

REDUCING CHILD LABOR IN UZBEKISTAN: LESSONS LEARNED AND NEXT STEPS

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I. INTRODUCTION

Picking cotton is incredibly hard work. It results in back injuries caused by bending over for hours on end, sore shoulders from carrying large weights in shoulder bags, and bloody fingers because of the dry, prickly hulls surrounding the cotton bolls. Due to its hazardous nature, the International Labour Organization (ILO) considers harvesting cotton one of the occupations referenced as the “worst forms of child labor” and children under the age of 18 are forbidden to participate.¹ Today, tens of millions of people work in the global cotton industry, which offers many of them vital

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¹ International Labor Organization (ILO), *R190 – Worst Forms of Child Labour Recommendation, 1999 (No. 190)*, ILC, 87th Sess. (Jun. 17, 1999), available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:R190.

income.² Unfortunately, there is also considerable research demonstrating that cotton growing is not always a benefit to workers and may be hazardous, exploitative, or unproductive for them.³ In developing countries, where the majority of cotton is still harvested by hand, several different initiatives focused on training and empowering farmers have come about in recent years including: Fairtrade Cotton, Cotton Made in Africa, and Better Cotton Initiative.⁴ Although these efforts are improving the lives of farmers and farm workers, there are still hundreds of thousands of people who are forced to toil in cotton fields, many of them children.⁵ The U.S. Department of Labor's List of Goods Produced by Child Labor and Forced Labor names nine countries with documented incidences of forced labor and 18 countries with documented child labor in their cotton or cottonseed sectors.⁶ Cotton/cottonseed shares the top honors with gold and bricks as the commodities with the most widespread cases of child labor (18 countries for Gold, 18 for Cotton/Cottonseed, and 17 for Bricks).⁷

Listed among the 18 countries for cotton, is one that historically has been the most unbearable for children: the Republic of Uzbekistan. Child labor there has not only been forced, entrenched, and brutal for upwards of a million children, some as young as seven years old, but it has also been state-orchestrated.⁸ However, after several decades of forced child labor and strictly controlled quota systems coordinated through the local politicians and elementary schools, the tides have started to shift. This change did not come about because the international media criticized the Government of Uzbekistan (GOU), or because the GOU received a big loan for cotton-

² *Sustainable Agriculture: Cotton: Overview*, WORLD WILDLIFE FUND, <https://www.worldwildlife.org/industries/cotton> (last visited Mar. 2, 2015).

³ Ergon, *Literature Review and Research Evaluation relating to Social Impacts of Global Cotton Production for ICAC Expert Panel on Social, Environmental and Economic Performance of Cotton (SEEP)*, INT'L COTTON ADVISORY COMM. (ICAC) 3-5 (2008), available at https://www.icac.org/seep/documents/reports/literature_review_july_2008.pdf.

⁴ For more information about these initiatives see generally *Cotton*, FAIRTRADE INT'L, <http://www.fairtrade.net/cotton.html> (last visited Mar. 31, 2014); COTTON MADE IN AFR., <http://www.cotton-made-in-africa.com/en/> (last visited Mar. 31, 2014); BETTER COTTON INITIATIVE (BCI), <http://bettercotton.org/> (last visited Mar. 31, 2014).

⁵ Ergon, *supra* note 3, at 56.

⁶ *List of Goods Produced with Child Labor or Forced Labor*, U.S. DEP'T OF LAB. (2014), <http://www.dol.gov/ilab/reports/child-labor/list-of-goods/> (last visited Jan. 16, 2015) (using search term "cotton").

⁷ *Id.* (no keyword search, viewed all 342 entries).

⁸ International Crisis Group (ICG), *The Curse of Cotton: Central Asia's Destructive Monoculture*, 93 ASIA REPORT 17 (Feb. 28, 2005), available at <http://www.crisisgroup.org/en/regions/asia/central-asia/093-the-curse-of-cotton-central-asias-destructive-monoculture.aspx>; *End Forced Labor in the Cotton Sector of Uzbekistan*, COTTON CAMPAIGN, <http://www.cottoncampaign.org/> (last visited Mar. 19, 2015).

picking machines. The premise of this paper is that change happened because a small, diverse group of stakeholders implemented a wide variety of strategies focused on different pressure points in a targeted and coordinated fashion. There is still a long way to go to completely end exploitation in Uzbekistan's cotton harvest. But, at least the most vulnerable children, those ages fifteen years and younger, have been largely eliminated from the cotton fields.⁹

This article seeks to recognize, record, and analyze how the shift away from forced child labor occurred in the cotton fields of Uzbekistan. As a result, although the root causes for the existence of child labor vary from country to country, lessons learned from such analysis may be applied to other situations where children are being exploited to harvest commodities. Part I captures the historical context of the mass mobilization of children to work in the Uzbek cotton fields. Parts II and III explain the progress that has been made to end the widespread use of child labor and the specific tactics employed to achieve it. Part IV describes successful strategies that should be replicated, and Part V maps out the road ahead in the global cotton industry.

II. THE HISTORY OF FORCED CHILD LABOR IN UZBEKISTAN

For the past three decades, the GOU has been orchestrating the mass movement of between 1 and 3.1 million children 15 years or younger who work for several months every year harvesting cotton.¹⁰ The total population of Uzbekistan currently stands at approximately 29 million.¹¹ The state-controlled cotton harvest did not begin with Uzbekistan's independence from the USSR, but instead has its roots in the antiquated Soviet-style command economy where the government regulated production.¹² The Kremlin mandated that Soviet Central Asia (Uzbekistan, Kazakhstan, Tajikistan, and Turkmenistan) be the cotton growing region for the entire USSR.¹³

Islam Karimov became the Secretary of the Communist Party of

⁹ 2013 *Trafficking in Persons Report: Uzbekistan*, U.S. DEP'T OF STATE, <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215647.htm> (last visited Apr. 9, 2015).

¹⁰ COTTON CAMPAIGN, *supra* note 8; Deniz Kandiyoti, *Invisible to the World? The Dynamics of Forced Child Labour in the Cotton Sector of Uzbekistan*, SCH. OF ORIENTAL & AFR. STUD. 25, Table 4 (2009), available at <https://www.soas.ac.uk/ccac/events/cotton-sector-in-central-asia-2005/file49842.pdf>.

¹¹ *The World Fact Book, Central Asia: Uzbekistan*, CENT. INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/uz.html> (last visited Jan. 16, 2015).

¹² See ICG, *supra* note 8, at 1.

¹³ *Water Pressures in Central Asia*, 233 INT'L CRISIS GROUP 3 (Sept. 11, 2014), available at <http://www.crisisgroup.org/~media/Files/europe/central-asia/233-water-pressures-in-central-asia.pdf>.

Uzbekistan in 1989 and President of the Uzbek Soviet Socialist Republic in 1990.¹⁴ He was elected as President of Uzbekistan in 1991, upon the dissolution of the Soviet Union and still holds the position today as a result of a series of national referendums and questionable elections, even though the Uzbek constitution limits a president to only two five-year terms.¹⁵ As President, Mr. Karimov expanded rigid state control, including complete authority over the cotton industry. To continue leasing their state-owned land, Uzbek farmers have to grow what the government decrees.¹⁶ If a farmer's yearly cotton crop does not reach the quota written into his lease agreement, he can lose the lease to his farm.¹⁷ The income from the cotton harvest is routed into the Selkhozfond, a fund overseen by the GOU's Finance Ministry and accessible only to high-level government officials; not even the Uzbek Parliament has access.¹⁸ While the cotton industry is very profitable for a few political elites, cotton farmers live in dire poverty.¹⁹ Although compensated for their annual cotton crop, the price farmers are paid for raw cotton usually amounts to only one-third of the true market value.²⁰ This is possible because GOU manages all of the inputs, such as seed and fertilizer, controls all purchases of cotton (monopsony), and determines all sales of cotton, both domestic and export (monopoly).²¹ Since the farmers do not earn a sufficient price for their cotton, adult workers are incentivized to work in the cotton fields of neighboring countries, such as Kazakhstan and Kyrgyzstan, where they can earn two- to three-times higher pay.²² This naturally causes labor shortages, which the GOU has been

¹⁴ ENCYCLOPEDIA BRITANNICA, <http://www.britannica.com/EBchecked/topic/312338/Islam-Karimov> (entry on Islam Karimov, President of Uzbekistan) (last visited on Mar. 8, 2015).

¹⁵ *Id.*

¹⁶ Alisher Ilkhamov & Bakhodir Muradov, *Uzbekistan's Cotton Sector: Financial Flows and Distribution of Resources* 11 (Open Society Foundations, Working Paper, Oct. 2014), available at <http://www.opensocietyfoundations.org/sites/default/files/uzbekistans-cotton-sector-20141021.pdf>.

¹⁷ Anna-Katharina Hornidge & Anastasiya Shtaltovna, *A Comparative Study on Cotton Production in Kazakhstan and Uzbekistan*, CENTER FOR DEV. RES. (ZEF) 13 (2014), available at http://www.zef.de/uploads/tx_zefportal/Publications/ZEF-Cotton_Kasachstan-web.pdf.

¹⁸ Ilkhamov, *supra* note 16, at 18.

¹⁹ *Asian Development Bank: Reconsider Uzbekistan Project*, HUMAN RTS. WATCH, (Sept. 11, 2013), <http://www.hrw.org/news/2013/09/11/asian-development-bank-reconsider-uzbekistan-project>.

²⁰ Patricia Jurewicz & Valentina Gurney, *From the Field: Travels of Uzbek Cotton Through the Value Chain*, Responsible Sourcing Network 2 (2012), available at <http://www.sourcingsnetwork.org/storage/FromTheFieldReport.pdf>.

²¹ *White Gold: The True Cost of Cotton. Uzbekistan, Cotton and the Crushing of a Nation*, ENVIRONMENTAL JUSTICE FOUNDATION (EJF) 14 (2005), available at http://ejfoundation.org/sites/default/files/public/white_gold_the_true_cost_of_cotton.pdf.

²² Ilkhamov, *supra* note 16, at 23.

addressing by sending schoolchildren to the fields in place of the adult workers.²³

The scope of this problem is enormous. Approximately 90 percent of Uzbek cotton is picked by hand.²⁴ The legions of child workers have in the past accounted for bringing in as much as 76 percent of the cotton harvest.²⁵ Today, although the quantity of young children in the fields is much less, their treatment is the same. The children are forced to work, sleep in cold barracks, have daily cotton quotas to pick of 55 lbs. (25 kilos), have only pesticide-laden ditch water to drink²⁶, and are ridiculed, beaten, or expelled from school if they refused to work in the cotton fields.²⁷ The children forced into the fields are required to pay for their own food and lodging, and as a result, often end up in debt.²⁸

The GOU rigorously and systematically manages the mistreatment of cotton pickers. Every stratum of organization has a quota to fulfill, from the children, to the classrooms, to the schools, to the towns and provinces.²⁹ This layered quota system makes it so that it is in each individual's best interest to extract the most out of those who are one step closer to the field than themselves. The GOU coordinates its denial meticulously. To avoid having any written record of its conduct, the GOU coordinates the utilization of students in the elementary schools, high schools, and universities via conference calls, in-person meetings, and town hall forums.³⁰

The most egregious part of every harvest is the myriad of stories of people dying. In 2013, there were 11 deaths recorded that were affiliated with the cotton harvest.³¹ The body count rose to 17 during the 2014 harvest.³² Officials seldom follow up on any of the mortalities.³³ What is

²³ Jurewicz & Gurney, *supra* note 20, at 7.

²⁴ *Id.* at 8.

²⁵ Kandiyoti, *supra* note 10, at 26, Table 5.

²⁶ EJP, *supra* note 21, at 31.

²⁷ *Id.* at 4.

²⁸ Mansur Mirovalev & Andrew E. Kramer, *In Uzbekistan, the Practice of Forced Labor Lives On During the Cotton Harvest*, N.Y. TIMES, Dec. 17, 2013, http://www.nytimes.com/2013/12/18/world/asia/forced-labor-lives-on-in-uzbekistans-cotton-fields.html?pagewanted=all&_r=0.

²⁹ Jurewicz & Gurney, *supra* note 20, at 8.

³⁰ *Id.*

³¹ Raveena Aulakh, *Cotton slavery: 11 die in Uzbekistan harvest, report says*, TORONTO STAR, Nov. 27, 2013, http://www.thestar.com/news/world/2013/11/27/cotton_slavery_11_die_in_uzbekistan_harvest_report_says.html.

³² Raveena Aulakh, *17 killed in Uzbekistan's Forced Cotton Harvest, Report says*, TORONTO STAR, Nov. 15, 2014, http://www.thestar.com/news/world/2014/11/15/17_killed_in_uzbekistans_forced_cotton_harvest_report_says.html.

³³ RFE/RL's Uzbek Service, *Uzbek Student's Relatives Seek Justice Over Cotton Harvest*, RADIO FREE EUROPE/FREE LIBERTY (Oct. 27, 2014), <http://www.rferl.org/content/>

particularly disdainful is that the district and provincial headquarters responsible for cotton quota fulfillment are led in part by prosecutors and district police chiefs.³⁴ The management of the cotton quotas is distributed to the districts and enforced by the 13 provincial hokims (governors) who the President of Uzbekistan personally appoints.³⁵

There is a large lucrative incentive for President Karimov and the political elite to maintain their stronghold on the cotton industry. For the 2014/2015 harvest, Uzbekistan was the sixth largest producer of cotton globally and the fifth largest exporter.³⁶ In 2012, approximately 75% of the annual crop was exported, valued at approximately US\$1 billion.³⁷ In 2011, the Ministry of Economic Relations of Uzbekistan reported cotton profits represented an estimated 11.3% of the country's hard currency earnings.³⁸

III. CHANGE HAPPENED

Given the financial advantages for the GOU and the engrained system of utilizing schoolchildren to harvest cotton, it was a surprise to many that the 2012 and 2013 Uzbek cotton harvests had greatly reduced amounts of children ages seven to fourteen working in the fields.³⁹ Fortunately, this trend continued through 2014 with most children under the age of fifteen remaining in school.⁴⁰ Unfortunately, the only solution the GOU implemented to minimize the use of the youngest children was to force more adults and older children to harvest cotton.⁴¹ Although forced labor in Uzbekistan is still endemic, at least the most vulnerable victims are largely

cotton-harvest-uzbekistan-picking-death-justice/26658786.html.

³⁴ Uzbek-German Forum for Human Rights (UGF), *Cotton - It's Not a Plant, It's Politics. The System of Forced Labor in Uzbekistan's Cotton Sector*, 23 (2012), available at http://www.cottoncampaign.org/wp-content/uploads/2012/10/UZBEKCOTTON_2011HarvestReport_UGF.pdf.

³⁵ Jurewicz & Gurney, *supra* note 20, at 8.

³⁶ *Table 01 Cotton World Supply, Use, and Trade USDA*, FOREIGN AGRIC. SERV., <http://apps.fas.usda.gov/psdonline/> (last visited Jan. 26, 2015) (Use drop-down Cotton menu; select second Table 01).

³⁷ Jurewicz & Gurney, *supra* note 20, at 2.

³⁸ *Id.*

³⁹ See UZBEK-GERMAN FORUM FOR HUMAN RTS. (UGF) & COTTON CAMPAIGN, A SYSTEMIC PROBLEM: STATE-SPONSORED FORCED LABOUR IN UZBEKISTAN'S COTTON SECTOR CONTINUES IN 2012 3, available at http://uzbekgermanforum.org/wp-content/uploads/2013/07/SystemicProblem-ForcedLabour_Uzbekistan_Cotton_Continues.pdf (last visited Apr. 10, 2015); *Uzbekistan: Findings on the Worst Forms of Child Labor (2013)*, U.S. DEP'T OF LAB., <http://www.dol.gov/ilab/reports/child-labor/uzbekistan.htm> (last visited Nov. 14, 2014).

⁴⁰ UGF, PRELIMINARY REPORT ON FORCED LABOR DURING UZBEKISTAN'S 2014 COTTON HARVEST 3 (Nov. 7, 2014), available at <http://uzbekgermanforum.org/wp-content/uploads/2014/11/Forced-Labor-During-Uzbekistans-2014-Cotton-Harvest.pdf>.

⁴¹ *2013 Trafficking in Persons Report: Uzbekistan*, *supra* note 9.

absent from the cotton fields.

The ILO report on the results of the observer mission during the 2013 harvest stated there was a large reduction in the amount of Uzbek child labor.⁴² Although a step in the right direction and applauded by many, activists critiqued the circumstances under which the assessment took place. For example, they pointed out that Uzbek government officials accompanied the investigators in the fields; in contrast to the ILO tri-partite structure, the International Organization of Employers (IOE) and International Trade Union Confederation (ITUC) were left out of participating in the observation process; and there were reports that some children were made to lie about their ages.⁴³

Even with the numerous problems of the observer mission, the large reduction of schoolchildren, ages seven to fifteen, laboring in the Uzbek cotton fields was and continues to be significant. This development needs to be acknowledged and analyzed since it is a noteworthy shift and the first major change in the government's orchestrated forced labor system in decades. So, how exactly did it happen?

IV. CAUSING CHANGE

There was not one incident or news story that caused the GOU to change its practices. Several years of multi-stakeholder coordination using a variety of strategies made the difference. Strategies included publicizing investigative reports and new articles; airing radio spots and TV stories; applying pressure on the GOU from human rights groups, corporations, cotton traders, U.S. and European governments, and the ILO; and threatening Uzbekistan's cotton exports with a global boycott.

In 2005, the International Crisis Group and the Environmental Justice Foundation (EJF) published and widely circulated the first hard-hitting reports.⁴⁴ In 2007, Uzbek activists, many of them living as asylum seekers outside of Uzbekistan, called upon the global community to boycott Uzbek cotton.⁴⁵ That same year, the BBC ran an exposé on Night News with

⁴² Comment on C182 by the Committee on the Application of Standards, ILC, 103d Sess. (2014), available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3149080:NO (last visited Mar. 19, 2015).

⁴³ COTTON CAMPAIGN, REVIEW OF 2013 COTTON HARVEST IN UZBEKISTAN: STATE-FORCED LABOUR SYSTEM CONTINUES 13-14 (Nov. 2013), available at http://www.cottoncampaign.org/uploads/3/9/4/7/39474145/2013cottonharvest_end_report.pdf; FURRAH YUSUPOV & FARANGIS NAJIBULLAH, *Uzbek Cotton Monitoring a Boll of Yarn?*, RADIO FREE EUROPE/FREE LIBERTY (Sept. 19, 2013), <http://www.rferl.org/content/uzbekistan-cotton-child-labor/25111327.html>.

⁴⁴ ICG, *supra* note 8; EJF, *supra* note 21.

⁴⁵ Gulnoza Saidzimova, *Uzbekistan: Call for Boycott Over Uzbek Child Labour*, RADIO FREE EUROPE/FREE LIBERTY (Nov. 21, 2007), <http://www.rferl.org/content/article/1079173>.

footage of children being sent to work in the fields in school buses.⁴⁶ Shortly thereafter, Responsible Sourcing Network (RSN), other non-governmental organizations (NGOs), and sustainable and responsible investors (SRIs) started reaching out to industry associations and major apparel brands asking them to create policies and procedures to avoid Uzbek cotton picked with forced child labor.⁴⁷

The first signs of change occurred in 2008 when the GOU announced it would be ratifying ILO child labor conventions C182, Worst Forms of Child Labor Convention, and C138, Minimum Age for Work Convention, as well as passing a National Action Plan.⁴⁸

However, the ratifications of these conventions were not without their challenges. It took prodding for the GOU to complete the C138 requirements and respond to a complaint alleging violations of forced labor conventions before the ILO Committee of Experts.⁴⁹ C138 was not officially ratified until March 2009, and although the GOU Cabinet of Ministers passed a resolution to adopt a National Action Plan on September 12, 2008 to monitor the implementation of ILO Conventions 138 and 182, the GOU never implemented it.⁵⁰ The IOE and ITUC, in a rare occurrence of employers and unions taking similar actions on the same issue, submitted simultaneous comments to the ILO in 2012 and 2013 regarding Uzbekistan's failure to abide by C182.⁵¹ In 2013, the ILO Committee on the Application of Standards recommended the GOU accept ILO monitoring of forced child labor. After years of refusing to open its doors to outside scrutiny, the GOU accepted an ILO observer mission to monitor C182 during the 2013 cotton harvest. Following the mission, the ILO and GOU signed a framework

html.

⁴⁶ *Child Labour and the High Street*, BBC (last updated Oct. 30, 2007, 18:12 GMT), http://news.bbc.co.uk/2/hi/uk_news/7068096.stm.

⁴⁷ Tom Harkin, *Hard Truths About Uzbek Cotton*, L.A. TIMES, Sept. 25, 2009, <http://articles.latimes.com/2009/sep/25/opinion/oe-harkin25>.

⁴⁸ Judith Mazdra, *When "Trust but Verify" Is Not Enough: Continued Pressure is Needed to End Forced Labor in Uzbekistan*, OPEN SOCIETY FOUNDATIONS (OSF), 2 (Mar. 2015), available at <http://www.opensocietyfoundations.org/sites/default/files/when-trust-verify-not-enough-20150302.pdf>.

⁴⁹ *Uzbekistan Update: Government Still Forcing Young Children to Harvest Cotton Despite Pledges to Ban the Practice*, INT'L LAB. RTS. FORUM (ILRF), 4 (Nov. 2008), available at <http://www.laborrights.org/sites/default/files/publications-and-resources/UzbekCottonNov08.pdf>.

⁵⁰ Dillorom Abdulloeva, *Uzbekistan Signed a New Document to End Child Labor: Time for Real Change?*, REGISTAN (June 8, 2014), <http://registan.net/2014/06/08/uzbekistan-signed-a-new-document-to-end-child-labor-time-for-real-change/>; Mazdra, *supra* note 48, at 2.

⁵¹ See ILO, *Observation (CEACR) – adopted 2012, published 102nd ILC session (2013)*, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3087350 (last visited Apr. 10, 2015).

agreement in 2014, the Decent Work Country Programme, to work on the application of core labor standards, including the goal of eradicating forced labor in the agriculture sector between 2014 and 2016.⁵²

In addition to the ILO, there have been numerous complaints and other grievances filed through various international institutions and governments over the years. Starting in 2007, the International Labor Rights Forum (ILRF) formally requested a review of the Generalized System of Preferences Program (GSP) for Uzbekistan with the Office of the U.S. Trade Representative complaining about the GOU's use of compulsory labor and worst forms of child labor.⁵³ In 2010, the German NGO, European Center for Constitutional and Human Rights (ECCHR), filed complaints against seven cotton traders through the Organisation for Economic Co-operation and Development (OECD).⁵⁴ These seven cotton traders were Otto Stadlander GmbH, Paul Louis Dreyfus Commodities Suisse S.A., Cargill Cotton Limited, ICT Cotton Limited, Devcot S.A., Reinhart AG, and Ecom Agroindustrial Corp. Ltd.⁵⁵ In 2013, the Uzbek Civil-Society Organizations Association for Human Rights in Central Asia, Ezgulik, and Uzbek-German Forum for Human Rights submitted a formal complaint with the World Bank Inspection Panel.⁵⁶

NGOs also encouraged international institutions and governments to rate Uzbekistan's human rights record poorly in their publications. As a result, in November 2013, the Committee Against Torture (CAT) made mention of forced and child labor as one of the "principle subjects of concern" in Uzbekistan.⁵⁷ In 2013, the National Human Rights Commission

⁵² ILO, *Decent Work Country Programme of the Republic of Uzbekistan for 2014-2016*, at 6, available at <http://www.ilo.org/public/english/bureau/program/dwcp/download/uzbekistan.pdf>.

⁵³ Transcript of Public Hearing for U.S. Generalized System of Preferences (GSP) Review of Country Practices, OFFICE OF U.S. TRADE REPRESENTATIVES 244 (Mar. 28, 2013), <http://www.regulations.gov/#!documentDetail;D=USTR-2013-0007-0013>; *Request for Review of the GSP Status of the Republic of Uzbekistan for Violations of Workers Right*, ILRF (June 21, 2007), available at <http://laborrights.org/sites/default/files/publications-and-resources/GSP%20Uzbekistan%20Petition%20June%202007.pdf>.

⁵⁴ *Uzbekistan*, EUR. CTR. FOR CONST. AND HUM. RTS. (ECCHR) (Sept. 24, 2013), <http://www.ecchr.de/uzbekistan.html>; *ECCHR, Sherpa and UGF vs. Otto Stadlander Case Overview*, OECD WATCH (Oct. 25, 2010), http://oecdwatch.org/cases/Case_191.

⁵⁵ *Id.*

⁵⁶ World Bank, *Republic of Uzbekistan: Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962)* (Dec. 9, 2013), at 1-2, available at http://siteresources.worldbank.org/EXTINSPECTION/PANEL/Resources/PanelReport_Uzbekistan_SRESP_Dec9_2013.pdf.

⁵⁷ U.N. Committee Against Torture, *Concluding observations on the fourth periodic report of Uzbekistan*, U.N. DOC. CAT/C/UZB/4, at 2 (Nov. 2013), available at http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/CAT_C_UZB_CO_4_15833_E.doc.

of Korea undertook an investigative mission to observe the human rights impacts of South Korean companies in Uzbekistan.⁵⁸ The UN Committee on the Rights of the Child also declared in 2013, a great concern about the continuation of forced Uzbek labor impacting children over the age of 16.⁵⁹ After meetings and information submitted by the Cotton Campaign in its 2013 Trafficking in Persons (TIP) Report, the U.S. State Department moved Uzbekistan to a “Tier 3” ranking, which is the lowest category a country can be placed in for tolerating human trafficking and forced labor.⁶⁰ Uzbekistan’s ranking remained at Tier 3 for the 2014 TIP Report because the U.S. State Department stated, “Government-compelled forced labor of men, women, and children remains endemic during the annual cotton harvest.”⁶¹

In 2011, RSN launched the Company Pledge Against Forced Child Labor in Uzbek Cotton (commonly referred to as the Cotton Pledge), which states:

We commit to not knowingly source Uzbek cotton for the manufacturing of any of our products until the Government of Uzbekistan ends the practice of child and adult forced labor in its cotton sector. Until the elimination of this practice is independently verified by the International Labor Organization, we will maintain this pledge.⁶²

The pledge launch was coordinated with a protest of the Uzbek president’s daughter’s fashion show during the 2011 New York Fashion Week.⁶³ Today, over 160 brands and companies valued at over \$1 trillion

⁵⁸ See JONG CHUL KIM, SEJIN KIM & IL LEE, FIELD INVESTIGATION REPORT: UZBEKISTAN – WITH SPECIFIC FOCUS ON KOREAN MULTINATIONAL COMPANIES INVOLVED IN FORCED CHILD/ADULT LABOR (2013), available at <http://www.apil.or.kr/attachment/cfile7.uf@2137684452AAA61E0A2FE4.docx> (English) and http://www.humanrights.go.kr/03_sub/body02_4.jsp (Korean).

⁵⁹ Committee on the Rights of a Child, *Concluding Observations on the Initial Report of Uzbekistan Submitted Under Article 8 of the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict*, U.N. DOC. CRC/C/OPAC/UZB/CO/1 (June 14, 2013), available at <https://www.crin.org/docs/CRC-C-OPAC-UZB-CO-1.pdf>.

⁶⁰ U.S. State Department TIP rankings 2013, U.S. DEP’T OF STATE, available at <http://www.state.gov/j/tip/rls/tiprpt/2013/210548.htm> (last visited Nov. 11, 2014).

⁶¹ U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 404–05 (June 2014), available at <http://www.state.gov/documents/organization/226849.pdf>.

⁶² *Company Pledge Against Child and Adult Forced Labor in Uzbek Cotton*, RESPONSIBLE SOURCING NETWORK, <http://www.sourcingnetwork.org/the-cotton-pledge/> (last visited Dec. 20, 2013).

⁶³ Julie Zeveloff, *The Daughter of Uzbek Dictator Had an Awful Show During Fashion Week*, BUS. WK. (Sept. 16, 2011), <http://www.businessinsider.com/gulnara-karimova-uzbekistan-fashion-week-photos-2011-9?op=1>.

(US) in market capitalization have signed the pledge.⁶⁴ Feeling pressure from brand commitments and OECD complaints, several cotton traders applied pressure on the GOU to change its practices through their industry association ACME (Association of Cotton Merchants in Europe).⁶⁵

The Cotton Campaign coalition became more formalized and launched its own website (www.cottoncampaign.org) in 2012, which has become a hub for reports, articles, photos, and other information relating to the abuse of children and adults in the Uzbek cotton industry. The Cotton Campaign has coordinated outreach for the Daewoo Protocol, which among other criteria, commits American and European retailers to implement and enforce a ban on Uzbek cotton throughout their value chains by writing into their supplier contracts a requirement prohibiting business relationships with any company using Uzbek cotton, involved with the Uzbek cotton industry, or operating in Uzbekistan.⁶⁶ C&A, H&M, Ikea, and Michael Kors, as well as Ann Inc., Carters, Fifth & Pacific, Nike, Patagonia, and Tesco have at least partially implemented the Daewoo Protocol.⁶⁷

After five years of human rights groups, outside governments, brands, retailers, traders, and others making the request, the GOU finally invited the ILO into Uzbekistan to conduct an observer mission regarding child labor during the 2013 cotton harvest.⁶⁸ Starting in 2012, the GOU began adjusting its harvesting practices by utilizing older children and adults in preparation for the ILO's 2013 observer mission.⁶⁹ Data from the 2014 harvest indicates that the vast majority of seven to fifteen-year old students were not

⁶⁴ RESPONSIBLE SOURCING NETWORK, *supra* note 62; Aulaire Naughton, *136 International Brands Valued at Over \$1 Trillion Sign Pledge Against Forced Labor in Uzbek Cotton Fields*, RESPONSIBLE SOURCING NETWORK, 1 (Oct. 14, 2013), available at http://www.sourcingnetwork.org/storage/cotton-press-releases/rsn-cotton-pledge-update-20131011_FINAL.pdf.

⁶⁵ *Joint Final Statement by the German National Contact Point for the OECD Guidelines for Multinational Enterprises, the European Center for Constitutional and Human Rights (ECCHR) and Otto Stadlander GmbH Regarding a Complaint by the ECCHR Against Otto Stadlander GmbH/Bremen*, GERMAN NAT'L CONTACT POINT, 3 (Nov. 17, 2011), available at http://www.oecd.org/daf/inv/mne/17-09-11_German_NCP_final_statement_Otto%20Stadlander.pdf.

⁶⁶ *Daewoo Protocol*, COTTON CAMPAIGN, available at <http://www.cottoncampaign.org/wp-content/uploads/2012/10/DaewooProtocol.pdf>.

⁶⁷ Patricia Jurewicz & Karen Runde, *Cotton Sourcing Snapshot: A Survey of Corporate Practices to End Forced Labor*, RESPONSIBLE SOURCING NETWORK, 12 (2014), <http://www.sourcingnetwork.org/cotton-sourcing-snapshot/>.

⁶⁸ UGF, *Review of the 2013 Cotton Harvest in Uzbekistan: State Forced-Labor System Continued Throughout 2013 Cotton Harvest in Uzbekistan, Despite Presence of International Labor Organization Monitors*, UZBEK-GERMAN FORUM FOR HUM. RTS., (Nov. 27, 2013), <http://uzbekgermanforum.org/review-of-the-2013-cotton-harvest-in-uzbekistan/>.

⁶⁹ Ikhamov, *supra* note 16, at 24.

mobilized to work.⁷⁰ However, the children's victory became tenuous closer to the end of the harvest as quota demands pressed down upon public officials and human rights defenders observed incidences of forced child labor.⁷¹ While the overall economic structure inside of Uzbekistan maintains the embedded system of exploiting child labor, the reduction of the number of children being forced to work is a step in the right direction and demonstrates the GOU is capable of change. But perhaps even more importantly, it demonstrates that the GOU is willing to change.

V. APPROACHES TO REPLICATE

Although major transformation still needs to occur in order to abolish all forced labor of adults and children in Uzbekistan, it is a momentous accomplishment to have influenced the elimination of almost all children under the age of 16 from the cotton fields resulting in more than a million children staying in school, where they belong. This new paradigm, which took nearly a decade to achieve, contains lessons learned on how to affect and influence a ruthless and authoritarian regime to the point of causing change. The following are recommendations taken from the strategies and activities different stakeholders implemented that contributed to the GOU shifting away from forced child labor. Although most instances of children laboring in agricultural fields today are not the result of an abusive, far-reaching government, other regions around the world can replicate the approaches implemented in Uzbekistan when trying to address child labor in the harvest of other commodities.

A. *Use multiple strategies*

The issue of forced child labor in the cotton fields of Uzbekistan was addressed from several perspectives simultaneously. Academics conducted research to capture the gravity of the situation and to produce an educated estimate of the quantity of children laboring in the fields. Several stakeholders focused on economic leverage through investors, apparel brands, cotton traders, and the World Bank. Others applied political pressure working through the U.S. and European governments, as well as elevated the issue within the ILO, which gave the campaign cohesion and legitimacy. Media was used to draw attention to the abuses, educate Western consumers, and criticize the reputation of President Karimov and his government's practices. Implementing multiple strategies simultaneously applied the

⁷⁰ UGF, *A Chronicle of Forced Labour in the Cotton Sector in Uzbekistan*, 6 (Sept. 21, 2014), available at <http://uzbekgermanforum.org/wp-content/uploads/2014/09/A-CHRONICLE-OF-FORCED-LABOUR-IN-THE-COTTON-SECTOR-IN-UZBEKISTAN.pdf>.

⁷¹ UGF, *supra* note 34, at 1.

necessary pressure on the GOU to begin shifting a decades' old and deeply embedded practice of the Uzbek economy and culture.

B. Coordinate activities

A diversity of organizations were and still are involved with the Cotton Campaign, including NGOs, SRIs, industry associations, unions, and apparel brands and retailers.⁷² In a rare act of solidarity, the IOE (employers) and ITUC (unions) both submitted comments to the ILO in 2012, regarding Uzbekistan's lack of abiding by C182 on the worst forms of child labor.⁷³ In 2011, RSN launched the Cotton Pledge, which initially included well-known designers such as Gucci, Burberry, and Stella McCartney, as well as multi-national retailers such as Walmart, Macy's, and C&A. RSN released the Cotton Pledge the same day activists demonstrated in front of the high-end restaurant Cipriani's, where the Uzbek president's daughter, Gulnara Karimova, showed her fashion collection.⁷⁴ Gulnara had to move her catwalk show to the restaurant after the organizers of New York's Fashion Week ejected her from their event due to pressure from human rights groups.⁷⁵ The simultaneous announcement of the companies' support of the Cotton Pledge against Uzbek forced child labor with the public protest gave the human rights defenders support and legitimacy.⁷⁶ On several occasions throughout the campaign, coordinated actions by a variety of stakeholders increased the media attention and amplified their impact.

C. Have stories close to the location of the abuse and in international media.

Over the years, stories regarding the exploitation of children in the Uzbek cotton fields have appeared in Asian Financial Times, UzNews, Ferghana News, Russia Today television, CNN International, and several Russian-only publications.⁷⁷ Stories have also appeared in the New York

⁷² Cotton Campaign, *supra* note 8.

⁷³ See ILO, *supra* note 51.

⁷⁴ Zeveloff, *supra* note 63.

⁷⁵ *Id.*

⁷⁶ Johannes Dell, *Pressure on Uzbekistan to End Child Cotton Labour*, BBC (Sept. 20, 2011, last updated 01:01 ET), <http://www.bbc.com/news/world-asia-pacific-14973062>.

⁷⁷ Jonathan Birchall, *Uzbeks Urged to End Child Labour*, ASIAN FIN. TIMES (Aug. 15, 2008), <http://www.ft.com/cms/s/0/8a29d04a-6a4c-11dd-83e8-0000779fd18c.html#axzz3HiqVZ600>; *Tesco says 'No' to Uzbek Cotton*, UZNEWS (Oct. 9, 2014), <http://www.uznews.net/en/human-rights/27868-tesco-says-%E2%80%98no%E2%80%99-to-uzbek-cotton>; UGF, *Uzbekistan 2012 Cotton Harvest: Continued State-Sponsored Forced Labor of Children and Adults*, FERGHANA NEWS AGENCY (Dec. 24, 2012), <http://enews.ferghananews.com/articles/2805>; *Fashion World Snubs Fruits of Uzbek Child Labor*, RT NEWS (Oct. 4, 2011), <http://>

Times, BBC, Toronto Star, and Radio Free Europe/Radio Liberty.⁷⁸ Consistent stories each year in regional and local press send a message to local activists that others in the world are aware of the situation and are attempting to change it. Articles in reputable publications read by the international business community such as the Asian Financial Times or Wall Street Journal that criticize the government and companies partaking in abusive business practices have made a difference.⁷⁹ This international scrutiny harmed the reputation of Uzbekistan, drove business away, and was a large factor in motivating the GOU to adopt better labor practices.

D. Involve international institutions and governments

For multiple years, the Cotton Campaign and its members requested through the ILO's procedural process to have a formal observer mission conducted. Although numerous NGO and academic institutions issued reports on forced child labor in Uzbekistan, rumors among those working in the international cotton industry claimed the reports were biased to damage Uzbekistan's reputation, thereby increasing the market for U.S.-grown cotton.⁸⁰ Multiple parties made several references that the ILO was the only respected authority to conduct a thorough and credible survey of the Uzbek cotton harvest.⁸¹ Although the process of working through the ILO protocols can be arduous and take several years, it is worth the effort. Having an issue discussed at the annual International Labor Conference attracts global attention and applies peer pressure on the party causing the abuse. Trudging

rt.com/news/uzbekistan-child-labor-cotton-987/.

⁷⁸ See Jonathan Birchall, *supra* note 77; see also Jim Clancy, *Cotton Exporters Forced Child Labor*, CNN (Feb. 21, 2013), <http://www.cnn.com/video/data/2.0/video/world/2013/02/21/cfp-pkg-clancy-uzbek-cotton.cnn.html>; Ibrat Safo & William Kremer, *Doctors and Nurses Forced to Pick Cotton*, BBC (Oct. 15, 2012, last updated 23:23 ET), <http://www.bbc.com/news/magazine-19931639> (discussing that not only is there a history of forcing children into the cotton fields, but also skilled professionals, such as doctors and nurses); Raveena Aulakh, *In Uzbekistan, 'Slave Labour' Used to Harvest Cotton*, TORONTO STAR, Oct. 25, 2013, http://www.thestar.com/news/world/clothesonyourback/2013/10/25/in_uzbekistan_slave_labor_used_to_harvest_cotton.html; Emily Thompson, *RFE/RL Documents Uzbek Harvest of Oppression*, RADIO FREE EUR./RADIO LIBERTY (Oct. 13, 2013), <http://www.rferl.org/content/uzbek-cotton-harvest-2013/25125901.html>.

⁷⁹ Jeyup S. Kwaak, *Posco Unit Admits Using Cotton from Forced and Child Labor*, WALL ST. J., Aug. 13, 2014, <http://online.wsj.com/articles/daewoo-faces-criticism-for-use-of-uzbekistan-cotton-made-with-forced-labor-1407918539>.

⁸⁰ Interview with Terry Townsend, Executive Director of the International Cotton Advisory Committee (ICAC) (June 2011).

⁸¹ ILRF, TESTIMONY BY BRIAN CAMPBELL, HEARING: TIER RANKINGS IN THE FIGHT AGAINST HUMAN TRAFFICKING AND THE GOVERNMENT OF UZBEKISTAN, 3 (Apr. 18, 2013), available at <http://docs.house.gov/meetings/FA/FA16/20130418/100697/HHRG-113-FA16-Wstate-CampbellB-20130418.pdf>.

through a complaint process with an institution, such as the World Bank, may lead to a concrete ramification like loss of funding; thus, encouraging bad actors to change to avoid such consequences.

E. Sufficient multi-year funding has been available for various NGOs involved in the campaign

NGOs have been able to plan and implement long-term strategies while being encouraged to collaborate rather than compete. When an abuse has been the norm for several decades and those orchestrating the abuse are in strong positions of power, multiple years are needed to shift the exploitation. If NGOs know they have a consistent income stream, rather than spend their time and resources on raising money, they can turn their attention to implementing strategies and activities, thereby achieving actual change. Since 2012, funding has also been provided for a coordinator of the campaign. Since most of the NGOs involved in the Cotton Campaign are focused on a number of different projects simultaneously, it is hugely beneficial to have one dedicated coordinator who establishes regular calls, follows up on next steps, drafts joint-letters, and informs the group of opportunities for engagement.

VI. NEXT STEPS IN THE COTTON INDUSTRY: TRANSPARENCY AND SPINNER VERIFICATION

While the success of reducing child laborers in the Uzbek cotton fields is applauded, there is still much work to be done before Uzbek cotton is ethically harvested. To accomplish this, the Cotton Campaign continues to push for the GOU to commit to ending forced labor in word and deed. To support the effort, the Cotton Campaign also calls on the ILO and World Bank to use their presence in Uzbekistan and respective expertise to support reforms of the financial infrastructure that drives forced labor in the agriculture sector. It is vital that the institutions work with IOE, ITUC, and independent civil society in Uzbekistan to address forced labor of adults and children, and publicly report out on progress indicators.⁸²

The Cotton Pledge has been updated to address forced labor of adults and children, and the outreach continues to encourage the world's largest brands and retailers to not only sign the pledge but to also take concrete steps to avoid it.⁸³

RSN is now increasing its efforts to work with industry partners to

⁸² Cotton Campaign, *Cotton Campaign: Letter to US Secretary of State John Kerry*, HUMAN RTS. WATCH, June 20, 2014, <http://www.hrw.org/news/2014/06/20/cotton-campaign-letter-us-secretary-state-john-kerry>.

⁸³ RESPONSIBLE SOURCING NETWORK, *supra* note 62.

establish a verification system of spinning mills, the entities that purchase cotton from traders.⁸⁴ Since yarn spinners are in a position to procure cotton from specific origins, they have the power to drive purchases toward ethically-sourced cotton and away from cotton harvested with abusive practices.⁸⁵ As a result, RSN is looking to establish an initiative that will verify yarn spinners and textile mills as only using cotton that is ethically sourced.

The RSN's Spinner Verification initiative is modeling its approach after the Conflict-Free Smelter Program (CFSP) that was established in 2008, and is now managed by the Conflict-Free Sourcing Initiative (CFSI). Supported by the electronics, automotive, jewelry, and other industries, CFSP is an audit system that verifies whether smelters are only using minerals that are "conflict-free."⁸⁶ Currently, CFSP has verified 159 smelters as conflict-free, with an additional 64 smelters going through the audit process.⁸⁷ The CFSP has been key in minimizing the demand for conflict minerals from the Democratic Republic of the Congo or surrounding countries.

RSN determined that establishing a spinner verification program was the next logical step based on the results from recent reports, *To the Spinner: Forging a Chain to Responsible Cotton Sourcing and Cotton Sourcing Snapshot: A Survey of Corporate Practices to End Forced Labor*.⁸⁸ The processing of cotton at the spinner level is an important step in the value chain. It is here that the cotton bales are opened up and potentially combined with a variety of cottons; so the individual origins could become lost.⁸⁹ The spinners are key to providing transparency into a cotton bale's country of origin (COO) because export and import regulations require the COO on documentation accompanying every shipment.⁹⁰ As a result, a spinner verification program would help preserve the material information relating to the COO of a cotton bale, which then informs other actors linked to the value chain.

To abide by their commitments in the Cotton Pledge not to source cotton harvested with forced child and adult labor from Uzbekistan,

⁸⁴ *Strategic Mills and Spinners Initiative*, RESPONSIBLE SOURCING NETWORK (Mar. 8, 2015), <http://www.sourcingnetwork.org/strategic-mills-and-spinners-i/>.

⁸⁵ Patricia Jurewicz & Valentina Gurney, *To the Spinner: Forging A Chain to Responsible Cotton Sourcing*, RESPONSIBLE SOURCING NETWORK, 5 (2013), available at http://www.sourcingnetwork.org/download_form.

⁸⁶ *Conflict-Free Smelter Program*, CONFLICT-FREE SOURCING INITIATIVE (CFSI), (Aug. 4, 2014), <http://www.conflictreesourcing.org/conflict-free-smelter-program/>.

⁸⁷ *Conflict-Free Smelter Program Indicators*, CFSI, (Apr. 9, 2015), <http://www.conflictreesourcing.org/program-indicators/>.

⁸⁸ Runde, *supra* note 67; see Gurney, *supra* note 85.

⁸⁹ Gurney, *supra* note 85, at 17.

⁹⁰ *Id.*

representatives from brands and retailers have told RSN that they want and need a guarantee that Uzbek cotton is not entering the value chains of their products. However, given the complexity of the cotton industry, high auditing costs, and current resources going toward factory safety in Bangladesh, most brands admit it is extremely challenging to individually identify and audit all of their spinning facilities.⁹¹ RSN's research supports this position. It found that nearly 80 percent of the brands surveyed have no requirements to audit the spinners or mills in their value chains, and 70 percent have no engagement whatsoever with their spinners.⁹²

A spinner verification mechanism will offer apparel and home goods brands the assurance they desire that they are not using cotton picked with forced or child labor from Uzbekistan, and therefore, will assist companies in complying with California's SB-657 anti-slavery legislation's reporting requirements.⁹³ Approaching this as an industry-wide effort will save companies resources leveraging the demands of the entire industry, as compared to trying to audit facilities on their own. Although it will initially be focused on cotton from Uzbekistan, the long-term plan is to include in the spinner verification mechanism the other 17 countries listed for cotton or cottonseed on the U.S. Department of Labor's List of Goods Produced by Child Labor or Forced Labor.⁹⁴

VII. CONCLUSION

Although the process may be gradual, ending child labor is possible. It can be accomplished by coordinating NGO and corporate activities, highlighting the root causes of the problem in local and international media, and implementing multiple strategies simultaneously. In addition, it is imperative to utilize the structures of international institutions and governments, provide long-term funding to effective NGOs and to their collaboration, drive the market toward ethically-harvested cotton, and establish systems embedded into value chains that allow brands to identify and avoid child labor.

Advocates committed to ending child labor in the harvesting and processing of other commodities can apply several or all of the strategies outlined here. In fact, many of the efforts to address forced child labor in the Uzbek cotton industry have been adopted from advancements in the cocoa, conflict minerals, tomato, and other commodity industries. Although the

⁹¹ *Id.* at 22; Runde, *supra* note 67, at 13.

⁹² Runde, *supra* note 67, at 18.

⁹³ California Transparency in Supply Chains Act of 2010, S.B. 657, 2010 Leg. (Cal. 2010), available at <http://www.state.gov/documents/organization/164934.pdf>.

⁹⁴ U.S. DEP'T OF LAB., *supra* note 6, at "cotton".

value chains of each good differ, they can all be mapped, key points of leverage identified, and auditing systems established to move the market away from exploitative practices. Through this work, Responsible Sourcing Network has noticed there are many passionate people in different stakeholder roles who want to abolish child labor. If that energy and commitment can be coordinated, structured, and maintained over time, then eliminating this abusive practice worldwide is indeed possible.