



today's fight for tomorrow's freedom

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Karel de Gucht
Member of the European Commission
BE-1049 Brussels
Belgium

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Dear Commissioner de Gucht,

We, the undersigned, are writing to ask the European Commission to open an investigation under Article 17 of the Council Regulation (EC) No 732/2008 of 22 July 2008 concerning whether preferential tariff arrangements (GSP) should be withdrawn from Uzbekistan.

We call for this investigation because of the ongoing use of state-sponsored forced labour and forced child labour during cotton harvests, which constitutes a violation of Article 15 of the Regulation. We note that in your letter to Michael Cashman MEP of 6 January 2011 (ref: EP/amw/Ares 13617), you stated that “Preferences granted under the GSP scheme can be withdrawn in cases of serious and systematic violations of the principles laid down in the conventions listed in Annex III to the GSP Regulation, but these must be assessed on the basis of the conclusions of the relevant international monitoring bodies.” We set out below the conclusions adopted by these bodies which demonstrate that Uzbekistan is systematically and seriously violating the principles of these conventions.

Around 90 per cent of Uzbek cotton is harvested by hand with approximately half of all cotton picked by state-sponsored forced child labour. Human rights groups estimate that hundreds of thousands of children are involved each year. Each September the cotton harvest begins. Many rural schools are closed down by government officials as children, some as young as nine, are forced to pick cotton by hand for up to three months in order to fill the shortfall in voluntary adult labour. They receive little, if any, pay. This is an extreme form of child labour, a modern day form of slavery, as children who fail to meet their targets (up to 50kg a day), or who pick a low quality crop, are reportedly punished by beatings, detention or told that their grades will suffer. Children who run away from the cotton fields, or who refuse to work, are threatened with expulsion from school.

The work is dangerous and deaths have already been reported during previous harvests. Children can be left exhausted and suffering from ill-health and malnutrition after weeks of arduous labour. In 2008 alone there were at least five reported deaths of children due to poor safety standards and the suicide of one girl after she was

harshly reprimanded for failing to meet her cotton quota. Older children and those working on remote cotton farms are forced to stay in makeshift dormitories in poor conditions with insufficient food and drinking water.

Forced labour within the sector does not only affect children. Local administration employees, teachers, factory workers and doctors are commonly forced to leave their jobs for weeks at a time and pick cotton with no additional compensation. In some instances refusal to co-operate can lead to dismissal from work.

Please find attached evidence demonstrating serious and systematic violation of human rights drawn from almost all relevant UN/ILO treaty bodies as listed in Part A of Annex III of the Regulation and includes: International Covenant on Civil and Political Rights (Article 24); International Covenant on Economic, Social and Cultural Rights (Article 13); Convention on the Elimination of All Forms of Discrimination Against Women (Article 10); Convention on the Rights of the Child (Articles 28, 29 and 31); Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182); and Convention concerning the Abolition of Forced Labour (C105). Summaries of the relevant extracts are listed below for ease of reference.

International Covenant on Civil and Political Rights

1. Concluding observations of the Human Rights Committee (2005)

‘The Committee notes that child labour is still widespread in Uzbekistan, in particular in the commercial and agricultural sectors and the cotton industry (Covenant, art. 24). The Committee recommended that ‘the State party should stop the practice of sending schoolchildren to pick cotton and take effective measures to combat child labour.’

2. Concluding observations of the Human Rights Committee (2010)

‘the Committee remains concerned about reports, according to which children are still employed and subjected to harsh working conditions in particular for cotton harvesting. (Covenant, art. 24)’ (para.23 p.7)

The Committee recommended that ‘the State party should ensure that its national law and international obligations regulating child labour are fully respected in practice and that children receive the protection guaranteed by article 24 of the Covenant.’

International Covenant on Economic, Social and Cultural Rights

3. Concluding observations of the Committee on Economic, Social and Cultural Rights: Uzbekistan (2006)

‘The Committee is concerned about the persistent reports on the situation of school-age children obliged to participate in the cotton harvest every year who, for that reason, do not attend school during this period.’ (para.20 p.3)

Convention on the Elimination of all forms of Discriminations against Women

4. Concluding Observations of the Committee on Elimination of Discrimination Against Women, (2010)

‘The Committee is concerned [about] the educational consequences of girls and boys working during the cotton harvest season’ (para.30 p.8) The Committee requested that ‘the State party guarantee that the cotton harvest season does not compromise the rights of both girls and boys to education.’ (para.31 p.8)

Convention on the Rights of Child

5. Concluding observations of the Committee on the Rights of the Child

Uzbekistan (2006) ‘the Committee remains concerned about... the educational consequences of children working during cotton harvest season. (para. 56, p.13) The Committee recommends that the State party... undertake all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented. In particular, the State party should:... (e) Guarantee that the cotton harvest season does not compromise children’s right to education. (para. 58, p.13)

‘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. (para.64 p.14) ‘The Committee urges the State party:

- (a) To take all necessary measures to ensure that the involvement of school-age children in the 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;
- (c) To establish control mechanisms to monitor the extent of all other forms of child labour, including unregulated work; address its causes with a view to enhancing prevention; and, where children are legally employed, ensure that their work is not exploitative and is in accordance with international standards;
- (d) To seek assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF in this regard.’ (para.65, p.15)

Human Rights Council

6. Report of the Working Group on the Universal Periodic Review on Uzbekistan (2008)

II. Conclusions and/or Recommendations

26. Effectively fight against the practice of forced child labour, including by considering taking specific administrative and penal actions towards those officials who, in their respective provinces, incentivize or facilitate the labour of children in cotton fields (Italy);

30. Immediately cease all public support for the employment of children in cotton harvesting and that the Government publicly condemn and effectively combat all forms of child labour (Germany);

31. Ensure regular inspection of harvesting practices to monitor and guarantee full compliance with international child labour standards (Netherlands). (p.21)

International Labour Organization

Worst Forms of Child Labour Convention, 1999 (No. 182)

7. Conference Committee on the Application of Standards (2010)

‘The Committee noted that, although various legal provisions prohibited forced labour and the engagement of children in hazardous work, it remained an issue of grave concern in practice. The Committee also noted the concern expressed by several speakers about the systematic and persistent recourse to forced child labour in cotton production. The Committee emphasized the seriousness of such violations of Convention No. 182.

‘The Committee urged the Government to accept an ILO high-level tripartite observer mission that would have full freedom of movement and timely access to all situations and relevant parties, including in the cotton fields, in order to assess the implementation of Convention No. 182.’

8. Committee of Experts on the Application of Conventions and Recommendations (2010)

‘The Committee expresses its *serious concern* at the situation of children who, every year, are taken from school for up to three months and made to work in the cotton fields in hazardous conditions. It observes that, although national legislation appears to prohibit forced labour and hazardous work in cotton production, this remains a serious issue of concern in practice. The Committee refers to the Universal Periodic Review of Uzbekistan of 9 March 2009 (A/HRC/10/83, paragraph 106(8) and (27)), in which, in response to the recommendations that Uzbekistan do its utmost to eliminate forced child labour, intensify its efforts to effectively implement the national legislation and stop the practice of sending school-age children to participate in the harvesting of cotton, the Government indicated that measures are already being implemented or have already been implemented and will further be considered. In this regard, the Committee recalls that, by virtue of *Article 3 (a) and (d)* of the Convention, forced labour and hazardous work are considered as worst forms of child labour and that, by virtue of *Article 1* of the Convention, member States are required to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, as a matter of urgency. Furthermore, the Committee recalls that, by virtue of *Article 7(1)*, of the Convention, ratifying countries are required to ensure the effective implementation and enforcement of the provisions giving effect to the Convention, including through the provision and application of penal sanctions.

‘The Committee therefore strongly urges the Government to take effective and time-bound measures to eradicate the forced labour of, or hazardous work by, children under 18 years in cotton production, as a matter of urgency. In this regard, it requests the Government to take immediate measures to ensure that thorough investigations and robust prosecutions of offender are carried out and that effective and sufficiently dissuasive sanctions are imposed in practice. It requests the Government to provide information on the progress made in this regard in its next report.’ (p.388 - 389)

9. Committee of Experts on the Application of Conventions and Recommendations (2011)

‘The Committee notes the convergence of allegations and the broad consensus among the United Nations bodies, the representative organizations of employers and workers and NGOs, regarding the continued practice of mobilizing schoolchildren for work in

the cotton harvest. The Committee must therefore echo the *serious concern* expressed by these bodies at the continued practice whereby a significant number of children under 18 are taken from school each year and made to work in the cottons (sic) fields under hazardous conditions. In this regard, the Committee recalls that, by virtue of *Article 3(a) and (d)* of the Convention, ratifying countries are required to ensure the effective implementation and enforcement of the provisions giving effect to the Convention, including through the provision and application of penal sanctions. The Committee joins the Committee on the Application of Standards in urging the Government to take immediate and effective time-bound measures to eradicate the forced labour of, or hazardous work by, children under 18 years in cotton production, as a matter of urgency. In this regard, it requests the Government to take the necessary measures to ensure that thorough investigations and robust prosecutions of offenders are carried out and that sufficiently effective and dissuasive sanctions are imposed in practice.

‘The Committee notes an absence of information from the Government on the concrete results of this monitoring, particularly information on the number of children, if any, detected by the labour inspectorate (or any other national monitoring mechanism) engaged to work in the cotton harvest. The Committee accordingly request the Government to provide information on the concrete impact of the various measures taken to monitor the prohibition of the use of forced child labour in the agricultural sector. Furthermore, the Committee urges the Government to strengthen the capacity and expand the reach of the labour inspectorate in enforcing the laws giving effect to the Convention to ensure that school-age children in rural and disadvantaged areas are not removed from school for the purpose of cotton production and harvesting. It requests the Government to provide detailed information on the results achieved in this regard, particularly the number and nature of violations detected with regard to children under 18 working in the cotton harvest, and the penalties imposed.

‘The Committee further observes that the Conference Committee on the Application of Standards urged the Government to accept a high-level ILO tripartite observer mission that would have full freedom of movement and timely access to all situations and relevant parties, including in the cotton fields in order to assess the implementation of Convention No, 182. Noting that the Government has yet to respond positively to this recommendation, the Committee strongly encourages the Government to accept a high-level ILO tripartite observer mission, and expresses the firm hope that such an ILO mission can take place in the very near future.’
(p.397 and 398)

Abolition of Forced Labour Convention, 1957 (No. 105)

10. Committee of Experts on the Application of Conventions and Recommendations (2010)

The Committee noted ‘the Government’s indications concerning the positive steps that have been taken to protect children’s rights and to prohibit child labour in occupations involving arduous working conditions, including the adoption in September 2008 of a decree prohibiting the use of child labour in cotton plantations, the Committee observes, however, that there is a convergence of views of the United Nations bodies, the representative organisations of employers and workers, as well as

non-governmental organisations concerning the large-scale use of child labour, including compulsory labour, in cotton production in Uzbekistan.

‘The Committee hopes that the Government will... provide, in its next report, information on measures taken, both in law and in practice, in order to suppress and not to make use of compulsory labour, including both compulsory child labour and compulsory labour of adult persons, in the cotton production. The Committee requests the Government, in particular, to provide information on other measures, legislative or otherwise, that have been taken or envisaged to ensure the observance of the Convention, which expressly prohibits the use of forced or compulsory labour for purposes of economic development.’ (p.281)

11. Committee of Experts on the Application of Conventions and Recommendations (2011)

‘The Committee asks the Government to state, in its next report, whether public sector workers and university students participate in the cotton harvest and, if so, how their work is organized, indicating, in particular, the measures taken, including through labour inspection, in order to eliminate any possibility to use compulsory labour in cotton production, so as to ensure the observance of the Convention, which prohibits the use of compulsory labour for purposes of economic development. Please also provide information on the legal proceedings which have been instituted against employers for the exaction of compulsory labour in cotton production under the existing penal and administrative provisions, supplying copies of the relevant court decisions and indicating the penalties imposed.’ (p. 262-263)

In our submission, the findings of the treaty monitoring bodies listed above constitute sufficient grounds for an investigation into Uzbekistan’s continued trade benefits as provided for under article 17 of the GSP Regulation.

We also wish to express our profound concern at the recent conclusion of a Protocol to the EU-Uzbekistan Partnership and Cooperation Agreement (PCA) which extends the provisions of the PCA to the trade in textiles. Given the above conclusions of international monitoring bodies that Uzbekistan engages in systematic use of forced labour including forced child labour during the annual cotton harvest, we would be grateful to know whether this Protocol has been made conditional upon Uzbekistan ending this practice?

Noting the statement made by the Government of Spain on behalf of the EU at the 99th International Labour Conference in Geneva in June 2010 that Uzbekistan is “clearly failing to comply with its obligations under Convention No. 182 [on the Worst Forms of Child Labour]” we ask the Commission to open an investigation under article 17 of the Regulation to review Uzbekistan’s inclusion in the GSP list.

A draft of this submission has been widely circulated, including to business, investors, NGOs and trade unions.

We are copying this letter to President Jose Manuel Barroso, High Representative Catherine Ashton, European President Jerzy Buzek, as well as to all MEPs.

Yours sincerely,

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