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► 2021 third-party monitoring of child labour and forced labour during the cotton harvest in Uzbekistan



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- ▶ **2021 third-party monitoring of child labour and forced labour during the cotton harvest in Uzbekistan**

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Third-party monitoring of child labour and forced labour during the 2020 cotton harvest in Uzbekistan / International Labour Organization, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Geneva: ILO, 2022.

ISBN: 978-92-2-037060-5 (web pdf)

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► Foreword

This report has been prepared by the International Labour Office pursuant to an agreement between the ILO and the World Bank to carry out third-party monitoring on the incidence of child labour and forced labour in the World Bank-financed projects in agriculture, water and education sectors in Uzbekistan. Third-party monitoring by the ILO was also undertaken and reported on annually since 2015. The ILO is grateful for the cooperation of the tripartite constituents and human rights activists of Uzbekistan in the monitoring and assessment process.

There are three main reasons why the ILO Third-Party Monitoring is important:

- **First**, one in eight of the adult population or around 2 million citizens are engaged at some time during the harvest each year picking cotton by hand. Two thirds of pickers are women. Managing this workforce in full conformity with international labour standards ratified by Uzbekistan is an enormous task.
- **Second**, over 30 per cent of arable land is still used for cotton production, despite government policy to diversify agricultural production. Cotton and related value chains will provide jobs and incomes and contribute to foreign exchange earnings for years to come.
- **Third**, the ILO Third-Party Monitoring provides statistically significant, nation-wide numbers that enable evidence-based conclusions and policy decisions.

The ILO has taken into account all the different comments and inputs it has received throughout the monitoring process from national governmental and non-governmental organizations, including Uzbek civil society representatives. In line with the request of its partners in Uzbekistan, in particular the Government, this report contains concrete suggestions for action. It also points out further opportunities for cooperation between the partners in Uzbekistan and the ILO and the World Bank. The ILO alone is responsible for the conclusions in this report.

The ILO would like to thank contributors to the Multi-Donor Trust Fund, which has been established by the World Bank with support from the European Union, the United States, Switzerland and GIZ. The Fund supports the elimination of child labour and forced labour in the cotton sector of Uzbekistan and capacity building of state and non-state institutions. Other World Bank and ILO projects contribute to this endeavour and help ensure the sustainability of cotton production and agricultural reform in general.

Philippe Vanhuynegem

Chief,
Fundamental Principles and Rights
at Work Branch (FUNDAMENTALS)
International Labour Organization

Acronyms and abbreviations

CATI	Computer-Assisted Telephone Interviewing
GoU	Government of Uzbekistan
MELR	Ministry of Employment and Labour Relations
ICT	Item Count Technique (ICT)
ILO	International Labour Organization / Office
IRB	Institutional Review Board
RDD	Random Digit Dial
TPM	Third-party Monitoring
WB	World Bank

Glossary

Khokimiyat	Territorial public and administrative authority (Uzbek)
Hokim	Head of khokimiyat (Uzbek)
Mahalla	Informal self-governance body, neighbourhood community (Uzbek)
Pahta shtab	District cotton-picking committee; working groups of local officials who ensure coordination and the proper organization of the cotton harvest.
UZS	Currency of Uzbekistan

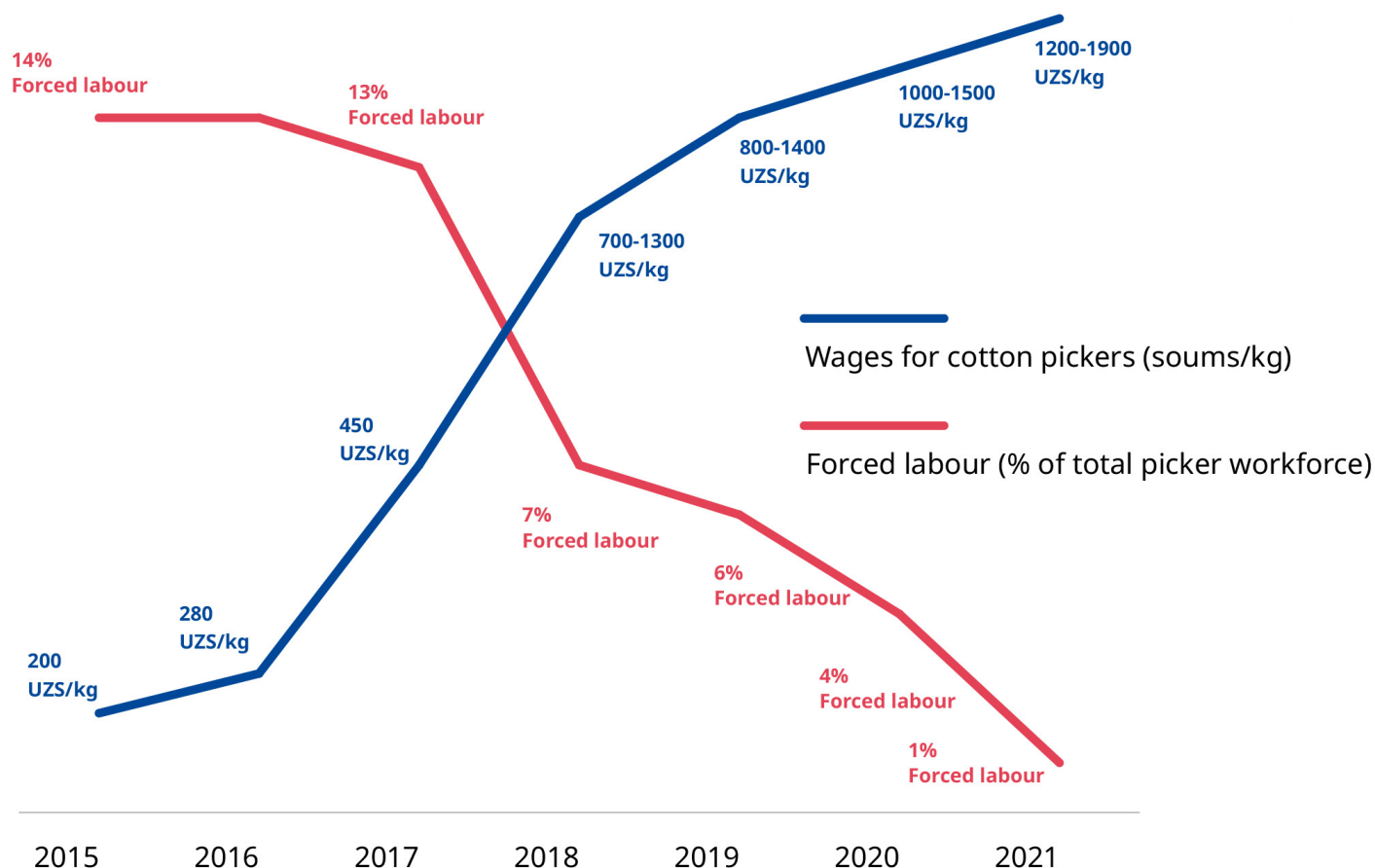
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► Executive summary

The ILO found that Uzbek cotton is free from systematic forced labour and child labour. All provinces and districts had very few or no forced labour cases in 2021. The prevalence of forced labour in the 2021 harvest was so insignificant that it was exacting to detect and measure even with 11,000 quantitative and qualitative interviews conducted by the ILO TPM Project and independent civil society. As in previous years, there were only isolated cases of minors below the legal working age picking cotton.

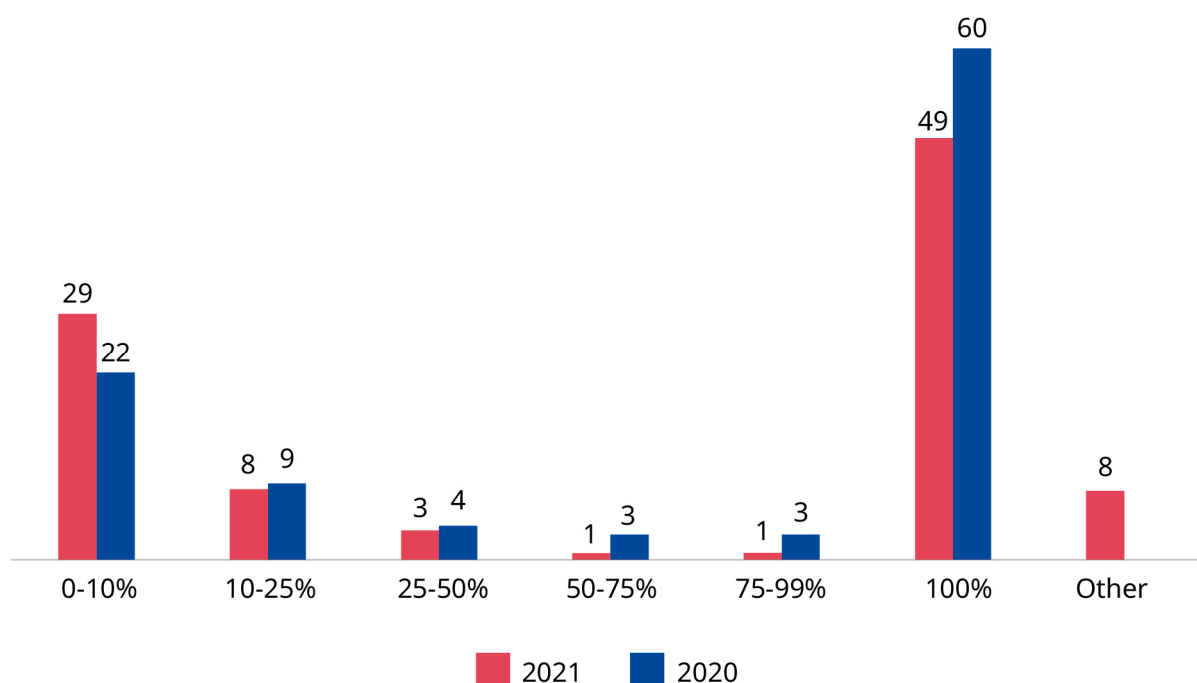
► Figure 1: Wages and forced labour percentages (2015-2021)



- The majority of the people who experienced forced labour were not directly threatened by local officials or managers but rather **perceived** possible negative consequences such as loss of rights and privileges if they declined. Such situations are considered to constitute forced labour and must be addressed by promoting **rights-based education and awareness**.
- The data suggests that the reforms continue to have a **positive impact** and that the rate of forced labour reduction **accelerated significantly**, compared to last year.

Wages, working conditions and recruitment channels

- ILO monitors confirmed that **wages increased** compared to the previous harvest. Generally, cotton pickers received their **wages on time and in full**. The average total wages received by a picker in 2021 was 1.63 ml UZS¹.
- **49 percent of pickers said that the 2021 cotton harvest was their only source of cash income** this year. This share is lower compared to the 2020 harvest. The cotton harvest still accounted for a crucial part of many pickers' livelihood.
- **Figure 2: Answers to the question "What percentage of your personal annual earning does the income in cotton picking represented?" by year, %**



Source: TPM (2020), N=911; TPM (2021), N=1234.

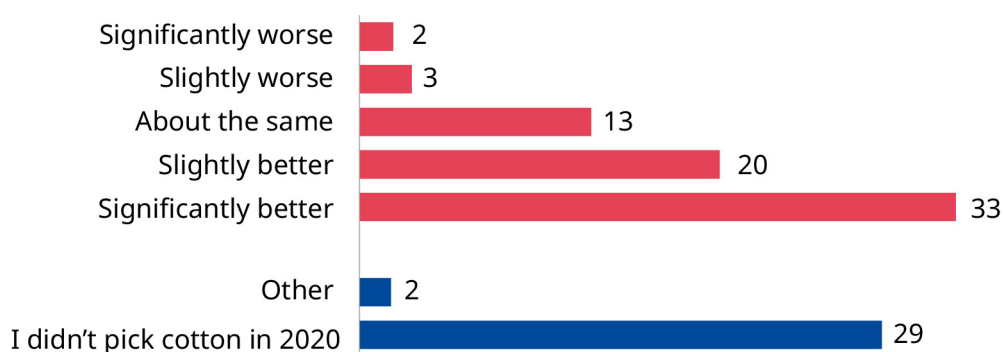
Note: "Other" is included such responses as "No answer", "Refuse to answer", "Don't know". Total % by one position could be more/less than 100 due to rounding.

- For the first time, the ILO TPM observed that **the minimum wage for the cotton harvest was established using a tripartite consultation** by the Cabinet of Ministers of the Ministry of Labour, the Federation of Trade Unions (FTUU) and the Employers Association. The Federation of Trade Unions formally advocated for increased wages for workers during this process. (See Annex 6). The FTUU also opened up for temporary union membership for seasonal agricultural workers.
- The ILO also learned about several instances of cotton pickers engaging in different forms of **collective bargaining at the brigade level**. These instances appeared to occur within textile cluster areas and were all informal and at the grass root level without central coordination or interference.
- The tripartite consultation and the emerging trend of collective bargaining are positive signs that Uzbekistan could be moving towards **increased democratization of the labour market**. The ILO strongly encourages that these practices are continued, supported, and institutionalized.

¹ Including both cash and in kind payments.

- A **majority of cotton pickers said that working conditions had improved since 2020**. Only 5 percent said that the conditions were worse than the previous year. This relates to transportation, food, access to water, hygienic and other facilities.

► **Figure 3: Answers to the question “Can you assess the working conditions (payment, working hours, rest time, food/water, transportation, etc.) in 2021 compared to 2020?”, %**

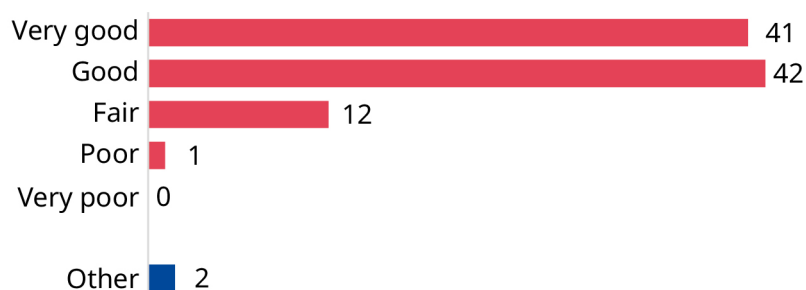


Source: TPM (2021), N=1234.

Note: “Other” is included such responses as “No answer”, “Refuse to answer”, “Don't know”. Total % could be more/less than 100 due to rounding.

- 83% of cotton pickers said that the quality of the **working conditions during the 2021 harvest was good or very good** while only 1% of respondents said that the quality of the working conditions was poor or very poor.

► **Figure 4: Answers to the question “Please rate the overall working conditions in 2021 on a scale from 1 to 5, where 1 is ‘very poor’ and 5 is ‘very good’”, %**



Source: TPM (2021), N=1234.

Note: “Other” is included such responses as “No answer”, “Refuse to answer”, “Don't know”. Total % could be more/less than 100 due to rounding.

- **62 percent of pickers were women and 38 percent were men**. 81 percent of pickers were from rural areas; 19 percent were from urban areas. 47 percent came to pick cotton with other adult family members.

► **Figure 5: Distribution of cotton pickers from the 2021 harvest across gender, rural/urban background and picking with or without family members.**



- The **prohibition on recruiting students, teachers, nurses and doctors** was systematically implemented and observed at the local level.

Contextualization of forced labour cases

- In total, **13 percent of the population** aged 18 to 50 years was involved in cotton picking during the 2020 cotton harvest. On average, each picker **participated in the harvest for 24 days** which was slightly longer than for the 2020 harvest
- The **vast majority of pickers participated in the harvest voluntarily** but about 1 percent were subject to direct or perceived forms of coercion. **Three broad categories** of such cases were identified: 1) People who were threatened by mahalla representatives with loss or reduction of certain social benefits; 2) Victims of local mobilization efforts who were typically threatened by their managers with loss of employment or financial implications if they declined; and 3) Replacement pickers who themselves were not forced but it can be assumed that the person they replace experienced some form of coercion.
- These distinctions between different categories are important as they **require different interventions to reduce risks further** for the 2022 harvest.

Civil society and journalists

- Independent **civil society activists said that they were free to monitor** the 2021 harvest and conduct their activities against forced labour without interference. There were no reports of cases of harassment or intimidation related to forced labour or the cotton harvest.
- The **dialogue between the Government and civil society continued in 2021**. Activists are members of the National Commission on Forced Labour and Human Trafficking. However, **some activists continue to meet obstacles when they attempt to register their civil society organizations with the Ministry of Justice**. The Ministry of Labour did, however, register civil society activists and provided them with official badges to allow unhindered monitoring.
- There were general reports of attempts to control or limit the expression of independent journalists in 2020. However, these reports were **not linked to forced labour**. The President and other senior officials expressed firm commitment to free speech and independent journalism.

Governance and coordination

- The National Commission on Forced Labour and Human Trafficking continued to conduct meetings as in previous years. The Senate Commission could further enhance its work by strengthening systems for victim support and redress. The Senate Commission could also make suggestions for how to improve the effectiveness of the implementation of existing legislation including the criminalization of forced labour which so far has not led to any convictions since it was introduced.
- The right of workers and employers to establish their independent organizations is a prerequisite for social dialogue. The ILO observed the registration of one new business organization for textile clusters and one new trade union in a textile cluster.

Responsible trade, investment and sourcing of Uzbek cotton, textile and garments

- **ILO suggests that responsible sourcing of Uzbek cotton, textiles and garments should be facilitated and encouraged.** ILO stands ready to pilot tools and mechanisms in Uzbekistan to enable international investors, brands and retailers to make informed business decisions.
- The Government is replacing the quota system with a **market-based model**, with the necessary safeguards in place to minimize risks of forced labour, including fair recruitment practices and adequate wages. This will most likely end the practice of deploying pickers at the very end of the harvest simply to reach targets.
- The reforms undertaken by the government have the potential for addressing the risks of forced labour as well as simultaneously creating much needed **employment opportunities**. Economic growth would enable further reforms in education, health, infrastructure and other areas. **These reforms need to be supported by the international community.**
- **Trade and investment decisions by responsible international investors** are likely to benefit the further abolition of the legacies of the centrally planned economy. They can also have a positive impact on compliance with international labour standards. Furthermore, if the number of full-time decent jobs in **textile and garment manufacturing** and other parts of the economy grow, there could be a reduction of seasonal peaks in labour demand, which often fuel unfair recruitment practices.
- **All provinces and districts had very few or no forced labour cases in 2021.** This combined with the fact that some textile clusters have switched or are switching to **mechanized harvesting** supports the view that it is possible for international investors or buyers to manage labour risks in their supply chains when sourcing from Uzbekistan.
- **ILO is currently undertaking a feasibility study for a Better Work Programme in Uzbekistan.**

Summary of 2021 observations

<div> <div>Achievements</div> <div>Opportunities</div> </div>			
Political commitment and leadership	<ul style="list-style-type: none"> • Effective coordination of all measures and actors under the National Commission on Forced Labour and Human Trafficking. • Consistent clear political commitment from government. • Prompt investigations by Labour Inspectorate of all reported cases 	<ul style="list-style-type: none"> • Transparency about government meetings, decisions and implementation. • Legislation consistently enforced and fines for forced labour applied. • The quota system in cotton sector is gradually being replaced with a market-based model 	<ul style="list-style-type: none"> • Very few examples of uneven local implementation. • Absence of the application of criminal legislation. • Mismatched supply and demand for pickers in certain provinces. • Legislation prevents unhindered access of labour inspectors to work places outside the cotton harvest.
Recruitment mechanisms	<ul style="list-style-type: none"> • No systematic recruitment of students, teachers, nurses, doctors. • Better wages and working conditions used to attract voluntary pickers. • Intense awareness raising measures on feedback mechanisms. 	<ul style="list-style-type: none"> • Mahalla involved in recruitment of pickers in communities. • Forced pickers more often perceived threat of penalty, than were subject to direct threat. • Increased role of public employment services in recruitment of pickers. • Capacities of some farmers and clusters to manage recruitment is low. 	<ul style="list-style-type: none"> • Involuntary recruitment through institutions, companies and mahallas still take place. • Local cases of recruitment of replacement pickers, collection of fees from companies and individuals.
Decent wages and working conditions	<ul style="list-style-type: none"> • Textile clusters increased wages beyond minimum rates • Consistent and regular payments made to pickers • Working and living conditions improved. Especially in textile cluster areas. 	<ul style="list-style-type: none"> • Wage setting approach remains centralized. • Material rewards used to incentivize performance decreased. • Labour agreements not used consistently. 	<ul style="list-style-type: none"> • Individual cases of inadequate living conditions for cotton pickers. • COVID 19 measures applied inconsistently. • Misunderstandings about deductions from wages of pickers.

Engagement with local civil society	<ul style="list-style-type: none"> • Constructive cooperation with local civil society activists on reporting and investigation. • Issuance of badges by the Ministry of Employment to activists to conduct monitoring. • Human rights activists freely perform monitoring of harvest. 	<ul style="list-style-type: none"> • Press conferences organized by the Ministry of Employment and Labour Relations. • Number of civil society activists is increasing. 	<ul style="list-style-type: none"> • Activists continue to report problems when attempting to formally register their civil society organizations. • Civil society can be involved in governance of feedback mechanisms.
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Summary of 2021 recommendations

Keep doing

- Keep developing Labour Inspectorate to identify, address and prevent labour violations. Continue to operate effective transparent feedback mechanisms.
- Keep increasing minimum wages in line with productivity to ensure cotton picking is an attractive source of income.
- Keep strengthening public employment services to implement fair recruitment of seasonal agricultural workers including cotton pickers.
- Continue to broaden dialogue with local civil society activists. Ensure that nobody is harassed for legal activities.
- Continue awareness raising campaigns to ensure people are aware of their rights and know which feedback mechanisms to use.
- Encourage journalists to raise cover the issues of labour rights and report on violations. Keep using social media.
- Promote further private sector investment in cotton production and related value chains.
- Facilitate women entrepreneurship opportunities as part of textile cluster development and beyond.

Do more

- Continue market-based reforms in the agricultural sector with the aim to meet multiple goals simultaneously including economic development, Sustainable Development Goals (SDGs) by considering, for example, climate-smart strategies, women's economic empowerment, and biodiversity.
- In awareness raising campaigns pay special attention to high risk groups:
 - Employees of state institutions and companies such as post offices, departments for water management, landscaping, Neftegaz, electrical providers, etc.
 - Private entities including banks and entrepreneurs in marketplaces.
- Strengthen forced labour prevention measures by trade unions as they can help reduce forced labour in institutions/companies.
- Develop systems for victim support and redress through referral mechanisms under the Commission on Forced Labour and Human Trafficking.
- Broaden focus beyond cotton to fundamental principles and rights at work in agriculture and related value chains.
- Focus on sustainable job creation through manufacturing of products for export.
- Work with international partners to build CSR capacity in Uzbek exporting companies.
- Increase mechanization.
- Allow registration of more civil society organizations at province and national level.

Start

- Enforce criminalization of forced labour.
- Amend the current legislation to grant unhindered access for labour inspectors to all workplaces.
- Enhance cooperation between and build capacity of prosecutors, lawyers and inspectors in applying the legislation on forced labour through interactive trainings and events.
- Strengthen the capacity of judges to apply the legislation on forced labour and human trafficking through trainings and explanatory instructions by the Plenum of the Supreme Court of Justice.
- Require that textile clusters produce social plans to maximize benefits to local farmers and communities.
- Develop skills strategy to enable increased garment and textile manufacturing at regional level.
- Increase transparency of how textile clusters are established and operated.
- Pay special attention to the needs of women pickers. Implement programmes to prevent discrimination.

Do less

- Eliminate the role of Government in cotton production and related value chains.
- Continue reducing low-yield cotton production in areas with low population density
- Textile clusters to rely less on external actors in the recruitment process and build their own capacities.

Stop

- Completely phase out the role of hokimiats and mahallas in recruitment of pickers.

► 1. Assessment of governance systems, policies and legislation

1.1 Governance

The Government of Uzbekistan has demonstrated strong political commitment to eradicate forced labour. Consistent statements from the President, Senate Chair, Prime Minister, Minister of Employment and Labour Relations and other Ministers underline that the policy of the Government is to eradicate all forms of forced labour in the country.

In 2019, a new structure was established to effectively govern the area of trafficking in persons and forced labour. The main coordination body is the National Commission for Combating Trafficking in Persons and Forced Labour chaired by Tanzila Narbaeva, Senate Chair. The Commission met several times during the 2020 harvest.

► Diagram 1: Uzbekistan Governance System on trafficking in persons and forced labour



Uzbekistan has also established a separate republican tripartite commission on social and labour issues co-chaired by the Minister of Labour, Head of the Federation of Trade Unions and Head of the Confederation of Employers on a rotational basis.

1.2 Legislation

Uzbekistan has ratified all eight fundamental ILO Conventionsⁱ including the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105). It has also ratified the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 37 of the Constitution of the Republic of Uzbekistanⁱⁱ prohibits forced labour. Forced labour is also clearly prohibited by Article 7 of the Labour Codeⁱⁱⁱ.

The national legislation of Uzbekistan has established penalties for the use of forced labour (articles 51 and 491 of the Administrative Code, articles 135, 138, 148 of the Criminal Code).

Working conditions at enterprise level are regulated by more than 93,000 collective agreements, which cover 96 per cent of all legal entities employing workers.

Uzbekistan increased the fines for forced labour violations tenfold before the 2019 harvest. Furthermore, in December 2019 the country introduced further changes to the regulatory framework related to child labour and forced labour. Article 51 of the Administrative Code has been updated and two new paragraphs have been added to Article 148 of the Criminal Code as detailed below.

- **Article 148-1. Violation of the requirements on the inadmissibility of the use of labour by underage persons**

The use of an underage person in works that may cause harm to his/her health, safety or morals, committed after the application of an administrative penalty for the same act, shall be punishable by a fine of up to twenty-five basic calculation units or by deprivation of a certain right up to three years or by correctional labour for up to three years.

- **Article 148-2. Administrative Forced Labour**

Administrative coercion to work in any form, with the exception of cases provided for by law, committed after applying administrative penalties for the same act, shall be punishable by a fine from one hundred to one hundred and fifty basic calculated values, or by deprivation of a certain right for up to two years, or correctional labour for up to two years.

The same action committed in respect of an underage person after applying an administrative penalty for the same act, shall be punished by a fine from one hundred and fifty to two hundred basic calculation units or by deprivation of a certain right up to three years or by correctional labour up to three years.

Legislation related to hazardous child labour

Administrative liability with fines
up to 20-30 minimum wages; AND

Criminal liability for repeat offences (12 months time limit) with criminal record and punishments up to:

- 25 minimum wages; or
- Loss of certain rights < 3 years; or
- Correctional labour < 3 years

Legislation related to forced labour

Administrative liability with fines
up to 50-60 minimum wages; AND

Criminal liability for repeat offences (12 months time limit) with criminal record and punishments up to:

100-150 minimum wages; or

- Loss of certain rights < 2 years; or
- Correctional labour < 2 years

Legislation related to forced child labour

Administrative liability with fines
up to 70-100 minimum wages; AND

Criminal liability for repeat offences (12 months time limit) with criminal record and punishments up to:

- 150-200 minimum wages; or
- Loss of certain rights < 3 years; or
- Correctional labour < 3 years

Conviction according to the Criminal Code will in all cases lead to a criminal record.

Loss of certain rights (Article 45 of Criminal Code) can include loss of position, demotion or limitations on decision-making.

Correctional labour (Article 46 of Criminal Code) means that the convict has to work at a place designated by the court and 10-30 per cent of his/her salary will go to the state budget.

The law on private employment agencies was amended on 13 August 2020. Private employment agencies are not allowed to charge fees to job seekers for placement into work abroad. These fees must be paid by the employers. In addition, the law enables the Ministry of Employment and Labour Relations to supervise and monitor the activity of private employment agencies.

The presence of legislation alone is, however, in itself not a guarantee for the prevention of forced labour, but also requires the presence of a robust enforcement and compliance system.

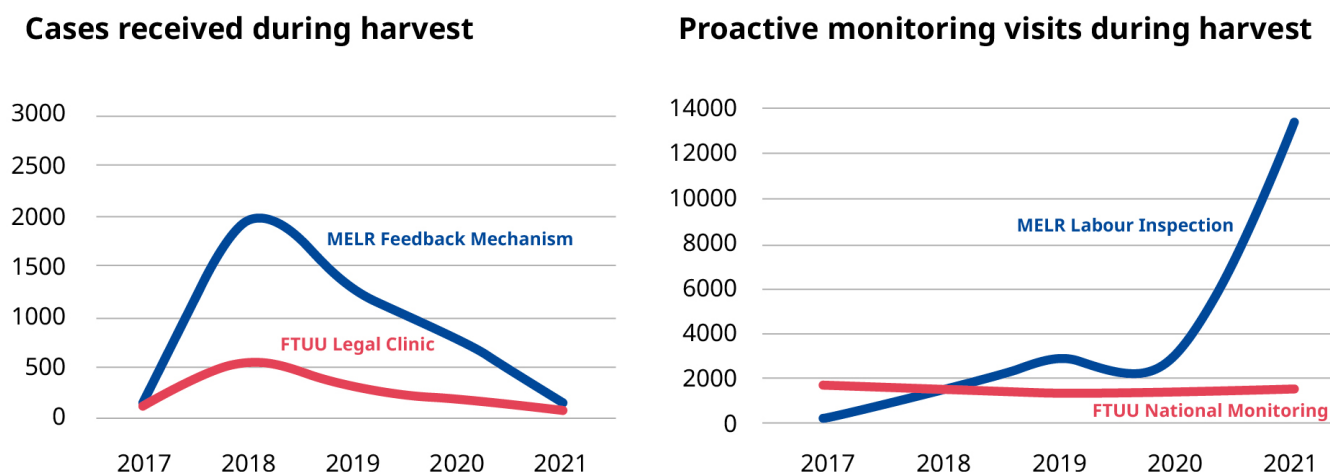
1.3 Feedback mechanisms, inspections and enforcement of legislation

1.3.1 Feedback mechanisms and monitoring

The feedback mechanisms of the Ministry of Employment and Labour Relations (MELR) and the Federation of Trade Unions (FTUU) continued operations in 2021. Overall, the two mechanisms received 219 complaints during the 2021 cotton harvest. Eight of these complaints were related to forced labour. The remaining complaints covered multiple issues including delays of payments to pickers, deductions from wages, inadequate working conditions, occupational safety and health, and contracts.

There has been a decreasing trend in the number of complaints and queries submitted to the mechanisms which in part could be explained by the overall reduction in the number of pickers (down from approx. 3.4 million in 2015 to less than 2 million in 2021) and better managed recruitment processes.

► **Figure 6: Cases received and monitoring visits and inspections during the 2021 cotton harvest by MELR Feedback Mechanism and the FTUU Legal Clinic**



There has been an overall increase, however, in the number of regular monitoring visits by the state labour inspectors and trade unions. This suggests a trend of increased proactive activity to prevent and identify violations.

The two feedback mechanisms take a somewhat different approach to investigations and how cases are resolved. This difference stems from the fact that the MELR Feedback Mechanism through its government labour inspectors has the authority to punish offenders with fines or other administrative penalties. The Trade Unions are conducting more preventive work and seek to provide legal advice to their members.

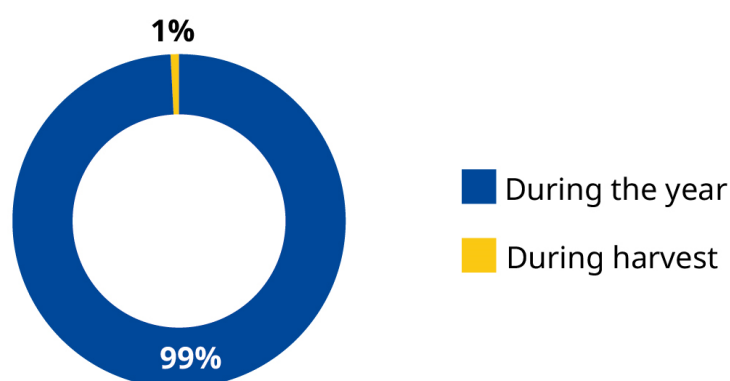
There were examples where the FTUU Legal Clinic submitted alleged forced labour cases to the MELR labour inspection for investigation and supported, where possible, the investigation process. Both mechanisms play important and complementary roles in the preventing and addressing forced labour in the cotton harvest.

As in previous years, the ILO Third-Party Monitoring Project had unrestricted access to the feedback mechanism data and was able to follow investigations and take results into account during the third-party monitoring of the cotton harvest. The ILO is grateful for the transparency and cooperation of both organizations in this regard.

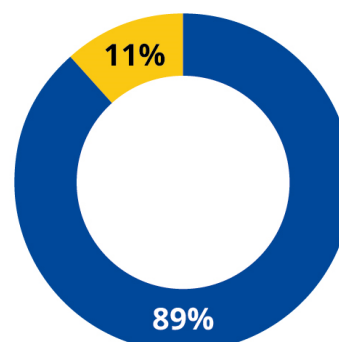
Overall, throughout 2021, the feedback mechanisms combined registered 28,653 complaints and queries on labour rights violations. The complaints received during the cotton harvest represented less than 1% of the total annual number of complaints. The proportion of forced labour cases related to the cotton harvest constituted 11% of the total number of forced labour infringements investigated during the entire year.

► **Figure 7: Complaints received on forced labour and general labour issues during the harvest compared to the rest of the year**

Complaints on labour issues



Complaints on forced labour

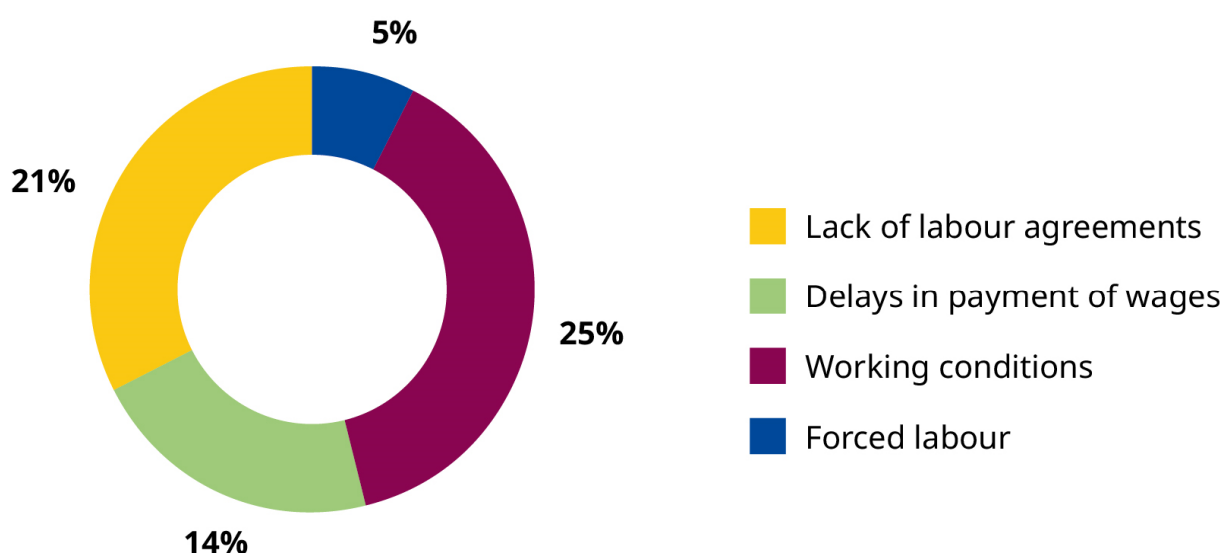


1.3.2 MELR feedback mechanism

The MELR Feedback Mechanism is accessible through the telephone helpline (1176), the website www.dmi.mehnat.uz and through the "Telegram" app on mehnathuqubot. During the 2020 harvest, The MELR Feedback Mechanism received 148 complaints and queries. In addition, the ministry operated six mobile teams of national inspectors who together with local labour inspectors monitored 13,419 farms, clusters and enterprises during the 2021 cotton harvest.

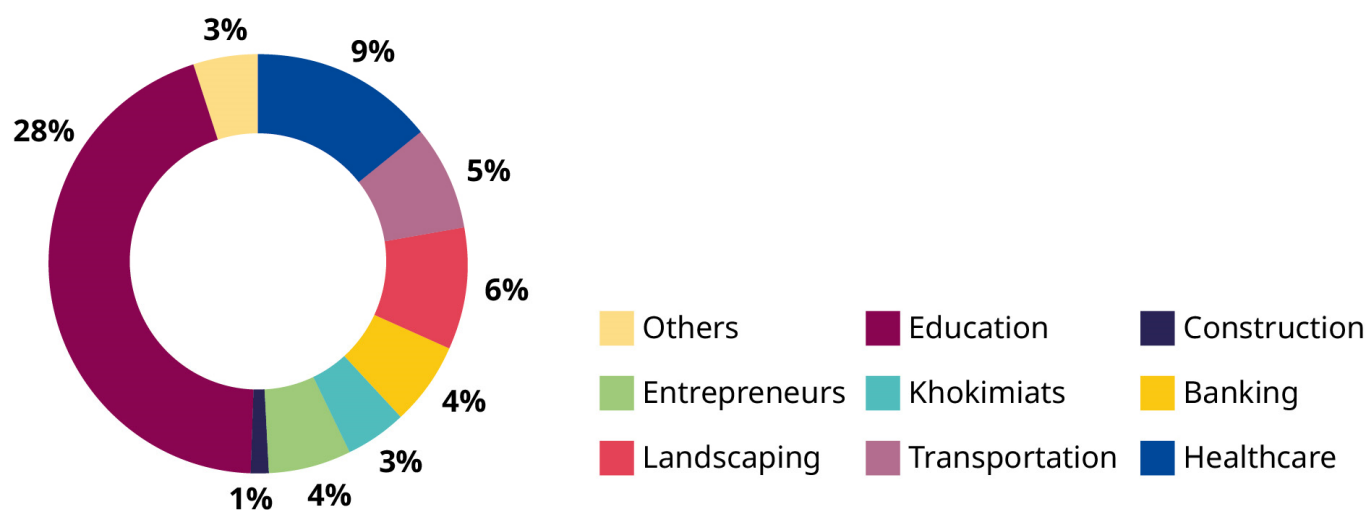
As a result, the labour inspection investigated and punished 65 individuals for labour violations during the 2021 cotton harvest.

► **Figure 8: Distribution of cases handled by the MELR FBM during the 2021 cotton harvest**



There were also forced labour cases outside the cotton harvest. In total, 62 forced labour cases were recorded in 2021 across the country covering primarily landscaping, cleaning and construction works. The trend of identifying forced labour cases outside the cotton harvest is positive and speaks to increased awareness and attention to the issue.

► **Figure 9: Annual distribution of forced labour cases handled by the MELR FBM in 2021**

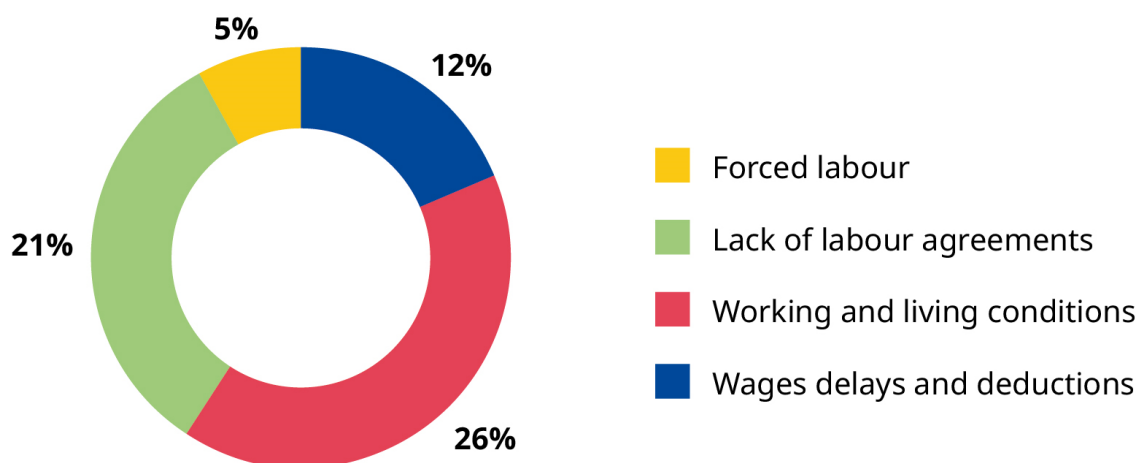


Criminal liability for repeat forced labour violations was introduced in January 2020. Successfully investigating and prosecuting a case of criminal liability proved to be challenging during the cotton harvest. There were difficulties collecting sufficient evidence and the ILO has not observed any cases where criminal liability has been enforced.

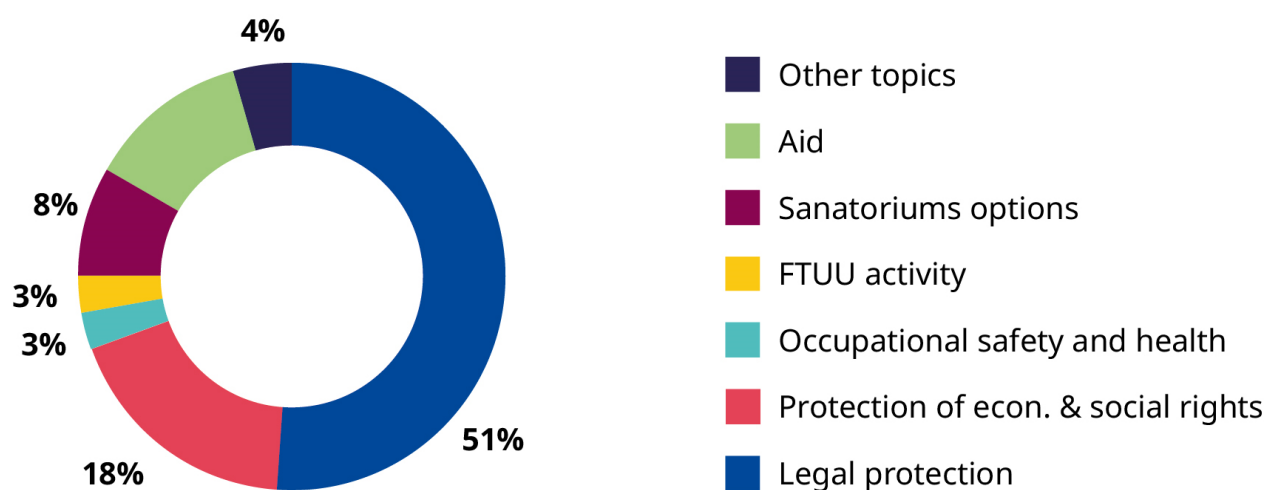
1.3.3 FTUU Legal Clinic

The feedback mechanism of the Federation of Trade Unions (FTUU) is operated through a helpline (1092) and through email. During the 2021 cotton harvest, it received 71 complaints, of which 3 were forced labour cases, and 68 cases were linked to delays in payment or non-payment of wages for cotton picking. The FTUU lawyers followed up on all cases. As a result of FTUU interventions, 1137 cotton pickers received their wages.

► **Figure 10: Distribution of cases received by the FTUU Legal Clinic**



The FTUU FBM operates throughout the year. In 2021 it received 4647 complaints and queries. In about 70%, the cases required the FTUU protection of the social and economic rights of workers.

► **Figure 11: Annual distribution of queries handled by the FTUU FBM during 2021**

Like in previous years, the FTUU conducted national monitoring of the 2021 cotton harvest. The monitoring teams included members of FTUU along with the Chamber of Commerce of Uzbekistan, and NGOs. They monitored 1374 entities, of which 953 were farms, 231 educational institutions, 79 health care facilities, 55 companies, 25 hokimiyats and 25 mahalla committees.

The monitoring covered the entire country and was conducted during September 23 – October 31, 2020. The findings of the national monitoring will be available on the FTUU webpage www.kasaba.uz.

1.4 Systems conducive to the exaction of forced labour

The state order system in Uzbekistan was conducive to the exaction of forced labour. Cotton sector reforms enacted in March 2020 ended the key elements of that system, i.e. state-mandated production and procurement targets. The reforms removed formal links between the state's financing of agriculture and agricultural production. State farm-gate prices were replaced by new minimum farm-gate prices, which set the floor that all buyers must adhere. The reforms are intended to increase freedom of choice and decisions by farmers and cotton-textile clusters.

Commercial production contracts

Hokimiyats are no longer permitted to impose production targets on farmers and clusters. State production contracts were replaced by commercial production contracts between farmers and cluster organizers. The reforms place more responsibilities on cluster organizers. They are expected to provide technical support to farmers and promote more sustainable, climate-smart cotton production. They are also expected to ensure that cotton is harvested free of forced labour.

It is claimed that neither local nor central government were involved in contract negotiations or the enforcement of commercial contracts, and that the Government's role was restricted to the monitoring of cotton production for sector and macroeconomic policy purposes, the quality and terms of commercial production contracts were, however, still a contentious issue in the 2021 cotton season.

In some instances, the commercial production contracts seemed to differ little from old state-farmer contracts in how they were prepared and executed. The public announcements of several regional hokims about the "achievement" of their regions' (commercially contracted) cotton production targets created considerable additional confusion. Although the announcements only reflected the Government's ongoing monitoring of commercial cotton production (a common practice in other countries), the announcements created considerable concern with stakeholders and was reminiscent of past practices where local officials would announce the achievement of state cotton procurement targets.

The current commercial contracting process seems unbalanced and should be reviewed/rectified before the next season. Several farmers have noted that commercial contracts were signed in the presence of the representatives of local

hokimiyats and that the copies of contracts were kept by the *hokimiyats*. Some farmers appear to have been required to agree to (higher) production targets that were recommended by *hokimiyats* and subject to penalties such as the potential loss of their assets and/or land user rights, upon failure to deliver the contracted quantity and quality of cotton. The contract terms often appear to favour cluster organizers over farmers.

Cotton Harvesting

Under the state order system, farmers were obliged to pick all raw cotton in the field irrespective of cost. Cotton picked during the first and second pickings are considered profitable as it yields the highest quality of cotton (1-2 grade) at the lowest cost. While subsequent pickings can be profitable in some areas, they can also be financially unprofitable in many locations because picking costs exceed revenues from these lower-quality yields.

Poor quality yields are priced lower because of the higher cost of processing (it is more resource-intensive to process, using more energy, and wearing out equipment faster). Picking costs are also higher because it is more labour-intensive. Conversely, under uncompetitive or forced labour market conditions, picking lower-quality cotton requires workers to exert considerably more effort to earn sufficient daily income (which is based on the volume picked). This is why, historically, there was more forced labour during the later phase of cotton harvesting. In addition, excessive cotton picking can also prevent farmers from preparing land for the winter wheat planting season, which, in turn, adversely affects wheat production and food security.

With the removal of the state production and procurement targets, farmers can better optimize their harvesting strategies and choose to leave lower-grade cotton unpicked. These freedoms emphasize the importance of delinking production targets with commercial contracts: farmers should be free to decide their cotton harvesting strategy based on their individual costs and benefits, just as clusters make similar determinations in their textile and apparel businesses.

The Government has taken several measures in recent years to accelerate the mechanization of cotton harvesting, but the pace of mechanization may be constrained by structural factors.

Cotton planting techniques for manual picking is different than that for mechanized harvesting. At present, mechanized harvesting is increasingly occurring on “direct farming” fields that are under the direct control of cotton clusters, while mechanization on “contract farming” fields (which are leased by farmers from the state) is still rare as it requires a proactive coordination of cotton production among farmers. For mechanization to accelerate, farmers need to have access to affordable services of planters, sprayers, and harvesters.

1.5 Freedom of association and the role of civil society

The right of citizens, workers and employers to form and join organizations of their own choosing is an integral part of a free and open society. In many cases, these organizations have played a significant role in their countries’ democratic transformation. From advising governments on labour legislation to providing education and training for trade unions and employer groups, the ILO is regularly engaged in promoting freedom of association.

Freedom of association is a major tool to achieve good labour market governance and to address fundamental labour issues in a sustainable manner. The exercise of the rights to freedom of association requires a conducive and enabling environment. The role of governments in providing for an enabling environment is of paramount importance.

The SDG 8.7 framework is helpful to contextualize principles and goals for governments, employers, trade unions and civil society.

I. Governments

Governments must lead in the effort to eradicate forced labour, while appropriately engaging the full array of concerned stakeholders to yield the greatest impact with the most efficient use of available resources. Governments also have the clear responsibility to effectively enforce national legislation.

II. Employers

Businesses must comply with national legislation prohibiting forced labour. However, businesses should also adopt policies and practices aimed at eradicating forced labour in their operations and supply chains they may not directly control.

III. Trade Unions

Trade unions are a bulwark against forced labour and child labour by protecting and advancing core labour rights and promote decent work as defined by the ILO. The right of workers to organize, join unions, represent themselves in their workplaces is among the best ways to eliminate forced labour. Trade unions can organize and educate vulnerable workers.

IV. Civil Society

Civil society is critical to development and implementation of any national plan for reducing forced labour. Governments must ensure respect for the protections for civil society embedded in international law, including freedom of association, assembly, expression, communication, and cooperation, as well as the rights to seek and secure resources and operate without unwarranted state interference. CSOs, on the other hand, have a clear responsibility to abide by the highest standards of ethical conduct.

In Uzbekistan, the dialogue between the Government and civil society continued in 2020. Activists are members of the new National Commission on Forced Labour and Human Trafficking. Two independent CSOs were registered after the 2020 harvest. However, activists continue to meet obstacles when they attempt to register their civil society organizations with the Ministry of Justice. The Ministry of Labour did register civil society activists and provided them with official badges to allow unhindered monitoring.

► 2. 2021 cotton harvest monitoring

2.1 How ILO conducts third-party monitoring

The ILO uses qualitative data to gain an understanding of underlying reasons, opinions, and motivations. This involves focus groups and field interviews conducted by local Uzbek human rights activists. Quantitative data is used to present the problem through usable statistics. In 2021, the ILO TPM conducted approx. 11,000 interviews across all provinces and districts of Uzbekistan. The ILO TPM follows international standards on sampling sizes and methodology.

Independent, unannounced, unaccompanied and ethical

At no stage were government officials involved in the monitoring or had access to data. All field interviews were randomly selected and conducted unannounced and unaccompanied. The TPM methodology has been reviewed and approved by an **Independent Review Board** (IRB) to ensure the rights and welfare of people who participate in our monitoring.

Utilizing both international and local expertise

ILO uses local experts to conduct interviews according to ILO methodology. The international ILO project staff are coaching and advising the local independent Uzbek human rights activists. The same number of interviews were conducted as in previous years. The pattern of interviews and replies was unchanged compared to previous years. Local Uzbek experts, activists and service providers were all trained directly by ILO to ensure legal and methodical consistency in data collection.

Duration of the monitoring

In 2021, the ILO Third-Party Monitoring took place throughout the entire cotton cycle, including the last stage of the harvest. Interviews were conducted and data were collected from **September to December 2021**. The findings were presented at an online event on 1 March 2022, and the data collection continued until the end of December 2021. This report contains the full set of data and analysis.

Working with independent local civil society activists

Civil society activists were actively involved in the Third-Party Monitoring as well as activities beyond the cotton harvest.

1. **Dialogue with the Government.** The ILO continued to facilitate a dialogue process between human rights activists and the Government. The process mainly concentrated on labour rights with a particular focus on forced labour. Regular meetings were arranged with the Ministry of Employment and Labour Relations and there were frequent and regular exchanges on measures to prevent forced labour. The activists and the Government officials also discussed effective implementation at the local level.
2. **Pre-harvest capacity building.** The independent activists actively contributed in 2020 pre-harvest trainings on labour standards, Fair Recruitment and investigation techniques for labour inspectors and territorial commissions on human trafficking and forced labour organized by the ILO TPM Project.
3. **Cotton harvest monitoring.** The activists participated in the cotton harvest monitoring in the following way:
 - Monitoring the functioning of the feedback mechanisms under the MELR and FTUU, including intake mechanisms, governance, decision-making processes and communication of results; and
 - Conducting interviews with pickers, brigade leaders and farmers.

All activists were trained by the ILO on child labour and forced labour and third-party monitoring methodology. In addition, the monitors of the cotton fields benefitted from coaching by international experts on how to conduct interviews and how to ensure confidentiality of data. They also improved their understanding of the recruitment process, working conditions, and occupational safety and health in the cotton picking.

All 16 activists received badges from the MELR, which legitimized their work during the cotton harvest as national experts. The activists are:

- Azamjon Farmonov
- Botirbek Adizov
- Abbos Parmonov
- Jahongir Kulijanov
- Uktam Pardaev
- Zulfiya Fattaeva
- Zohidjon Zokirov
- Hayotxon Oripova
- Sharifa Madrahimova
- Nazifa Kamalova
- Marxabo Shodmonova
- Hafiza Akramova
- Dilshoda Shodmonova
- Mansurbek Yakubov
- Aziza Normurodova
- Shukhrat Ganiev

Equal gender balance: 8 female / 8 male

Languages covered: Uzbek, Karakalpak, Russian

2.2 Ethics considerations

The ILO Third-Party Monitoring (TPM) methodology respects the principles of independence, confidentiality and informed consent. The TPM methodology has been carefully designed to protect vulnerable persons and groups. In order to avoid or minimize any risk to respondents, a substantial number of mitigation measures were implemented both at the qualitative and quantitative stages.

The 2021 ILO TPM methodology achieved approval from an international Independent Review Board (IRB) also known as an Independent Ethics Committee.

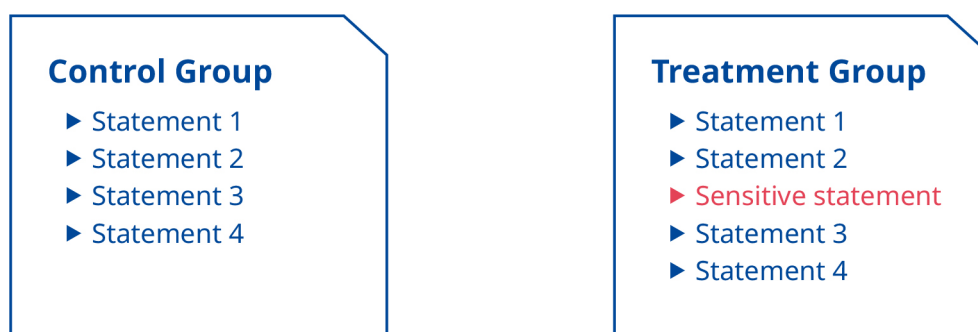
- Annex 3 - IRB Approval for ILO Third-party Monitoring (qualitative phase)
- Annex 4 - IRB Approval for ILO Third-party Monitoring (quantitative phase)

As described below, informed consent is a key requirement for all parts of the ILO TPM. Informed consent provides people with adequate information to allow for an informed decision about their voluntary participation in the monitoring. This was achieved through a consent form that was provided and explained in detail.

2.1.1 Item count technique

The ILO study design (sampling and questionnaires) used the so-called Item Count Technique when asking sensitive questions from potential victims of forced labour. ICT protects the anonymity of respondents.

Respondents are randomly split into two groups. The Control Group will be presented with 4 statements. The Treatment Group will be presented with the same 4 statements + 1 sensitive statement (in this case about forced labour). Respondents are then asked to indicate how many statements (not which statements) apply to them. By comparing the results from the two groups, an accurate estimate of how many people are in forced labour during the cotton harvest can be calculated.



The advantage of ICT is that respondents are not revealing directly to the interviewer whether or not they were threatened or perceived threats in relation to participating in the harvest. ICT improves, through anonymity, the number of true answers to possibly awkward, embarrassing or self-incriminating questions, and it is used in many kinds of research.

2.1.2 Ethics considerations for qualitative data collection

The ethics measures implemented during the field visits are described below:

- After arrival at the field, lists were distributed among all the pickers with key information about the monitoring. Pickers were invited to approach the ILO monitors on the field (monitors were instructed to spend up to three/four hours at each field site) or to contact the ILO TPM office in Tashkent to submit information regarding the monitoring objective or to arrange an interview at a convenient time and place. This allowed people who are afraid to share sensitive information in public to do so in a convenient and safe way. This measure also protected pickers present in the field (up to 50–100 pickers) as the farmer could not know who provided information to ILO via personal interview or through other channels.
- Once a picker contacted the ILO monitor, all details related to consent were discussed and clarified. The consent form with the contact information of the ILO was provided to respondents. Informed consent was received from all respondents who took part in the monitoring, including pickers, farmers, brigade leaders, and state officials.
- Informed consent and the interview were conducted in the presence of only the monitor and the translator.
- All respondents had the right to choose the time and place of interview for safer conditions.
- The field monitoring team included no representatives of the state or state-affiliated institutions. The teams consisted of the ILO monitor, an independently recruited interpreter and an independent Uzbek human rights activist.
- Respondents were told that they could use a pseudonym and they were not asked to share any names or personal information of other individuals during the interview.
- Monitors used secure electronic devices (such as tablets) to record interviews, fill in check lists, and develop write-ups. All data collected were submitted to the ILO TPM project through a protected cloud server and were physically deleted from all field devices within 24 hours. The devices were protected by a fingerprint or cyber code access so that physical theft of the device could not allow access to the data.
- A confidentiality agreement, specifying that no information received during the course of the study can be shared with any third-party, was signed by all monitors and supporting staff (e.g. drivers, interpreters and civil society representatives).
- Monitors were strictly prohibited from taking any pictures or videos of human subjects. They could only take pictures of objects (uploaded on the secure cloud server) related to the working conditions.
- Monitors and translators were provided with a two-day training sequence with detailed instruction and clarification of ethics issues. Specific attention was paid to the notion of informed consent, privacy, confidentiality of the respondents, the right to withdraw from the study at any moment, practices of conducting interviews with members of vulnerable groups, etc.

- The monitors did not collect any contact information during the study. No follow-up data collection procedures were conducted with the pickers.
- The only identification information about the data collection sites were the GPS coordinates. The GPS coordinates were collected to check the quality of work conducted by the monitors. The data was deleted after the quality control procedures were completed, and it was not used in any output materials for the study.
- Additional measures were applied to protect risk groups that might have been present in the field during the monitoring (individuals under the age of 18 and persons involved in forced labour). To minimize the risks, no one under 18 was recruited for an interview. In the case someone below 18 was identified working in the field, he/she would have been removed from the workplace. According to Uzbek legislation, manual cotton picking is classified as hazardous work, which children under 18 years old are not allowed to undertake. The monitor was instructed to inform an adult accompanying the child, such as the farmer/brigade leader, about the prohibition of employing children in cotton picking and the hazards associated with cotton picking. If the child's parents or legal guardians were not present in the field, the monitor was instructed to inform representatives of the local mahalla fund (i.e. the local community association) to contact the parents or legal guardians of the child. The monitor was asked to be present in the field until the child was withdrawn and united with his/her parents or legal guardians.
- People who had been involved in forced labour were recruited to participate in an interview. Monitors all have significant experience in collecting data from vulnerable groups, including people in forced labour situations. In addition, the monitors and interpreters were trained on methodology, including refresher sessions on data collection with this specific group of respondents in mind.
- Respondents might have become visibly and emotionally distressed by certain questions or modules (e.g. on the experience of being involved in forced labour). This issue was addressed during the training with the monitors and interpreters. Respondents were reminded that they are free to leave the interview at any time and have the right not to respond to any questions that made them uncomfortable. The respondents were told that they are free to withdraw from participation in the study at any time, even after oral consent had been given.
- In addition to the measures stated above, all ILO monitors were practicing independent experts on forced and child labour with over 10 years of work experience each. After the interview was completed, they were in a position to provide advice on labour rights and explain protection mechanisms in the country. The contact information of hotlines and telegram bots of the MELR and FTUU was provided to respondents if they wished to have more information or if they wanted to make a complaint or needed support to protect their rights.
- The ILO team nominated a complaints focal point to address any issues and respond to requests from respondents. Information was provided to participants regarding the contact details of the focal points for them to register their concerns or complaints.

2.1.3 Ethics considerations for quantitative data collection

A number of measures were applied at the quantitative stage to avoid or minimize the risks to respondents, including the following.

- Particular attention was paid to the privacy of respondents. The questionnaire did not include personal information about the respondents. The phone number for the effective interview was deleted immediately after the interview was conducted.
- No individuals younger than 18 years old were interviewed for the survey.
- No direct questions on the experience of being involved in forced labour were asked. The ICT technique related to the respondent's experience with picking cotton was applied, to identify the proportion of population that was involved in the practice in 2019.
- Informed consent was obtained from all respondents prior the interview. The consent script included the contact information of the ILO team so respondents could contact the ILO with any questions or complaints.
- Interviewers informed respondents that they could use a pseudonym and not share their or any other individuals' names or personal information during the interview.
- The ILO team conducted training for all interviewers and field managers and provided detailed instructions and clarification of ethics issues. Specific attention was paid to informed consent, privacy, confidentiality of the

respondents, the right to withdraw from the study at any moment, and practices of conducting interviews with members of vulnerable groups.

- Respondents might become emotionally distressed by certain questions or modules. This issue was addressed during the training with the interviewers. Respondents were reminded that they were free to leave the interview at any time and had the right to not respond to any questions that make them uncomfortable. The respondents were told that they were free to withdraw from participation in the study at any time, even after verbal consent had been given.
- No follow-up contacts were made with the respondents.

If a respondent required more information about his/her labour rights, the contact information of hotlines and telegram bots of the MELR and FTUU was provided to the respondent. They could contact them for more information about labour issues in general, the issue of child labour and forced labour, or if they wanted to make a complaint or needed support to protect their rights.

2.3 Methodology and sampling

2.4.1 Sampling and data collection in the qualitative phase

The key objective of the qualitative monitoring in 2021 was to collect real-time observations of the effects of recent policy initiatives on recruitment practices, working conditions, and the risk of using forced labour and child labour for the 2021 cotton harvest.

2.4.1.1 Qualitative data collection method adjustment to COVID 19

Before 2020, ILO monitors (international and local) visited cotton fields in all regions of Uzbekistan to conduct field monitoring during the different passes of the harvest. They conducted interviews with cotton pickers, farmers and officials, and also observed and recorded information about working conditions.

The field monitoring methodology for 2021 was designed to anticipate and minimize the impact of COVID-19, with a particular focus on the health and safety of project staff, monitors, consultants, partners, interviewers and interviewees. The ILO team aimed to ensure high ethical standards of data collection and ensure the health and safety of all respondents and people involved in data collection.

The following key measures were included in the data collection methodology:

- Monitors did not travel to cotton fields to recruit respondents.
- Monitors worked from home and conducted qualitative interviews using a phone and computer/tablet with an internet connection.
- The contents of the consent form were verbally communicated to potential respondents, and verbal consent was requested. A copy of the consent form was sent to the respondent via a selected channel of communication (e.g., postal service, telegram, or SMS), if requested.
- To increase the response rate and cover potential expenses of respondents, a small token of appreciation was provided to respondents (cell phone credit).
- Trainings for interviewers/monitors was delivered through online channels.

The data collection process was organized as follows:

- Monitors collected data from their homes. Monitors were provided with special software, mobile phones, and SIM cards.
- The software randomly selected a number from a database of all mobile numbers in a particular region of the country and shown to an interviewer on the screen.
- The interviewer called the number. If the person that picked up the phone was older than 18 years of age and had participated in cotton picking in the last 30 days, he/she could be recruited for an interview.
- Informed consent details were communicated to the respondent. If requested, a copy of the consent form was sent to the respondent by SMS, Messenger, or email.

- Respondents who provided informed consent could proceed with the interview immediately. Alternatively, they could select a day and a time for the interview that was convenient for them.
- After completing the interview, a cell phone credit (a small token of appreciation) approximately equal in value to one hour of work in the cotton field was credited to the phone of the respondent. The phone credit and its value were selected as an appropriate gift after consultations with civil society activists in June 2020.
- The interviewers did not make an audio recording of the interviews. They made notes, and after completing the interview, they typed a brief report in a particular software application. After they entered the report and hit “send”, the report was transferred through a secured connection to the cloud for storage. The report was not saved on the computer of the monitor.

2.4.1.2 Sampling for the qualitative data collection phase

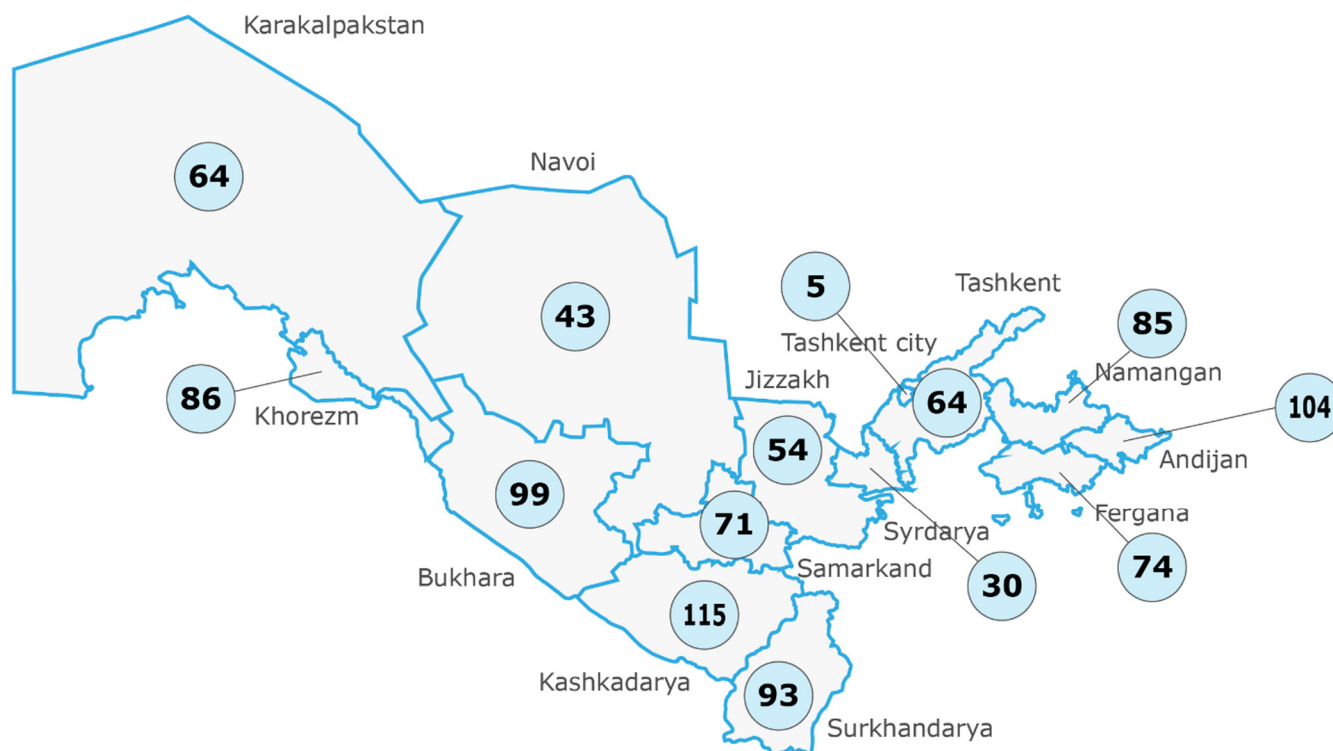
The sampling for the qualitative phase was based on telephone numbers in the DEF diapasons (mobile numbers). Information about the ranges (first digits) of all mobile telephone numbers is in the public domain on the official website of the State Unitary Enterprise “Republican Center for Telecommunication Networks Management”. The range includes “(90) 997 – XXXX”. For a qualitative study in 2019, data were downloaded from the site. All possible combinations of numbers in those ranges were generated by the computer – a total of 60.58 million numbers.

- The owner of any particular phone number was not identified.
- The respondents were asked questions only after the informed consent procedure had been completed.
- The respondent numbers were removed from the database after the interview and were not included in the analysis and database with respondents' answers.
- From these ranges of phone numbers, a computer program randomly selected phone numbers to call.
- Each phone number had an equal probability of being included in the sample.

There were screening questions to select respondents who participated in the 2021 cotton harvest pickers from the population. To those interested in taking part in survey, a consent form was explained in detail. Interviews were conducted only with those respondents who provided the informed consent. No individual younger than 18 years of age were included in the study.

In total, a team of 17 national monitors conducted XX interviews in 13 regions, including XX interviews with cotton pickers, XX farmers and XX respondents who did not pick cotton, but were involved in the cotton harvest as brigade leaders, drivers, weighers, etc.

► Map 1. Qualitative interviews by region, 2021



The interview guide for the qualitative stage included questions to determine the socio-demographic portrait of the respondents (gender, age, region and type of settlement in which the respondent lives, education, family size). This information allowed the ILO Third-Party Monitoring project to analyse the respondents' answers about recruitment, the risks of being involved in forced labour practices, awareness of their labour rights in the context/in the context of various socio-economic groups.

In addition, the collected responses made it possible to compare the responses of representatives of various socio-economic groups in the qualitative component of the study with the responses of representatives of similar groups in the quantitative component of the research. This comparison helped the team assess the quality of the data collection at the quantitative stage and interpret in more detail the results of the quantitative stage.

3.1.2. Sampling and data collection in the quantitative phase

The target population for the quantitative survey was working age citizens of Uzbekistan (18–50 years old). The data collection method was a CATI survey. The sampling method was a random systematic stratified sample (RDD) of mobile phone users in the country.

The quantitative study was focused on the recruitment and working conditions of cotton pickers. It was important to ensure a sufficient response rate from people involved in the cotton harvest in 2020. According to the 2019 ILO TPM quantitative phone survey, about 12,9% of the working age population of Uzbekistan were involved in the 2020 cotton harvest. Therefore, based on the requirements for accuracy and reliability of the results, it was decided to interview 10,000 respondents during the 2021 survey. This allowed for about 1200-1400 responses from the target group of cotton pickers.

The sampling frame was mobile phone numbers in Uzbekistan ($N = 72\,328\,000$ cell phone numbers²). The sampling design was based on a random systematic sampling of mobile telephone numbers, which enabled an equal probability of selecting each mobile phone number. This method of selection was Random Digit Dial (RDD).

The 95% confidence interval for the sample of 10000 respondents will be 1.1 p.p. And for the cotton pickers (1200-1400 respondents) it will be 3.0-3.3 p.p. Due to formula for simple random sample:

$$\Delta = t_d \sqrt{1-f} \sqrt{\frac{p(1-p)}{n-1}}$$

where p – percentage of attribute in sample (we used 50% for maximum variance), n – sample size, Δ - confidence interval, t_d – constant depending on the level of confidence (1,96 for 95%), f – percentage of sample in population (n/N) and assessing the effect of weighting factors on sampling error.

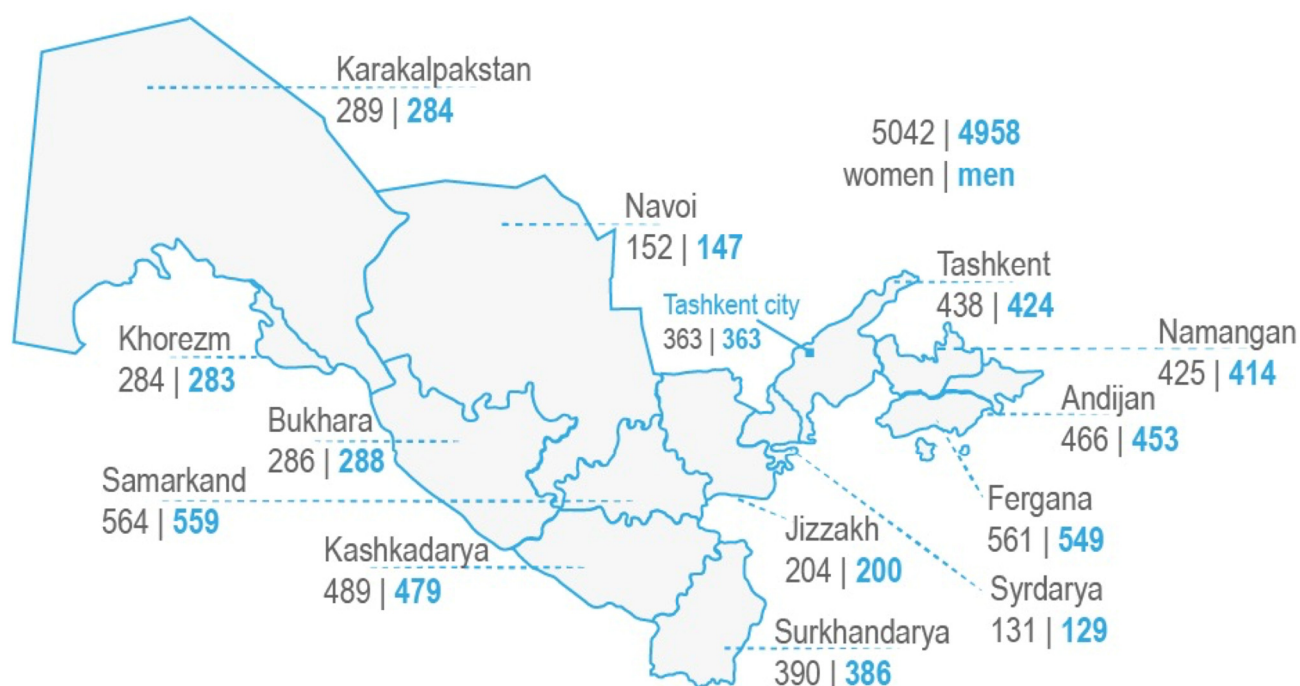
The regions of Uzbekistan vary quite significantly in terms of several socio-economic indicators, which suggests there may be a different level of mobile phone usage among the populations in different regions. Therefore, regions were treated as strata in the construction of the sample, otherwise there may be a risk the sample could shift (be biased) toward regions with a higher coverage/usage of mobile phones.

The number of respondents in each region should be proportional to the percentage of the working age population of the region among all working age citizens of Uzbekistan.

A strong gender imbalance was observed in the sampling conducted for the CATI survey in 2017. Therefore, to fix this bias, it was suggested to add gender distribution as a target stratum in the sampling. The CATI survey fulfilled the following strata by region and gender:

² The sampling frame was generated based on DEF diapasons of all cell phones of Uzbekistan, A list of DEF diapasons of all cell phone numbers in the country (a list of all first 2 digits in 9 digit cell phone numbers) is publicly available on the website: www.rtmc.uz. Based on the diapasons, the computer will generate 72 328 000 cell phone numbers that correspond to the diapasons. The list of 72 328 000 is the sampling frame for the study.

► Map 2. Quantitative interviews by region and gender, 2021



To estimate the proportion of the population involved in forced labour, the Item Count Technique (ICT) was used in the sampling and questionnaire design. The ICT is an indirect questioning technique that is used to estimate the proportion of people who have engaged in stigmatizing behaviour. This technique is expected to yield a more appropriate estimate than the ordinary direct questioning technique because it requests respondents to indicate, based on a list of several items, simply the number of items that are applicable to them, including the target key item.

In order to estimate the proportion θ of people belonging to the stigmatizing category, two lists are used:

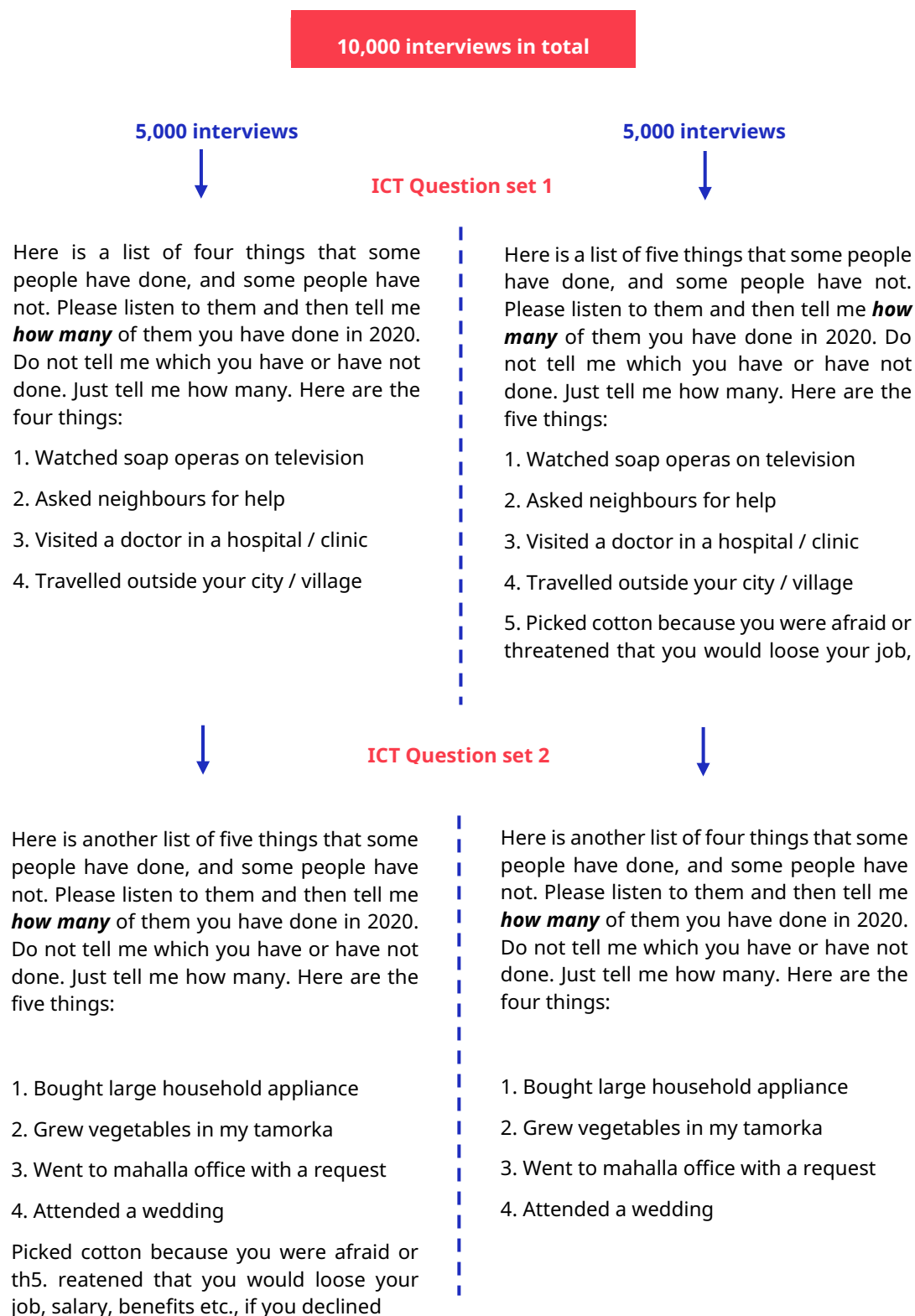
- a long item list which includes $G + 1$ items (G are non-sensitive, and one is sensitive); and
- a short item list which includes the G non-sensitive items.

In both samples, the respondents should report the total number of items that apply to them without disclosing which ones

Let X_i be the number reported by person i from the first sample ($i = 1, \dots, n_1$) and let Y_j be the number reported by person j from the second sample ($j = 1, \dots, n_2$). Then $\hat{\theta} = \bar{X} - \bar{Y}$ is an estimator of θ .

In order to further improve the statistical accuracy, the CATI software was programmed to take advantage of a double set of ICT question sets as illustrated below.

► Diagram 2: Item Count Technique (ICT) questions



The CATI software was programmed so that 5000 randomly selected respondents were provided with the shorter list of the first ICT question (4 items, no question about forced labour), and another randomly selected 5000 were provided with the longer list of 5 items in the first ICT question (4 neutral items and 1 item on the involvement in forced labour). Then for ICT question 2 the group of 5000 respondents that got the short list in ICT question 1 would get the longer version in ICT question 2 and vice versa. No direct questions on a forced labour experience were asked to respondents.

Statistical weightings by age, gender, and probability were developed and applied at the data analysis stage to ensure the sample represents the composition of the working age population.

The quantitative part of the monitoring was conducted by a local consultancy firm recruited via tender. The data was collected between 12 November and 10 December 2021, after most or all of the cotton had been harvested. The methodology of the phone survey was assessed and approved by the International Review Board to ensure that there was no potential for harm to the human subjects taking part.

► Annexes

Annex 1 – IRB Approval for ILO Third-party Monitoring (qualitative phase)



25 September 2021

Jonas Astrup, LL.B.
Chief Technical Advisor
ILO
107A, Amir Timur str., 14 floor
Tashkent, Uzbekistan

RE: Expedited research ethics review findings for: *Third party monitoring of child and forced labour during the cotton harvest in Uzbekistan (qualitative data collection)*
(HML IRB Review #987ILOR21)

Dear Jonas Astrup,

Protocols for the protection of human subjects in the above study were assessed through an expedited research ethics review by HML Institutional Review Board on 16 – 25 September 2021.

This study's human subjects' protection protocols, as stated in the materials submitted, received **research ethics review approval** in accordance with the requirements of the US Code of Federal Regulations for the Protection of Human Subjects (45 CFR 46 & [45 CFR 46.110](#)). You may rely on this IRB for review and continuing ethical oversight of this study.

You and your project staff remain responsible for ensuring compliance with HML IRB's determinations. Those responsibilities include, but are not limited to: 1) ensuring prompt reporting to HML IRB of proposed changes in this study's design, subject risks, informed consent, or other human protection protocols; 2) investigators will conduct the research activity in accordance with the terms of the IRB approval until any proposed changes have been reviewed and approved by the IRB, except when necessary to mitigate hazards to subjects; 3) and to promptly report any unanticipated problems involving risks to subjects or others in the course of this study.

HML IRB is authorized by the U.S. Department of Health and Human Services, Office of Human Research Protections (IRB #1211, IORG #850), and has DHHS Federal-Wide Assurance approval (FWA #1102).

Sincerely,

D. Michael Anderson, Ph.D., MPH
HML IRB Chair & Human Subjects Protections Director
dma@hmlirb.com

cc: Sayyora Iskandarova, Oxana Lipcanu, Penelope A. Lantz, JD

Health Media Lab, Inc.
1101 Connecticut Avenue, NW Suite 450
Washington, DC 20036 USA
+1 202.246.8504
info@hmlirb.com www.HMLIRB.com

Annex 2 – IRB Approval for ILO Third-party Monitoring (quantitative phase)



18 November 2021

Jonas Astrup, LL.B.
Chief Technical Advisor
International Labour Organization
107A, Amir Timur str., 14 floor
Tashkent, Uzbekistan

RE: Expedited research ethics review findings for: *Third party monitoring of child and forced labour during the cotton harvest in Uzbekistan (Nationwide representative phone survey)*
(HML IRB Review #1040ILOR21)

Dear Jonas Astrup,

Protocols for the protection of human subjects in the above study were assessed through an expedited research ethics review by HML Institutional Review Board on 16 – 18 November 2021.

This study's human subjects' protection protocols, as stated in the materials submitted, received **research ethics review approval** in accordance with the requirements of the US Code of Federal Regulations for the Protection of Human Subjects (45 CFR 46 & [45 CFR 46.110](#)). You may rely on this IRB for review and continuing ethical oversight of this study.

You and your project staff remain responsible for ensuring compliance with HML IRB's determinations. Those responsibilities include, but are not limited to: 1) ensuring prompt reporting to HML IRB of proposed changes in this study's design, subject risks, informed consent, or other human protection protocols; 2) investigators will conduct the research activity in accordance with the terms of the IRB approval until any proposed changes have been reviewed and approved by the IRB, except when necessary to mitigate hazards to subjects; 3) and to promptly report any unanticipated problems involving risks to subjects or others in the course of this study.

HML IRB is authorized by the U.S. Department of Health and Human Services, Office of Human Research Protections (IRB #1211, IORG #850), and has DHHS Federal-Wide Assurance approval (FWA #1102).

Sincerely,

A handwritten signature in black ink, appearing to read "D. Anderson".

D. Michael Anderson, Ph.D., MPH
HML IRB Chair & Human Subjects Protections Director
dma@hmlirb.com

cc: Oxana Lipcanu, Sayyora Iskandarova, Penelope A. Lantz, JD

Health Media Lab, Inc.
1101 Connecticut Avenue, NW Suite 450
Washington, DC 20036 USA
+1 202.246.8504
info@hmlirb.com www.HMLIRB.com

Annex 3 – ILO definitions of forced labour, and systematic and systemic forced labour

Forced labour

The term “*forced labour*” is defined by the ILO Forced Labour Convention, 1930 (No. 29) as all work or service:

- which is not voluntary; and
- which is exacted under the menace of a penalty.

For research purposes, a person is classified as being in forced labour if engaged during a specified reference period in any work that is both *under the threat of menace of a penalty and involuntary*. **Both conditions have to exist for this to be statistically regarded as forced labour.**

- a. The *reference period* may be short such as last week, last month or last season, or long such as the past year, the past two years, the past five years or lifetime. A short reference period may be appropriate where the concern is the measurement of forced labour among a particular category of workers. A long reference period may be appropriate where the objective is to measure the occurrence of forced labour among a general population group.
- b. *Work* is defined in line with the international standards concerning statistics of work, employment and labour underutilization adopted by the 19th International Conference of Labour Statisticians, 2013. It comprises any activity performed by persons of any sex and age to produce goods or to provide services for use by others or for own use. In certain circumstances, the scope of work for the measurement of forced labour may be broadened to include activities such as child begging for third parties that go beyond the scope of production of goods and services covered by the general production boundary of the System of National Accounts (SNA).
- c. *Threat and menace of any penalty* are the **means of coercion used to impose work on a worker against his or her will**. Workers can be actually subjected to coercion, or verbally threatened by these elements of coercion, or be witness to coercion imposed on other co-workers in relation to involuntary work. Elements of coercion may include, inter alia, threats or violence against workers or workers’ families and relatives, or close associates; restrictions on workers’ movement; debt bondage or manipulation of debt; withholding of wages or other promised benefits; withholding of valuable documents (such as identity documents or residence permits); and abuse of workers’ vulnerability through the denial of rights or privileges, threats of dismissal or deportation.
- d. *Involuntary work* refers to any work taking place **without the free and informed consent of the worker**. Circumstances that may give rise to involuntary work, when undertaken under deception or uninformed, include, inter alia, unfree recruitment at birth or through transaction such as slavery or bonded labour; situations in which the worker must perform a job of a different nature from that specified during recruitment without his or her consent; abusive requirements for overtime or on-call work that were not previously agreed with the employer; work in hazardous conditions to which the worker has not consented, with or without compensation; the lack of protective equipment; work with very low or no wages; in degrading living conditions imposed by the employer; work for another employer than agreed; work for longer period of time than agreed; work with no or limited freedom to terminate work contract.

Schematic representation of the statistical definition of forced labour of adults

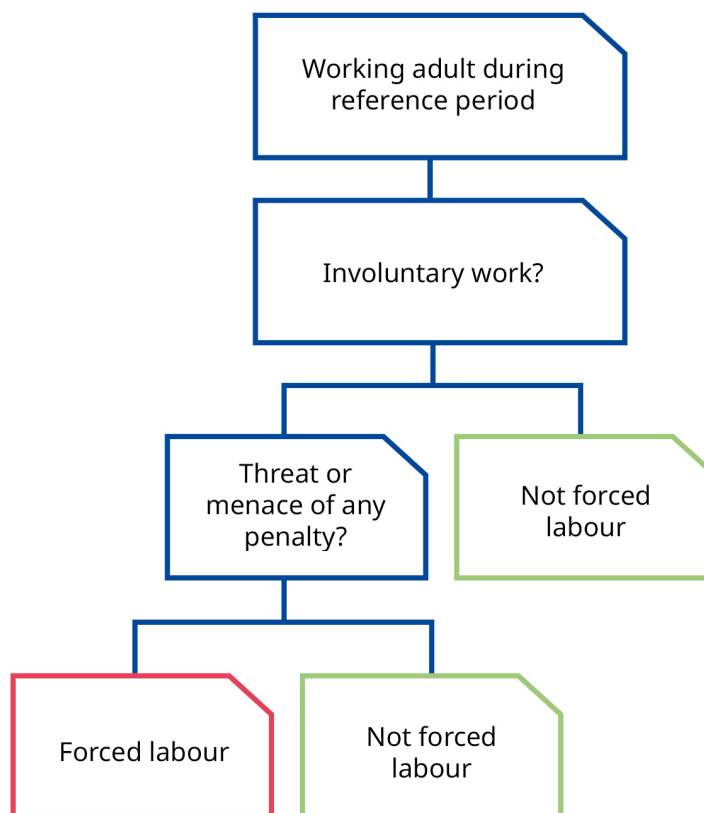
DEFINITIONS:

Work: Any activity performed by persons of any sex and age to produce goods or to provide services for use by other or for own use

Involuntary work: Any work taking place without the free and informed consent of the worker

Threat or menace of any penalty: Any means of coercion used to impose work on a worker against his or her will

Reference period: Short such as last week, last month or last season, or long such as past year, past five years or lifetime



Systemic forced labour

A systemic problem affects the entire system and not only parts of it. It is due to issues inherent to the overall system rather than to a specific, individual, isolated factor.

One of the biggest challenges is to distinguish between individual and systemic cases of coercion. In the former, it should be possible to identify and sanction one offender or group of offenders; and similarly, to identify and provide appropriate assistance to one victim or group of victims.

► **Example of systemic vs individual cases**

If all pupils in all schools in a country are normally made to harvest potatoes, it would not be meaningful to identify and punish the head of one individual school or the heads of all schools. Likewise, it is also not possible to identify one victim or a group of victims since in this case all children are victims.

This is an example of ***systemic child labour***.

On the other hand, if school children are normally *not* participating in the potato harvest but the head of one school decides to send 50 pupils to the fields, then it would be meaningful to sanction the head of the school and it is possible to identify the group of victims.

This is an example of an ***individual case of child labour***.

In all cases identified by ILO monitors and local human rights activists, it has been possible to identify an offender and a victim or group of victims. This also applies for cases submitted to the feedback mechanism.

Annex 4 – Minutes of the 9 September 2021 Meeting of the Tripartite Commission on Social and Labour Issues (translated into English)

Approved by

N. Husanov
Chairman,

Tripartite Commission
on Social-Labour Issues

9 September, 2021

Minutes

Tripartite Commission on Social-Labour Issues

Date: 9 September, 2021

Venue: Conference room, Ministry of Employment and Labour Relations

Chairperson: N. Husanov, Minister of Employment and Labour Relations, Chairman of the Commission

Participants: Members of Tripartite Commission on Social-Labour Issues

Invitees: Jonas Astrup and Oxana Lipcanu, representatives of ILO TPM project

K. Mukumov, Head of the Department for Support of Activities, Fight against Human Trafficking and Forced Labour of Local Councils of People's Deputies of the Senate of the Oliy Majlis

Sh. Ganiev, human rights defender

AGENDA:

I. Recommendations on organized cotton harvesting with minimal loss in 2021 and Temporary Regulations on Procedures for Monitoring Prevention of Forced and Child Labour

(N.Husanov, B.Makhmadaliev, N.Yakubov, K.Mukumov, E.Margiashvili, M.Isaev, K.Odinaev and others)

Following a meeting of the Cabinet of Ministers of the Republic of Uzbekistan was held on August 30, 2021 on urgent tasks for timely and quality harvesting of cotton, respective minutes and its appendices were approved (No. 153 of August 30, 2021).

In addition to the minutes, commission members discussed Recommendations on organized cotton harvesting in a more efficient manner in accordance with national and international labour standards, and proposals reflected in the report of the National Rapporteur on fight against human trafficking and forced labour in 2020, as well as implementation of paragraph 6 of the Roadmap on proposals and recommendations of international organizations in the field of combating human trafficking and forced labour in silkworm breeding, construction and catering, sewing, as well as compliance with the rules of labour legislation, to determine the procedure for monitoring the identification of problems related to creation of decent working conditions. The draft "Regulations on the procedure for monitoring the situation in the country" was discussed.

The Minister of Employment and Labour Relations N.Husanov and the Deputy Chairman of the Federation of Trade Unions of Uzbekistan B.Makhmadaliev mentioned the proposals and supported the draft Recommendations and Temporary Regulations.

Taking into account the views and comments of the members of the Commission, the tripartite commission on social and labour issues approved:

Recommendations for on organized cotton harvesting in 2021 developed to promote more efficient organization of uninterrupted harvest in 2021 in accordance with national and international labour standards, specified in Appendix 1.

Temporary Regulations on procedure of monitoring for prevention of child and forced labour, developed in cooperation with the International Labour Organization to establish a procedure for monitoring compliance with the rules of forced labour, as well as compliance with labour legislation, the creation of decent working conditions in enterprises in the silk, construction and catering, sewing and textile industries, specified in Appendix 2.

II. Minimum amount of fee for cotton harvested in the 2021 harvest season

(N.Husanov, B.Makhmadaliev, N.Yakubov, K.Mukumov, E.Margiashvili, M.Isaev, K.Odinaev and others)

From year to year, the amount of payment for manual cotton picking has been significantly increasing, which in turn contributes to an increase in the number of participants in the daily harvest and elimination of forced labour.

Article 19 of the General Agreement between the Cabinet of Ministers of the Republic of Uzbekistan, the Council of the Federation of Trade Unions of Uzbekistan and the Confederation of Employers of Uzbekistan on Socio-Economic Issues for 2020-2022 envisages establishing a system of tripartite consultations between the government, employers' organizations and trade unions to determine the minimum amount of labour fees.

Also, at the next meeting of the National Commission for Combating Human Trafficking and Forced Labour on August 18, 2021, the Tripartite Commission on Social and Labour Issues was tasked to develop and submit to the Cabinet of Ministers proposals to determine the minimum payment for cotton harvested this year.

The commission discussed proposals to determine the minimum amount of payment and made following decisions:

Take note that the minimum cost of payment for cotton harvested this year specified in the draft minutes of the Cabinet of Ministers of the Republic of Uzbekistan "On urgent tasks for timely and quality organized harvesting of this year's cotton crop with minimal loss " has been agreed with social partners – members of the commission.

Based on the above, approve the following rates during the 2021 cotton harvest:

- UZS 1,200 for 1 kg of raw cotton harvested manually during the 1st pass,
- at least UZS 1,200 for 1 kg of raw cotton harvested manually during the 2nd pass;
- a premium of at least UZS 230 for 1 kg of raw cotton harvested in all districts of Jizzakh, Syrdarya and Tashkent provinces; Konlikul, Korauzak, Kegeyli, Kungirov, Takhtakupir, Khojayli, Shomanay, Chimbay and Nukus districts of the Republic of Karakalpakstan; Kasan, Mubarek, Mirishkor, Nishan, Kasbi, Karshi districts of Kashkadarya province; Bandikhan, Muzrabat and Sherabad districts of Surkhandarya province.

Copies of the minutes shall be distributed to the members of the Tripartite Commission on Social and Labour Issues, line ministries and organizations, the Jogorku Kenesh of the Republic of Karakalpakstan, khokimiyats of provinces and Tashkent city.

N. Husanov, chairperson

G. Niyazmetova, secretary

Appendix 1 to the
Minutes of Tripartite Commission
on Social-Labour Issues dd
09/09/2021

Recommendations on organized cotton harvesting with minimal loss in 2021

The Recommendations on organization of the 2021 cotton harvest with minimal loss (hereinafter referred to as the "Recommendations") are prepared based on the minutes of the meeting of the Cabinet of Ministers of Uzbekistan on August 30, 2021, No. 153 and define mechanisms for preventing child and forced labour in organization of voluntary harvesting of cotton.

The following basic concepts are used in this Recommendations:

- cotton picking brigade is a team of voluntary workers gathered to pick cotton harvest in the field; brigade leader is a leader of the team of voluntary workers established by cotton pickers gathered to harvest cotton; cotton pickers are persons directly participating in manual harvesting of cotton, in particular:
- employees of farms, cotton-textile clusters (hereinafter - cotton-growing farms); day-to-day, over 18-year-old, temporarily unemployed, able-bodied, not able to work in certain jobs, individuals who have expressed a desire to participate in the harvest for a fee from other provinces to the province, which in some cases do not have labour resources;
- public offer is an offer that covers all the main terms of the contract, the willingness of cotton farms, labour agencies and private employment agencies to enter into a contract for the picker of cotton on terms specified in the offer with any respondent; cotton picking centre is a temporary centre, which organizes the organization of the cotton harvest, assists cotton farms and pickers.

Based on public offer announced by farmers, citizens' self-government bodies together with labour bodies and PEAs shall form a list of pickers in cotton-harvesting centres.

The public control of labour bodies over the working conditions of harvesters, their timely and full payment, creation of working conditions and provision of labour rights and protection, shall be performed by labour authorities and trade unions.

During the harvest season, the labour safety of harvesters, traffic, fire safety, public order shall be ensured by law enforcement agencies; healthcare, supply of medicines by medical associations, and compliance with hygiene requirements by the State Sanitary and Wellbeing Agency.

Forming harvest brigades and teams of pickers

Candidates for the brigade leaders shall be selected from among the community activists who have a good reputation, work experience and organizational skills among the population and shall be formalized as specified in Annex 1.

Regardless of the form of ownership and departmental subordination (except for farms), involvement of employees of enterprises, organizations and institutions in the cotton harvest during the main working hours is strictly prohibited.

Forming harvest brigades

Guidance shall be provided to the brigade leaders during workshops organized in regions. At the same time, they will be given explanations on effective organization of harvest, labour law, safety, prevention of forced labour and child labour.

The brigade leaders are required to abide by local laws and international agreements, including the Law of Uzbekistan "On urgent measures to prevent and eliminate child labour" and ILO Convention on Forced and Compulsory Labour.

Minimum standards of working conditions, listed in Annex 4, shall be provided by organizations allocating accommodation, and cotton-textile clusters, cooperatives and farms in agreement with the homeowners.

The use of facilities of educational and health institutions as dormitories is strictly prohibited.

In accordance with the ILO C87 "On Freedom of Association and Protection of the Right to Organize" and the Law of Uzbekistan "On Trade Unions", the workers have the right to establish of the trade union of the brigades, elect a leader and entry as a member of the district council of the trade union of workers of the agro-industrial complex. This right can be exercised based on templates specified in Annexes 5 and 6.

Rights and responsibilities of the brigade leader

The brigade leader has the rights to:

- prepare cotton field for harvesting, ensuring the supply of vehicles for transporting pickers to remote cotton fields;
- require the organization of continuous operation of machinery and trailers for the transportation of harvested cotton; demand from pickers a clean and high-quality cotton harvest; apply to authorities or court in case of non-fulfillment of the obligations established in accordance with the concluded agreements.

The brigade leader has following obligations:

- if necessary, on behalf of the harvesting team on the basis of the relevant power of attorney (Annex 2) concludes an agreement with the district Council of Farmers, Dehkan Farms and Landowners (or cotton-textile clusters, cooperatives) on harvesting cotton grown on farms in accordance with Annex 3; together with the heads of farms calculates the harvested cotton fields and develops the dislocation of the harvested fields depending on the opening of cotton; examines whether the medical staff attached to the harvesting team is equipped with first aid medications and medical supplies and monitors the employee's constant presence with the team during the harvest season;
- arranges provision of sufficient skirts, scales, food for the harvest, pots, samovars for pickers in the brigade;
- calculates a daily collection of cotton during the harvest season, accompanies a representative of the farm to deliver the cotton to the receiving point; carries out constant control over observance of labour rights, safety, food supply of each picker in a harvesting group; ensures clean and quality harvesting of cotton.
- The brigade leader also has the basic rights and obligations provided by law.

Final provisions

The Republican Tripartite Commission on Social and Labour Issues shall have the right to make changes and additions to this procedure, if necessary.

Annex 1

to the Recommendations on organized
cotton harvesting with minimal loss in 2021

MINUTES **of the volunteer cotton pickers group**

Date: ____ 2021 ____ № ____ town (district)

No of participants ____ persons (list enclosed)

Chairperson: _____

AGENDA:

1. On participation of population in cotton harvesting by provision of services on a fee basis.

Heard: Participants expressed their opinion on agenda. In particular, it was noted that participation of population in cotton harvesting by provision of services on a fee basis will contribute to get additional income.

In addition, it was proposed to form brigades of volunteers wishing to participate in cotton harvesting works and the candidacy of Mr./Ms. _____ was proposed for the position of brigade leader.

Then above-mentioned topics were put to the vote. The results were as follows:

For ____ votes;

Against ____ votes;

Abstained ____ votes.

There was a proposal to authorize the brigade leader to sign on behalf of the brigade members service contracts on a fee basis with farmers or their representatives, which was unanimously supported. The candidate him/herself did not object to this proposal.

Decided:

1. Elect Mr./Ms. _____ as the brigade leader of volunteer cotton pickers.

2. Authorize Mr./Ms. _____ to sign on behalf of the brigade members service contracts on a fee basis with farmers or their representatives.

Consider that brigade member has a right to stop fulfilling his/her contractual obligations unilaterally at any time.

3. Assign the leader of unorganized team of people (brigade) with task to take control on preventing cases of forced labour and prohibited forms of minors' labour.

Chairperson _____

(name, surname)

Secretary _____

(name, surname)

Annex 2

to the Recommendations on organized cotton
harvesting with minimal loss in 2021

POWER OF ATTORNEY

City/district of _____ Date: __ ____, 2021

This Power of attorney authorizes the Council of Farmers, Dehkan Farms and Owners of Household Plots of _____ district of _____ region to act on behalf of farmers of _____ district of _____ region listed below to perform following activities:

- conclude on behalf of the farmer contract on recruitment of cotton pickers in 2021 cotton harvesting season in accordance with current legislation requirements;
- provide instructions to the cotton pickers' team within the framework of signed contract;
- take all necessary actions related to implementation of this contract terms.

This Power of attorney is valid for 3 months without the right to transfer this authority to another person.

This Power of attorney comes into force starting from day of signing.

No	Name of farm	Full legal address	Full name of farm owner	Signature and stamp of farm owner
1				

Annex 3

to the Recommendations on organized
cotton harvesting with minimal loss in 2021

CONTRACT # ____

between cotton picking brigade No. ____ and the Council of Farmers, Dehkan Farms and Owners of Household Plots of
_____ district (or cotton-textile cluster or corporation) to harvest cotton on a fee basis

Date: ____ 2021 ____ district

Mr./Ms. _____, Head of _____ (name of Council) of _____ district acting on behalf of the Council on the basis of the Charter (referred further as the Customer) on one side, and the Leader of the cotton picking brigade # ____ acting on behalf of the brigade based on the decision of the meeting of the cotton picking brigade dated ____ _____, 2021 (referred further as the Cotton picking brigade), on the other side, concluded this contract on the following:

I. SUBJECT OF CONTRACT

1.1. According to the terms of the contract, the Cotton picking brigade is committed to qualitatively pick cotton from the cotton field defined by the Customer, and the Customer is committed to make payment for this service.

II. RIGHTS AND OBLIGATIONS OF THE PARTIES**2.1. Rights of the Customer:**

- organize qualitative cotton harvesting in defined cotton field and submission of harvested cotton;
- demand from the Cotton picking brigade to observe legislation according to the contract terms, including legal requirements on preventing forced labour and prohibited forms of child labour;
- demand submission of one copy of payroll signed by cotton pickers after cash distribution to them.

2.2. Obligations of the Customer:

- provide information to the brigade about land where the brigade can harvest cotton;
- resolve the issues related to scales, pots, samovars and other equipment and food for the brigade ensuring decent working conditions within the sanitary norms and resolving the issue of food in an agreed manner;
- ensure timely acceptance of cotton picked by the brigade; provide the brigade with trailers for loading of harvested cotton;
- submit to the brigade leader information on volume of cotton harvested by the brigade;
- ensure the payment of the harvest money every day (no later than five days) in the amount and terms established for the harvested cotton crop.

2.3. Rights of the **Cotton picking brigade**:

- obtain information of interest about the cotton field to which the brigade may be involved to harvest cotton;
- demand timely acceptance of the cotton harvest by the brigade;
- demand necessary inventory for the harvest, trailers for loading of harvested cotton, information on the volume of harvested cotton, payment of the harvest money every day (no later than five days) in the amount and terms established for the harvested cotton crop.

2.4. Obligations of the **Cotton picking brigade**:

- organize qualitative picking and submission of harvested cotton in farm lands defined by the Customer;
- ensure observation of legislation according to the contract terms including enforcement of legislation requirements on preventing forced labour and prohibited forms of child labour;
- ensure submission of one copy of payroll signed by cotton pickers to the Customer after cash distribution to cotton pickers.

III. CONTRACT IMPLEMENTATION. ORDER OF PAYMENT

- 3.1. Obligations must be performed in accordance with the terms of this contract and the requirements of the law.
- 3.2. The contract shall be deemed fulfilled if the parties ensure the fulfillment of all obligations assumed by the parties.
- 3.3. Payment of the fee for each kg shall be made in cash on the basis of relevant regulations as follows:
 - UZS ___ during the first pass;
 - UZS ___ during the second pass.

IV. RESPONSIBILITY OF PARTIES

- 4.1. The Customer bears responsibility in accordance with current legislative documents of the Republic of Uzbekistan for failure to: i) provide access to the cotton fields for the Cotton picking brigade, ii) accept harvested cotton, and iii) make timely payments for harvested cotton.
- 4.2. The Cotton picking brigade bears responsibility in accordance of current legislative documents of the Republic of Uzbekistan for failure to perform obligations for reasons depending on the brigade.
- 4.3. In any case, the Customer's civil liability is resolved in accordance with the Civil Code of the Republic of Uzbekistan.
- 4.4. None of the parties bear responsibility on liabilities to third parties.

V. DISPUTES RESOLUTION

- 4.1. The parties shall make all efforts to resolve all disputes arising between them by mutual agreement and in order stated in this contract.
- 4.2. If not mutually agreed or resolution order is not reflected in this contract, the dispute shall be resolved in accordance with legislative documents of the Republic of Uzbekistan.

VI. FINAL PROVISIONS

- 5.1. The contract is signed in two copies having equal force.
- 5.2. Any amendments and additions to this contract shall be made by mutual agreement of the parties in written form.
- 5.3. The contract can be terminated by one party unilaterally without prior notification of the other party.

The picker of the brigade can refuse to perform his/her individual obligations unilaterally at any time.

5.4. The contract comes into force from the moment of signing and is valid until fulfillment of obligations of the parties.

The contract may include other provisions by mutual agreement of the parties.

VII. REQUISITES OF THE PARTIES:

"Customer"

"Cotton picking brigade"

SIGNATURES

Customer _____

Brigade Leader _____

Annex 4

to the Recommendations on organized cotton harvesting
with minimal loss in 2021

Minimal Norms of Labour Conditions for Cotton Pickers

I. Sanitary and Hygienic Requirements:

1. Ensuring passing medical examination by cotton pickers.
2. Allocation of premises for accommodation in good construction, sanitary and hygienic condition. Special attention to be paid to proper lighting, ventilation, temperature (heating).
3. One week before allocation of cotton pickers, holding disinfection and deratization by district disinfection stations based on the agreement with farmer.
4. Attention to proper opening and closure of doors and windows, availability of window leaves, even floor, ceiling, walls with no cracks, entrances (stairs) that meet established requirements.
5. Establishment of shower rooms in proportion of 1 shower screen per 15 persons and maintenance (repair) of its sanitary equipment.
6. When there is no opportunity to establish shower rooms, ensure bathing of cotton pickers in nearby located bathrooms on schedule basis.
7. Establishment of washbasins allowing to wash hands and feet in proportion of 1 washbasin per 10 persons and ensure maintenance (repair) of its sanitary equipment.
8. Where there are 15 or more women accommodated in the dormitory, ensure provision of a special hygiene room.
9. Establishment of separate toilets for men and women in proportion of 1 toilet hole per 10 persons to be located 30-50 metres way from the living premises, ensuring regular check of their sanitary condition, washing them with chlorinated lime and chloramines.
10. Opening irrigation ditches and directing the wastewater to sewage pit outside the dormitory with permission of local sanitary control authorities; digging a special ditch for garbage and food residues 25 m far from the accommodation premises, and burying the thrown garbage with soil.
11. Taking measures of continuous supply of drinking water. If water is brought from other places, paying attention to proper installation of container and water taps functioning.
12. Ensuring sanitary-hygiene conditions in kitchen.
13. Equipping the kitchen with necessary facilities in line with safety requirements. Ensuring ventilation when the meal is cooked inside the room.
14. Provision of refrigerator for storage of perishable products.
15. Establishment of dining places for cotton pickers and paying attention to hygiene conditions.
16. Establishment of dining places inside the building or under a canopy, fully equip with tables and chairs and allocate special rooms for storage of food products.
17. Ensuring proper lighting, supply of drinking water, hot water for dishwashing and detoxifying agents.
18. Provision of cotton pickers with 2-5 litres of boiled water per day and daily hot meals.
19. Prohibition of drinking of water from puddles, water collectors, irrigation ditches.
20. Establishment of medical point and provision of necessary medicines and affix qualified medical personnel with the view to control health condition of cotton pickers.
Expenses for the medicines shall be covered by cotton ginning factories of the Uzpakhtasanoat JSC system and textile enterprises in established order.
21. Stop the work of cotton pickers and ensuring their evacuation to safe places in case of dust storm, hurricane, and downfall.

II. Safety requirements:

1. Provision of instructions on security and fire safety requirements to cotton pickers.
2. Checking wires on walls, isolation of wires, protection and functioning of sockets and switches.
3. Prohibition of use of spiral-type and hand-made electrical equipment.
4. Establishment of fire shield with fire-fighting equipment next to the dormitory.
5. Taking measures on electricity supply with no cuts. Inspection of electrical facilities before arrival of cotton pickers. Checking isolation of electrical wires. Ensuring that wires are installed not lower than 2.5 m from the floor.
6. Repairing lighting facilities and checking internal elements, replacement of broken lamps and protection glasses only after electricity cut-off. Using elastic rubber conductors for isolation of mobile lighting equipment. Maintenance of lighting facilities in clean and working condition.
7. Ensuring that electricity-related works, services related to control and repair of electrical equipment are performed by responsible qualified specialists.
8. Ensuring uninterrupted provision with natural gas (coal, firewood). Paying attention to functioning of gas stoves. Preparation of reserve of coal, firewood where there is no natural gas supply.
9. Transportation of cotton pickers to and from the field only during the daytime, ensuring walking in columns so as not to interfere with traffic.
10. Allocation of cotton pickers in different places of the field upon arrival to the field.
11. If the distance from the dormitory to the field is far (more than 5 km), ensuring that transportation is made only using special vehicles designed for transportation of people.
12. Upon getting off the vehicle, organization of road passes from rear side of the vehicle under the supervision of the leader.
13. Paying separate attention to technical working condition of the vehicle and availability of D-category driver's license.
14. Ensuring that the cotton pickers wear caps, long-sleeve shirts with fastened buttons, boots or other proper shoes.
15. Ensuring working condition of the tractor trailers.
16. Prohibition of cotton pickers to climb to tractor trailers and hang on tractor trailers during the movement of the tractor.
17. Taking control of preventing the cotton pickers to fall asleep or eat in the field.
18. Preventing the cotton pickers to approach and cross the road of moving mechanism in the cotton field.
19. Ensuring full observation of fire safety requirements by the cotton pickers.
20. Organization of traffic police escort during transportation of cotton pickers from main workplaces to the field and vice versa.

Annex 5 to the Recommendations on organized cotton
harvesting with minimal loss

MINUTES

of the meeting of members of brigade No. ____

Date: ____ 2021 ____

No ____

____ town (district)

No of brigade members ____ persons

Chairperson: _____

AGENDA:

1. Establishment of trade union of the brigade No. _____.
2. Election of the organizer of the trade union of the brigade No. _____
3. Admission of the members of the brigade No. ____ to the trade union.
4. Membership of the brigade trade union organization in the district council of the trade union of employees of the agro-industrial complex.

Heard: Establishment of trade union of the brigade No. _____.

It was noted that it is expedient to create a brigade trade union to fully support the interests of its members, which, in turn, will create convenience not only for the brigade members, but also for the employer, and increase labour productivity.

The brigade members also expressed their views on the establishment of a trade union and supported this initiative.

Decided:

1. To approve establishment of trade union of the brigade No.

Heard: Election of the organizer of the trade union of the brigade No. _____

The brigade members expressed their views on election of the organizer and supported this initiative.

Decided:

1. To approve Mr./Ms. _____ as the organizer of the trade union of the brigade No. ____.
2. To assign Mr./Ms. _____, on behalf of the brigade members, to conduct collective negotiations with the brigade leader and heads of cotton and textile clusters, cooperatives and farms, as well as to resolve issues such as labour, creation of decent working conditions, provision of food and drinking water.

Heard: Admission of the members of the brigade No. ____ to the trade union.

Decided:

To consider applications of the brigade members for membership in trade union, which will be accepted for membership in the trade union of employees of the Agro-Industrial Complex of Uzbekistan for the period of the cotton harvest.

Heard: Membership of the brigade trade union organization in ____ district council of the trade union of employees of the agro-industrial complex.

Decided:

1. To admit a newly formed trade union organization to the ____ district council of the trade union of agro-industrial complex workers with the view to resolve with the employer and the banking institution the deduction of membership fees from the harvest during the harvest season and establish the minimum service fee for the organizer of the trade union.
2. To send this minutes to the district council of trade union of workers of agro-industrial complex.

Chairperson_____

(name, surname)

Secretary_____

(name, surname)

Annex 6
to the Recommendations on organized cotton harvesting
with minimal loss in 2021

To: Organizer of the trade union of the brigade No. __.

From: Mr./Ms. __, member of the brigade

Application

This is to request to temporarily admit me to the membership of the trade union of workers of the Agro-Industrial Complex of Uzbekistan for a period of two months. I agree that a membership fee in amount of 1% will be deducted from my fee for the 2021 cotton harvest through accounting unit and transferred to the bank account of the trade union district council.

(full name)

(signature)

(date)

Appendix 2 to the
Minutes of Tripartite Commission on Social-Labour Issues dd
09/09/2021

Temporary Regulations
Procedure for monitoring prevention of forced and child labour

Chapter 1 General provisions

1. This Temporary Regulation (hereinafter referred to as the "Regulations") establishes the procedure for monitoring by the competent authorities and officials on prevention of forced and child labour.
2. The Regulations use the following basic concepts:
 - forced labour is any work or service that is not part of task (obligation or duty) of any physical person, which is demanded under the threat of punishment, expressed in the restriction of his rights and privileges for non-voluntary offer or non-performance of his/her services;
 - child labour is the use of the labour of persons under the age of eighteen in work that may harm their health, safety or morals and disrupt educational process;
 - monitoring is observations and checks by the competent authorities and officials in buildings and territories belonging to enterprises, institutions, organizations (hereinafter referred to as the organization) regardless of the form of ownership, and vehicles and premises that belong to individuals, public transport, streets and fields, with the view to prevent forced labour and child labour in the manner prescribed by the Regulations.

Chapter 2. Objectives and tasks of monitoring the prevention of forced and child labour

3. The purpose of monitoring the prevention of forced labour and child labour is to ensure the guaranteed labour rights of employees by timely identification and elimination of any risks associated with the use of any form of forced labour or child labour.
4. Tasks of monitoring of forced labour and prevention of child labour are:
 - prevention of forced labour and child labour;
 - analysis of violations of the legislation on forced labour and child labour and the development of specific measures to eliminate the conditions for their occurrence;
 - protection of the rights of citizens to free labour;
 - conducting explanatory work on raising the legal awareness of employers, employees and other citizens on forced labour and child labour.

Chapter 3. Organizations and officials authorized to perform monitoring

5. Monitoring can be performed by following organizations and officials, which are responsible for the protection of human rights, including labour rights, authorized by law:
 - The State Labour Inspectorate of the Ministry of Employment and Labour Relations of the Republic of Uzbekistan, regularly, based on information Single National Labour System interdepartmental software and hardware complex, grievances by individuals and legal entities published in media and social networks;
 - Ministry of Justice of the Republic of Uzbekistan in course of implementation of instructions of higher organizations, as well as grievances and information published by individuals and legal entities in media and social networks;
 - Agency for Civil Service Development under the President of the Republic of Uzbekistan during implementation of plans, measures and tasks, as well as grievances by individuals and legal entities published in media and social networks;

- non-governmental non-profit organizations within the framework of public monitoring based on legislative acts;
 - Deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and senators of the Senate of the Oliy Majlis of the Republic of Uzbekistan - within the framework of parliamentary control;
 - Prosecutor's office to monitor clear and uniform implementation of labour laws;
 - ILO experts and specialists on projects approved between the competent authority of the Republic of Uzbekistan and the International Labour Organization (hereinafter referred to as the ILO).
 - Regulations, programs and instructions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan, as well as resolutions, programs and instructions of the National Commission for Combating Trafficking in Human Beings Monitoring may be carried out in the manner prescribed by the Regulations.
 - The higher organization may perform monitoring in order established by the Regulations through special inspections on prevention of forced labour and child labour in organizations and divisions of the system.
6. During the monitoring, ILO experts and specialists may cooperate with government and non-government agencies, citizens (human rights activists) of Uzbekistan.
 7. Organizations and officials authorized to monitor the prevention of forced and child labour may conduct monitoring individually or jointly.
 8. Monitoring of prevention of forced labour and child labour should not be treated as inspection.
 9. Monitoring can be performed in the field even if the grievance or information is provided anonymously, provided that the information, complaints by individuals and legal entities on forced labour and child labour in a particular area or sector (organizations) are published in media and social networks.
 10. Conducting regular monitoring in particular area on prevention of forced and child labour does not require a special decision, order or assignment to monitor officials who are part of the service. In other cases, the grounds for the monitoring shall be an official document indicating the decision, order or other assignment of the official authorized to conduct the monitoring.
 11. Monitoring is carried out on a regular basis in areas and provinces where there is a high risk of forced labour and child labour.

Chapter 4. Procedure for monitoring

12. Monitoring can be performed at any time of the day in buildings and areas belonging to organizations and individuals, in the street or field.
13. Monitoring in houses of citizens can be carried out only with the consent of the house owner.
14. Monitoring of militarized institutions, penitentiary institutions and buildings and territories where the free entry is prohibited in accordance with the legislation shall be carried out with appropriate permission.
15. Monitors have the following rights:
 - monitor areas, fields, inside and outside the building;
 - conduct (separate) interviews with citizens, as well as with leaders and employees of organizations and, if necessary, receive explanations and conduct public opinion polls among them, including public opinion polls by telephone or social networks;
 - request required documents and other information related to the effective conduct of monitoring;
 - copy necessary documents related to the monitoring process;
 - use special (audio, photo and video) equipment during the monitoring with consent of individuals;
 - issue binding instructions on elimination of revealed violations within its competence;
 - report violations to the State Labour Inspectorate, the Juvenile Commission or law enforcement agencies;
 - other rights in accordance with the legislation.
16. Monitors have following obligations:

- provide necessary documents to the management of the organization during the organizations monitoring, residential or non-residential monitoring to the owner of the residential or non-residential premises during the monitoring;
- avoid interventions to the production processes of organizations;
- avoid interventions in financial and economic activities of organizations;
- ensure non-disclosure of information about the person who reported forced labour or child labour, as well as the identity of the child labour victim (even after the end of the monitoring process or after the dismissal of the monitoring officials);
- compile a report on the results of monitoring, if a special technique was used, make a note in the reference;
- take measures to immediately eliminate violations in case of detection of forced labour and child labour cases during the monitoring;
- inform the State Labour Inspectorate or law enforcement agencies and higher authorities about the violations detected during the monitoring.

Monitors may be subject to other obligations in accordance with the legislation.

17. The head of the monitored organization (owner of residential or non-residential premises or field) has the following rights:

- demand from the monitors their service certificate and documents on the basis of which the monitoring is carried out, if such a document is required by paragraph 5 of this Regulation;
- not to allow monitoring by persons who do not have the right to conduct monitoring or do not have the documents on the basis of which monitoring is conducted;
- not to fulfil the requirements of the monitors on issues beyond their competence and not providing materials that do not relate to the subject of monitoring;
- request a copy of the certificate of monitoring results;
- appeal to higher, law enforcement agencies and the court in case of failure to provide the documents on which the monitoring is based, the content of the certificate on the results of monitoring and any additional instructions by monitoring providers not related to monitoring by the monitors.

Monitored organization (owner of residential or non-residential premises or field) may have other rights in accordance with the law.

18. The head of the monitored organization (owner of residential or non-residential premises or field) has following obligations:

- provide access to the territory of the organization (owner of residential or non-residential premises or field) with the necessary documents authorizing the monitoring, if the need for such a document is provided for in paragraph 5 of the Regulations;
- ensure timely submission of necessary documents and other information related to monitoring in accordance with the legal request of monitoring providers;
- not to interfere with the monitoring process,
- create conditions for monitoring to conduct effective monitoring;
- take measures to eliminate in a timely manner the violations specified in the certificate of monitoring results.

Monitored organization (owner of residential or non-residential premises or field) may have other obligations in accordance with the law.

19. The citizens who became victims or witnesses of forced labour and child labour (parents of children or their substitutes) have following rights:

- apply for or report forced labour and child labour and not to disclose his / her identity;
- demand from the monitors their service certificate and documents on the basis of which the monitoring is carried out;
- provide relevant explanations to monitoring providers, participate in monitoring processes;

- provide monitoring-related information to monitoring providers;
- not allow the use of special equipment in the monitoring process;
- have information on monitoring results;
- appeal on actions of monitors to higher, law enforcement agencies and the courts on the results of monitoring.

Citizens who are victims or witnesses of forced labour and child labour may also have other rights under the law.

20. Citizens who are victims of forced labour and child labour (parents of children or their substitutes) or witnesses have following obligations:

- provide accurate information when explaining to the monitors;
- ensure timely submission of necessary documents and other information related to the monitoring at the legal request of the monitoring;
- not interfere with the monitoring process, not destroy the evidence to establish the truth, and assist the monitoring staff to conduct effective monitoring;
- ensure non-disclosure of personal data of victims of forced labour and child labour without their consent (parents of children or their substitutes).

Citizens who are victims or witnesses of forced labour and child labour (parents or guardians of children) may be subject to other obligations in accordance with the legislation.

21. In the process of monitoring the prevention of forced labour, the following shall be considered and identified:

deception, restriction of movement, segregation, physical and sexual abuse, intimidation and threats, confiscation of identity documents, withholding of wages, abuse of interest, debt bondage, abusive living and working conditions, deprivation of rights and benefits; lack of definition of forms of work in conclusion of employment contracts with employees and local documents defining their job responsibilities, which impede the exercise of labour rights of employees that are not part of the job responsibilities;

if cases of forced labour have been identified, whether the forced labour was carried out on his/her own initiative or on behalf of an organization or other official; the number of victims of forced labour, the damage caused to them; time of forced labour; citizens who witnessed forced labour (if any); causes of forced labour; and the existence of evidence to prove guilt in the determination of other cases of forced labour and the application of appropriate measures against the perpetrators.

22. In the process of monitoring child labour, attention shall be paid to the following:

- use of child labour in works that may endanger their health and prohibited by law;
- use of child labour in works that do not disrupt the educational process, safety or morals;
- minors from 16 to 18 years of age with working hours not exceeding 36 hours per week, minors from 15 to 16 years not exceeding 24 hours per week are not allowed to use labour;
- if cases of child labour are identified, check if the child labour was carried out on his or her own initiative or on behalf of a higher authority or other official;
- the number of victims of child labour, the damage caused to them;
- time of child labour; citizens who have witnessed child labour (if any);
- causes of child labour; and the existence of evidence to prove the guilt of other child labour cases and the application of appropriate measures against the perpetrators.

Chapter 5. Cooperation in information exchange

23. In case of detection of cases of forced labour and child labour, the organizations or officials conducting the monitoring shall submit the relevant documents to the State Labour Inspectorate, the Commission on Minors' Affairs or law enforcement agencies.
24. Monitored organizations or officials shall provide analytical information upon their request to the responsible organizations that analyse the results of the monitoring and determine the appropriate measures.
25. Monitors or officials may exchange information on cases of forced and child labour or on the results of monitoring.

Endnotes

ⁱ Complete list of ratifications for Uzbekistan can be accessed from the ILO website:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103538

ⁱⁱ Official English version of the Constitution of the Republic of Uzbekistan is available online at this address: <http://constitution.uz/en/clause/index#item37>

ⁱⁱⁱ Unofficial English text of the Labour Code of the Republic of Uzbekistan can be found at this address: <http://cis-legislation.com/document.fwx?rgn=974>

**Fundamental Principles and Rights
at Work Branch (FUNDAMENTALS)**

Governance and Tripartism
Department (GOVERNANCE)

International Labour Office
4 route des Morillons
CH-1211 Geneva 22 – Switzerland
T: +41 (0) 22 799 61 11
E: fundamentals@ilo.org

ilo.org/childlabour — ilo.org/forcedlabour