vative estimate given that some children may work for a full two months). Table 5 shows the continuum of variation for the 2006–2007 season.

Assuming that the conditions across the country as a whole are adequately reflected in the six surveyed districts, one can attempt a rough estimate of the share of overall cotton revenue contributed by child labour. In the 2006–2007 season Uzbekistan produced 1,176,000 tonnes of cotton fibre of which 1,002,000 tonnes were exported.²⁴ This means that child labour may have

²² Uzmtronom.com; 4 August, 2008, http://www.uzmetronom.com/2008/08/04/blesk_i_nishheta_uzbekskogo_fermera.html

²³ A decree signed on 20 October 2008 by President Islam Karimov outlines plans to reduce the area planted to cotton, a decision that may lead to a decrease in export volume. It is too early to assess whether and how this policy will be implemented and what motivated its adoption. See http://www.iwpr.net/index.php?m=p&co=347393&cs=v&capc_state=henbbuz347393

²⁴ Source: United States Department of Agriculture (USDA), 2007, <http://www.fas.usda.gov/psdonline/psdgetreport.aspx?hidReportRetrievalName=BVS&hidReportRetrievalID=849&hidReportRetrievalTemplateID=8>

Table 5 Estimated contribution of child labour to the cotton harvest (2006–2007 season)*

Estimated number of schoolchildren, who worked on cotton fields in the 2006 harvest season		Average number of days	Volume of cotton picked in million tonnes (based on the assumption of 15 kg per day on average)	% of total harvest (3.6 million tonnes)	Volume of cotton picked, in million tonnes (based on the assumption of 20 kg per day on average)	% of total harvest (3.6 million tonnes)
Categories	Number (million)					
Year 5–9 (or 11–15 years old)	2.4	50	1.8	50%	2.4	67%
Year 10–11	0.33	50	0.25	7%	0.33	9%
Total Year 5–11	2.7	50	2.1	57%	2.7	76%

* Estimations are made on the basis of population and schools statistics provided by the following sources: Ministry of General Education, 2006–2007, <http://uzedu.uz/eng/info/indicators/>; State Department of Statistics, 2000, 2005.

contributed up to approximately 500,000 tonnes of cotton. The gross income derived from child labour is estimated to be as high as US\$1–1.3 billion (see Table 6).

The cotton commodity chain in Uzbekistan is a complex one involving a hierarchy of local and international

actors. At the bottom of the chain are farmers who grow and harvest the cotton. The next rung is occupied by the ‘ginning’ firms that process the cotton to produce cotton lint (this process is a virtual monopoly of the state controlled ‘Khlopkoprom’). Most cotton is then sold on to three state-joint-stock foreign trade

Table 6 Share of child labour in the overall cotton export revenue of Uzbekistan for (2006–2007)

Production of cotton fibre, thousand tonnes	1,176
Export, thousand tonnes	1,002
Estimated share of child labour, thousand tonnes	40–50%
World price, per pound of cotton fibre * (FOB)**	62 US cents
World price, per kg	136.7 US cents
Estimated gross revenue, US\$ ***	US\$1.367 billion
Share paid back to child labourers	US\$11–14 million

* Futures price, based on the situation on 2 October 2007 (source: commodities quotes at <http://news.bbc.co.uk/1/hi/business/>.)

The juxtaposition of futures and contract prices for Uzbek cotton (\$1,100 per ton, according to USDA for December 3, 2008, when the futures prices for the same date was 45 US cents per pound) shows that there is no significant difference between them. See USDA report: <http://news.alibaba.com/article/detail/americas/100026739-1-usda-attache%253A-uzbekistan-cotton-output.html>

** FOB, or freight on board, is the commodity price which includes the cost of loading, but doesn't include the cost of shipping.

*** The Government of Uzbekistan does not disclose accurate figures for cotton export revenues and how they are being distributed. As a rule, the Cotton Outlook indices are used as sources of reference in defining prices for on the basis of trading contracts, but the contract price may be below this index. Taking account of these discrepancies and of transportation costs, the actual gross income made by Uzbek companies may be lower than the US\$1.367 billion figure shown here.

companies which export the cotton to international trading companies (initially these were European and US-based, such as the Swiss firm Paul Reinhart AG, the UK-based Cargill Cotton, and the US-based companies Dunavant Cotton and ECOM USA, although more recently the shares of Asian markets, of direct sales and the UAE exchange have been increasing).

The production costs of cotton (including planting, cultivation, harvesting, ginning, storage, packaging and transportation) are passed either onto local stakeholders or to the state budget (which releases tranches of credit for seeds, fuel and transportation), while the cotton trade is formally controlled by joint-stock companies whose contribution to the state budget takes the form of taxes and dividends to their shareholders that include both state agencies (that retain a controlling share) and other private players.

In brief, the profits generated by the discrepancies between local procurement prices and world market prices for cotton are appropriated by state controlled enterprises that have a *de facto* monopoly on cotton export operations. These consist of three major trading companies that had previously been part of the Ministry of Foreign Economic Relations and became nominally independent after 2002 (although the government kept a controlling share):

- State Joint Stock Foreign Trade Company ‘Uzinterimpex’;
- State Joint Stock Foreign Trade Company ‘Uzmarkazimpex’;
- State Joint Stock Foreign Trade Company ‘Markazsanoatexport’.

These companies, which have exclusive access to cotton export revenues, do not disclose public information concerning their shareholding structure or the distribution of their dividends.²⁵ The business practices and management of export revenues of the trading companies are neither transparent nor are they accountable to the general public. If these trading companies were to be in arrears of taxes, the state budget itself would be deprived of the resources required for the public

goods necessary to human development. Moreover, the transfer of resources from agriculture was initially justified as a means of subsidizing a policy of import-substitution geared to building new industries. Given the relatively low levels of industrial investment and the limited diversification of the Uzbek economy these goals are far from being met.

²⁵ The only information the government makes available is the listing of countries that buy Uzbek cotton.

5 The Consequences of Forced Child Labour in Uzbekistan

The deployment of child labourers in agriculture has long-term developmental consequences. These are:

5.1 Restricting access to education

The respondents of the survey were by no means against children working or making an economic contribution to their families. However, they were extremely concerned about falling educational standards and achievements.

These sentiments were clearly expressed by a 70-year old grandfather:

I personally believe that if children do not labour themselves, they do not learn anything and cannot value anything. If good conditions are created for children, why not mobilize them? As a schoolchild I also used to pick cotton but it never prevented me from studying well. It has already been 54 years since I finished high school. But in spite of that I still remember a lot of things. Nowadays schoolchildren do not know what geometry is or what the word 'geography' means.

Most parents and teachers expressed the wish that children should only work after class, for 1–2 hours a day, or for a limited period during the harvesting season. However, the availability of children until the very end of the harvesting season, when they hardly earn anything, is precisely what makes this captive source of labour more attractive since they will go on picking well beyond the point when there are any gains to be obtained from this activity. The long-term effects of current policies on the human capital of Uzbekistan, mortgaging as it does the future of its youth, must be a source of grave concern.

5.2 Widening the rural–urban gap

The burden of labouring on the cotton fields falls disproportionately on rural children, deepening inequali-

ties between rural and urban populations. During the Soviet period rural and urban income differentials were not only less marked but in some cases rural households who had access to their own subsistence plots were even able to achieve higher incomes, especially through involvement in the second economy. Since independence, rural areas have been receiving decreasing shares of national revenue. Many respondents in our survey complained that while rural children are working on the cotton fields, their urban counterparts in big cities are not wasting their time and getting ahead. Rural children tend to also help their parents with household chores, tending animals and cultivating household plots. Consequently, rural children are at a clear educational disadvantage.

5.3 Deteriorating human capital and the inter-generational transmission of poverty

Child labour perpetuates poverty because it blocks rural children's prospects of mobility through better education and the possibility of moving into skilled jobs. This lowers the human capital of rural areas and lays the ground for the intergenerational transmission of poverty. In a context where even graduate unemployment is on the rise, the unskilled and the uneducated face the possibility of chronic poverty.

5.4 Erosion of social trust

A less tangible but no less corrosive effect of existing labour practices in the cotton sector of Uzbekistan is the erosion of trust in the government's ability to deliver equitable development. There is, undoubtedly, a Soviet legacy of mobilization for cotton harvests which used to be accompanied with propaganda and 'socialist competition' among harvest brigades in order to push up production norms. However, cotton cultivators were also the beneficiaries of health, education and welfare entitlements that increased their social wage. The currently low levels of 'trickle down' of

cotton revenues to direct producers is not lost on the population. Patriotic exhortations to participate in the generation of national wealth under current conditions breeds cynicism and discontent which is further exacerbated by the exploitation of children.²⁶

6 Who Bears Responsibility for Child Labour in Uzbekistan?

The survey results suggest that the compulsory mobilization of school children for the cotton harvest represents a **distinctive pattern** which breaks with worldwide trends. Whereas families and employers tend to be both the major initiators and beneficiaries of children's work elsewhere, Uzbekistan represents a rare instance of state-sanctioned mass recruitment of child labourers.

The survey in six districts of Uzbekistan shows that the recruitment of child labourers relies on a well-orchestrated nation-wide campaign that involves foresight, planning and co-ordination among public agencies on many different levels. Instructions are transmitted from local administrations, oblast and district *hokimiyats*, to local schools and farmers who are allocated a certain contingent of children. The latter have to accept the stated numbers of school children, to provide transportation, to create adequate conditions for work and to make timely payments. Local *hokimiyats* call daily meetings (the so-called *shtab*) where all administrators and farmers concerned report on the progress of the harvest. Central and local administrations engage in

forward planning and take necessary measures for the allocation of resources; transport, fuel, medical assistance and cash, to ensure the efficient employment of labour during the harvest period.

Clearly, these preparations involve the allocation of scarce resources and the licence to suspend schooling for a lengthy period of time. Given the extensive presidential powers over the appointment and vetting of local administrators (spelt out fully in Article 93 of the Constitution)²⁷ it is not conceivable that local *hokims* could take such initiatives without the tacit support or endorsement of the central government. Nor is there any evidence that the central government is using its extensive powers to take local administrations to task over their use of child labour.

This suggests that the practice of compulsory child labour in the cotton sector of Uzbekistan is the result of public policy despite the fact that the government is a signatory to ILO Conventions that prohibit this practice.

²⁶ Investigation: "Patriotic" Uzbek Child Labourers', Institute of War and Peace Reporting, December 2004, http://www.iwpr.net/?p=rca&s=f&co=162102&apc_State=heirca2004

²⁷ See full text on : http://www.press-service.uz/en/#en/content/constitution/konstituciya_uzbekistana/

7 Where Do Child Labour Practices in Uzbekistan Stand with Respect to International and Domestic Law?

7.1 International law

The Government of Uzbekistan is a signatory of numerous international human rights and labour treaties.²⁸ It has the necessary legal framework to eradicate child labour. Nonetheless, in terms of international law, child labour in the cotton sector of Uzbekistan contravenes several articles of the 1989 *Convention on the Rights of the Child*. **Article 28**, paragraph (e) affirms that State Parties recognize the right of the child to education, and shall, in particular ‘take measures to encourage regular attendance at schools and the reduction of drop-out rates’. It is evident that schooling is being disrupted for up to two months a year for the cotton harvest and that additional disruption may sometimes occur for spring farm work (such as hoeing, weeding and transplanting).

Article 31 declares ‘the right of the child to rest and leisure’. Working children in Uzbekistan are deprived of this right during the harvest period. They have a full working day without weekend breaks. Transportation to and from the cotton fields adds to the length of the working day and some children may not return home until late in the evening without the benefit of rest and recreation.

Finally, **Article 32** of the Convention affirms the ‘right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education’. The realities of child labour in the cotton sector of Uzbekistan, detailed in this report, suggest that this norm of international law is also being contravened.

The use of child labour to harvest cotton also violates the following ILO conventions to which the government is a signatory:

- the 1973 *Minimum Age Convention*, No. 138 (ratified in March 2008);
- the 1999 *Convention on Worst Forms of Child Labour*, No. 182;

- the 1930 *Forced Labour Convention*, No. 29 (although Uzbekistan ratified this document in 1992, it had little impact on actual practices: forced labour of children, university students and civil servants to pick cotton persists);
- the 1957 *Abolition of Forced Labour Convention*, No. 105 (ratified in 1997, again, without any tangible impact on established practices).

7.2 National legislation

In terms of domestic law, child labour in Uzbekistan contravenes several items of national legislation. **Article 37** of the Constitution prohibits the use of any form of forced labour. The 1991 *Law on the Foundations of State Youth Policy* stipulates that ‘it is not permitted to attract school and university students to work during the learning process, except in cases when such work corresponds to their chosen speciality and is a form of apprenticeship, or cases of voluntary collective or individual work in time free from schooling. Such labour is accepted on the condition of properly concluded contracts in accordance to labour and civic laws’.

The Law on *Guarantees of the Right of Child to Labour*, adopted in 2007, states that a person younger than 18 years of age is considered to be a child. The right to employment may be exercised from 16 years onwards, and in some cases (with the consent of parents and during periods free from study) from 14 years on. At the same time the state guarantees the labour rights for persons younger than 18 years by providing the necessary conditions for combining work with compulsory education (**Article 20**).

Article 20 makes clear stipulations concerning the conditions under which children may be permitted to work, as follows:

- Every child has the right to work, free choice of the type of activity and profession, fair labour conditions in accordance to his age, state of health

and professional training in accordance with the procedure prescribed by the law.

- Application for a job is permitted from the age of 16.
- Persons who reach the age of 15 can be accepted for a job by written consent of either parents or guardians.
- To prepare the children for work it is permitted to recruit the pupils of secondary schools, academic lyceums, and professional colleges to carry out an easy job, that does not harm their health and growth, does not infringe upon the educational process, free from school hours – upon reaching the age of 14 by written consent of either of parents or guardians.
- The state guarantees the rights of the child to labour by providing working persons under the age of 18 with the necessary conditions for combining labour with education and other measures envisaged by the legislation.

Article 7 of the Labour Code of the Republic of Uzbekistan on ‘Prohibition of forced labour’ clearly states that forced labour, namely a compulsion to work under the threat of any punishment (including as a means to ensure labour discipline) is prohibited except when it is executed on the basis of legal acts on military or alternative services, in a state of emergency, as a result of a court verdict coming into force or other cases envisaged by the legislation.

Article 241 of the Labour Code, also prohibits the use of children for any work that may damage their health, security and morality.

The Government of Uzbekistan points out that these provisions are in full compliance with the international legal acts on protection of children’s rights and, in particular, the 1989 *Convention on the Rights of the Child*. However, there is widespread international

concern in relation to the actual implementation of these laws. This was reflected in public fora such as the UN Committee on the Rights of the Child.²⁹ This concern was also noted by corporate actors (large ready-to-wear buyers such as Tesco and Marks and Spencer in the UK and Wal-Mart in the USA), whose mandate of corporate social responsibility moved them to ban products containing Uzbek cotton, as well as the US-based National Retail Federation, the Retail Industry Leaders’ Association, the American Apparel and Footwear Association and the Association of Importers of Textiles and Apparel. The International Cotton Advisory Committee (ICAC) recognizes the importance of this issue and is taking a leading role in attempting to open avenues for a constructive dialogue with the Government of Uzbekistan. Despite these signs of raised awareness, the magnitude of the problem has remained largely hidden from view for reasons spelt out below.

²⁸ ‘Status of Major International Human Rights Instruments’, Human Development Report 2007/2008, United Nations Development Programme, <http://hdrstats.undp.org/indicators/321.html>

²⁹ Concluding Observations of the Committee on the Rights of the Child: UZBEKISTAN, 42nd session. CRC/C/UZB/CO/2, 2 June 2006.

8 Invisible to the World? The International Response to Child Labour in Uzbekistan

The effects of international mechanisms geared to the documentation and monitoring of abuses of the rights of children and child labourers have been relatively limited in Uzbekistan so far. The three major international institutions that enjoy the highest authority in addressing issues related to child labour are:

- **UNICEF:** the UN specialist agency with a mandate to protect the interests and rights of children;
- **ILO:** the UN agency charged with setting international labour rights standards;
- **CRC:** the UN Committee on the Rights of the Child, with a mandate to monitor child rights in the context of universal human rights.

A description of their missions with respect to child labour and how they address this issue in Uzbekistan is provided below.

8.1 UNICEF

UNICEF lists among its five major priorities 'Child protection from violence, exploitation and abuse'. It includes child labour as one of its areas of interest.³⁰

Child rights are among the main areas of activity of UNICEF in Uzbekistan. However, UNICEF's online documentation makes no direct reference to the issue of child labour in the cotton sector. There is one exception, namely the Multiple Indicators Cluster Surveys (MICS), conducted in Uzbekistan twice with technical support from UNICEF and UNFPA. Among the various indicators covered by this survey, one is dedicated to child labour. However, the MICS design overlooked seasonal effects in the timing of fieldwork. The first survey was conducted in the summer of 2000. Not

surprisingly, only 23% of children were found to be engaged in summer seasonal work. Most of them had helped their parents in their private holdings. In 2006, another MICS was conducted and it detected an even lower ratio of children, a mere 2%. This low figure was a direct consequence of the fact that the survey was conducted in March. The designers and implementers of the survey did not take account of the well-known fact that most children are recruited for the cotton harvest in the autumn, starting from the first ten days of September.³¹ This methodological oversight led to the following erroneous conclusion: 'The trend on child labour shows a sharp decline from 23% (MICS 2000) to 2% (MICS 2006).' The potential effects of this misleading information can only be fully appreciated if we consider that the ILO largely relies on MICS to measure national indices of child labour. The resulting conclusions and policies adopted by UNICEF and ILO with respect to Central Asian countries, and Uzbekistan in particular, may need to be substantially revised. This can only be realized by improving future surveys and engaging the government in an informed debate about these questions.

8.2 ILO

ILO is the agency responsible for the introduction of Labour Standards, i.e. international conventions regulating various aspects of labour rights. Among eight major labour standards, two are dedicated to the elimination of child labour (Conventions 138 and 182) and two to forced and compulsory labour (Conventions 29 and 105).

Another contribution of the ILO to the elimination of child labour has been its International Programme on the Elimination of Child Labour (IPEC) operating in 88 countries. IPEC is one of the best-resourced ILO

programmes, with an annual expenditure on technical co-operation projects reaching over US\$74 million in 2006.

In 2006, IPEC published the report titled 'The End of Child Labour: Within Reach'.³² One of its statements is worth noting: 'We are beginning to see an encouraging reduction in child labour – especially its worst forms – in many areas of the world.' In relation to progress in the reduction of the world-wide scale of child labour, the authors of the report suggested: 'This progress has not been automatic. [...] It is the result of initiatives at various levels. We have reached out to many, including parliamentarians, non-governmental organizations, and local authorities, consumers and public opinion in general.'³³

It is unclear which governmental and non-governmental parties the IPEC tried to reach out to in Uzbekistan and what the results of these appeals were. If public opinion, both domestic and international, has been alerted to the scale of child labour in Uzbekistan, this was mainly due to the efforts of other local and international NGOs. IPEC and ILO were not in a position to enlighten the international community about the scale of this phenomenon since the conclusions of the IPEC report were most likely derived from the results of the aforementioned MIC surveys. The report produced by IPEC 'Global Child Labour Trends: 2000 to 2004' points to this source of information for assessing the quantitative parameters of child labour in Uzbekistan (Hagemann et al 2006, p. 52).

Nonetheless, the violation of labour rights by Uzbekistan was picked up by another ILO report, 'A Global Alliance Against Forced Labour'. 'In Tajikistan and Uzbekistan, for example, forced labour in the cotton industry has affected mainly women, children and young

students', the report states, 'During the planting and harvesting seasons, they are transported to the cotton fields and made to work for little or no remuneration. Coercion can be exercised through such penalties as threats of dismissing students from university.'³⁴ However, the report does not specifically single out child labour as an acute problem.

ILO has the organizational capacity to address the issue of child labour in Central Asia. IPEC is operational in 88 countries, with 61 of these countries having signed a Memorandum of Understanding (MoU) with the ILO. In the remaining 27 countries that have not yet signed an MoU, IPEC is providing support for various activities to prevent child labour. In the former USSR, these countries include Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan.³⁵ The ILO Regional Office for Europe and Central Asia is based in Geneva.³⁶ However, the CIS countries (with the exception of Ukraine and the Republic of Moldova) are under the aegis of the Sub-regional Office in Moscow. Very few IPEC documents (reports and newsletters) issued by the sub-regional office in Moscow mention the issue of child labour in the cotton sector of Uzbekistan. The office produces a quarterly newsletter that mentioned Uzbekistan only once in all its issues.³⁷

The sub-regional office is also responsible for PROACT-CAR³⁸ which is ILO-IPEC's programme for addressing and combating the worst forms of child labour (WFCL) in the Central Asian region. The programme consists of the following two projects, or components:

- 1 CAR Capacity Building Project (2005–2007), which is designed to remedy the limited capacity to address Convention 182 in the Central Asian region. The project has a two-tier approach: a) at the national

³⁰ http://www.unicef.org/protection/files/Child_Labour.pdf

³¹ This survey was conducted by the national staff headed by the deputy director of the State Committee of Statistics and supervised by one of the departments of the Cabinet of Ministers of the Republic of Uzbekistan. Understandably, the Cabinet of Ministers was reluctant to conduct this survey during the cotton harvest season and suggested an alternative timing.

³² 'The End of Child Labour: Within Reach', Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva: ILO, 2006, p. vii.

³³ Ibid., pp. vii–viii.

³⁴ *Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva: ILO, p. 25.

³⁵ <http://www.ilo.org/ipec/programme/IPECinthefield/lang-en/index.htm>. Data obtained on 9 September 2008.

³⁶ <http://www.ilo.org/public/english/region/eurpro/geneva/>

³⁷ The issue reported about the meeting of the Labour and Social Protection Ministries from four Central Asian countries, including Uzbekistan in August 2005. They reportedly launched a programme on the elimination of child labour in their own countries [issue 3 (22), 2005]. But the newsletter never reported on how the programme is progressing.

³⁸ CAR is the acronym for Central Asian region.

level, where activities are aimed at strengthening the national stakeholders' capacity to formulate and implement policies, programmes and other initiatives to facilitate prevention, protection, withdrawal, rehabilitation and reintegration of children engaged in the WFCL; and b) at the sub-regional level, where the main focus is on the generation and sharing of knowledge and experience about child labour among the four Central Asian republics covered by the project. There is also a strong awareness-raising component among stakeholders as well as the population in general on issues related to the WFCL, its causes and consequences.

2 Combating the WFCL in Central Asia through Education and Youth Employment (EYE) (2005–2007): this project focuses on education and youth employment as alternatives against child labour, and means of combating WFCL among the age group between 15 and 18 years old.

This programme could have provided opportunities to the ILO and IPEC to collect data and monitor the nature and scale of child labour in the cotton sector in Uzbekistan. However, so far, this opportunity has not translated into any tangible impact on the conduct of MICS surveys in Uzbekistan.

The failure to detect and accurately measure the scale of child labour in Uzbekistan may have inadvertently contributed to incomplete conceptual generalizations concerning the causes of child labour across the world. These causes are traced, first and foremost, to poverty and to the low aspirations of the poor with respect to the value of education. In so far as states are invoked at all, they are primarily held responsible for the lack of adequate regulation and timely intervention. These conclusions are clearly not applicable to the case of Uzbekistan, where it is the state, rather than parents or employers, that is the prime mover of child labour.

One must, however, acknowledge the limits of the ILO's capacities to enforce universal labour standards on

sovereign states. It could, nonetheless, make more effective use of the tool of international awareness raising with respect to child labour in Uzbekistan. As the ILO itself suggests, '[e]mpirical evidence on child labour and the analysis of its links to other aspects of development are crucial in informing discussions about mainstreaming efforts, broadening the support base for the integration of child labour concerns in policy formulation, and facilitating this integration'.³⁹ Providing accurate information about the actual state of affairs on child labour in Uzbekistan would be central to advocacy efforts already undertaken by IPEC in other countries.

8.3 CRC

CRC is probably the only UN institution that has sent alarm signals on child labour in Uzbekistan. In 2001, it held hearings on this issue and in its concluding observations stated the following:⁴⁰

- The Committee is concerned at the insufficient information on children who work, including in the informal sector, such as in agriculture. It is also concerned that children involved in cotton harvesting may be at risk of exposure to hazardous work conditions.
- The Committee recommends that the State party:
 - (a) undertake a national survey on the causes and extent of child labour...

In 2006, CRC returned to this question and reacted to the report submitted by the government of Uzbekistan with the following notes:⁴¹

- The Committee welcomes the information that the Uzbekistan law on child labour is in compliance with international standards and the State party's efforts to address child labour in consultation with ILO/IPEC. Nevertheless, the Committee is deeply concerned at the information about the involvement

of the very many school-age children in the harvesting of cotton, which results in serious health problems such as intestinal and respiratory infections, meningitis and hepatitis.

- The Committee urges the State party:
 - (a) to take all necessary measures to ensure that the involvement of school-age children in cotton harvesting is in full compliance with the international child labour standards, *inter alia* in terms of their age, their working hours, their working conditions, their education and their health;
 - (b) to ensure regular inspection of the harvesting practice to monitor and guarantee full compliance with international child labour standards.

Alongside specialist UN agencies, the issue of child labour in Uzbekistan has also been addressed by some international non-governmental organizations.

8.4 International NGOs

Save the Children (UK)

Save the Children (UK) commissioned research in Uzbekistan in 2002 that covered the regions of Naman-gan, Jizak, Karakalpakstan and the city of Tashkent. The research presented evidence on the exploitation of child labour and related violations of national and international laws. The following research findings were presented:⁴²

- the practice of employment of children under the age of 14 is widespread;
- children are recruited without labour contracts;
- employers do not require that children provide medical documents, certifying their fitness for the particular work; children do not pass mandatory medical examination before the age of 18;
- children under the age of 14 can be employed without written permission from parents;

- the regulation on the short working week is not observed; minors work overtime and without days off;
- the schedule of working hours impedes compulsory education;
- minors are accepted to work under harmful conditions;
- working children are employed without getting consent from trade unions and local state labour departments;
- there is no social insurance or other benefits.

The International Bureau for Children's Rights (IBCR)
In 2006 IBCR issued a report 'Making Children's Rights Work: Country Profile on Uzbekistan', where it criticized child labour in the cotton sector.⁴³

International Crisis Group (ICG)

In 2005 ICG published the report 'The Curse of Cotton: Central Asia's Destructive Monoculture, Asia Report'.⁴⁴ It presented a comprehensive picture of the cotton sector throughout the Central Asian region and human rights abuses, including the violation of the rights of children, taking place in this sector.

Environmental Justice Foundation (EJF)

EJF is conducting a cotton campaign which is aimed at raising public awareness to encourage retailers to only sell 'clean cotton'. It is calling for an EU regulation on forced child labour and for cotton products to show the country of origin of the cotton on the label. In 2005, EJF produced the report 'White Gold: The True Cost of Cotton' where the widespread use of child labour in the cotton sector was noted. In 2006, EJF submitted an alternative report for the 42nd session of the UN Committee of the Rights of Children also highlighting the practice of child labour in the cotton sector of Uzbekistan.⁴⁵

³⁹ 'The End of Child Labour: Within Reach', p. 54.

⁴⁰ U.N. Doc. CRC/C/15/Add.167 (2001).

⁴¹ Concluding Observations of the Committee on the Rights of the Child, Uzbekistan, U.N. Doc. CRC/C/UZB/CO/2 (2006).

⁴² <http://www.cango.net.kg/news/archive/spring-2002/a0002.asp>

⁴³ http://www.ibcr.org/Publications/CRC/Draft_CP_Asia/UzbekistanPDF.pdf

⁴⁴ No. 93, 28 February 2005, <http://www.crisisgroup.org/home/index.cfm?id=3294&l=1>

⁴⁵ <http://www.ejfoundation.org/pdf/EJF%20Uzbekistan%20UNCRC%20Submission%2006%20portrait.pdf>

International Labour Rights Forum (ILRF)

The ILRF is a leading US-based advocacy organization that has raised the issue of child labour in Uzbekistan and created a coalition of US-based NGOs such as Organic Exchange, As You Sow It and others. It, along with members of the US-based coalition of NGOs, has played a decisive role in encouraging the US State Department to include this issue into its 2008 annual report on human trafficking⁴⁶ and initiating a demarche of major US trade associations to write a letter of warning to the president of Uzbekistan. As a result of this campaign, Wal-Mart has decided to cut off its supply chain of Uzbek cotton. The International Trade Union Confederation in Europe is considering the possibility of initiating a complaint with the ILO influenced by trade unions and employers.

International Cotton Advisory Council (ICAC)

ICAC is a membership organization with a total of 43 member states which serves as a kind of clearing house for the whole international cotton industry. Its mission, as stated on its website, is to 'assist governments in fostering a healthy world cotton economy. The role of the ICAC is to raise awareness, to provide information and to serve as a catalyst for cooperative action on issues of international significance'.⁴⁷ ICAC has pursued a predominantly technocratic agenda, concerning itself with the quality of cotton, management and trade issues. Until 2008, the social and environmental dimensions of a 'healthy cotton industry' had not been seriously taken into account. The initial reaction of ICAC to the reports of some Uzbek and international NGOs calling attention to the practice of child labour in Uzbekistan was dismissive, taking the assurances of the Government of Uzbekistan, which is one of its member states at face value. However, in the face of mounting evidence ICAC modified its position and started to actively communicate with ILO and UNICEF. 2008 was also marked by an important decision by ICAC to create an Expert

Panel on the Social Environmental and Economic Performance of Cotton (SEEP)⁴⁸. SEEP includes a balanced mix of 13 members who represent a broad cross-section of expertise, not only drawn from the traditional cotton industry, but from universities and government agencies. Members of SEEP met for the first time in September 2007. The Panel produced a literature review and research evaluation relating to the social impacts of global cotton production. This review touches upon the issue of child labour in Uzbekistan and highlights findings that are in line with the broad conclusions of the present report. These are: a) that the circumstances of child labour in Uzbekistan 'differ markedly from children's participation as part of a family unit in rural cotton-growing West Africa and South Asia. The key differentiating issue ... is the alleged role of the state in coercion of children and young workers';⁴⁹ b) that despite the ratification of core ILO conventions there are concerns that this legislation is not implemented with regard to cotton harvesting;⁵⁰ and finally c) that the use of child labour in Uzbek cotton 'has not been researched extensively principally because of difficulties of access and transparency'.⁵¹

9 Conclusions and Recommendations

- The case of child labour in Uzbekistan presents distinctive features that set it apart from global patterns. If, in the rest of the world and especially in the South, the main cause of child labour is poverty compelling households to send their children out to work, in Uzbekistan the prime movers of this practice are state agents and the particular mode of organization of cotton farming.
- Although large-scale mobilization of labour for cotton harvests, including school-age children, was prevalent during the Soviet period, it would be mistaken to interpret current practices as a mere continuation of the patterns set by collective agriculture. The partial nature of agrarian reforms since independence in 1991, expanding private access to land, on the one hand, without releasing private producers from obligations to meet crop quotas at administratively set prices, on the other, has contributed to the surge of labour outmigration to Russia and Kazakhstan, aggravated problems of labour recruitment and supply, and increased reliance on coercive methods of labour control. Recourse to child labour is symptomatic of the systemic failure of current agricultural policies and the necessity for thorough reform.
- The results of a survey carried out in six selected rural districts during the 2006–2007 season suggest that the scale of child labour is extensive and that the contribution of child labourers to the total harvest and cotton revenue is substantial. Compulsory participation in agricultural labour takes place at the expense of rural children's educational prospects and health. Their conditions of work correspond to the criteria of hazardous work set out by the 1999 *ILO Convention on Worst Forms of Child Labour*.
- Although the Government of Uzbekistan has adopted the necessary legal framework for the eradication of forced child labour, both as a signatory to international treaties and through domestic legislation, it appears to be in breach of both. The involvement of state parties in the mobilization of child labour for cotton harvests cannot be glossed over. The extended suspension of schooling and the organized, large-scale deployment of children on cotton fields can hardly take place without the tacit endorsement and support of the central government and the active involvement of local administrations. The adoption of a National Action Plan on the implementation of ILO Conventions 138 and 182 is a welcome official acknowledgement of the scale and seriousness of the problem.⁵¹ However, without verifiable benchmarks and systematic monitoring, the NAP may remain a dead letter given the lack of concrete steps to reform the agrarian sector and to lift the current constraints on the operations of the cotton sector.
- Different actors in the cotton sector of Uzbekistan (farmers, central and local administrations and foreign trade companies) do not have identical stakes in the utilization of child labour. The main beneficiaries are not the primary producers who occupy the lowest rung of the value chain but the nominally independent state-controlled joint-stock trading companies that exercise a *de facto* monopoly on cotton export operations in Uzbekistan. The operations of these companies are non-transparent and their tax contributions to the state budget are not open to scrutiny. The cotton economy which, through a judicious combination of industrial and agricultural diversification policies, could have served as an engine for growth has not delivered its promise.⁵³ Child labour is but one indicator, albeit a

⁴⁶ Trafficking in Persons Report 2008, US State Department, <http://www.state.gov/g/tip/rls/tiprpt/2008/>

⁴⁷ <http://www.icac.org/general/facts/english.html>

⁴⁸ <http://www.icac.org/seep/english.html>

⁴⁹ Literature Review and Research Evaluation relating to Social Impacts of Global Cotton Production for ICAC Expert Panel on Social, Environmental and Economic Performance of Cotton (SEEP), July 2008, pp. 53–54, http://www.icac.org/seep/documents/reports/literature_review_july_2008.pdf

⁵⁰ *Ibid.*, pp. 59–60.

⁵¹ *Ibid.*, p. 60.

⁵² There are indications, however, that the Government of Uzbekistan was not fully prepared to honour these undertakings for the 2008 harvest season. A small scale survey conducted after the cotton harvest in two oblasts (a full report is forthcoming) suggests that children starting from grades 5 and 6 were mobilized at the end of September and were returned to schools only on 10–11 November. Media reports confirm these trends, see for instance: Uzbek Child Labour Ban Hard to Enforce, http://www.iwpr.net?p=buz&cs=b&co=346822&apc_state=henh. Accessed on 25/9/08. Similar reports were provided by BBC-Uzbek (6/10/08), Ferghana.Ru (16/09/08; 2/10/08; 13/10/08), Ozodlik radio (3/11/08) and by some local human rights groups, including Rapid Reaction Group (press-release from 11/10/08); Alliance of Human Rights Defenders (16/10/08).

crucial one in terms of Uzbekistan's human capital potential, of the shortcomings of agrarian reforms in Uzbekistan.

- There is a pressing need for adequate data and methodologically sound instruments to monitor patterns of child labour in the cotton sector of Uzbekistan. Specialist UN agencies such as UNICEF and ILO must, in dialogue with the government of Uzbekistan, break with the precedent set by flawed MIC surveys and redouble their efforts to achieve a reliable data base as a guide to future policy.
- The Government of Uzbekistan appears to be moving from a policy of total denial to steps aimed to demonstrate greater collaboration in order to honour the obligations imposed upon it by the conventions to which it is a signatory. The recent moves to ratify ILO Conventions No. 182 and 138 and the acceptance of the National Action Plan are encouraging but need to be followed through with decisive and verifiable policy action.
- Finally, and most importantly, the root causes of reliance on coerced labour must be recognized and remedied through a package of reforms that address the vicious cycle of a partially modified command economy, the flight of labour, declining productivity and low incomes in the cotton farming sector.⁵⁴ These are factors that fuel rural poverty, erode trust in governance and, ultimately, imperil national human development.

⁵³ Müller (2008) argues, for instance, that if the purpose of diverting resources from agriculture to the state budget was to develop industry it has signally not succeeded in doing so.

⁵⁴ It is too early to assess the motives behind a recent presidential decree to reduce the planting area allocated to cotton and a pledge to cut cotton exports in favour of the development of a domestic textile industry. The implementation of such intentions, and their effects, will require close monitoring, especially in view of the potentially far reaching consequences of Decree P-3077 (see p.14).

References

- Abdullaev, I., Giordano, M. and Rasulov, A. (2007). 'Cotton in Uzbekistan: Water and Welfare', in D. Kandiyoti (ed.), *The Cotton Sector in Central Asia: Economic Policy and Development Challenges*, London: School of Oriental African Studies, pp. 102–118.
- Ansell, N. (2005). *Children, Youth and Development*, London and New York: Routledge.
- BBC (1999). 'Child Slavery Ban Agreed', 17 June 1999, <http://news.bbc.co.uk/1/hi/world/asia-pacific/371870.stm>.
- Boyden, J. (1990). 'Childhood and Policy Makers: A Comparative Perspective on the Globalisation of Childhood', in A. James and A. Prout, (eds.), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, London: Falmer Press, pp. 184–215.
- Boyden, J. and Myers, W. (1995). *Exploring Alternative Approaches to Combating Child Labour: Case Studies from Developing Countries*, Florence: UNICEF, International Development Center.
- Craumer, P.R. (1992). 'Agricultural Change, Labor Supply and Rural Out-Migration in Soviet Central Asia', in R.A. Lewis (ed.), *Geographic Perspectives on Soviet Central Asia*, London and New York: Routledge, pp. 132–180.
- Djalalov, S. (2007). 'Indirect Taxation of the Uzbek Cotton Sector', in D. Kandiyoti (ed.) *The Cotton Sector in Central Asia: Economic Policy and Development Challenges*, London: SOAS, pp. 90–101.
- Ennew, J. (1994). 'Learning or Labouring?' *A Compilation of Key Texts on Child Work and Basic Education*, Florence: UNICEF.
- Gailey, C. (1999). 'Rethinking Child Labour in an Age of Capitalist Restructuring', *Critique of Anthropology*, 19 (2), pp. 115–119.
- Hoiskar, A. (2001). 'Underage and Under Fire: An Enquiry into the Use of Child Soldiers 1994–8'. *Childhood*, 8 (3), pp. 340–360.
- Human Rights Watch (2001). 'Democratic Republic of Congo – Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu', *Human Rights Watch Report*, 13 (3A).
- Human Rights Watch (2004). 'Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka', *Human Rights Watch Report*, 16 (13C).
- Human Rights Watch (2007). 'Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma', *Human Rights Watch Report*, 19 (15C).
- James, A. and Prout, A. (1990). 'A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems', in A. James and A. Prout, (eds.) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, London: Falmer Press, pp. 7–31.

Jozan, R., Florent, R., Martin, S., Munos, O., and Panarin, M. (2007). 'The "Uzbek" Agrarian Model in Transition: Inertia, Dynamics and Unsustainability', in D. Kandiyoti (ed.), *The Cotton Sector in Central Asia: Economic Policy and Development Challenges*, London: SOAS, pp. 163–189.

Hagemann, F., Diallo, Y., Etienne, A. and Mehran, F. (2006). 'Global Child Labour Trends: 2000 to 2004', Geneva: International Labour Office.

Kandiyoti, D. (2003a). 'Pathways of Farm Restructuring in Uzbekistan: Pressures and Outcomes', in M. Spoor (ed.), *Transition, Institutions and the Rural Sector*, Lanham, Maryland and Oxford: Lexington Books, pp. 143–162.

Kandiyoti, D. (2003b). 'The Cry for Land: Agrarian Reform, Gender and Land Rights in Uzbekistan', *Journal of Agrarian Change*, 3 (1–2), pp. 225–256.

Karimov, I. (1997). "Development of Agriculture is a Source of Welfare of the People", *Pravda Vostoka*, 26 December.

Liebel, M. (2003). 'Working Children as Social Subjects: The Contribution of Working Children's Organizations to Social Transformations', *Childhood*, 10 (3), pp. 265–285.

Lubin, N. (1984). *Labour and Nationality in Soviet Central Asia*, London: Macmillan.

Montgomery, H. (2000). 'Abandonment and Child Prostitution in a Thai Slum Community', in C. Panter-Brick and M.T. Smith (eds.), *Abandoned Children*, Cambridge: Cambridge University Press, pp. 182–198.

Müller, M. (2008). *Cotton, Agriculture, and the Uzbek Government*, in P. Wehrheim, A. Schoeller-Schletter and C. Martius (eds.), *Continuity and Change: Land and Water Use Reforms in Rural Uzbekistan. Socio-Economic and Legal Analyses for the Region Khorezm*, IAMO, available at www.iamo.de/dok/sr_vol43.pdf.

Myers, W. (1999). 'Considering Child Labour: Changing Terms, Issues and Actors at the International Level', *Childhood*, 6 (1), pp. 13–26.

Trevisani, T. (2007). 'The Emerging Actor of Decollectivization in Uzbekistan: Private Farming between Newly Defined Political Constraints and Opportunities', in D. Kandiyoti (ed.), *The Cotton Sector in Central Asia: Economic Policy and Development Challenges*, London: SOAS, pp. 138–162.

UNICEF (2005). 'Trafficking for Sexual Exploitation and Other Exploitative Purposes', Innocenti Research Center, www.unicef-irc.org.

White, B. (1999). 'Defining the Intolerable: Child Work, Global Standards and Cultural Relativism', *Childhood*, 6 (1), pp. 133–144.

Woodhead, M. (1999). 'Combating Child Labour: Listen to What the Children Say', *Childhood*, 6 (1), pp. 27–49.

World Bank (2005). 'Cotton Taxation in Uzbekistan – Opportunities for Reform', World Bank Report No. 33867.