



Submission to the UN Special Rapporteur on Contemporary Forms of Slavery on the Role of Workers' Organizations in Preventing and Addressing Contemporary Forms of Slavery in Uzbekistan

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Introduction

This submission is from Global Labor Justice-International Labor Rights Forum (GLJ-ILRF) on behalf of the Cotton Campaign, a global coalition united to end forced labor and promote decent work for cotton workers in Central Asia.¹ In the following, we outline the critical role of workers' rights to freedom of association and collective bargaining in eliminating all forms of forced and exploitative labor in Uzbekistan's cotton sector. The analysis draws on independent civil society monitoring findings of the annual cotton harvest in Uzbekistan by the Cotton Campaign's frontline partner, Uzbek Forum for Human Rights, in combination with testimonies and independent reports from workers who recently formed the only known democratically-elected trade union in Uzbekistan despite repression from by their employer, government, and Uzbekistan's state-aligned trade union federation.

Uzbekistan, among the top eight global producers of cotton, recently eliminated the systemic use of state-imposed forced labor in the annual cotton harvest in 2021, but freedom of association is critical to preventing its return. The reforms that the Uzbek government has implemented to address systemic state-imposed forced labor are top-down and primarily of an economic nature, lacking an emphasis on enabling rights. This perpetuates conditions that can lead to both state-imposed and private sector forced labor. For example, employees at state organizations, including utility companies and banks — who, before 2021, Uzbekistan mobilized on a mass scale to pick cotton or to pay for replacement workers — remain unable to refuse involuntary work without penalty. Independent civil society monitoring of the 2023 cotton harvest shows that Uzbek government officials resorted to forced labor of state employees in some districts with shortages of voluntary cotton pickers.

Question 1: Protection of ILO Conventions Nos. 87 and 98 in domestic legislative frameworks, and provisions for remedies in case of breaches.

While Uzbekistan amended its Law on Trade Unions in 2019 purportedly to comply with C087 and C098, in law and practice there are serious barriers to freedom of association. On paper, the Law on Trade Unions protects

¹ The Cotton Campaign is a coalition of international human and labor rights NGOs, independent trade unions, brand and retail associations, responsible investor organizations, supply chain transparency groups, and academic partners. Since 2007, the Cotton Campaign has been at the forefront of human rights advocacy to end state-imposed forced and child labor and promote decent work in the cotton industries of Uzbekistan and Turkmenistan. See Cotton Campaign, <https://www.cottoncampaign.org/>.

the right to establish, join, and leave a trade union, prohibits anti-union discrimination, and prevents government interference in trade union activities.² However, the law fails to protect other essential provisions of C087 and C098. It does not “protect workers’ rights and interests” in trade unions, nor the freedom to elect their own union representatives, and is unclear on whether workers fired for exercising their right to freedom of association must be reinstated.³ There is no effective mechanism for monitoring and identifying violations.⁴ The law’s penalties are rarely applied, and are not commensurate with the severity of penalties in other laws prohibiting civil rights violations such as discrimination.⁵

The Labor Code of Uzbekistan also recognizes, in its text, the right to freedom of association for citizens.⁶ However, all Labor Code violations, major or minor, are considered administrative violations and are fined equally; there is no criminal liability. In practice, trade unions and worker organizations face significant barriers to formal registration in both law and practice, including (i) unreasonable and burdensome legal and administrative requirements; (ii) an extensive list of reasons to deny registration; and (iii) required approval from the Ministry of Justice when traveling abroad or receiving funds from foreign sources.⁷

Under Art. 3 of the Law on Trade Unions and Art. 1 of the Law on Public Associations, trade unions are defined as public associations. Further, Art. 19 of the Law on Trade Unions states that “[t]rade unions carry out their activities by forming a legal entity in the form of a public association.” Under the Law on Trade Unions, trade unions must be independent of state authorities in all activities, and must not be accountable to or controlled by state authorities.⁸ However, the Law on Public Associations permits state financial agencies to monitor unions’ financial resources and records.⁹

The right to strike is not protected in the Labor Code or the Law on Trade Unions, and strikes are prohibited and punishable under Criminal Code section 218 and Administrative Code section 201.¹⁰ Other trade union rights that are not protected in Uzbek law concern the registration of independent trade unions, protection against interference, the right to strike, and anti-union discrimination.¹¹

² Law on Trade Unions (No. ZRU-588) (2019), art. 4; see International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), Commentary on compliance in Uzbekistan 2022, p.1.

³ U.S. Department of State (DOS), Uzbekistan 2022 Human Rights Report, 39 (2023), https://www.state.gov/wp-content/uploads/2023/03/415610_UZBEKISTAN-2022-HUMAN-RIGHTS-REPORT.pdf [hereinafter DOS, Uzbekistan 2022 Human Rights Report].

⁴ IUF, Commentary on compliance in Uzbekistan 2022, p.1.

⁵ DOS, Uzbekistan 2022 Human Rights Report, p.39.

⁶ Labor Code of Uzbekistan 2023, art. 21.

⁷ UN Human Rights Committee, Concluding observations on the fifth periodic report of Uzbekistan (May 1, 2020), U.N. Doc. CCPR/C/UZB/CO/5, <https://www.ohchr.org/en/documents/concluding-observations/ccprczbc05-human-rights-committee-concluding-observations-fifth>.

⁸ Law on Trade Unions (No. ZRU-588) (2019), art. 9.

⁹ Law on Public Associations (No. 223-XII) (1991), art. 20.

¹⁰ ILO, Committee of Experts on the Application of Conventions and Recommendations (CEACR), Direct Request on Convention No. 87, adopted 2022, published 111st ILC session (2023), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4321374,103538:NO.

¹¹ ILO, *Integrated ILO Approach on Good Governance and Decent Work in Uzbekistan’s Cotton, Textile and Apparel Sector* (Nov. 30, 2023), https://www.ilo.org/moscow/news/WCMS_905801/lang-en/index.htm.

Forced labor is prohibited by law, except as punishment for certain crimes.¹² The punishment for a first-time violation of the use of forced labor is an administrative penalty, such as a fine. Criminal punishments only apply to repeat offenders. As of 2022, the Uzbek government has never prosecuted officials for forced labor crimes.¹³

Question 2: How workers' organizations have played a role in preventing workers from being subjected to contemporary forms of slavery, or helping victims to move out of exploitative situations:

Private sector

In an unprecedented action in Uzbekistan, in 2021, cotton workers at Indorama Agro formed the only known democratically-elected trade union in the cotton sector, and more broadly, in Uzbekistan — however, have since faced serious repression. In recent years, Uzbekistan has privatized the cotton sector and promoted integration of the textile industry. Vertically-integrated companies, including Indorama Agro, control different stages of cotton and textiles production.¹⁴

At Indorama Agro, the workers' union bargained for one year fixed-term employment contracts for its members, which replaced temporary civil law contracts that had denied them benefits and social protection guaranteed under employment law. However, the union's success was short-lived — since it formed, the workers have been subjected to reprisals for exercise of freedom of association, including threats, intimidation, and illegal interference with union elections by management, local government, and the state-aligned Federation of Trade Unions of Uzbekistan (FTUU). In December 2022, Indorama management refused to renew the employment contracts of almost 400 farmworkers, despite the union having repeatedly requested that management engage in bargaining on the terms of new contracts.¹⁵ Instead, management gave workers the choice to sign new service provider contracts, which had been developed unilaterally by the company without a bargaining process, or to lose their jobs. Given the high unemployment in the region where Indorama operates, many workers felt they had no other option than to sign the new service contracts.

These contracts deprived workers of their employment rights, pushed them out of their union, and outsourced to them the company's risks and liabilities for work on the company's land. Independent monitoring and testimonies by workers revealed that the terms of the service provider contracts are exploitative and create

¹² DOS, Uzbekistan 2022 Human Rights Report, p.40.

¹³ Note that the government of Turkmenistan has, in the past, prosecuted officials for allowing forced labor in the cotton harvest under Article 51 of the Code of Administrative Liability, but not the Criminal Code. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 2022 Trafficking in Persons Report: Uzbekistan (2022), <https://www.state.gov/reports/2022-trafficking-in-persons-report/uzbekistan/>; U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 2021 Trafficking in Persons Report: Uzbekistan (2021), <https://www.state.gov/reports/2021-trafficking-in-persons-report/uzbekistan/>; see U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 2023 Trafficking in Persons Report: Uzbekistan (2023), <https://www.state.gov/reports/2023-trafficking-in-persons-report/uzbekistan>.

¹⁴ Indorama Agro is an Uzbekistan-based subsidiary of the Indorama Corporation, a Singapore-based business that produces chemicals and manufactures textiles, including cotton. Indorama Agro produces cotton in both direct farming and contract farming arrangements, and has borrowed at least \$145 million USD from multilateral development banks since it formed in 2018. UFHR, *Complaint Filed Against EBRD: Labor Rights Violations, Land Grabs and Exploitation at Cotton Producer Indorama Agro in Uzbekistan* (Sept. 4, 2023), <https://www.uzbekforum.org/complaint-filed-against-ebrd-labor-rights-violations-land-grabs-and-exploitation-at-cotton-producer-indorama-agro-in-uzbekistan/>.

¹⁵ UFHR, *Will Uzbekistan's First Democratically Elected Trade Union Survive?* (Jan. 17, 2023), <https://www.uzbekforum.org/will-uzbekistans-first-democratically-elected-trade-union-survive>.

serious labor risks, including the risk of child labor in the fields.¹⁶ Furthermore, in 2023, management failed to pay some workers in full for work delivered under the service provider contracts. When their contracts expired at the end of 2023, management conditioned their renewal in 2024 to workers' agreement they would not be paid what they had been owed — pointing to various indicators of forced labor, including abuse of vulnerability and intimidation and threats.

This example illustrates that while systemic state-imposed forced labor was eliminated in 2021, other forms of exploitative labor emerged absent further reforms to strengthen and protect workers' freedom of association and collective bargaining rights — creating ongoing risks of forced labor and illustrating the role that freedom of association plays in mitigating these risks. Forced labor, particularly in the private sector, exists along a spectrum. Workers' organizations and trade unions, such as the one at Indorama, play a critical role in protecting workers' rights and ensuring stable employment and fair working conditions. The ILO recognized that advancing these rights is the primary lever of change to end forced labor and develop mechanisms needed to address forced labor risks and ensure decent work, primarily in agriculture.¹⁷

Public sector

In Uzbekistan, independent findings of civil society monitoring have shown that local government officials continue to resort to forced labor of state employees when the cotton production system comes under pressure, such as in the 2023 harvest, which was marked by a shortage of voluntary pickers. Some employees of several state organizations, including utility companies and banks, were forced to pick cotton or pay for a replacement picker. Although this occurred only sporadically in the two years after Uzbekistan eliminated widespread and systematic state-imposed forced labor, this example shows that employees, who lack independent union representation, continue to lack the ability to refuse involuntary work without penalty.

In most cases of documented forced labor, employees of state organizations were instructed by their employers and/or superiors to either pick cotton themselves or pay for replacement pickers for 7-10 days in their place.¹⁸ There remains an implicit understanding among employees and citizens that refusal to accept requests or instructions from authorities can lead to reprisals and even dismissal from their jobs.

Independent worker organizations and trade unions in all workplaces would serve as a critical channel to eliminate forced labor for good in the cotton sector. In Uzbekistan, however, workers have no independent organizations to represent them, defend their rights, or exert collective agency, and all union activity remains dominated by the state-aligned FTUU.

¹⁶ UFHR, Uzbek Cotton Harvest 2023, p.25 (2024), https://www.uzbekforum.org/wp-content/uploads/2024/02/UZBEK-FORUM_harvest_report_2023_FINAL_LR-2.pdf [hereinafter UFHR, Cotton Harvest 2023].

¹⁷ See generally ILO, Eradicating Forced Labour: Partnering strategically with ILO (Jan. 24, 2024), https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_909330.pdf; ILO, Policy guidelines for the promotion of decent work in the agri-food sector (Geneva, May 2023), https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_873895.pdf.

¹⁸ UFHR, Cotton Harvest 2023, p.11.

Question 5: Challenges or limitations experienced by workers' organizations to prevent contemporary forms of slavery and protect victims:

The FTUU is the only trade union federation in Uzbekistan. No unions or worker organizations exist outside the FTUU, and a 2012 attempt to organize an independent union resulted in the prosecution, torture, and imprisonment of the organizers.¹⁹ The FTUU is widely considered to be an arm of the state, and operates as a “trade union monopoly”, in the words of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR).²⁰

After forming the only known democratically elected union in Uzbekistan, workers at Indorama were pressured into affiliating the union with the FTUU, which they did in order to expedite the bargaining process.²¹ In addition to union-busting actions and retaliation, which are described above, the government has recently put labor rights monitors and workers seeking to organize to collectively defend their rights are under further surveillance and pressure. In August 2023, two Indorama farmworkers were arbitrarily detained at the Tashkent Airport and prevented from traveling to Kazakhstan to attend a labor rights workshop. In January 2024, an independent monitor engaging with workers at Indorama and reporting on their rights violations was threatened with criminal charges by government security officials and told to stop her engagement on Indorama. At the time of writing, there has been no accountability for these actions, which constitute violations of freedom of association, freedom of movement, and freedom to receive and impart information.²²

Question 6: Practical recommendations to concerned stakeholders to enable workers' organizations to more effectively prevent and address contemporary forms of slavery:

To the government of Uzbekistan:

- Create an enabling environment for civil society activity, independent monitoring, the formation of independent civil society organizations, including workers' organizations and trade unions.
- Desist from retaliatory actions against, and ensure protection of rights defenders, labor rights monitors, and workers seeking to organize to improve their working conditions through collective bargaining.
- Simplify the registration process for workers' organizations and trade unions and allow their independent operation.

To multilateral development banks investing in Uzbekistan:

- Engage with clients and the Uzbek government to promote freedom of association and collective bargaining as essential components to the development of a sustainable cotton and textile industry.

¹⁹ UFHR, Uzbek Cotton Harvest 2022, p.28 (2023), https://www.uzbekforum.org/wp-content/uploads/2023/04/UZBEK_FORUM_harvest_report_2022_FINAL.pdf; IUF, Commentary on compliance in Uzbekistan 2022, p.3; Nadejda Atayeva, *Uzbekistan: Two Human Rights Defenders Imprisoned for 8 years, 3 months* (Mar. 8, 2014), <https://nadejda-atayeva-en.blogspot.com/2014/03/uzbekistan-two-human-rights-defenders.html>.

²⁰ ILO, CEACR, Application of International Labour Standards 2023 (2023), ILC.111/III(A), p.318, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_868115.pdf; ILO, CEACR, Observation on Convention No. 98, Uzbekistan, adopted 2022 (2023), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4321426,103538,Uzbekistan,2022.

²¹ IUF, Commentary on compliance in Uzbekistan 2022, p.7; The Diplomat, Lynn Schweisfurth, *Labor Rights Violations Persist in Uzbekistan* (Mar. 26, 2024), <https://thediplomat.com/2024/03/labor-rights-violations-persist-in-uzbekistan/>.

²² *Ibid.*

- Ensure all projects are in full compliance with MDBs' standards on worker rights and international best practice on stakeholder engagement and labor and working conditions, including monitoring and remedy, mitigation requirements, and access to grievance mechanisms.

To brands and retailers:

- If considering sourcing from Uzbekistan, engage with independent Uzbek and international civil society, relevant labor stakeholders, and the Uzbek government to create adequate conditions for organizing and bargaining in the cotton and textile sector, enabling workers to organize and assert collective agency. This would contribute to the brands' due diligence to prevent and mitigate forced labor and other labor rights violations, and thus comply with their legal obligations under laws governing supply chains in their countries of import.