



Testimony of Raluca Dumitrescu, Cotton Campaign Coordinator

Before DG Trade and European External Action Service (EEAS)

To Inform the European Commission's First Annual Assessment of the Implementation Record of Uzbekistan with Respect to the 27 International Conventions under the GSP+ Arrangement

January 18, 2022

Chairman and representatives of DG Trade and the European External Action Service,

Thank you for consulting with civil society organisations and NGOs in the process of monitoring and assessing Uzbekistan's progress to protect, respect and fulfil the human rights of its citizens.

The Cotton Campaign is a coalition of international human and labour rights NGOs, independent trade unions, brand and retail associations, responsible investor organisations, supply chain transparency groups, and academic partners. *[NB Some of our partner organisations are attending today's meeting, including Uzbek Forum for Human Rights, The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), and Human Rights Watch.]*

For almost 15 years, the Cotton Campaign has been at the forefront of human rights advocacy to end state-imposed forced and child labour and promote decent work in the cotton industry of Uzbekistan.

Thank you for the opportunity to share our expert analysis of the current human and labour rights situation in the Uzbek cotton sector, ahead of your assessment mission to Uzbekistan.

Progress to eradicate forced labour in Uzbek cotton production

In 2017, Uzbekistan embarked on an ambitious reform program to end state-imposed child and forced labour in cotton production. For decades, the Uzbek Government had forced over a million individuals to pick cotton under threat of punishment.

But today I am pleased to report that the Government has made tremendous progress to end this practice. Findings of independent monitoring of the 2021 cotton harvest conducted by our core partner, the Uzbek Forum for Human Rights, show that state-imposed forced labour is no longer a systematic approach to the harvesting of cotton.

As Uzbek Forum refines and finalises the analysis of the data, I can share a couple of preliminary findings that show meaningful achievements to end forced labour.

- This year forced labour was not systematic, orchestrated by the government at national level. Independent monitors recorded a number of cases of forced labour, but these were isolated cases.
- The Deputy Prime Minister instructed the heads of districts not to use forced labour.
- For the first time, government officials did not force soldiers and firefighters to pick cotton.

This is a landmark achievement and a crucial first step towards establishing and maintaining international labour standards in the Uzbek cotton industry.

A lack of an enabling environment for labour rights

To ensure that the reforms to end state-imposed forced labour are sustainable, cotton workers, farmers, and the broader civil society must be able to report independently and transparently and advocate for decent working conditions, both individually and collectively.

But in Uzbekistan, cotton workers have no independent organisations or trade unions to voice concerns and defend their rights.

- There are no independent and democratically-elected trade unions, no workers' organisations, and no farmers' organisations.
- All union activity in the country continues to be dominated by the Government-aligned Federation of Trade Unions of Uzbekistan (FTUU).
 - We bring to your attention that the FTUU leadership is in effect appointed by the government and consists of government and employer representatives, instead of worker representatives. For example, the former Minister of Health was recently assigned to become deputy head of the FTUU. This is in direct contradiction with what defines an independent trade union: democratic elections and a full representation of workers and their interests.
 - Moreover, the FTUU has for decades been an instrument for forcibly recruiting workers for the annual cotton harvest. This legacy must not be underestimated.
- Further, there are no effective institutions and mechanisms to protect freedom of association. We are witnessing constraints – both by employers and the government – on freedom of association.
- In March 2021, we were encouraged to learn that an independent union was formed at a cotton cluster operating in Syrdarya. This is the first democratically elected union in the country. Hundreds of cotton workers organised to respond to low wages and the deterioration of working conditions.
 - However, instead of recognizing this as a major milestone for the country, government officials harassed and attempted to obstruct the union from organising¹. This, despite the fact that in 2018 the Government of Uzbekistan ratified the *ILO Convention No 87 on Freedom of Association and Protection of the Right to Organize*, and it has a duty to respect, protect, and fulfil the right of workers to join and form trade unions of their choosing.

¹ <http://www.cottoncampaign.org/independent-union-faces-intimidation.html>

- Moreover, given the restrictive national laws on registration, the union faced major challenges to register as an independent union and had to affiliate with the FTUU.

This brings me to the next point I want to raise, which is key to creating an enabling environment for labour rights.

Independent labour and human rights NGOs face burdensome registration requirements and practical impediments to register and operate freely in the country. The Ministry of Justice continues to reject applications for registration, in some cases multiple times, for spurious, arbitrary, or insignificant reasons².

I would like to highlight two cases of independent organisations that are in the process of submitting their application for registration.

First, Human Rights House, an NGO founded by long-time human rights activist and former political prisoner Agzam Turgunov.

- Human Rights House aims to monitor Uzbekistan's compliance with its international human rights obligations, provide expert opinions, monitor trials, and work on rehabilitation of former prisoners who were unjustly convicted.
- Human Rights House was denied registration eight (8) times. On October 18, 2021, the group submitted its ninth registration application.
- It is noteworthy – and most alarming – that shortly after the eighth rejection, in October 2020, the founding members of the NGO were harassed by State Security Service officials³.

Second, I want to highlight the case of Akbaskur, an NGO founded by Azimbai Ataniyazov, a labour monitor who has monitored forced labour in the cotton sector for many years with the Uzbek Forum for Human Rights.

- The NGO aims to work towards eradicating forced labour and defending human rights.
- Akbaskur was denied registration two (2) times. On November 25, 2021, Akbaskur submitted its third registration application.
- Similar to the previous case, the founding members were also intimidated by state officials, including being told not to interact with international human rights organisations⁴.
- Earlier this week we received information from Azimbai that he followed up with the Ministry of Justice about his application and was told that the package of documents cannot be found in the Ministry's digital system.

Importance for responsible sourcing

Since 2017, the Government of Uzbekistan has rapidly privatised the cotton sector, with a view to expand the manufacturing sector and attract global brands and retailers. Textile clusters have been created to control all stages of cotton production, from cotton growing and harvesting to the manufacturing of finished goods.

² <https://www.hrw.org/news/2021/01/07/uzbekistan-registration-barriers-independent-groups>

³ <https://civicsolidarity.org/article/1839/civil-society-calls-uzbekistani-authorities-register-independent-human-rights>, and <https://ahrca.org/uzbekistan/defenders/1097-the-long-road-to-registration-human-rights-house-files-lawsuit-against-ministry-of-justice-s-eighth-refusal-to-register-the-ngo>

⁴ <https://www.uzbekforum.org/the-time-for-words-has-passed-uzbekistan-should-simplify-the-rules-for-registration-of-ngos-and-legitimize-civil-society-voices/> and <https://www.uzbekforum.org/tricks-threats-and-deception-registering-an-ngo-in-uzbekistan/>

The integration of the Uzbek supply chain provides a good opportunity for worker representatives and employers to develop robust industrial relations to ensure decent work across all divisions of cotton production.

However, as I have just outlined, we are witnessing a very different landscape.

Reforms to empower civil society are urgently needed in Uzbekistan. Without freedom of association and the ability of workers and activists to advocate for their own conditions, there is a real risk that the economic reforms in the cotton sector will create an environment prone to labour exploitation, similar to what we are seeing in many of the other garment production countries in the world.

We cannot allow that to happen. Not as human rights defenders, and not as European citizens. We cannot allow that the clothes and textiles made with Uzbek cotton reaching the European market are made in exploitative labour conditions.

And responsible companies agree to this. Over 300 global brands and retailers have refused to use Uzbek cotton in their products because of how it had been harvested for decades – with state-imposed forced labour⁵.

To begin sourcing from Uzbekistan these brands require strong assurances that the reforms to eradicate forced labour are irreversible. This means having in place credible mechanisms for independent monitoring and accountability, and effective institutions to provide transparency at the industry level.

Independent NGOs, independent journalists and independent trade unions play a key role in developing and operating such mechanisms and institutions.

Recommendations

I will now turn to the Cotton Campaign's recommendations to the Government of Uzbekistan, to create an enabling environment for labour rights. We have consistently raised these in our meetings with government officials.

We urge DG Trade and EEAS to reinforce them during your dialogue with the Government of Uzbekistan, in the context of promoting sustainable development and good governance through trade.

The Government should:

1. Engage constructively with international and domestic independent human and labour rights NGOs, the Cotton Campaign, and the ILO, to implement *ILO Convention 87 on Freedom of Association and the Protection of the Right to Organize*.

The Government of Uzbekistan should recognize that freedom of association is a fundamental human right and is critical to the long-term success of efforts to eradicate forced labour and promote decent work in the cotton sector.

2. Take steps to ensure that textile clusters uphold international labour standards across all stages of production.

⁵ <https://www.sourcingnetwork.org/uzbek-cotton-pledge#:~:text=As%20a%20signatory%20to%20this,labor%20in%20its%20cotton%20sector>

3. Do not obstruct workers or employers, including farmers, from creating independent representative organisations and unions.
4. Permit the speedy and straightforward registration of independent trade unions, workers and farmers representative organisations, and independent human and labour rights NGOs in the country.

The Ministry of Justice should allow applicants to correct any minor or non-substantive errors in their applications, such as orthographical and formatting errors, instead of rejecting them.

5. Introduce broader reforms to empower civil society and develop effective institutions to provide transparency and accountability across all aspects of the cotton sector.

As Uzbekistan seeks to establish itself in the global textile market, it is crucial that the European Commission joins responsible brands, investors, and civil society organisations in conveying to the Uzbek Government that:

- Under corporate due diligence and liability laws in Europe and the U.S. and in accordance with international standards for responsible sourcing including the *UN Guiding Principles on Business and Human Rights* and the *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, the brands and retailers that are interested in sourcing from Uzbekistan must be able to identify, prevent, and mitigate the risks of forced labour and exploitative working conditions in their Uzbek supply chain.
- Independent human and labour rights NGOs, independent trade unions and workers' organisations, and independent farmers' associations are essential to ensure these risks are minimised and can be addressed through meaningful consultation with affected stakeholders, which is a key requirement of the brands within the mandatory human rights due diligence framework.

Finally, I want to bring to your attention that the labour rights organisation Solidarity Center, which is a core partner of the Cotton Campaign, submitted in December 2021 its application package to register an office in Uzbekistan.

The work that the Solidarity Center intends to conduct is essential for opening the space for workers to create independent organisations and be informed about their labour rights. The documents submitted comply with the requirements of the Ministry of Justice and the feedback provided during the informal review process.

A decision by the Ministry of Justice regarding the office registration is expected at the end of February 2022. We encourage you to follow this case closely. The decision will indicate the Uzbek Government's position on creating an enabling environment for labour rights: it either approves the registration and shows it is serious about these issues; or it rejects it and signals that Uzbekistan is not genuinely committed to the creation of an enabling environment that will create the conditions for responsible sourcing and the protection of labour rights.

Conclusion

Thank you for your time and attention to these important issues.