



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Lilia Burunciuc
Regional Director for Central Asia
World Bank Central Asia Regional Office
41A Kazybek bi street, 4th floor, 050010
Almaty, Kazakhstan

August 15, 2016

Re: Upcoming Human Rights Watch, Uzbek-German Forum Report on Forced Labor and World Bank Commitments in Uzbekistan

Dear Ms. Burunciuc,

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is an independent organization dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan.

For several years our organizations have been investigating and reporting on forced and child labor in Uzbekistan. In light of the country's ongoing forced labor problem, we have been concerned about the World Bank's increased investments in agriculture over recent years. Our report presents evidence of forced adult, and in some cases child labor, in the three districts where the World Bank's South Karakalpakstan Water Resources Management Project is implemented, as well as in the horticulture sector. In addition to individual rights violations, we also document how forced and child labor has undermined access to education, a sector the World Bank is heavily invested in. Our report finds that despite agreements and efforts made to mitigate the use of forced labor, the Uzbek government and

local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Forum are committed to producing material that is well-informed and objective. We hope you and your staff will respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person or by telephone. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Key Findings and Questions for the World Bank

Ongoing Forced Labor, and Incidents of Child Labor, Including in World Bank Project Areas

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor with respect to World Bank projects and project areas, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, medical professionals, entrepreneurs, and people receiving welfare benefits, as well as through visits to educational, healthcare and other institutions, mobilization points, and farms, and documentary evidence, we have found use of child and forced labor in the South Karakalpakstan Water Resources Management Project area, increasing use of forced labor in the horticulture sector in at least some regions, forced labor and, on occasion child labor, impacting the education sector, and ongoing forced labor throughout the country likely impacting the remaining World Bank agriculture projects.

1. In order to enhance our research, please provide Human Rights Watch with the following documents:
 - Modernizing Higher Education: Loan / Financing Agreements. The World Bank's Project Appraisal Document for the *Modernizing Higher Education* project states that: "Occurrence of child and/or forced labor in connection with project activities, as reported by the TPM and/or FBM, would entitle the World Bank to take any appropriate measures in accordance with any applicable provisions of legal agreement on the project." (p. 18) As the Loan and Financing Agreements for this project are not publicly available, and the summary of loan covenants does not include a description of a corresponding covenant, please provide the Uzbek-German Forum and Human Rights Watch access to these documents.
 - Improving Pre-Primary Education: Any detailed project documents and Loan / Financing Agreements.
 - Sustainable Agriculture and Climate Change Mitigation: Loan / Financing Agreements.
 - Ferghana Valley Water Resources Management: Updated Social Assessment.
2. Has the World Bank evaluated the effectiveness of its mitigation measures to date? If so, what are the results of the analysis? If not, is such an analysis planned?
3. Has the World Bank found incidents or indications of forced or child labor in its own project monitoring? If not, why does it think this is and how is it working to enhance its monitoring and supervision practices, if at all?
4. Given the findings of Human Rights Watch and the Uzbek-German Forum, will the World Bank change its current strategy regarding forced labor in Uzbekistan? If so, how? If not, why not?

Child and Forced Labor in the South Karakalpakstan Water Resources Management Project Area

We investigated allegations of forced labor in the three districts where the World Bank's South Karakalpakstan Water Resource Management Improvement project is implemented, and have documented evidence of coercion, forced labor, and in some cases, forced child labor. We found that farmers were forced to meet quotas for cotton production, children and parents were forced to weed fields for child welfare and other welfare payments, college students, including children, school teachers, college teachers, healthcare workers, other public sector employees, and private sector employees were forced to work in the cotton fields, and colleges were assigned the responsibility of cotton production for entire farms or tracts of land.

5. Please share your views regarding these findings.
6. The Uzbek-German Forum has previously provided the World Bank with evidence of forced labor, and some child labor, throughout Uzbekistan in 2015. The ILO also found indications of forced labor. This is in violation of the government's agreements with the World Bank, which provide, amongst other things, that should the World Bank receive credible evidence of forced or child labor in the South Karakalpakstan project area, it can suspend the project. Will the Bank suspend the project? If not, why not?
7. In addition to the evidence documented in this report substantiating the ongoing use of forced labor in World Bank project areas, the ILO and Uzbek-German Forum have received reports and evidence that teachers falsify school records on the order of local authorities, in order to present the façade that education is continuing, uninterrupted by the cotton harvest. What has the World Bank done, or what will it do to respond to this?

Forced Labor in Horticulture

Human Rights Watch and the Uzbek-German Forum also documented an emerging practice of forced labor in horticulture. Uzbek-German Forum field research found that in 2016 local officials in some of the regions it monitors began to mobilize public sector workers to assist farmers to plant vegetable crops in addition to forced cotton-related work. An April 2016 presidential decree establishing a unified system for the cultivation, processing, and purchasing of fruits and vegetables under a system of state holding companies for purchase, processing, storage, and export of fruits, vegetables, grapes, and melons.¹ Media reports supported these findings, including for example an article in state media noted that

¹ Presidential Decree "О мерах по совершенствованию системы закупок и использования плодоовощной продукции, картофеля и бахчевых культур [On Measures for the Improvement of the System of Purchasing and Use of the Production of Horticultural, Potatoes, and Melon Crops]," No. PP-2520, April 12, 2016, available at: http://www.lex.uz/pages/GetAct.aspx?lact_id=2931140.

the government recently increased the penalties farmers must pay for failure to deliver on their contractual obligations to the state, including failing to deliver specific crops in specific amounts by dates specified in their contracts.²

8. Please share your views on the apparent risk that the above-mentioned decree creates for extending forced labor to horticulture.
9. Has the World Bank identified indications of forced labor in horticulture? How is the World Bank responding to this?
10. How will the World Bank respond to the findings presented above regarding forced labor in horticulture?

System-wide Forced Labor

Human Rights Watch and the Uzbek-German Forum documented the systematic use of mass forced labor in the cotton sector in the seven regions where it monitored in 2015. Evidence of this has been previously provided to the World Bank. These regions include districts covered by the Bank's investments in the Rural Enterprise Support Program II (RESP II). Evidence from the spring 2016 weeding and field preparation season shows that the system of forced labor remains entrenched. We have found that the use of government systems includes the public administration of education and healthcare to mobilize public-sector workers to the harvest and tax authority to mobilize private-sector contributions to the harvest. Systematic forced labor to complete the national cotton production plan also includes use of the financial system for agriculture, managed by the *Selkoxfond* with the participation of the public prosecutor, police and security services to coercively enforce production quotas assigned to farmers. The *Selkoxfond* manages the financial flows, both expenditures and income from the cotton sector, and lacks accountability or transparency.

11. How is the World Bank addressing the Uzbek government's use of public agencies to mobilize labor for the cotton harvest and field preparation?
12. How is the World Bank addressing the lack of transparency and accountability of the *Selkoxfond* and financial flows in the cotton sector?
13. How is the World Bank responding to the Uzbek government's ongoing mobilization of education and health care workers to work in the cotton sector, despite the governments undertaking to cease this practice?
14. How is the World Bank responding to the Uzbek government's ongoing coercion of farmers?

² "В Узбекистане будут сильнее штрафовать фермеров за невыполнение обязательств [In Uzbekistan, fines on farmers increased for failure to fulfill obligations]," Podrobno.uz News Agency, May 11, 2016, available at: <http://podrobno.uz/cat/obchestvo/v-uzbekistane-budut-silnee-shtrafovat-fermerov-za-nevypolnenie-obyazatelstv/>.

Adverse Impacts on Education

Human Rights Watch and the Uzbek-German Forum found that many colleges and universities shut down or operated at reduced levels during the 2015 harvest, holding classes sporadically or only for first and second-year students who were not mobilized en masse in 2015. Schools experienced significant disruptions, simultaneously expected to provide teachers and staff to harvest cotton while also under pressure to maintain the semblance of normal operations. Many schools shortened the school day because teachers were forced to pick cotton for daily shifts during the week as well as on weekends. In some cases children also picked cotton during the day, for example attending lessons in the morning and going to the fields for several hours in the afternoon. Some teachers attempted to teach multiple classes simultaneously, to cover their own teaching load as well as that of colleagues in the fields. Many school administrators offered exemptions to teachers and students in exchange for a fee, which resulted in unaccountable payments to public-sector education officials. We also found evidence that local officials assigned cotton production quotas and primary responsibility for cotton production, including planting, weeding, and harvesting on specific plots of land, to some schools and colleges. Pressure to meet production quotas led, in some cases, to teachers using their own income to hire labor and to some schools and colleges resorting to child labor to meet quotas.

15. Has the World Bank evaluated the impact of forced and child labor on education and, in particular, on education projects that it finances? If so, what has it found? If not, why not?
16. Given the Bank's loans to the government with the goal of improving education in the country, how is the World Bank addressing the Uzbek government's use of the Ministry of Education to mobilize labor for the cotton harvest?
17. How is the Bank addressing unaccountable payments to education officials to avoid work in the cotton fields?
18. Has the Bank evaluated the impact of cotton production and land assignments to schools and colleges on education and, in particular, on education projects that it finances? If so, what has it found? What steps will it take to address it?

The Role of Banks

The government controls the financial flows in the cotton sector by using the commercial banking sector to deny farmers access to cash and restrict credit to use for cotton farming, paying a procurement price for cotton that keeps farmers in chronic debt, and enforcing debt payments through overt coercion, including land and property seizures. It is likely that the banks that are receiving support from the World Bank through the Horticulture project and RESPII are complicit in this coercive financial system. These banks may also be financing companies directly involved in the cotton system and utilizing or benefiting from the government's forced labor system, beyond the investments that relate directly to these projects.

19. How are you addressing the use of commercial banks and other financial institutions as part of the government's coercive system used to enforce production quotas assigned to farmers?
20. What due diligence have you done to determine whether the banks or other financial institutions that the bank is using to finance agriculture companies through the Horticulture and RESPII projects are not complicit in coercing farmers to meet production quotas?
21. What due diligence have you done to analyze whether the banks or other financial institutions that the World Bank is using to finance agriculture companies through the Horticulture and RESPII projects are financing companies directly involved in the cotton system and utilizing or benefiting from the government's forced labor system?

Third Party Monitoring and Feedback Mechanism

The World Bank appropriately identified independent, third-party labor rights monitoring and a grievance redress system as necessary measures to mitigate the risk of forced and child labor for agriculture and education projects in Uzbekistan. While the ILO is essential to support the application of labor conventions in Uzbekistan, it is incorrect to characterize the monitoring led by the ILO in partnership with the Uzbek government of state-led forced labor as "third-party." The feedback mechanisms are similarly problematic.

22. Given the shortfalls of the monitoring and feedback mechanisms, what reforms will the World Bank work with the ILO and Uzbek government to implement for the 2016 harvest?
23. Given the findings of the ILO report which included concerns that people did not feel free to speak with monitors or use the feedback mechanisms without risk of reprisal, is the World Bank working to establish independent monitoring and a complaint system that provides redress to victims of forced labor or child labor?
24. What monitoring, if any, was conducted for forced and child labor during the Spring cotton field preparation? Please share information on this monitoring and your findings.

Reprisals & Civil Society

Human Rights Watch and the Uzbek-German Forum have documented escalating repression experienced by those who speak out against the forced labor system, including in World Bank project areas, and who engage with the World Bank commissioned third party monitoring and feedback mechanism. In particular, independent monitors observing the 2015 cotton harvest and 2016 field preparation were harshly targeted and subject to physical violence, psychological distress, arson and theft of property, and arbitrary arrest. Despite raising these concerns with the World Bank and international partners, no

substantive measures have been taken to create an enabling environment for independent monitors and citizens to voice their concerns.

Although the third party monitoring and feedback mechanisms are cited as key mitigation measures in order to screen and monitor World Bank project sites for forced and child labor, these initiatives are severely limited in environments where civil society faces reprisals for carrying out these functions, and the ILO's Third Party Monitoring report acknowledged that this does not provide a conducive environment in which to assess and investigate labor practices.

25. What are the measures the Bank is putting in place in order to support participation in monitoring and complaint mechanisms and to prevent retaliation against people who seek to share their views about abuses linked to World Bank projects?
26. In light of the significant risk of reprisals in Uzbekistan, why did the World Bank not include binding requirements in its loan and financing agreements with the government requiring it to allow independent civil society and journalists unfettered access to monitor forced labor and child labor, along with other human rights abuses within the Bank's project areas, and to ensure that no one faces reprisals for monitoring human rights violations in the area, bringing complaints, or engaging with monitors? In light of ongoing reprisals, will the World Bank amend its agreements to include such a requirement?
27. The Uzbek-German Forum's independent monitors reported that the World Bank did not appear to prioritize their safety, rarely making inquiries and never making public statements or offering other support when monitors faced reprisals. Please can you detail what steps you took to respond to reprisals against the following, how the government responded, and the impact of the steps taken:
 - (a) Dmitry Tikhonov;
 - (b) Uktam Pardaev;
 - (c) Elena Urlaeva;
 - (d) Malohat Eshankulova;
 - (e) Victims of forced labor who reported the abuse to the trade unions and ILO (names withheld for security reasons); and
 - (f) Other monitors (names withheld for security reasons).
28. We note that the World Bank has emphasized that it has raised concerns about reprisals with the Uzbek government. Despite this, reprisals have continued. How will the World Bank change its approach, if at all, in light of the lack of meaningful response from the government on this?



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Saran Kebet-Koulibaly
Vice President, Corporate Risk and Sustainability
International Financial Corporation
2121 Pennsylvania Avenue, NW
Washington, DC 20433

August 15, 2016

Re: Human Rights Watch, Uzbek-German Forum for Human Rights Research

Dear Ms. Kebet-Koulibaly,

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan.

For several years our organizations have been investigating and reporting on forced and child labor in Uzbekistan. As you would know, in light of the country's ongoing forced labor problem we have been concerned about the World Bank Group's increased investments in agriculture over recent years. Our report presents evidence of forced adult, and in some cases child labor, in the three districts where the World Bank's South Karakalpakstan Water Resources Management Project is implemented, as well as in the horticulture sector. In addition to these human rights violations, we also document how forced and child labor has undermined access to education. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes. These findings have significant implications for the IFC's investment in Indorama, as well as support for commercial banks in the country.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you very much, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Key Findings and Questions for the IFC

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor with respect to World Bank projects and project areas, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, and medical professionals, visits to educational and healthcare institutions, mobilization points, farms, and documentary evidence, we have found use of child and forced labor in the South Karakalpakstan Water Resources Management Project area, increasing use of forced labor in the horticulture sector, forced labor and, on occasion child labor, impacting the education sector, and ongoing forced labor throughout the country likely impacting the remaining World Bank Group agriculture projects, and particularly the IFC's investment in Indorama.

The IFC's Investment in Indorama Kokand Textile

Human Rights Watch and the Uzbek-German Forum documented the systematic use of forced labor in the cotton sector in the seven regions where it monitored in 2015, and have previously provided this evidence to the World Bank. Evidence from the spring 2016 weeding and field preparation season shows that the system of forced labor remains entrenched. As a result, we believe it is impossible currently for companies sourcing cotton directly from Uzbekistan to eliminate forced labor from their supply-chains, given the scale of the problem and its systemic nature. It is also very difficult to eliminate child labor from their supply-chains. For Indorama Kokand Textile, the sole source of cotton is the Uzbek government's forced labor production system. We found that, through its December 2015 loan to Indorama Kokand Textile, the IFC is directly funding a company that knowingly processes forced labor cotton, violating international law as well as the IFC's own Performance Standards.

1. Please respond to the above summary findings.
2. The IFC has acknowledged the risk of labor abuse within its supply chain by assigning the project the environmental category A "due to potential social risks related to supply chain, namely labor practices in the cotton production sector in Uzbekistan."¹ We are familiar with the published material regarding this investment. Please can you share any additional information regarding the IFC's due diligence process in this investment? Please can you also share any additional information regarding Indorama's due diligence process and the outcomes of this process?

¹ IFC, "Indorama Kokand: Summary of Investment Information," September 2, 2015.

3. The IFC Performance Standards provide: “In limited high risk circumstances, it may be appropriate for the client to complement its environmental and social risks and impacts identification process with specific human rights due diligence as relevant to the particular business.” In light of the high forced and child labor risks within Indorama’s supply chain, did Indorama undertake specific human rights due diligence? If so, please share details of this. If not, why not?
4. It appears from the IFC’s project documents that it is relying on the World Bank/ILO labor monitoring and Indorama to monitor for labor abuses within the company’s supply chain. Is the IFC taking any additional measures to monitor for forced or child labor linked to this investment and to supervise Indorama’s compliance with the Performance Standards?
5. Has the IFC found incidents or indications of forced or child labor in its monitoring and supervision of the Indorama investment? If not, in light of the findings in this report, why does it think this is and how is it working to enhance its monitoring and vetting practices, if at all?
6. We have not observed any mention in IFC documents about the government’s use of coercion against farmers to satisfy production quotas. How is the IFC responding to the Uzbek government’s ongoing coercion and forced labor of farmers?
7. Will the IFC change its practices regarding its investment in Indorama in light of the above findings?

The IFC’s Investments in Hamkor Bank and the Global Trade Finance Program

Our research has found that the Uzbek government uses the commercial banking sector to deny farmers access to cash and restrict credit to use for cotton farming, paying a procurement price for cotton that keeps farmers in chronic debt, and enforcing debt payments through overt coercion, including land and property seizures.

The IFC is supporting commercial banks through the Global Trade Finance Program, which funds Uzbekistan’s two participating banks, Asaka Bank and Hamkor Bank. The IFC is also invested directly in Hamkor Bank through equity and loan financing. There is significant risk that both Asaka and Hamkor have participated in this coercive financial system previously. In addition, banks such as Hamkor and Asaka may also be funding companies who are directly involved or utilizing and benefiting from the system.

8. Please share your views regarding these findings.
9. While we are familiar with the published material regarding the IFC’s investment in Hamkor and support for the Global Trade Finance Program, this material does not fully detail the IFC’s due diligence processes. Please can you share the IFC’s

due diligence processes in each of these projects/programs and the outcomes of its due diligence?

10. Please also detail the due diligence that the IFC required Hamkor Bank and Asaka Bank to undertake in order to comply with the Performance Standards, and the outcome of this due diligence. Please share relevant documents.
11. Has the IFC identified the risk of Hamkor Bank and Asaka Bank contributing to the Uzbek government's coercive system used to enforce production quotas assigned to farmers?
12. Has the IFC sought to identify Hamkor Bank and Asaka Bank investments in entities that are involved in or benefiting from forced labor or other human rights abuses? If so, what has been the outcome of this analysis?
13. What are the mitigation measures the IFC has instituted within the Global Trade Finance Program to mitigate the risk of the banks it supports contributing to the country's forced labor system? Please share relevant documents.
14. Has the IFC evaluated the effectiveness of its mitigation measures to date? If so, what are the results of the analysis? If not, is such an analysis planned?
15. Will the IFC change its practices regarding Uzbekistan's commercial banks in light of the above findings?

Other Relevant Investments, Technical Assistance

16. Are there other IFC projects or activities that are relevant in light of the above summary findings? If so, please provide details of these projects or activities and how you are addressing the concerns outlined above.

Reprisals Against Civil Society

Compounding the issue of forced labor itself is escalating repression targeting those who speak out against the forced labor system, including in World Bank Group project areas, and by those who engage with the World Bank commissioned third party monitoring and feedback mechanism. In particular, independent monitors observing the 2015 cotton harvest and 2016 field preparation were harshly targeted and subject to physical violence, psychological distress, theft of property, arson, and arbitrary arrest. Despite raising these concerns with the World Bank Group and international partners, no substantive measures have been taken to create an enabling environment for independent monitors and citizens to voice their concerns.

17. Given the heightening atmosphere of repression and reprisals against independent monitors seeking to evaluate and voice concerns about the Uzbek

government's forced labor system, what measures is the IFC putting in place in order to support participation in monitoring and complaint mechanisms, and to prevent retaliation against people who wish to share their views about abuses linked to its investments?

18. In light of the significant risk of reprisals in Uzbekistan, has the IFC included binding requirements in its loan agreements to prevent reprisals? If not, in light of ongoing reprisals, will the IFC amend its agreements to include such a requirement? If not, what steps will it take?



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Prime Minister Shavkat Mirziyoyev
100078, Tashkent
Government House
Mustaqillik square, 5
Republic of Uzbekistan

August 15, 2016

Re: Human Rights Watch, Uzbek-German Forum on Human Rights Research

Dear Prime Minister Mirziyayev:

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. Human Rights Watch has conducted research on Uzbekistan since 1993.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan. The Uzbek-German Forum has conducted research on Uzbekistan, including on labor issues connected to cotton production, since 2009.

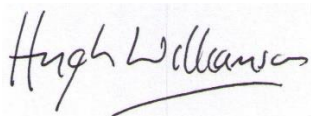
For several years our organizations have been investigating and reporting on forced and child labor in the cotton sector Uzbekistan as well as the World Bank's investments in the country. Corroborating much of the findings of the ILO's work to monitor forced and child labor, our report presents evidence of forced adult, and in some cases child labor, in the three districts where the World Bank's South Karakalpakstan Water Resources Management Project is implemented, as well as in the horticulture sector. In addition to these individual violations, we also document how forced and child labor has undermined access to education. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of

forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Forum are committed to producing material that is well-informed and objective. We hope you and your staff will respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you, and we look forward to your response. We would also be most happy to discuss this research with you or your staff. Please contact Jessica Evans at evansj@hrw.org or +1 202 612 4361 should you wish to do so.

Sincerely,



Hugh Williamson
Executive Director, Europe and Central Asia
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Cc: Minister of Labor and Social Security
Aziz Abdukhakimov
10 A Abdulla Avoloniy Ko'chasi
Tashkent 100100
Republic of Uzbekistan

Minister of Education
Inoyatov Ulgbek Land
5, Mustakillik Square
Tashkent 100095
Republic of Uzbekistan

Key Findings and Questions for the government of Uzbekistan

Ongoing Forced Labor, and Incidents of Child Labor, including in World Bank Project Areas

Despite undertakings by your government to respect national and international laws on child and adult forced labor with respect to World Bank projects and project areas, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, medical professionals, entrepreneurs, and people receiving welfare benefits, as well as through visits to educational, healthcare and other institutions, mobilization points, and farms, and documentary evidence, we have found use of child and forced labor in the South Karakalpakstan Water Resources Management Project area, increasing use of forced labor in the horticulture sector in at least some regions, forced labor and, on occasion child labor, impacting the education sector, and ongoing forced labor throughout the country likely impacting the remaining World Bank agriculture projects.

Child and Forced Labor in the South Karakalpakstan Water Resources Management Project Area

Human Rights Watch and the Uzbek-German Forum investigated allegations of forced labor in the three districts where the World Bank's South Karakalpakstan Water Resource Management Improvement project is implemented, and have documented evidence of forced labor and in some cases, forced child labor. We found that farmers were forced to meet quotas for cotton production; children and parents were forced to weed fields for child welfare and other welfare payments; students, including children, school teachers, college teachers, healthcare workers, other public sector employees, and private sector employees were forced to work in the cotton fields; and colleges were assigned the responsibility of cotton production for entire farms or tracts of land.

1. Did officials impose cotton production quotas on farmers in Ellikkala, Beruni, and Turtkul in 2015?
2. What steps have you taken to ensure that forced labor and child labor does not occur in areas benefitting from World Bank funding? How have you evaluated the effectiveness of these steps in 2015? Will you put in place additional measures in light of the ongoing use of forced labor in 2015?
3. What steps have you taken to hold local officials accountable for the use of coercion, including threats to withhold child welfare benefits, to mobilize labor?
4. Please explain the practice of assigning cotton production responsibility on particular farms or tracts of lands to schools and colleges. What penalties do schools and colleges face if they refuse to produce cotton or if they fail to meet cotton production quotas? Have you evaluated the impact of this practice on education? If so, what are your findings?

Forced Labor in Horticulture

Human Rights Watch and the Uzbek-German Forum also documented an emerging practice of forced labor in horticulture. Uzbek-German Forum field research found that in 2016 local officials in some of the regions it monitors began to mobilize public sector workers to assist farmers to plant vegetable crops in addition to forced cotton-related work. An April 2016 presidential decree establishing a unified system for the cultivation, processing, and purchasing of fruits and vegetables under a system of state holding companies for purchase, processing, storage, and export of fruits, vegetables, grapes, and melons.¹ Media reports supported these findings, including, for example, an article in state media that noted that the government recently increased the penalties farmers must pay for failure to deliver on their contractual obligations to the state, including failing to deliver specific crops in specific amounts by dates specified in their contracts.²

1. Did officials impose production quotas on horticulture farmers in 2016?
2. What steps have you taken to prevent the use of forced labor or coercion in horticultural production? How have you evaluated the effectiveness of these steps?
3. What steps have you taken to hold local officials accountable for the use of coercion to mobilize labor?

System-wide Forced Labor

Human Rights Watch and the Uzbek-German Forum documented the systematic use of forced labor, including in particular, of health and education workers, in the cotton sector in the seven regions monitored in 2015. These regions include districts covered by the World Bank's investments in the Rural Enterprise Support Program II (RESP II). Evidence from the spring 2016 weeding and field preparation season shows that the system of forced labor remains entrenched. We have found that the use of government systems includes the public administration of education and healthcare to mobilize public-sector workers to the harvest, and tax authorities to mobilize private sector contributions to the harvest. Systematic forced labor to complete the national cotton production plan also relies on the financial system for agriculture, managed by the *Selkozfond*, and the participation of the prosecutor and law enforcement agencies to enforce production quotas assigned to farmers through coercion. The

¹ Presidential Decree “О мерах по совершенствованию системы закупок и использования плодоовощной продукции, картофеля и бахчевых культур [On Measures for the Improvement of the System of Purchasing and Use of the Production of Horticultural, Potatoes, and Melon Crops],” No. PP-2520, April 12, 2016, available at:

http://www.lex.uz/pages/GetAct.aspx?lact_id=2931140.

² “В Узбекистане будут сильнее штрафовать фермеров за невыполнение обязательств [In Uzbekistan, fines on farmers increased for failure to fulfill obligations],” *Podrobno.uz* News Agency, May 11, 2016, available at:

<http://podrobno.uz/cat/obchestvo/v-uzbekistane-budut-silnee-shtrafovat-fermerov-za-nevypolnenie-obyazatelstv-/>.

Selkozfond manages the financial flows, both expenditures and income from the cotton sector, and lacks accountability or transparency.

1. Please share your views regarding the above findings.
2. Who has access to the *Selkozfond* and what measures do you have in place to ensure that the funds within those accounts are used appropriately?
3. Why are cotton revenue and profits not transparent? Has the government sought World Bank or other support to increase transparency regarding cotton revenue and profits? If not, why not?
4. In 2016, will the income from sales of cotton and the allocation of this income be reported to the national parliament and to the public in a transparent manner?
5. Have you made any specific commitments to prevent government officials from ordering certain categories of people, for example students, teachers, and medical workers, to harvest cotton in 2016?
6. Is the government taking any steps to initiate fair judicial processes that conform to international standards against government officials found to have forced citizens to pick cotton and hold accountable those found guilty with penalties that reflect the severity of the crime and serve as a deterrent for future crimes?

Adverse Impacts on Education

Human Rights Watch and the Uzbek-German Forum found that many colleges and universities shut down or operated at reduced levels during the 2015 harvest, holding classes sporadically or only for first and second-year students who were not mobilized en masse in 2015. Schools experienced significant disruptions, simultaneously expected to provide teachers and staff to harvest cotton while also under pressure to maintain the semblance of normal operations. Many schools shortened the school day because teachers were forced to pick cotton for daily shifts during the week as well as on weekends. In some cases children also picked cotton during the day, for example attending lessons in the morning and going to the fields for several hours in the afternoon. Some teachers attempted to teach multiple classes simultaneously, to cover their own teaching load as well as that of colleagues in the fields. Many school administrators offered exemptions to teachers and students in exchange for a fee, which resulted in unaccountable payments to public-sector education officials. We also found evidence that local officials assigned cotton production quotas and primary responsibility for cotton production, including planting, weeding, and harvesting on specific plots of land, to some schools and colleges. Pressure to meet production quotas led, in some cases, to teachers using their own income to hire labor and to some schools and colleges resorting to child labor to meet quotas.

1. Please respond to these findings.
2. In addition to the evidence documented in our report substantiating the ongoing use of forced labor in World Bank project areas, the ILO and Uzbek-German Forum have

received evidence that teachers falsify school records on the order of local authorities, in order to present the façade that education is continuing, uninterrupted by the cotton harvest. Have you investigated these allegations? What steps will you take to ensure accurate attendance records?

3. Has the Ministry of Education or other government agencies previously conducted an evaluation of the impact of mobilizing students, teachers, and other education workers to work in the cotton sector on the education sector? If so, what has it found? If not, why not?

Reprisals & Civil Society

Human Rights Watch and the Uzbek-German Forum have documented escalating levels of repression experienced by those who speak out against the forced labor system, including in World Bank project areas, and by those who engage with the World Bank commissioned third party monitoring and feedback mechanism. In particular, independent monitors observing the 2015 cotton harvest and 2016 field preparation were harshly targeted and subject to physical violence, psychological distress, arson, theft of property, and arbitrary arrest.

Monitoring and feedback mechanisms are impossible in environments where civil society faces reprisals for reporting concerns.

1. Victims of forced labor have reported being harassed because of attempts to make contact with the ILO, and were warned not to communicate their concerns. What steps will the government take in order to protect the right of Uzbek citizens to report human rights concerns? Will any person be permitted to report concerns about potential violations of national and international laws prohibiting forced labor? How will you protect complainants from retaliation?
2. The ILO noted in its third party monitoring report that “reports that the authorities obstruct, detain and threaten people who are gathering information on labor standards during the harvest do not provide a conducive environment in which to assess and investigate labor practices.” How will you ensure that people gathering information on labor standards are protected from reprisals and provide an environment conducive to a real assessment and investigation of labor practices?
3. Will the government conduct an independent investigation into reprisals against independent monitors, including the arrest, conviction, and ill-treatment of Uktam Pardaev; the arrests and ill-treatment of Elena Urlaeva and Malohat Eshankulova; and the detentions, ill-treatment, harassment, and home burning of Dmitry Tikhonov, and hold accountable any officials found responsible?
4. Will the government allow independent monitors unfettered access to areas in which the government is implementing World Bank financed projects and take all necessary measures to prevent reprisals against all monitors and people that cooperate with them?



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Guy Ryder
Director-General
The International Labour Organization
4 route des Morillons
CH-1211, Genève 22, Switzerland

August 15, 2016

Re: Human Rights Watch, Uzbek-German Forum on Human Rights Research

Dear Mr. Ryder,

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan.

For several years our organizations have been investigating and reporting on forced and child labor in Uzbekistan. As you know, in light of the country's ongoing forced labor problem we have been concerned about the World Bank's increased investments in agriculture over recent years. Corroborating much of the findings of the ILO's work, our report presents evidence of forced adult, and in some cases child labor, in the three districts where the World Bank's South Karakalpakstan Water Resources Management Project is implemented, as well as in the horticulture sector. In addition to these being human rights violations themselves, we also document how forced and child labor has undermined access to education. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Forum are committed to producing material that is well-informed and objective. We hope you and your staff would be able to respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you very much, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Key Findings and Questions for the ILO

Ongoing Forced Labor, and Incidents of Child Labor, including in World Bank Project Areas

In 2015 the Uzbek government committed to not mobilize medical and education staff for the cotton harvest, in addition to undertakings to respect national and international laws on child and adult forced labor with respect to World Bank projects and project areas. However, in our research, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, and medical professionals, visits to educational, healthcare and other institutions, mobilization points, and farms, and documentary evidence, we have found use of child and forced labor in the South Karakalpakstan Water Resources Management Project area, increasing use of forced labor in the horticulture sector in at least some regions, forced labor and, on occasion child labor, impacting the education sector, and ongoing forced labor throughout the country likely impacting the remaining World Bank agriculture projects.

Child and Forced Labor in the South Karakalpakstan Water Resources Management Project Area

Human Rights Watch and the Uzbek-German Forum investigated allegations of forced labor in the three districts where the World Bank's South Karakalpakstan Water Resource Management Improvement project is implemented, and have documented evidence of forced labor and in some cases, forced child labor. We found that farmers were forced to meet quotas for cotton production, children and parents were forced to weed fields for child welfare and other welfare payments, students, including children, school teachers, college teachers, healthcare workers, other public sector employees, and private sector employees were forced to work in the cotton fields, and colleges were assigned the responsibility of cotton production for entire farms or tracts of land.

Forced Labor in Horticulture

Human Rights Watch and the Uzbek-German Forum also documented an emerging practice of forced labor in horticulture. Uzbek-German Forum field research found that in 2016, local officials in some of the regions it monitors began to mobilize public sector workers to assist farmers to plant vegetable crops in addition to forced cotton-related work. An April 2016 presidential decree established a unified structure for the cultivation, processing, and purchasing of fruits and vegetables, within a larger system of state holding companies for purchase, processing, storage, and export of fruits, vegetables, grapes, and melons.¹ Media reports supported these findings, including for example an article in state media noting the government's recent increase in penalties paid by farmers who fail to deliver on their

¹ Presidential Decree "О мерах по совершенствованию системы закупок и использования плодоовощной продукции, картофеля и бахчевых культур [On Measures for the Improvement of the System of Purchasing and Use of the Production of Horticultural, Potatoes, and Melon Crops]," No. PP-2520, April 12, 2016, available at: http://www.lex.uz/pages/GetAct.aspx?lact_id=2931140.

contractual obligations to the state, including failing to deliver specific crops in specific amounts by dates specified in their contracts.²

System-wide Forced Labor

Human Rights Watch and the Uzbek-German Forum documented the systematic use forced labor in the cotton sector in the seven regions monitored in 2015. Evidence of this has been previously provided to the ILO. These regions include districts covered by the World Bank's investments in the Rural Enterprise Support Program II (RESP II). Evidence from the spring 2016 weeding and field preparation season indicates that the system of forced labor remains entrenched.

Third Party Monitoring & Feedback Mechanism

In its monitoring report, the ILO acknowledged that monitors encountered difficulties obtaining accurate information from people interviewed, some of whom were wary of talking to monitors and could not substantiate or provide convincing answers. The ILO's report also noted that reprisals against people gathering information during the harvest "do not provide a conducive environment in which to assess and investigate labor practices," and acknowledged that some education and health officials provided monitors attendance records that appeared to be falsified. Similarly, Human Rights Watch and the Uzbek-German Forum have found that officials instructed people picking cotton to lie to international monitors and to make it appear as though schools and colleges functioned normally. Many people told the Uzbek-German Forum that they thought it would be pointless to complain to the Feedback Mechanism, or feared consequences for doing so. We have documented cases where people faced reprisals for complaining to the Feedback Mechanism or for speaking to the ILO.

1. In its 2015 report to the World Bank, the ILO noted "interviewees were circumspect talking to an official-looking group of monitors," "interviewees were more willing to say that they knew of others who were told to pick cotton against their will than to say that they were in such a situation themselves," and information received from other sources "is consistent enough to be accorded attention," and finds "forced labour is more widespread than the monitoring process alone suggests." Similarly, people emphasized to the Uzbek-German Forum that they had been instructed to tell the monitors that they were working in the cotton fields voluntarily. In light of these findings, how is the ILO working to enhance its monitoring to ensure credible and accurate results, if at all?
2. According to its 2015 report, the ILO's monitoring team included a government representative. It also included union and industry representatives that are close

² "В Узбекистане будут сильнее штрафовать фермеров за невыполнение обязательств [In Uzbekistan, fines on farmers increased for failure to fulfill obligations]," Podrobno.uz News Agency, May 11, 2016, available at: <http://podrobno.uz/cat/obchestvo/v-uzbekistane-budut-silnee-shtrafovat-fermerov-za-nevypolnenie-obyazatelstv/>.

to the government. Please can you share how this worked in practice? Have you considered how the presence of a government representative may undermine the effectiveness of your monitoring?

3. In the monitoring methodology included in the ILO's Third Party Monitoring Report to the World Bank, it did not include questions designed to assess all aspects of voluntariness, including psychological coercion. In the ILO's subsequent correspondence with the Cotton Campaign, it noted that it would work to incorporate this aspect going forward. The ILO's own guidelines for assessing forced labor require it to assess psychological coercion in assessing forced labor.³ Could you please share with us what changes you have made to your methodology to investigate and assess all aspects of a person's willingness to work in the cotton sector, including psychological coercion?
4. Did the ILO monitor for forced and child labor during the Spring cotton field preparation? If so, please share information on this monitoring and your findings. If not, why not?
5. Throughout September and October 2015, the Uzbek-German Forum sent 42 notifications of concrete cases of forced labor to trade unions in Uzbekistan, copying the ILO. The Forum did not receive replies from either the trade unions or the ILO about these cases. How did the ILO respond to these notifications, if at all? If it did not respond, why not?
6. How is the ILO advising the Uzbek government to enforce labor laws when officials are found to be violating or supporting violations of those laws?
7. Since the World Bank Inspection Panel found a plausible link between forced labor and World Bank lending to the agriculture sector in Uzbekistan, the World Bank has suggested that there is ambiguity on whether certain forms of employment and labor in Uzbekistan is in conformity with the ILO forced labor conventions.⁴ How has the ILO responded to this?
8. Has the ILO been monitoring for forced and child labor in horticulture? If so, what have been your findings to date? If not, why not and will this change going forward?
9. Are you aware of the above-mentioned horticulture decree? If so, does it raise concerns for you?

³ http://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang--en/index.htm

⁴ See, for example, IP Report, p. 4.

10. Has the ILO monitored for forced labor of farmers? If so, please share this monitoring and the results. If not, why not?
11. Has your monitoring involved tracing World Bank financing through banks to farms and other agriculture companies? If so, please share this monitoring and the results. If not, why not?

Adverse Impacts on Education

Human Rights Watch and the Uzbek-German Forum found that many colleges and universities shut down or operated at reduced levels during the 2015 harvest, holding classes sporadically, or only for first and second-year students who were not mobilized en masse in 2015. Schools experienced significant disruptions, operating under the simultaneous expectation to provide teachers and staff to harvest cotton while also under pressure to maintain the semblance of normal operations. Many schools shortened the school day because teachers were forced to pick cotton for daily shifts during the week as well as on weekends. In some cases children also picked cotton during the day, for example attending lessons in the morning and going to the fields for several hours in the afternoon. Some teachers attempted to teach multiple classes concurrently to cover their own teaching load, as well as that of colleagues in the fields.

12. The ILO noted that in a number of cases, teacher “attendance records were incomplete or had obviously been concocted before being shown or explanations for absences were implausible.” Similarly, the Uzbek-German Forum has received credible evidence that teachers falsify school records on the order of local authorities, in order to present the façade that education is continuing, uninterrupted by the cotton harvest. How did the ILO account for this observation in subsequent conclusions made, particularly the ordinary functioning of the schools? How has the ILO been working with the government and the World Bank to prevent this from happening in 2016?
13. The Uzbek-German Forum has received several reports stating that the Uzbek teachers’ union, an affiliate of the ILO-partnered FTUU, is instrumental in forcibly mobilizing workers in the education sector for forced labor in the cotton fields. Has the ILO looked into these allegations? If so, what has it found, and what are its next steps in addressing the issue? If not, why not?

Reprisals & Civil Society

Human Rights Watch and the Uzbek-German Forum have documented escalating levels of repression experienced by those who speak out against the forced labor system, including in World Bank project areas, and by those who engage with the World Bank commissioned third party monitoring and feedback mechanism. In particular, independent monitors observing the 2015 cotton harvest and 2016 field preparation were harshly targeted and subject to physical violence, psychological distress, theft of property, and arbitrary arrest.

While this matter should be of the gravest concern to the ILO as it directly impacts monitoring capabilities, those interviewed reported that despite raising these concerns, no substantive measures were taken by the ILO in reaction to the reprisals faced by these monitors. The Uzbek-German Forum's independent monitors stated that both the World Bank and the ILO did not appear to prioritize the safety of independent monitors, rarely making inquiries, and failing to make public statements or offer other means of support when monitors faced reprisals for carrying out their work.

Although the third party monitoring and feedback mechanisms are cited as key mitigation measures in order to screen and monitor World Bank project sites for forced and child labor, these initiatives are severely limited in environments where civil society faces reprisals for carrying out these functions

14. Please detail the steps taken by the ILO to respond to reprisals against the following monitors, and the impact of these steps:
 - a. Dmitry Tikhonov;
 - b. Uktam Paradaev;
 - c. Elena Urlaeva;
 - d. Malohat Eshankulova;
 - e. Victims of forced labor who reported the abuse to the trade unions and ILO (names withheld for security reasons); and
 - f. Other monitors (names withheld for security reasons).

15. Despite raising concerns with the Uzbek government, reprisals have continued. How will the ILO change its approach, if at all, in light of the lack of meaningful response from the government on this?

16. Victims of forced labor have reported being harassed because of attempts to make contact with the ILO, and were warned not to communicate their concerns. What steps will the ILO take in order to support and create an enabling environment for civil society and independent monitors to contribute to the organization's work? How will the ILO respond to reprisals and threats of this nature in the future?



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

[HRW.org](http://hrw.org)



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Amit Lohia
Group Managing Director
Indorama Corporation
143 Cecil Street, #14-00, GB Building,
Singapore –069542

August 15, 2016

Re: Human Rights Watch, Uzbek-German Forum on Human Rights Research

Dear Mr. Lohia,

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan.

For several years our organizations have been investigating and reporting on forced and child labor in Uzbekistan. In light of the country's ongoing forced labor problem we have been concerned about the World Bank Group's increased investments in agriculture over recent years. We have also been concerned about the IFC's investment in Indorama.

Our report presents evidence of forced adult, and in some cases child, labor, throughout Uzbekistan's cotton sector, including in World Bank project areas. In addition to these being human rights abuses themselves, we also document how forced and child labor has undermined access to education. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you very much, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Cc: Indorama Kokand Textile
Manufacturing Plant
205, Navoi Street, Kokand City Fergana Region,
Republic of Uzbekistan
Fax: +998 73 5577594

Tashkent Office
97#, Nurmuhamedova Street, Yakkasaroy District, Tashkent,
Republic of Uzbekistan
Fax: +998 71 2538275

Key Findings and Questions for Indorama Kokand Textile / Indorama Corporation

Human Rights Responsibilities

1. Are you familiar with the human rights responsibilities of businesses, as emphasized for example in the United Nations Guiding Principles on Business and Human Rights? If so, please describe how you have implemented the Guiding Principles.
2. Does Indorama Corporation or Indorama Kokand Textile have a human rights policy? If yes, please share a copy. If no, why not?
3. We note Indorama Corporation’s commitment to “being a responsible corporate citizen and being sensitive to the physical and social world around us. We expect awareness of and compliance with the best industry and local practices for environment, health, and safety standards. We are sensitive to the needs of the people we serve and aspire to have a positive impact and outreach through our CSR programs. Every member of our organization must endeavor to create a positive impact and are duty bound not to cause harm.” Please describe how these commitments are implemented within your Indorama Kokand Textile activities.
4. Please describe what due diligence Indorama Kokand Textile has undertaken to identify and address human rights risks in its supply chain. Please share any relevant documents including social or human rights impact assessments.
5. Please share how Indorama Kokand Textile monitors and responds to human rights abuses in its supply chain.

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, and medical professionals, visits to educational and healthcare institutions, mobilization points, farms, and documentary evidence, we have found use of child and forced labor in the seven regions where it monitored in 2015. regions in Uzbekistan. Evidence from the spring 2016 weeding and field preparation season uncovered ongoing forced labor throughout the country. Our findings demonstrate state-orchestrated forced labor currently continues industry-wide in Uzbekistan’s cotton sector. The ILO has reported concerns about the application of forced labor conventions in the sector since 2005. As a result, we believe it is impossible currently, for companies sourcing cotton directly from Uzbekistan to ensure that their supply-chains are free from forced labor, given the scale of the problem and its systemic nature.

6. Why did Indorama Corporation choose to expand into Uzbekistan’s cotton industry in 2011, and did the company consider any concerns regarding forced labor practices prior to this investment? If so, how did Indorama Corporation plan to mitigate the risk and ensure that the cotton used was not a product of forced labor? If not, why not?
7. The IFC has acknowledged the risk of labor abuse within Indorama’s supply chain by assigning the project the environmental category A “due to potential social risks related to supply chain, namely labor practices in the cotton production sector in Uzbekistan.”¹ What is the due diligence process undertaken by Indorama Kokand Textile to ensure forced labor and child labor are not used in its supply chain? What are the results of this analysis?
8. Has Indorama Kokand Textile previously found incidents or indications of forced or child labor in its supply chain? If not, in light of the significant evidence of ongoing forced labor, why does it think this is and how is it working to enhance its monitoring practices, if at all? If so, how has it dealt with these incidents or indications?
9. In line with your commitments to key values, what steps will you take if incidents or indications of forced or child labor are uncovered in Indorama Kokand Textile’s supply chain?

¹ IFC, “Indorama Kokand: Summary of Investment Information,” September 2, 2015.



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

[HRW.org](http://hrw.org)



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Olmahon Turajonova
Chairman of the Board
Hamkor Bank
85 Bobur Avenue, Andijan City
Uzbekistan 170119

August 15, 2016

Re: Human Rights Watch, Uzbek-German Forum on Human Rights Research

Dear Mr. Turajonova,

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan.

For several years our organizations have been investigating and reporting on forced and child labor in Uzbekistan. In light of the country's ongoing forced labor problem, we have been concerned about the World Bank Group's increasing investments in agriculture over recent years. We have also been concerned about the World Bank Group's investments in commercial banks because of the coercive enforcement of cotton debts.

Our report presents evidence of forced adult, and in some cases child, labor, throughout Uzbekistan's cotton sector, including in World Bank project areas. Our report finds that despite agreements and efforts made to mitigate the use of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes across the country.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you very much, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Key Findings and Questions for Hamkor Bank

Human Rights Responsibilities

1. Are you familiar with the human rights responsibilities of businesses, as emphasized for example in the United Nations Guiding Principles on Business and Human Rights? If so, please describe how you have implemented the Guiding Principles.
2. Does Hamkor Bank have a human rights policy? If yes, please share a copy. If no, why not? Does it have an environmental and social policy? If yes, please share a copy. If no, why not?
3. Please describe what due diligence Hamkor Bank has undertaken to identify and address human rights risks in its investments. Please share any relevant documents including social or human rights impact assessments.
4. Please share how Hamkor Bank monitors and responds to human rights abuses in its investments.
5. Please describe how Hamkor Bank is implementing the IFC Performance Standards.

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, and medical professionals, visits to educational and healthcare institutions, mobilization points, and farms, and documentary evidence, we have found use of child and forced labor in the seven regions monitored in 2015.

Evidence from the spring 2016 weeding and field preparation season shows that the system of forced labor remains entrenched. Systematic forced labor to complete the national cotton production plan also includes use of the financial system for agriculture, managed by the *Selkoyfond* with the participation of the public prosecutor, police and security services to coercively enforce production quotas assigned to farmers. The *Selkoyfond* manages the financial flows, both expenditures and income from the cotton sector, and lacks accountability or transparency.

The government controls the financial flows in the cotton sector by using the commercial banking sector to deny farmers access to cash and restrict credit to use for cotton farming, paying a procurement price for cotton that keeps farmers in chronic debt, and enforcing debt payments through overt coercion, including land and property seizures. As a commercial bank in Uzbekistan, there is a significant risk that Hamkor Bank has

participated in this coercive financial system and that it is funding companies that are directly involved in or benefiting from the forced labor system.

6. Please share your views regarding these findings.
7. We note that Hamkor Bank includes harmful or exploitative forms of forced labor or child labor on its Prohibited Investment Activities List. Please describe what steps Hamkor Bank has taken to ensure that it does not contribute to Uzbekistan's forced labor system, including by funding companies that are involved in or benefiting from the forced labor system? Please share any relevant documents including social or human rights impact assessments.
8. Please describe Hamkor Bank's involvement in financial transactions related to cotton production, including by providing credit to farmers, and processing payments for inputs or distributing cash to workers. What due diligence does Hamkor Bank undertake to ensure that these services do not contribute to forced labor or other human rights abuses?
9. Many farmers have told us that they go into debt from costs associated with cotton production. Please describe what measures Hamkor Bank takes to recover debt from farmers who carry debt to the Bank?
10. Has Hamkor Bank previously found incidents or indications of forced labor at companies or in the supply chains of companies it finances? If not, in light of the evidence of systematic forced labor, why does it think this is and how is it working to enhance its monitoring practices, if at all? If so, how has it dealt with these incidents or indications?



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Akhmedkhadjaev Azim Israilovich
Chairman of the Board
Asaka Bank
67 Nukus Str., Tashkent
Uzbekistan, 100015

August 15, 2016

Re: Human Rights Watch, Uzbek-German Forum on Human Rights Research

Dear Mr. Israilovich,

We are writing to solicit your views for research focused on labor conditions linked to World Bank Group projects in Uzbekistan, jointly produced by Human Rights Watch and the Uzbek-German Forum for Human Rights.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

The Uzbek-German Forum for Human Rights is a German-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. The goal of the organization is to put an end to human rights abuses in Uzbekistan.

For several years our organizations have been investigating and reporting on forced and child labor in Uzbekistan. In light of the country's ongoing forced labor problem, we have been concerned about the World Bank Group's increasing investments in agriculture over recent years. We have also been concerned about the World Bank Group's investments in commercial banks because of the coercive enforcement of cotton debts.

Our report presents evidence of forced adult, and in some cases child, labor, throughout Uzbekistan's cotton sector, including in World Bank project areas. Our report finds that despite agreements and efforts made to mitigate the use of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes across the country.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to the attached questions and key findings so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 5, 2016.

Thank you very much, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Key Findings and Questions for Asaka Bank

Human Rights Responsibilities

1. Are you familiar with the human rights responsibilities of businesses, as emphasized for example in the United Nations Guiding Principles on Business and Human Rights? If so, please describe how you have implemented the Guiding Principles.
2. Does Asaka Bank have a human rights policy? If yes, please share a copy. If no, why not? Does it have an environmental and social policy? If yes, please share a copy. If no, why not?
3. Please describe what due diligence Asaka Bank has undertaken to identify and address human rights risks in its investments. Please share any relevant documents including social or human rights impact assessments.
4. Please share how Asaka Bank monitors and responds to human rights abuses in its investments.
5. Please describe how Asaka Bank is implementing the IFC Performance Standards.

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor, Human Rights Watch and the Uzbek-German Forum have found ongoing use of forced labor and, on occasion, child labor during the 2015 cotton harvest and 2016 field preparation. Through interviews conducted with farmers, students, teachers, and medical professionals, visits to educational and healthcare institutions, mobilization points, and farms, and documentary evidence, we have found use of child and forced labor in the seven regions monitored in 2015.

Evidence from the spring 2016 weeding and field preparation season shows that the system of forced labor remains entrenched. Systematic forced labor to complete the national cotton production plan also includes use of the financial system for agriculture, managed by the *Selkoxfond* with the participation of the public prosecutor, police and security services to coercively enforce production quotas assigned to farmers. The *Selkoxfond* manages the financial flows, both expenditures and income from the cotton sector, and lacks accountability or transparency.

The government controls the financial flows in the cotton sector by using the commercial banking sector to deny farmers access to cash and restrict credit to use for cotton farming, paying a procurement price for cotton that keeps farmers in chronic debt, and enforcing debt payments through overt coercion, including land and property seizures. As a commercial bank in Uzbekistan, there is a significant risk that Asaka Bank has participated

in this coercive financial system and that it is funding companies that are directly involved in or benefiting from the forced labor system.

6. Please share your views regarding these findings.
7. Please describe what steps Asaka Bank has taken to ensure that it does not contribute to Uzbekistan's forced labor system, including by funding companies that are involved in or benefitting from the forced labor system? Please share any relevant documents including social or human rights impact assessments.
8. Please describe Asaka Bank's involvement in financial transactions related to cotton production, including by providing credit to farmers, and processing payments for inputs or distributing cash to workers. What due diligence does Asaka Bank undertake to ensure that these services do not contribute to forced labor or other human rights abuses?
9. Many farmers have told us that they go into debt from costs associated with cotton production. Please describe what measures Asaka Bank takes to recover debt from farmers who carry debt to the Bank?
10. Has Asaka Bank previously found incidents or indications of forced labor at companies or in the supply chains of companies it finances? If not, in light of the evidence of systematic forced labor, why does it think this is and how is it working to enhance its monitoring practices, if at all? If so, how has it dealt with these incidents or indications?



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Lilia Burunciuc
Regional Director for Central Asia
World Bank Central Asia Regional Office
41A Kazybek bi street, 4th floor, 050010
Almaty, Kazakhstan

May 12, 2017

Re: Human Rights Watch, Uzbek-German Forum on Human Rights Research

Dear Ms. Burunciuc,

We are writing to update you on our research on forced and child labor in Uzbekistan's cotton sector, previously outlined in our August 15, 2016 letter. Thank you for meeting with us to discuss the research on September 15, 2016. We have reflected the information that you and your staff shared in that meeting in our report.

As you would be aware from our follow-up conversations with your colleagues, we continued our research during the 2016 cotton harvest and have updated the report to reflect this. Our report presents evidence of forced adult labor throughout Uzbekistan's cotton sector, as well as continuing incidence of child labor, including in the three districts where the World Bank's South Karakalpakstan Water Resources Management Project is being implemented. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to our key findings regarding the 2016 harvest, outlined below, so that your views are accurately reflected in our reporting. We note that in that meeting, you were considering also providing a written response to the questions posed in our August 15, 2016 letter, attached. We continue to welcome a written response. In order for us to take your views into account in our forthcoming report, we would appreciate a response by May 26, 2017.

Thank you, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person or by telephone. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Summary of Findings from 2016 Harvest Relevant to the World Bank

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor, Human Rights Watch and the Uzbek-German Forum found ongoing use of forced labor during the 2016 cotton harvest. Through interviews conducted with farmers, local authorities, students, teachers, children, and medical professionals, visits to educational and healthcare institutions, mobilization points, farms, and documentary evidence, we have found use of forced labor in the seven regions we monitored in 2016. Our findings demonstrate state-orchestrated forced labor currently continues industry-wide in Uzbekistan's cotton sector.

Given the scale of forced labor in Uzbekistan and its systemic nature, it is highly likely that development projects that benefit organizations active in the cotton industry are linked to ongoing forced labor in the country.

Ongoing Child Labor in Uzbekistan

The government has greatly reduced the number of children it forces to work since 2013, but Human Rights Watch and the Uzbek-German Forum documented more cases of state-organized child labor in 2016 than in the previous year.

In 2016 children and teachers in two districts in Kashkadarya and a school employee in rural Fergana told Human Rights Watch and the Uzbek-German Forum that local officials required schools to mobilize children as young as 10 or 11-years-old to pick cotton and suspended classes during this period. They noted that in several districts this was worse than 2015 when children received some classes prior to being sent to pick cotton. In Andijan, some schools required parents to pick cotton in the place of their children or make a financial contribution.

Human Rights Watch and the Uzbek-German Forum also documented cases where 16 and 17-year-old college students picked cotton in Andijan, Fergana, Jizzakh, Karakalpakstan, and Kashkadarya in 2016.

Forced and Child Labor in Beruni, Ellikkala, and Turtkul, South Karakalpakstan

Human Rights Watch and the Uzbek-German Forum found that government officials continued to mobilize public sector workers, including school and college teachers and medical workers, and large numbers of third-year college students from Beruni, Ellikkala, and Turtkul districts in Karakalpakstan to harvest cotton in fall 2016 under threat of penalty. Other local government officials, including mahalla committee members and tax authorities, coerced labor or payments from people receiving benefits and business owners.

During the 2016 harvest, the Uzbek-German Forum interviewed and saw several 13 and 14-year-old children harvesting cotton who described working under the direction of their schools in two districts in Karakalpakstan where the South Karakalpakstan Water Resources Management Project is being implemented. In 2016, college officials mobilized 16 and 17-year-old students in Beruni, Ellikkala and Turtkul districts to pick cotton on weekends. On at least one occasion, officials also mobilized 16 and 17-year-old students at an Ellikkala college to pick cotton on a weekday, Monday September 26, 2016.

Human Rights Watch and the Uzbek-German Forum found that forced and child labor within the South Karakalpakstan Water Resources Management Project area, in violation of the Uzbek government's agreement with the World Bank and international law.

Detention of and Reprisals against Human Rights Defenders and Journalists Monitoring Forced Labor Practices During and Following the 2016 Harvest

In 2016, only Elena Urlaeva and Malohat Eshankulova conducted monitoring openly and allege that they suffered frequent harassment, including arbitrary arrest, violence, and destruction of their monitoring information.

- On October 6, 2016, police in Buka, Tashkent region, arrested Urlaeva, photographer and translator Timur Karpov, and two French journalists, when they visited a cotton field. Police wiped Karpov's phone, which he says he unlocked under physical threat. Police destroyed all information on Urlaeva's phone and detained her for 10 hours. She reported that she was beaten in the presence of police by two women and kicked by a uniformed officer while in custody.
- On October 9, 2016, police in Alat district, Bukhara region, arrested Urlaeva and Eshankulova after interviewing students picking cotton. Police allegedly strip searched them, detained them for several hours, and destroyed all of their notes and data on their phones and cameras.
- On October 22, police in Akdarya district, Samarkand region, arrested Urlaeva and Eshankulova when they interviewed doctors picking cotton.
- Police in Buka arrested Urlaeva again on November 5 when she visited the district Department of Education. She said that after she left the department, a man she did not know forced her into a car, took her phone and handed her to the police. She alleged that police held her for six hours, searched her, and erased her phone.
- On March 1, 2017 police detained Urlaeva once again. After reportedly insulting and assaulting Urlaeva, police reportedly summoned orderlies from a psychiatric hospital who forcibly committed her. Urlaeva said that on March 4, doctors began treatment against her will. In a video, Urlaeva said she believed authorities detained her in the hospital to prevent her from meeting with representatives of the ILO, World Bank, and International Trade Union Confederation, scheduled for March 2. The hospital released Urlaeva on March 23, following significant international pressure.

In October 2016, SNB officers in Karakalpakstan detained an independent monitor who was researching labor abuses in cotton fields benefiting from the World Bank irrigation project.

They questioned him for three hours, allegedly releasing him only after seizing the money he was carrying to cover his travel expenses.

On November 10, 2016, police in Tashkent detained German journalist Edda Schlager and seized some of her materials, including those containing confidential interview information. They deported her the next day and banned her from returning to Uzbekistan for three years.

On November 29, 2016, officials detained, interrogated, and deported Yekaterina Sazhneva, a journalist for the Russian newspaper Moskovsky Komsomolets, the day after she met with Urlaeva, and banned her from returning to Uzbekistan for three years.

On two occasions, officials in Karakalpakstan allegedly detained, interrogated, and threatened the adult daughter of an Uzbek-German Forum monitor.

According to Urlaeva, on September 16, 2016, Khilola Juraeva, an employee of the district department of education in Buka, in the Tashkent region, planned to meet her to provide information about the forced mobilization of education workers. Urlaeva reported that Juraeva called her to cancel the meeting, saying she was being followed and would be punished for passing on the information. On November 7, Urlaeva visited the department, and asked to meet with Juraeva. Officials there said that Juraeva had been fired for her previous contact with Urlaeva but Human Rights Watch and the Uzbek-German Forum could not independently confirm this.

Reprisals against Complainants

Several people who filed complaints with the Federation of Trade Unions of Uzbekistan (FTUU) or Labor Ministry feedback mechanisms allegedly faced reprisals. In 2016:

- A woman in Kashkadarya who alleges that she was forced to pick cotton or lose her child benefits said her neighbor called the hotline to complain that her 16-year-old daughter was sent to pick cotton overnight. The neighbor told her that in response, local authorities held her for several hours and made her write a statement that she did not oppose her daughter picking cotton. After her neighbor's experience, the woman said she was afraid to complain herself.
- A teacher said that she sent a complaint to the Ministry of Education asking teachers to be freed from mandatory cotton picking: "They called the district department of education and asked them to resolve my issue "peacefully." ... After that, the school director went after me. He started threatening me and said he would show me 'just what he's capable of.'"

The World Bank

Forced and child labor exist in the World Bank's project areas and undermine its education programs. Yet, the World Bank Group continues to fund these activities.

Response to Forced Labor in World Bank Project Areas

To mitigate the risk of child and forced labor linked to its projects in Uzbekistan, the World Bank required government compliance with applicable laws and regulations on forced and child labor. Forced labor has continued on a massive scale.

Throughout the 2015 and 2016 cotton seasons, the Uzbek-German Forum and Human Rights Watch, together with the Cotton Campaign, repeatedly provided evidence of child and forced labor to the Bank. In 2015, the ILO found indications of ongoing forced labor in the country. The World Bank did not suspend the loan. The Bank noted:

The [ILO] monitoring did not find conclusive evidence that beneficiaries of Bank-supported projects used [child or forced labor] during the 2015 harvest... However, large-scale state-led mobilization of adults for the cotton harvest did take place in 2015 and is likely to continue in 2016.

In 2016, the ILO did not find specific cases of child or forced labor in World Bank project sites. As discussed below, it was not looking for such abuses. It did, however, recognize that abuses were possible because those projects “operate in a similar context and share similar risks of child and forced labor to that of others”. In its press release responding to the report, the Bank emphasized the ILO’s lack of specific cases while downplaying that the ILO’s overall concerns applied equally to Bank project areas.

As evidence of its success, the Bank cites a high-level government policy commitment to abolish and prevent child and forced labor, and related changes to the law. It highlights reports that at least one government official was dismissed for violating such labor laws in November 2016, public education efforts on the rights of children and adults in schools, and the government’s increased emphasis on horticulture over cotton. The World Bank also notes that, according to the ILO, the number of people that refused to work in the cotton harvest doubled from 2014 to 2015.

Ultimately, the Bank believes that increased mechanization will help eliminate forced labor, requiring fewer people to harvest cotton. But that is irrelevant in South Karakalpakstan, where the Bank’s status report reveals that none of the cotton within the project area is currently harvested mechanically.

The change in the government’s rhetoric is real. In the past, the government has refused to engage in meaningful conversations about forced and child labor. But changes in practice have been limited and it is clear that forced and child labor are used in World Bank project areas. As such, the projects should be subject to suspension.

The Inadequacy of the World Bank’s Mitigation Measures

The World Bank put in place several measures to mitigate the risk of forced and child labor linked to its projects. We found that these measures have not been sufficient to address forced labor in Uzbekistan’s cotton sector. Further, some of these measures have proven

unfeasible for the Bank to implement in Uzbekistan, so the Bank has proceeded with weaker measures.

A. Government Required to Ensure Financial Institutions, Farmers Comply with Labor Laws

The government and banks are tasked with monitoring for and reporting forced and child labor by beneficiaries. Since government pressure is the reason for these labor rights abuses and the financial institution could lose funding if it finds violations, this creates a perverse incentive to underreport or downplay labor abuses. The World Bank has noted that there “have been no cases of use of child labor in RESP II,” but it has not addressed the inherent conflict at the heart of this monitoring system.

B. Third Party Monitoring Not Independent, Insufficient, Misleading

Rather than the independent monitoring that the World Bank committed to, the Bank contracted with the ILO to monitor forced and child labor in partnership with the Uzbek government and government-controlled bodies. The state-orchestrated nature of forced labor in Uzbekistan presents an extraordinary challenge to the World Bank-commissioned monitoring, as well as the feedback mechanism, discussed below. The ILO constitutionally works with its member state and the social partners in that state, in this case the government of Uzbekistan and Federation of Trade Unions of Uzbekistan (FTUU) and Chamber of Commerce and Industry of Uzbekistan, organizations that are not independent of the government.

The FTUU has several times stated publicly that there is no forced labor in Uzbekistan, including in September 2016, as monitoring was underway, and has denied harassment of and reprisals against monitors and human rights defenders. Further, the Uzbek-German Forum has documented cases in which unions played a role organizing mandatory cotton work, including enforcing quotas and collecting payments. People also indicated that they would not speak candidly in the presence of an FTUU official, who they perceive as closely tied to the government or as not representing the interests of workers.

In 2016, rather than using established indicators of forced labor to monitor for abuse, the ILO limited its monitoring to an assessment of how the government’s commitments to address labor abuses were being implemented. The ILO said that this was appropriate because the Uzbek government now implicitly acknowledges that it has a forced labor problem, so the next step is to assess measures to address the problem rather than again document forced labor. When asked what basis it had to conclude that there were no incidences of child and forced labor identified with regards to World Bank-supported projects in that case, the ILO’s chief technical adviser for Uzbekistan, Stephen McClelland, said that the ILO would have recognized a child in the field or evidence of forced labor, such as a self-declaration that someone had been forced to work. This conclusion is, at best, of

dubious credibility and does not meet the World Bank's commitment to third party monitoring of labor abuses linked to its projects.

The climate of fear and repression in Uzbekistan makes independent monitoring particularly challenging. Several people expressed fear that something bad would happen to them if they told the ILO about being forced to work. One schoolteacher told Human Rights Watch that the only way people could speak openly was if the ILO interviewed them confidentially, out of the country. As the ILO has recognized, reprisals against labor monitors undermine its ability to monitor.

In 2015 and 2016, educators, medical workers, and others told the Uzbek-German Forum that their supervisors instructed them to lie to inspectors and tell them they are unemployed or non-professional staff such as cleaners and guards, and were picking cotton of their own will. For example, a schoolteacher who picked cotton in 2015 described following the instructions of school officials by telling an ILO monitoring team that teachers did not pick cotton. The ILO has recognized that "many interviewees appear to have been briefed in advance." Despite explicitly acknowledging concerns about the integrity of its findings and the possible interference of officials by instructing respondents in advance, the ILO did not take steps to address these concerns, such as conducting interviews in private, or explain how these concerns affected its findings. Instead, the ILO took the view that the government instructing respondents to tell the ILO they are working voluntarily "has the advantage of raising awareness of the issue of child and forced labour and meant that evidence of measures were to hand." In addition, some officials appear to have taken steps to hide workers or working conditions from the ILO.

C. Feedback Mechanism

The World Bank undertook to support the creation of a grievance redress mechanism through which people could anonymously report evidence of forced labor related to Bank projects. According to the Bank, the government insisted that the mechanism be a feedback, rather than redress mechanism because the agency responsible was to be independent from the government and would not have the authority to implement redress measures that fall under the government's purview. Despite this assertion, the only new mechanisms created sit within the government's Ministry of Labor and the FTUU. While the World Bank has also pointed to an international feedback mechanism through the ILO, this is merely the existing ILO complaints system that ordinary individuals and NGOs are not eligible to access.

In the context of fear, the national feedback mechanism is of limited utility. Many people interviewed by the Uzbek-German Forum who were forced to work said that it is impossible to complain within the repressive environment, that complaining is useless, or expressed concerns that they would face reprisals if they complained.

The feedback mechanism consists of two call centers managed by the Labor Ministry and the FTUU, and a website. Of the 2017 official complaints that the Ministry of Labor received between September 26 and October 31, 2015, two were officially accepted and subject to further actions and sanctions according to the World Bank. Out of over 1,000 calls, the FTUU registered 68 official complaints related to child or forced labor, labor conditions, and problems with payment and “officially processed and resolved” 19. The Uzbek-German Forum sent 42 notifications of forced labor to the FTUU during this period, copying the ILO but did not receive any replies. In 2016, the Ministry of Labor registered as grievances 30 of the 3,939 “inquiries” it received, identifying two as related to child labor and three to forced labor. The FTUU deemed 85 of the 1,902 “requests” it received as related to cotton picking. Of these, it confirmed six cases of child labor and two cases as “presenting risks of forced labor,” with the remaining related to poor working conditions. In 2016, the Forum declined to send notifications to the FTUU, given its poor record of effectiveness and to avoid the possibility of reprisals against complainants.

The World Bank and ILO have recognized some of the limitations of these feedback mechanisms and have been providing technical support to enhance them, which has resulted in some improvements. For example, FTUU can now receive anonymous complaints. However, given the FTUU’s public stance denying the existence of forced labor, the low number of complaints registered and resolved, lack of improvements between 2015 and 2016, and low public confidence in unions or the feedback mechanism, this does not address the structural and contextual problems rendering the mechanism ineffective.

D. Training of World Bank Beneficiaries on Prohibitions on Child and Forced Labor

Several World Bank projects include financing to train farmers, teachers and other intended beneficiaries on Uzbek legislation prohibiting forced and child labor. Many of those interviewed for this report, particularly teachers, said they already knew that forced and child labor are prohibited, but since the government forces them to work, the laws are meaningless. A university student said, “I saw the posters about forced labor. But if they aren’t used in practice, what good are they?” People not working in the education sector showed less awareness of the prohibition on forced and child labor in Uzbekistan.

E. Additional Measures in South Karakalpakstan Project

The World Bank exempted land that this project made arable from the state-assigned cotton production quotas to limit the use of child and forced labor. It also agreed that the amount of the project area on which cotton is produced would not expand. The bank has not yet evaluated these measures since the project is behind schedule.

World Bank’s Emphasis on Horticulture, Despite Emerging Signs of Forced Labor

As part of the World Bank’s “multi-pronged approach” to addressing forced and child labor, it is promoting crop diversification by supporting Uzbekistan’s horticulture sector. The \$183.13 million Horticulture Development Project funds commercial banks and leasing

companies to finance horticultural enterprises. The World Bank has pointed to horticulture not being subject to state procurement quotas, operating under a more liberalized market environment, being more profitable, and consequently may offer more competitive wages to attract wage labor. But there are concerning signs that this is changing.

In 2016, in some regions, government officials began to force public sector workers to assist farmers to plant vegetable crops in addition to forced cotton-related work. An April 2016 presidential decree established a unified system for the cultivation, processing, and purchasing of fruits and vegetables under a system of state holding companies for purchase, processing, storage, and export of fruits and vegetables. Under the new system, farmers will conclude purchase agreements for the processing of fruits and vegetables and receive advances for inputs based on production quotas. The decree also establishes production targets for each region and the amount to be produced by private farms and peasant farms. The government mandated production of four million tons of horticultural products in 2016, meaning that farmers are required to fulfill production quotas for specific crops that they must sell to the government at government-set prices. The government has also increased the penalties farmers must pay for failing to deliver specific crops in specific amounts by dates specified in their contracts. Other sources also reported that in spring 2016 the government ordered a reduction in cotton production and an increase in fruit and vegetable crops.

When this evidence was provided to the World Bank, Animesh Shrivastava, who leads the Bank's agriculture and water work in Central Asia, said that the Bank is in dialogue with the government on this but that he is not overly concerned because the horticulture system is structurally different to cotton and the government has committed that horticulture products will be sold at a "negotiated market price."

Inadequate Measures to Prevent, Respond to Reprisals

Although it developed safeguards for child and forced labor, the World Bank refused to adopt safeguards to allow independent monitors unfettered access to project sites or to prohibit retaliation against monitors or whistleblowers. Civil society organizations repeatedly told Bank staff that these were critical measures, but staff advised that their legal advisors had told them such covenants were not possible.

Bank staff have expressed concerns about reprisals to civil society and indicated that they have shared these concerns with the government. On occasion, however, Bank staff have declined to raise such concerns. Government reprisals continue and the bank has not escalated its response, refusing to publicly condemn reprisals or sanction the government in any way.



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Mohamed Gouled
Vice President, Corporate Risk and Sustainability
International Financial Corporation
2121 Pennsylvania Avenue, NW
Washington, DC 20433

May 12, 2017

Re: Research by Human Rights Watch and the Uzbek-German Forum for Human Rights

Dear Mr. Gouled:

We are writing to update you on our research on forced and child labor in Uzbekistan's cotton sector, previously outlined in our August 2016 letter addressed to Ms. Kebet-Koulibaly. Thank you for the meeting with your staff to discuss the research on September 22, 2016. We have reflected the information that your colleagues shared in that meeting in our report.

As you might be aware from our follow-up conversations with your colleagues, we continued our research during the 2016 cotton harvest and have updated the report to reflect this. Our report presents evidence of forced adult labor throughout Uzbekistan's cotton sector, as well as continuing incidence of child labor. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to our key findings regarding the 2016 harvest, outlined below, so that your views are accurately reflected in our reporting. We continue to welcome answers to the questions posed in our August 15, 2016 letter, attached. In order for us to take your views into account in our forthcoming report, we would appreciate a response by May 26, 2017.

Thank you, and we look forward to your response. We would also be most happy to discuss this research with you or your staff in person or by telephone. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Summary of Findings from 2016 Harvest Relevant to the IFC

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor, Human Rights Watch and the Uzbek-German Forum found ongoing use of forced labor during the 2016 cotton harvest. Through interviews conducted with farmers, local authorities, students, teachers, children, and medical professionals, visits to educational and healthcare institutions, mobilization points, farms, and documentary evidence, we have found use of forced labor in the seven regions we monitored in 2016. Our findings demonstrate state-orchestrated forced labor currently continues industry-wide in Uzbekistan's cotton sector.

The government also required companies and small business owners to provide workers or to pay. For example, in 2016 the Uzbek-German Forum visited three Hamkorbank branches during the cotton harvest. At one branch, the Uzbek-German Forum was advised that about 30 employees of the bank had been sent to pick cotton. At the other two, the Uzbek-German Forum was advised that the bank had paid to avoid sending employees to the cotton fields because to do so would limit the bank's ability to provide services.

Given the scale of forced labor in Uzbekistan and its systemic nature, it is highly unlikely that a company could source any significant quantity of cotton from Uzbekistan at present that has not been harvested, at least in part, by forced laborers.

Ongoing Child Labor in Uzbekistan

The government has greatly reduced the number of children it forces to work since 2013, but Human Rights Watch and the Uzbek-German Forum documented more cases of state-organized child labor in 2016 than in the previous year.

In 2016 children and teachers in two districts in Kashkadarya and a school employee in rural Fergana told Human Rights Watch and the Uzbek-German Forum that local officials required schools to mobilize children as young as 10 or 11-years-old to pick cotton and suspended classes during this period. They noted that in several districts this was worse than 2015 when children received some classes prior to being sent to pick cotton. Children and teachers in two districts in Karakalpakstan said that children as young as 12 picked cotton after school. In Andijan, some schools required parents to pick cotton in the place of their children or make a financial contribution. In 2015, we documented the mobilization of young children in Kashkadarya and Andijan.

Human Rights Watch and the Uzbek-German Forum also documented cases where 16 and 17-year-old college students picked cotton in Andijan, Fergana, Jizzakh, Karakalpakstan, and Kashkadarya in 2015 and 2016.

Human Rights Watch and the Uzbek-German Forum found that there remains a significant risk of child labor in the supply chain of companies sourcing cotton from Uzbekistan.

Indorama's Mitigation of the Risk of Forced and Child Labor

According to the IFC, Indorama tracks its purchases from cotton gins to mitigate the risk of child and forced labor. Together with the IFC, Indorama has developed a system for rating the risk level of cotton-producing districts based on data from ILO monitoring, publicly available reports on labor abuses, and by examining the number of available laborers in that area. The IFC said that if the risk level of a district rises, Indorama commits to shift to low-risk areas. It had not shifted sourcing at this writing since IFC and Indorama believed it was already only sourcing cotton from "low-risk" districts.

Indorama has not publicly identified where it sources cotton; nor did it provide this information in response to Human Rights Watch and the Uzbek-German Forum's request for information about its due diligence processes.

In addition to being opaque, this risk mitigation system is deeply inadequate. The approach detailed by the IFC relies on the badly flawed ILO monitoring and does not recognize the systematic nature of forced labor within Uzbekistan's cotton sector. It also does not involve monitoring the farms that grow the cotton Indorama uses, where the bulk of forced labor occurs.

The IFC's Performance Standards, which are designed to prevent the IFC from investing in projects that harm people or the environment, require clients to identify risks of, monitor for, and remedy forced and child labor in their supply chains. The Performance Standards provide that where remedy is not possible, clients must shift the project's primary supply chain over time to suppliers that can demonstrate that they do not employ forced and child labor.



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

*Президенту Республики Узбекистан
Его Превосходительству Шавкату Мирзиёеву*

16 мая 2017 года

Предмет: исследование Хьюман Райтс Вотч и Узбекско-германского форума по правам человека

Уважаемый господин Президент!

Мы пишем, чтобы проинформировать Вас о нашем исследовании, посвященном применению принудительного и детского труда в хлопковой отрасли Узбекистана, и ранее изложенном в нашем письме от 15 августа 2016 года.

Мы продолжили свое исследование во время сбора урожая в 2016 году и внесли соответствующие дополнения в доклад. В докладе представлены данные о применении принудительной рабочей силы взрослых в хлопководстве по всему Узбекистану и о продолжающемся росте использования детского труда, в том числе в трех районах, где реализуется Проект улучшения управления водными ресурсами в Южном Каракалпакстане Всемирного банка. В нашем докладе отмечается, что, несмотря на соглашения с МОТ и Всемирным банком о снижении риска применения принудительного труда, узбекское правительство и представители местных органов власти продолжают в принудительном порядке мобилизовать на поля взрослых, а иногда и детей, в экономических целях.

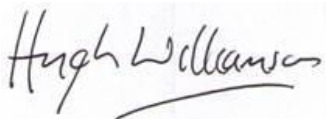
Хьюман Райтс Вотч и Узбекско-германский форум стремятся к объективному и максимально полному предоставлению информации в готовящемся нами материале. Мы надеемся, что в целях верного отражения Вашей позиции по данному вопросу в нашем докладе, Вы и уполномоченные сотрудники Вашей администрации сможете ответить на приведенные ниже основные выводы о сборе урожая-2016. Мы также будем рады получить от Вас ответы на вопросы, изложенные в приложении к письму от 15 августа 2016 года. Для того чтобы мы смогли включить Вашу точку зрения в готовящийся доклад, мы будем признательны за ответ до 29 мая 2017 года.

Мы искренне надеемся, что проявленная Вами готовность участвовать в обсуждении вопросов соблюдения прав человека выразится в невмешательстве в работу независимых наблюдателей за положением в области прав человека, а также в разрешении посетить

Узбекистан представителям Хьюман Райтс Вотч и других международных организаций в целях поддержания устойчивого диалога.

Благодарим Вас за внимание и рассчитываем на Ваш ответ. Мы также будем рады возможности обсудить наше исследование с Вами или с уполномоченными представителями Вашей администрации. По всем вопросам обращайтесь к г-же Джессике Эванс (Jessica Evans) по электронной почте evansj@hrw.org или по телефону +1 202 612 4361.

С уважением



Хью Уильямсон
Директор
отделения Хьюман Райтс Вотч
по Европе и Центральной Азии



Умида Ниязова
Директор
Узбекско-германского форума
по правам человека

Копии:

Министру труда
АЗИЗУ АБДУКАХАРОВИЧУ АБДУХАКИМОВУ
ул. Миробод, д. 15, г. Ташкент
Республика Узбекистан
100100

Министру народного образования
УЛУГБЕКУ ИЛЬЯСОВИЧУ ИНОЯТОВУ
пл. Мустакиллик, д. 5, г. Ташкент
Республика Узбекистан
100095

Министру высшего и среднего специального образования
РУСТАМУ САБИРОВИЧУ КАСИМОВУ
ул. Чимбай-2, д. 96, г. Ташкент
Республика Узбекистан
100095

Министру иностранных дел
АБДУЛАЗИЗУ ХАФИЗОВИЧУ КАМИЛОВУ
ул. Ислама Каримова, д. 9, г. Ташкент
Республика Узбекистан
100029

Уполномоченному Олий Мажлиса Республики Узбекистан
по правам человека (Омбудсману)
УЛУГБЕКУ МУХАММАДИЕВУ
пр. Узбекистан, д. 16А
Шайхантахурский район, г. Ташкент
Республика Узбекистан
100027

НАЦИОНАЛЬНЫЙ ЦЕНТР ПО ПРАВАМ ЧЕЛОВЕКА
пл. Мустакиллик, д. 5/3, г. Ташкент
Республика Узбекистан
100029

Чрезвычайному и Полномочному Послу
Республики Узбекистан в Соединенных Штатах Америки
БАХТИЯРУ ГУЛЯМОВУ
Embassy of Uzbekistan
1746 Massachusetts Avenue,
N.W., Washington, D.C.
20036-1903

Правительству Узбекистана: краткое изложение результатов наблюдения за уборкой урожая в 2016 году

Непрекращающееся применение принудительного труда в Узбекистане

Организации Хьюман Райтс Вотч и Узбекско-германский форум установили, что несмотря на обещания узбекского правительства соблюдать нормы национального и международного права, касающиеся принудительного труда взрослых и детей, в течение 2016 года на уборке хлопка постоянно применялся принудительный труд. Как показали наши интервью с фермерами, представителями местных властей, учащимися, учителями, детьми и медицинскими работниками, визиты в образовательные и медицинские учреждения, на пункты сбора, на фермы, а также документальные свидетельства, принудительный труд применялся в семи регионах, за которыми мы наблюдали в 2016 году. Из полученных нами результатов видно, что благодаря скоординированным усилиям государства в хлопковой отрасли Узбекистана повсеместно продолжает применяться принудительный труд.

Хьюман Райтс Вотч и Узбекско-германский форум установили, что в районе реализации Проекта улучшения управления водными ресурсами в Южном Каракалпакстане в нарушение соглашения узбекского правительства со Всемирным банком и норм международного права применяется принудительный и детский труд.

Учитывая масштабы и систематичность использования принудительного труда в Узбекистане, весьма вероятно, что проекты в области развития, помогающие хлопководческим организациям, связаны с непрекращающимся применением принудительного труда в стране. Кроме того, сейчас практически невозможно закупать значительные количества хлопка в Узбекистане, не приобретая при этом хлопок, собранный (хотя бы частично) в результате принудительного труда.

Непрекращающееся применение детского труда в Узбекистане

С 2013 года власти страны сильно сократили количество детей, принуждаемых к работе. Тем не менее Хьюман Райтс Вотч и Узбекско-германский форум задокументировали в 2016 году больше случаев детского труда, организованного государством, чем в предыдущем году.

Как рассказали в 2016 году Хьюман Райтс Вотч и Узбекско-германскому форуму дети и учителя в двух районах Кашкадарьинской области, а также один школьный работник из сельской части Ферганской области, представители местных органов власти потребовали от школ направить на уборку хлопка даже 10- и 11-летних детей, отменив на это время занятия. Собеседники отмечали, что в некоторых районах ситуация оказалась хуже, чем в 2015 году, когда дети успели немного позаниматься перед отправкой на хлопковые поля. Дети и учителя в двух районах Каракалпакстана сообщили, что 12-летние дети собирали хлопок после школы. В Андижане некоторые школы потребовали, чтобы родители

отправлялись на уборку хлопка вместо детей или же платили деньги. В 2015 году мы фиксировали мобилизацию детей в Кашкадарьинской и Андижанской областях.

Помимо этого, Хьюман Райтс Вотч и Узбекско-германский форум задокументировали случаи отправки на уборку хлопка 16- и 17-летних учащихся техникумов в Андижанской, Ферганской, Джизакской, Кашкадарьинской областях и в Каракалпакстане в 2015–2016 годах.

Хьюман Райтс Вотч и Узбекско-германский форум установили, что сохраняется значительный риск применения детского труда в цепочке поставок компаний, закупающих хлопок в Узбекистане.

Задержания и месть подателям жалоб, правозащитникам и журналистам, отслеживавшим принудительный труд во время уборки урожая в 2016 году

В 2016 году открытым наблюдением занимались только Елена Урлаева и Малохат Эшанкулова. Они утверждают, что часто подвергались притеснениям, включая произвольные задержания, насилие и уничтожение собранной информации.

- 6 октября 2016 года в Букинском районе Ташкентской области милиция задержала Урлаеву, фотографа и переводчика Тимура Карпова и двух французских журналистов, которые приехали на хлопковое поле. Милиционеры удалили всю информацию с телефона Карпова, пароль к которому Карпов, по его словам, дал под угрозой физического насилия. Правоохранители уничтожили всю информацию на телефоне Урлаевой и продержали ее 10 часов. Она рассказала, что в присутствии милиционеров ее избили две женщины, а когда она находилась под стражей, сотрудник в форме бил ее ногами.
- 9 октября 2016 года в Алатском районе Бухарской области милиция задержала Урлаеву и Эшанкулову, после того как они опросили собиравших хлопок учащихся. По имеющимся сведениям, им устроили личный обыск с раздеванием, продержали несколько часов, уничтожили все их записи и данные на телефонах и камерах.
- 22 октября в Акдарьинском районе Самаркандской области Урлаеву и Эшанкулову задержали, когда они опрашивали задействованных на уборке хлопка врачей.
- 5 ноября в Букее Урлаеву снова задержали при посещении районного отдела образования. По ее словам, когда она вышла из отдела, неизвестный ей мужчина затолкал ее в автомобиль, отобрал телефон и передал ее в руки милиции. Она утверждает, что в милиции ее продержали шесть часов, обыскали, стерли информацию с ее телефона.
- 1 марта 2017 года милиция вновь задержала Урлаеву. Насколько известно, ее били и оскорбляли, а потом правоохранители вызвали сотрудников психиатрической больницы, куда ее затем принудительно госпитализировали. По словам Урлаевой, 4 марта врачи начали против воли лечить ее. На видеозаписи Урлаева говорит, что по ее мнению, ее заперли в больнице, чтобы помешать встретиться 2 марта с представителями МОТ, Всемирного банка и Международной конфедерации

профсоюзов. Под сильным давлением международного сообщества Урлаеву выпустили из больницы 23 марта.

В октябре 2016 года сотрудники СНБ по Каракалпакстану задержали независимого наблюдателя, который расследовал нарушения трудовых прав на хлопковых полях, орошаемых благодаря ирригационному проекту Всемирного банка. Его допрашивали три часа и отпустили, по имеющимся сведениям, лишь после того, как отобрали у него деньги, оставшиеся на обратный проезд.

Милиция Ташкента 10 ноября 2016 года задержала немецкую журналистку Эдду Шлагер. У нее отобрали некоторые из ее материалов, в том числе записи конфиденциальных интервью. Ее депортировали на следующий день, запретив въезд в Узбекистан на три года.

29 ноября 2016 года, на следующий день после встречи с Урлаевой, задержали и допросили журналистку российской газеты «Московский комсомолец» Екатерину Сажневу. Затем ее депортировали с запретом на въезд в Узбекистан в течение трех лет.

По имеющимся сведениям, представители властей Каракалпакстана два раза задерживали для допроса и запугивали взрослую дочь одного из наблюдателей Узбекско-германского форума.

По словам Урлаевой, 16 сентября 2016 года сотрудница Букинского районного отдела образования (Ташкентская область) Хилола Джураева собиралась встретиться с ней, чтобы рассказать о принудительной мобилизации на поля работников образования. Как рассказала Урлаева, Джураева позвонила ей и отменила встречу, сообщив, что за ней следят и что ее накажут за передачу информации. Урлаева 7 ноября пришла в отдел и попросила о встрече с Джураевой. Ей ответили, что Джураеву уволили за прежние контакты с Урлаевой, однако Хьюман Райтс Вотч и Узбекско-германскому форуму не удалось независимо перепроверить это.

Насколько известно, с мстью столкнулись несколько человек, жаловавшиеся в Федерацию профсоюзов Узбекистана (ФПУ) и в Министерство труда через механизмы обратной связи. В 2016 году:

- Женщина из Кашкадарьинской области утверждает, что ее заставляли убирать хлопок под угрозой отобрать пособие на ребенка. Примерно в то же время ее соседка позвонила на горячую линию и пожаловалась, что ее 16-летнюю дочь отправляют на сбор хлопка с ночевкой. Соседка рассказала ей, что в ответ представители местных властей задержали ее на несколько часов и заставили писать заявление, что она не возражает против участия дочери в сборе хлопка. Увидев, как обошлись с соседкой, сама женщина побоялась жаловаться.
- Учительница рассказала, что направила жалобу в Министерство образования и попросила освободить учителей от обязательного участия в сборе хлопка: «Оттуда позвонили в районный отдел образования и велели решить мой вопрос „мирно“».

После этого на меня ополчился директор школы. Он начал угрожать мне, говоря, что еще покажет, „на что он способен“».

Недостаточность мер по уменьшению масштабов принудительного труда

Всемирный банк добился от правительства, чтобы был принят ряд мер, направленных на снижение риска использования принудительного и детского труда в связи с его проектами. Мы обнаружили, что этих мер недостаточно, чтобы решить проблему принудительного труда в хлопковой отрасли Узбекистана. Кроме того, Всемирному банку так и не удалось реализовать некоторые из этих мер в Узбекистане, и он удовольствовался более слабыми.

А. Требование к правительству, чтобы в финансовых учреждениях и сельском хозяйстве соблюдалось трудовое законодательство

Власти и банки уполномочены следить за использованием принудительного и детского труда бенефициарами и сообщать о таких случаях. Поскольку причиной подобных нарушений трудовых прав как раз является давление властей, и финансовые учреждения могут лишиться финансирования, если выявят нарушения, это создает неправильный стимул частично скрывать или преуменьшать нарушения трудовых прав. Всемирный банк и правительство так и не разрешили это противоречие, играющее ключевую роль в системе мониторинга.

В. Сторонний мониторинг: не независимый, недостаточный, вводящий в заблуждение

Вместо того чтобы проводить обещанный независимый мониторинг, Всемирный банк договорился с МОТ, чтобы та в сотрудничестве с узбекским правительством и подконтрольными ему организациями отслеживала принудительный и детский труд. Координация принудительного труда на государственном уровне в Узбекистане создает невероятные препятствия для мониторинга по заданию Всемирного банка, а также для механизма обратной связи, о котором речь пойдет ниже. По уставу МОТ обязана работать с государствами-членами и общественными партнерами в таком государстве — в данном случае это власти Узбекистана, Федерация профсоюзов Узбекистана (ФПУ) и Торгово-промышленная палата Узбекистана. Все эти организации зависят от правительства.

ФПУ несколько раз публично заявляла, что в Узбекистане нет никакого принудительного труда, в том числе и в сентябре 2016 года, когда велся мониторинг. ФПУ также всячески отрицает гонения на наблюдателей и правозащитников и месть им. Кроме того, Узбекско-германский форум зафиксировал несколько случаев, когда профсоюзы сами организовывали обязательную отправку людей на хлопковые поля, следя за выполнением норм и собирая платежи. Люди предупреждали, что не будут говорить откровенно в присутствии представителя ФПУ, который, по их мнению, тесно связан с властями и не выражает интересы работников.

В 2016 году, вместо того чтобы при отслеживании нарушений использовать общепринятые индикаторы принудительного труда, МОТ ограничила свой мониторинг оценкой того, как правительство выполняет обещания устранить нарушения трудовых прав. МОТ настаивала на уместности такого подхода, так как узбекское правительство теперь косвенно признает наличие проблемы с принудительным трудом, поэтому следующий шаг — оценить меры, принимаемые для решения проблемы, а не снова документировать принудительный труд. В ответ на вопрос, на каком основании тогда сделаны выводы о неприменении детского и принудительного труда в связи с проектами Всемирного банка, главный технический советник МОТ по Узбекистану Стивен Макклиланд сказал, что МОТ заметила бы ребенка в поле или доказательства принудительного труда, например личное заявление человека, что его заставили работать. Такой вывод в лучшем случае отличается сомнительной достоверностью и не отвечает задачам стороннего мониторинга по поручению Всемирного банка, призванного следить за нарушениями трудового права в связи с его проектами.

Обстановка страха и репрессий в Узбекистане особенно усложняет независимый мониторинг. Несколько человек заявляли об опасениях, что с ними может случиться что-то плохое, если они сообщат МОТ о принуждении их к работе. Одна школьная учительница сказала Хьюман Райтс Вотч, что люди согласятся открыто высказаться, только если МОТ будет беседовать с ними конфиденциально и за пределами страны. Как признает и сама МОТ, месь наблюдателям за условиями труда мешает ей вести наблюдение.

В 2015 и 2016 годах преподаватели, медики и прочие люди сообщали Узбекско-германскому форуму, что начальство велит им лгать проверяющим, притворяясь, что они безработные или низкоквалифицированные работники (уборщицы, охранники) и приехали на сбор хлопка по доброй воле. Так одна учительница, собиравшая хлопок в 2015 году, призналась, что выполнила инструкции школьной администрации и сказала наблюдателям от МОТ, что учителя не собирают хлопок. МОТ констатирует, что «многих из опрошенных, по-видимому, заранее проинструктировали». Несмотря на то что МОТ явно признает наличие проблем с достоверностью собранной информации и возможным вмешательством должностных лиц, которые заранее инструктировали респондентов, организация ничего не предпринимает, чтобы устранить эти проблемы, например побеседовать без свидетелей, или разъяснить, как эти проблемы сказываются на полученных ею результатах. Вместо этого, МОТ утверждает, что когда власти велют респондентам говорить МОТ, что те работают добровольно, это «позволяет повысить осведомленность о проблеме детского и принудительного и свидетельствует о скором принятии мер». Помимо этого, некоторые должностные лица, по всей видимости, пытаются прятать работников и скрывать условия их работы от МОТ.

С. Механизм обратной связи

Всемирный банк вызвался поддержать создание механизма возмещения причиненного вреда, через который люди могли бы анонимно передавать доказательства того, что в

связи с проектами банка применяется принудительный труд. Банк утверждает, что механизм стал механизмом обратной связи, а не возмещения вреда, по настоянию правительства, так как ответственный за него орган должен быть независим от властей, а значит, не будет обладать полномочиями для реализации мер по возмещению вреда, входящих в прерогативу властей. Несмотря на эти заявления, единственные новые механизмы, которые были созданы, находятся в государственном Министерстве труда и ФПУ. И хотя Всемирный банк ссылается также на наличие международного механизма обратной связи через МОТ, тот просто представляет собой существующую в МОТ систему подачи жалоб, которой обычный человек или НПО воспользоваться не могут.

В обстановке страха от национального механизма обратной связи мало пользы. Многие из принудительно работавших людей, опрошенных Узбекско-германским форумом, сказали, что в такой репрессивной среде жаловаться невозможно, что жалобы бессмысленны и что они боятся мести, если пожалуются.

Механизм обратной связи состоит из двух колл-центров: при Министерстве труда и ФПУ — и сайта. По информации Всемирного банка, из 2017 официальных жалоб, поступивших в Министерство труда с 26 сентября по 31 октября 2015 года, были официально признаны приемлемыми две, и по ним были приняты меры и наложены взыскания. Из более чем 1000 звонков ФПУ зарегистрировала лишь 68 официальных жалоб на детский и принудительный труд, условия труда и проблемы с выплатой денег; «официально обработаны и решены» 19 из них. За этот период Узбекско-германский форум направил в ФПУ с копией в МОТ 42 уведомления о принудительном труде, но не получил ни одного ответа. В 2016 году Министерство труда зарегистрировало в качестве жалоб 30 из 3939 полученных им «запросов», определив, что две из них касаются детского труда, а три — принудительного. ФПУ сочла, что 85 из 1902 поступивших «запросов» связаны со сбором хлопка. Она подтвердила, что в шести из этих случаев имел место детский труд, два случая «представляют собой угрозу принудительного труда», а остальные касаются неудовлетворительных условий труда. В 2016 году Узбекско-германский форум отказался от рассылки уведомлений в ФПУ ввиду ее низкой эффективности, а также чтобы не создавать угрозу мести тем, кто жалуется.

Всемирный банк и МОТ признают определенные ограничения таких механизмов обратной связи и оказывают техническую помощь, чтобы усовершенствовать их. Это привело к некоторым улучшениям. Так, в ФПУ теперь можно жаловаться анонимно. Тем не менее, учитывая публичное отрицание ФПУ принудительного труда, малое количество зарегистрированных и решенных жалоб, отсутствие улучшений с 2015 по 2016 год и недоверие общества к профсоюзам и механизму обратной связи, это никак не устраняет структурные и контекстные проблемы, делающие механизм неэффективным.

D. Разъяснение бенефициарам проектов Всемирного банка запретов на детский и принудительный труд

В несколько проектов Всемирного банка заложено финансирование разъяснения фермерам, учителям и прочим предполагаемым бенефициарам того, что законы Узбекистана запрещают детский и принудительный труд. Многие из опрошенных при подготовке этого доклада, особенно учителя, сказали, что уже знают о запрете принудительного и детского труда, но законы не имеют значения, потому что именно власти заставляют их работать. Студент университета сказал: «Я видел плакаты по поводу принудительного труда. Но если они не применяются на практике, какой от них прок?» Люди, не работающие в образовании, меньше знают о запрете на принудительный и детский труд в Узбекистане.

E. Дополнительные меры в связи с проектом в Южном Каракалпакстане

Всемирный банк исключил земли, ставшие культивируемыми благодаря проекту, из государственных норм выработки хлопка, чтобы ограничить применение детского и принудительного труда. Он также договорился, чтобы количество задействованных в проекте земель, где производится хлопок, не увеличивалось. Пока еще банк не оценивал эти меры, так как проект отстает от графика. Банк рассчитывает, что в конечном итоге благодаря росту механизации удастся избавиться от принудительного труда, и для уборки хлопка будет требоваться меньше людей. Однако в Южном Каракалпакстане это не так: в отчете банка о ходе работ говорится, что нигде в районе реализации проекта уборка хлопка сейчас не механизирована.

Обеспокоенность в связи с первыми признаками применения принудительного труда в плодоовощеводстве

В рамках «комплексного подхода» к решению проблемы принудительного и детского труда Всемирный банк поощряет диверсификацию культур и поддерживает узбекское плодоовощеводство. Через Проект развития сектора плодоовощеводства 183,13 млн долларов США направляются коммерческим банкам и лизинговым компаниям на финансирование плодоовощеводческих предприятий. Всемирный банк отмечает, что на плодоовощеводство не распространяются нормативы госзакупок, оно действует в более либерализованной рыночной среде, более доходно, а следовательно, может предложить более конкурентоспособную зарплату наемным работникам. Однако есть тревожные признаки того, что ситуация меняется.

В 2016 году в некоторых регионах чиновники начали заставлять бюджетников помогать фермерам в посадке овощей — в дополнение к принудительному труду на хлопковых полях. В апреле 2016 года президентским постановлением была создана единая система выращивания, переработки и закупки фруктов и овощей через систему государственных холдингов, занимающихся закупками, переработкой, хранением и экспортом фруктов и овощей. В соответствии с новой системой фермеры будут заключать договоры купли-

продажи на переработку фруктов и овощей и получать авансы за будущие поставки на основе норм выработки. Постановлением вводятся целевые показатели производства по регионам и количеству продукции, которую предстоит произвести частным фермам и крестьянским хозяйствам. Правительство заказало производство 4 млн тонн плодоовощной продукции в 2016 году, а значит, фермеры должны выполнить нормы выработки по конкретным видам культур, которые они обязаны продать государству по государственным ценам. Власти также увеличили штрафы для фермеров за недопоставку продукции к срокам, указанным в договорах. По информации из других источников, весной 2016 года правительство распорядилось сократить производство хлопка и увеличить посеы фруктов и овощей.



Human Rights Watch
1630 Connecticut Ave. NW
Suite 500
Washington, DC 20009
Tel: +1-(202)-612-4321
Fax: +1-(202)-612-4333

HRW.org



Uzbek-German Forum for Human Rights e.V.

Tel.: +49-(0)176 31 202474
Email: info@uzbekgermanforum.org

Guy Ryder
Director-General
The International Labour Organization
4 route des Morillons
CH-1211, Genève 22, Switzerland

May 12, 2017

Re: Research by Human Rights Watch and the Uzbek-German Forum for Human Rights

Dear Mr. Ryder:

We are writing to update you on our research on forced and child labor in Uzbekistan's cotton sector, previously outlined in our August 2016 letter. While we did not receive a response to the letter, we have continued to meet with your staff through discussions with the Cotton Campaign. We have reflected the information that your staff shared in these meetings in our report.

As you might be aware from these conversations with your colleagues, we continued our research during the 2016 cotton harvest and have updated the report to reflect this. Our report presents evidence of forced adult labor throughout Uzbekistan's cotton sector, as well as continuing incidence of child labor, including in the three districts where the World Bank's South Karakalpakstan Water Resources Management Project is being implemented. Our report finds that despite the agreements made with the ILO and the World Bank to mitigate the risk of forced labor, the Uzbek government and local officials continue to forcibly mobilize adults, and sometimes children, for economic purposes.

Human Rights Watch and the Uzbek-German Forum are committed to producing material that is well-informed and objective. We hope you and your staff will be able to respond to our key findings regarding the 2016 harvest, outlined below, so that your views are accurately reflected in our reporting. We continue to welcome answers to the questions posed in our August 15, 2016 letter, attached. In order for us to take your views into account in our forthcoming report, we would appreciate a response by May 26, 2017.

Thank you, and we look forward to your response. We would also be most happy to discuss this research with you or your staff. Please contact Jessica Evans on evansj@hrw.org or +1 202 612 4361 should you wish to speak further.

Sincerely,



Jessica Evans
Senior International Financial Institutions Researcher/Advocate
Human Rights Watch



Umida Niyazova
Director
Uzbek-German Forum for Human Rights

Cc: Kari Tapiola, Special Adviser to the Director-General

Beate Andrees, Chief of the Fundamental Principles and Rights at Work Branch

Heinz Koller, Assistant Director-General and Regional Director for Europe and Central Asia

Snezhi Bedalli, ILO-IPEC Officer for Europe, Central Asia and Arab Countries

Anton Hausen, Chief Technical Adviser

Summary of Findings from 2016 Harvest Relevant to the ILO

Ongoing Forced Labor Across Uzbekistan

Despite undertakings by the Uzbek government to respect national and international laws on child and adult forced labor, Human Rights Watch and the Uzbek-German Forum found ongoing use of forced labor during the 2016 cotton harvest. Through interviews conducted with farmers, local authorities, students, teachers, children, and medical professionals, visits to educational and healthcare institutions, mobilization points, farms, and documentary evidence, we have found use of forced labor in the seven regions we monitored in 2016. Our findings demonstrate state-orchestrated forced labor currently continues industry-wide in Uzbekistan's cotton sector.

Given the scale of forced labor in Uzbekistan and its systemic nature, it is highly likely that development projects that benefit organizations active in the cotton industry are linked to ongoing forced labor in the country.

Ongoing Child Labor in Uzbekistan

The government has greatly reduced the number of children it forces to work since 2013, but Human Rights Watch and the Uzbek-German Forum documented more cases of state-organized child labor in 2016 than in the previous year.

In 2016 children and teachers in two districts in Kashkadarya and a school employee in rural Fergana told Human Rights Watch and the Uzbek-German Forum that local officials required schools to mobilize children as young as 10 or 11-years-old to pick cotton and suspended classes during this period. They noted that in several districts this was worse than 2015 when children received some classes prior to being sent to pick cotton. In Andijan, some schools required parents to pick cotton in the place of their children or make a financial contribution.

Human Rights Watch and the Uzbek-German Forum also documented cases where 16 and 17-year-old college students picked cotton in Andijan, Fergana, Jizzakh, Karakalpakstan, and Kashkadarya in 2016.

Forced and Child Labor in Beruni, Ellikkala, and Turtkul, South Karakalpakstan

Human Rights Watch and the Uzbek-German Forum found that government officials continued to mobilize public sector workers, including school and college teachers and medical workers, and large numbers of third-year college students from Beruni, Ellikkala, and Turtkul districts in Karakalpakstan to harvest cotton in fall 2016 under threat of penalty. Other local government officials, including mahalla committee members and tax authorities, coerced labor or payments from people receiving benefits and business owners.

During the 2016 harvest, the Uzbek-German Forum interviewed and saw several 13 and 14-year-old children harvesting cotton who described working under the direction of their schools in two districts in Karakalpakstan where the South Karakalpakstan Water Resources Management Project is being implemented. In 2016, college officials mobilized 16 and 17-year-old students in Beruni, Ellikkala and Turtkul districts to pick cotton on weekends. On at least one occasion, officials also mobilized 16 and 17-year-old students at an Ellikkala college to pick cotton on a weekday, Monday September 26, 2016.

Human Rights Watch and the Uzbek-German Forum found forced and child labor within the South Karakalpakstan Water Resources Management Project area, in violation of the Uzbek government's agreement with the World Bank and international law.

Detention of and Reprisals against Human Rights Defenders and Journalists Monitoring Forced Labor Practices During and Following the 2016 Harvest and Complainants

The ILO has expressed concerns about reprisals to civil society and indicated that they have shared these concerns with the government. Government reprisals continue and the ILO has not escalated its response.

In 2016, only Elena Urlaeva and Malohat Eshankulova conducted monitoring openly and allege that they suffered frequent harassment, including arbitrary arrest, violence, and destruction of their monitoring information.

- On October 6, 2016, police in Buka, Tashkent region, arrested Urlaeva, photographer and translator Timur Karpov, and two French journalists, when they visited a cotton field. Police wiped Karpov's phone, which he says he unlocked under physical threat. Police destroyed all information on Urlaeva's phone and detained her for 10 hours. She reported that she was beaten in the presence of police by two women and kicked by a uniformed officer while in custody.
- On October 9, 2016, police in Alat district, Bukhara region, arrested Urlaeva and Eshankulova after interviewing students picking cotton. Police allegedly strip searched them, detained them for several hours, and destroyed all of their notes and data on their phones and cameras.
- On October 22, police in Akdarya district, Samarkand region, arrested Urlaeva and Eshankulova when they interviewed doctors picking cotton.
- Police in Buka arrested Urlaeva again on November 5 when she visited the district Department of Education. She said that after she left the department, a man she did not know forced her into a car, took her phone and handed her to the police. She alleged that police held her for six hours, searched her, and erased her phone.
- On March 1, 2017 police detained Urlaeva once again. After reportedly insulting and assaulting Urlaeva, police reportedly summoned orderlies from a psychiatric hospital who forcibly committed her. Urlaeva said that on March 4, doctors began treatment against her will. In a video, Urlaeva said she believed authorities detained her in the hospital to prevent her from meeting with representatives of the ILO, World Bank,

and International Trade Union Confederation, scheduled for March 2. The hospital released Urlaeva on March 23, following significant international pressure.

In October 2016, SNB officers in Karakalpakstan detained an independent monitor who was researching labor abuses in cotton fields benefiting from the World Bank irrigation project. They questioned him for three hours, allegedly releasing him only after seizing the money he was carrying to cover his travel expenses.

On November 10, 2016, police in Tashkent detained German journalist Edda Schlager and seized some of her materials, including those containing confidential interview information. They deported her the next day and banned her from returning to Uzbekistan for three years.

On November 29, 2016, officials detained, interrogated, and deported Yekaterina Sazhneva, a journalist for the Russian newspaper *Moskovsky Komsomolets*, the day after she met with Urlaeva, and banned her from returning to Uzbekistan for three years.

On two occasions, officials in Karakalpakstan allegedly detained, interrogated, and threatened the adult daughter of an Uzbek-German Forum monitor.

According to Urlaeva, on September 16, 2016, Khilola Juraeva, an employee of the district department of education in Buka, in the Tashkent region, planned to meet her to provide information about the forced mobilization of education workers. Urlaeva reported that Juraeva called her to cancel the meeting, saying she was being followed and would be punished for passing on the information. On November 7, Urlaeva visited the department, and asked to meet with Juraeva. Officials there said that Juraeva had been fired for her previous contact with Urlaeva but Human Rights Watch and the Uzbek-German Forum could not independently confirm this.

Several people who filed complaints with the Federation of Trade Unions of Uzbekistan (FTUU) or Labor Ministry feedback mechanisms allegedly faced reprisals. In 2016:

- A woman in Kashkadarya who alleges that she was forced to pick cotton or lose her child benefits said her neighbor called the hotline to complain that her 16-year-old daughter was sent to pick cotton overnight. The neighbor told her that in response, local authorities held her for several hours and made her write a statement that she did not oppose her daughter picking cotton. After her neighbor's experience, the woman said she was afraid to complain herself.
- A teacher said that she sent a complaint to the Ministry of Education asking teachers to be freed from mandatory cotton picking: "They called the district department of education and asked them to resolve my issue "peacefully." ... After that, the school director went after me. He started threatening me and said he would show me 'just what he's capable of.'"

World Bank Mitigation Measures Involving the ILO

A. Third Party Monitoring Not Independent, Insufficient, Misleading

Rather than the independent monitoring that the World Bank committed to, the Bank contracted with the ILO to monitor forced and child labor in partnership with the Uzbek government and government-controlled bodies. The state-orchestrated nature of forced labor in Uzbekistan presents an extraordinary challenge to the World Bank-commissioned monitoring, as well as the feedback mechanism, discussed below. The ILO constitutionally works with its member state and the social partners in that state, in this case the government of Uzbekistan and Federation of Trade Unions of Uzbekistan (FTUU) and Chamber of Commerce and Industry of Uzbekistan, organizations that are not independent of the government.

The FTUU has several times stated publicly that there is no forced labor in Uzbekistan, including in September 2016, as monitoring was underway, and has denied harassment of and reprisals against monitors and human rights defenders. Further, the Uzbek-German Forum has documented cases in which unions played a role organizing mandatory cotton work, including enforcing quotas and collecting payments. People also indicated that they would not speak candidly in the presence of an FTUU official, who they perceive as closely tied to the government or as not representing the interests of workers.

In 2016, rather than using established indicators of forced labor to monitor for abuse, the ILO limited its monitoring to an assessment of how the government's commitments to address labor abuses were being implemented. The ILO said that this was appropriate because the Uzbek government now implicitly acknowledges that it has a forced labor problem, so the next step is to assess measures to address the problem rather than again document forced labor. When asked what basis it had to conclude that there were no incidences of child and forced labor identified with regards to World Bank-supported projects in that case, the ILO's chief technical adviser for Uzbekistan, Stephen McClelland, said that the ILO would have recognized a child in the field or evidence of forced labor, such as a self-declaration that someone had been forced to work. This conclusion is, at best, of dubious credibility and does not meet the World Bank's commitment to third party monitoring of labor abuses linked to its projects.

The climate of fear and repression in Uzbekistan makes independent monitoring particularly challenging. Several people expressed fear that something bad would happen to them if they told the ILO about being forced to work. One schoolteacher told Human Rights Watch that the only way people could speak openly was if the ILO interviewed them confidentially, out of the country. As the ILO has recognized, reprisals against labor monitors undermine its ability to monitor.

In 2015 and 2016, educators, medical workers, and others told the Uzbek-German Forum that their supervisors instructed them to lie to inspectors and tell them they are

unemployed or non-professional staff such as cleaners and guards, and were picking cotton of their own will. For example, a schoolteacher who picked cotton in 2015 described following the instructions of school officials by telling an ILO monitoring team that teachers did not pick cotton. The ILO has recognized that “many interviewees appear to have been briefed in advance.” Despite explicitly acknowledging concerns about the integrity of its findings and the possible interference of officials by instructing respondents in advance, the ILO did not take steps to address these concerns, such as conducting interviews in private, or explain how these concerns affected its findings. Instead, the ILO took the view that the government instructing respondents to tell the ILO they are working voluntarily “has the advantage of raising awareness of the issue of child and forced labour and meant that evidence of measures were to hand.” In addition, some officials appear to have taken steps to hide workers or working conditions from the ILO.

B. Feedback Mechanism

The World Bank undertook to support the creation of a grievance redress mechanism through which people could anonymously report evidence of forced labor related to Bank projects. According to the Bank, the government insisted that the mechanism be a feedback, rather than redress mechanism because the agency responsible was to be independent from the government and would not have the authority to implement redress measures that fall under the government’s purview. Despite this assertion, the only new mechanisms created sit within the government’s Ministry of Labor and the FTUU. While the World Bank has also pointed to an international feedback mechanism through the ILO, this is merely the existing ILO complaints system that ordinary individuals and NGOs are not eligible to access.

In the context of fear, the national feedback mechanism is of limited utility. Many people interviewed by the Uzbek-German Forum who were forced to work said that it is impossible to complain within the repressive environment, that complaining is useless, or expressed concerns that they would face reprisals if they complained.

The feedback mechanism consists of two call centers managed by the Labor Ministry and the FTUU, and a website. Of the 2017 official complaints that the Ministry of Labor received between September 26 and October 31, 2015, two were officially accepted and subject to further actions and sanctions according to the World Bank. Out of over 1,000 calls, the FTUU registered 68 official complaints related to child or forced labor, labor conditions, and problems with payment and “officially processed and resolved” 19 of these. The Uzbek-German Forum sent 42 notifications of forced labor to the FTUU during this period, copying the ILO but did not receive any replies. In 2016, the Ministry of Labor registered as grievances 30 of the 3,939 “inquiries” it received, identifying two as related to child labor and three to forced labor. The FTUU deemed 85 of the 1,902 “requests” it received as related to cotton picking. Of these, it confirmed six cases of child labor and two cases as “presenting risks of forced labor,” with the remaining related to poor working conditions. In

2016, the Forum declined to send notifications to the FTUU, given its poor record of effectiveness and to avoid the possibility of reprisals against complainants.

The World Bank and ILO have recognized some of the limitations of these feedback mechanisms and have been providing technical support to enhance them, which has resulted in some improvements. For example, FTUU can now receive anonymous complaints. However, given the FTUU's public stance denying the existence of forced labor, the low number of complaints registered and resolved, lack of improvements between 2015 and 2016, and low public confidence in unions or the feedback mechanism, this does not address the structural and contextual problems rendering the mechanism ineffective.

C. Training of World Bank Beneficiaries on Prohibitions on Child and Forced Labor

Several World Bank projects include financing to train farmers, teachers and other intended beneficiaries on Uzbek legislation prohibiting forced and child labor. Many of those interviewed for this report, particularly teachers, said they already knew that forced and child labor are prohibited, but since the government forces them to work, the laws are meaningless. A university student said, "I saw the posters about forced labor. But if they aren't used in practice, what good are they?" People not working in the education sector showed less awareness of the prohibition on forced and child labor in Uzbekistan.

Emerging Signs of Forced Labor in the Horticulture Sector

As part of the World Bank's "multi-pronged approach" to addressing forced and child labor, it is promoting crop diversification by supporting Uzbekistan's horticulture sector. The \$183.13 million Horticulture Development Project funds commercial banks and leasing companies to finance horticultural enterprises. The World Bank has pointed to horticulture not being subject to state procurement quotas, operating under a more liberalized market environment, being more profitable, and consequently may offer more competitive wages to attract wage labor. But there are concerning signs that this is changing.

In 2016, in some regions, government officials began to force public sector workers to assist farmers to plant vegetable crops in addition to forced cotton-related work. An April 2016 presidential decree established a unified system for the cultivation, processing, and purchasing of fruits and vegetables under a system of state holding companies for purchase, processing, storage, and export of fruits and vegetables. Under the new system, farmers will conclude purchase agreements for the processing of fruits and vegetables and receive advances for inputs based on production quotas. The decree also establishes production targets for each region and the amount to be produced by private farms and peasant farms. The government mandated production of four million tons of horticultural products in 2016, meaning that farmers are required to fulfill production quotas for specific crops that they must sell to the government at government-set prices. The government has also increased the penalties farmers must pay for failing to deliver specific crops in specific amounts by dates specified in their contracts. Other sources also reported that in spring

2016 the government ordered a reduction in cotton production and an increase in fruit and vegetable crops.

The ILO does not monitor for forced or child labor in the horticulture sector.