

Cotton Campaign Submission to the UN Human Rights Committee

137th session (27 February – 24 March 2023)

Third Periodic Report of Turkmenistan

State-Imposed Forced Labor in the Turkmen Cotton Industry

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1. Introduction

This submission provides extensive information on the continued use of state-imposed forced labor in the cotton harvest of Turkmenistan, which the Human Rights Committee noted in paragraph 17 of the **List of issues in relation to the third periodic report of Turkmenistan**.¹

Forced labor continues in the annual cotton harvest in Turkmenistan and is organized and perpetrated by the government. This is a clear violation of Article 8 of the International Covenant on Civil and Political Rights (ICCPR). The government also exerts control over all aspects of civil society and has taken harsh action against those who report on abuses in the cotton sector, including independent journalists, human rights defenders, and any perceived government critics. This is a violation of Articles 17, 19, and 21-22 of the ICCPR.

The information provided in this submission is based on direct evidence of forced mobilization during the 2021 and 2022 cotton harvests, including reports from independent labor rights monitors working with Cotton Campaign member organizations Turkmen.News and the Turkmen Initiative for Human Rights, official documents, and records of meetings at state organizations.

¹ UN Human Rights Committee, 'List of issues in relation to the third periodic report of Turkmenistan' (25 August 2022) CCPR/C/TKM/Q/3, para 17.

The government of Turkmenistan must take urgent action to end the practice of state-sponsored forced labor in the cotton sector. It should:

- Enforce national laws that prohibit the use of forced and child labor.
- Publicly instruct government officials at all levels and citizens that act on behalf of the government not to use coercion to mobilize anyone to work.
- Provide mechanisms for people forced to pick cotton to submit complaints on cases of forced labor without any risks to their personal safety, employment or life.
- Allow independent monitors, journalists, human rights defenders, and other individuals and organizations to document and report concerns about the use of forced labor without fear of reprisals.

A full set of recommendations is provided in Section 5. The Cotton Campaign's recommendations are in alignment with the recommendations provided by United Nations (UN) agencies and human rights bodies and mechanisms, including the International Labour Organisation (ILO)², the Human Rights Committee (hereafter the Committee)³, the Committee on Economic, Social and Cultural Rights⁴, and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences⁵, as well as the U.S. Department of State 2022 Trafficking in Persons report.⁶

2. About the Cotton Campaign

The Cotton Campaign⁷ is a coalition of international human and labor rights NGOs, brand and retail associations, responsible investor organizations, supply chain transparency groups, and academic partners, united to end forced labor and promote decent work for cotton workers in Central Asia. We use policy, legal, and campaigning tools to pressure the Turkmen government to acknowledge the state-imposed forced labor problem and take concrete steps to address it. The Cotton Campaign is hosted and coordinated by Global Labor Justice-International Labor Rights Forum (GLJ-ILRF).

3. The Use of State-Imposed Forced Labor in the Harvest of Turkmen Cotton (Article 8)

In the List of Issues, the Committee requested the government of Turkmenistan to ***“comment on reports of persisting use of forced labour in the cotton sector and other public works projects, particularly under coercion or threats of dismissal from employment or expulsion from educational institutions.” (para. 17)***

² ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), 'Observation adopted 2021, published 110th ILC session (2022) Abolition of Forced Labour Convention, 1957 (No. 105) - Turkmenistan (Ratification: 1997).

³ UN Human Rights Committee, 'Concluding observations on the second periodic report of Turkmenistan' (20 April 2017), CCPR/C/TKM/CO/2, paras 26-27.

⁴ UN Committee on Economic, Social and Cultural Rights, 'Concluding observations on the second periodic report of Turkmenistan' (31 October 2018), E/C.12/TKM/CO/2, paras 23-24.

⁵ UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 'Concerns raised regarding allegations of forced labour in the cotton picking harvest of 2019 and 2020' (30 August 2021), AL TKM 2/2021.

⁶ U.S. Department of State, '2022 Trafficking in Persons Report: Turkmenistan', available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/turkmenistan/>.

⁷ Cotton Campaign, <https://www.cottoncampaign.org/>.

In its response to the List of Issues,⁸ the government of Turkmenistan did not respond to the Committee's request for information on reports of persisting use of state-imposed forced labor in the cotton sector and other public works projects. Indeed, the government refuses to publicly acknowledge that it uses systematic forced labor to harvest cotton.

For example, in its response to the communication issued on August 30, 2021, by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, urging a reaction to reports of state-imposed forced labor in cotton⁹, the government of Turkmenistan failed to acknowledge that it used systematic, state-imposed forced labor to harvest cotton in the 2019 and 2020 harvests.¹⁰

Although the government controls every aspect of the cotton system, it has made no efforts to address or combat the root causes of systematic, government-imposed forced labor. In the above noted response to the Special Rapporteur, the government noted it is "committed in its policymaking to creating the conditions for decent work and social justice for all"¹¹ and noted that a section on freedom to work was included in the National Plan of Action on Human Rights for 2021-2025.¹² However, the government has failed to take any measures to prevent the use of systematic forced labor, including to instruct government officials to not use forced labor to harvest cotton, prosecute perpetrators, or provide remedy to victims in the 2021 and 2022 cotton harvests, as shown by reports of independent labor monitors, detailed below.

Forced Labor and the Cotton Production System in Turkmenistan

The cotton production system in Turkmenistan is entirely controlled by the government, from the top down, with high-level officials in the central government exercising direct control over the system, which is implemented by officials at the regional and local level. Every year during the cotton harvest, the Turkmen government forces tens of thousands of public sector employees to pick cotton in hazardous and unsanitary conditions and extorts money from public sector employees to pay harvest expenses. In some cases, private businesses are also forced to contribute to the harvest by, for example, organizing transportation of civil servants to the fields and back, or by providing them with food. Furthermore, the pressure on adults to fulfill quotas means that some children pick cotton alongside their parents or work in place of their relatives. Some children also pick cotton to earn extra money by working as replacement workers for people forced to pick cotton or provide another picker.

All cotton grown in Turkmenistan is grown within a state-controlled monopoly-monopsony system. All agricultural land belongs to the state. Farmers lease land from the state to grow cotton, wheat, rice, and other crops to fulfill government quotas. The government sets the amount and types of cotton grown each year and in each region, as well as the price of key inputs, such as seeds, fertilizer, and fuel. Every tenant farmer must undertake responsibility to fulfill the - overambitious - plan for the cotton harvest set by the state and sell all cotton they produce to the state at the price set by the government. If the tenants do not meet their obligations, they are fined and may lose the lease to their land and their livelihoods.

The Turkmen government continues to exert control over all aspects of public life and to severely repress all civic freedoms, which are crucial to combating forced labor. All civil society organizations that are publicly

⁸ UN Human Rights Committee, 'Replies of Turkmenistan to the list of issues in relation to its third periodic report' (30 November 2022), CCPR/C/TKM/RQ/3, paras 87-89.

⁹ UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 'Concerns raised regarding allegations of forced labour in the cotton picking harvest of 2019 and 2020' (30 August 2021), AL TKM 2/2021.

¹⁰ 'Information on the enquiry of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences' (7 October 2021), HRC/NONE/SP/2021/78/TKM.

¹¹ Ibid, p.1.

¹² Ibid, p.2.

critical of the repressive regime in Turkmenistan, including Turkmen.News and the Turkmen Initiative for Human Rights, must work from exile, and the independent labor monitors and informants who provide evidence of forced labor conditions during the harvest, do so at great personal risk.¹³ For example, in 2016, Gaspar Matalaev, a human rights activist who reported on forced labor in the cotton sector, was tortured and sentenced to three years' imprisonment.¹⁴ His detention was recognized as arbitrary and "an attempt by the Government to censor his activities as a human rights defender and curtail his freedom of expression" by the Human Rights Council's Working Group on Arbitrary Detention.¹⁵

Findings of the 2021 Independent Civil Society Cotton Harvest Monitoring

The joint Turkmen.News-Turkmen Initiative for Human Rights 2021 harvest monitoring report¹⁶ compiled evidence on forced labor in the cotton sector, collected by a network of trained monitors in all five cotton-growing provinces of Turkmenistan: Ahal, Balkan, Dashoguz, Lebap and Mary. They include cotton producers (tenant farmers), civil servants from various spheres and trained labor rights monitors who visit cotton fields to record their findings and personal accounts of forced laborers.

In the 2021 harvest, forced labor of public sector employees to pick cotton was widespread and systematic. Some service members and vulnerable groups, including migrant workers, people with registered addictions, or who were accused of prostitution or alimony delinquency, were also forced to pick cotton.

At the beginning of the cotton harvest, heads of state organizations and enterprises, including schools, hospitals, and factories, divided their staff into groups. In September 2021, every employee had either to go to the cotton fields or to pay cash to their managers to hire pickers three times a week. Depending on the region and enterprise, people paid 20-30 manats (approximately US \$1-\$1.50) to hire a picker per day.¹⁷

Child labor was used in the 2021 harvest. Child labor was driven by poverty and by the forced labor system, with children picking cotton to earn money for their families and others working as replacement workers for their parents or sent to the fields by their schools in exchange for good grades.

The system of forced mobilization of state employees to pick cotton is organized by the government, from the top down. At the district level, the district administration determines how many employees should be sent from each organization. Heads of organizations must submit reports to the district administration several times a week, even at night. District officials, in their turn, reported the harvest results to the deputy governor of their region. The latter was often dissatisfied with the low number of pickers and slow rate of cotton harvesting. This criticism was then conveyed to the state enterprises' employees to increase mobilization.

At the very height of the harvest – from the end of September to the start of November 2021 – public sector employees were told to pay to hire pickers every day. Few people wanted to go to the fields because of the

¹³ The government continues to crack down on activists, bloggers and other perceived government critics. See Turkmen.News, 'Human Rights', available at: <https://en.turkmen.news/category/human-rights/>.

¹⁴ Gaspar was released September 6, 2019, after having served the full sentence. See Turkmen.News, 'Turkmen Activist Gaspar Matalaev Released', available at: <https://en.turkmen.news/human-rights/turkmen-activist-gaspar-matalaev-released/>.

¹⁵ Human Rights Council Working Group on Arbitrary Detention, 'Opinions adopted by the Working Group on Arbitrary Detention at its eighty-first session, 17-26 April 2018', A/HRC/WGAD/2018/4, paras. 61-62.

¹⁶ Turkmen.news and the Turkmen Initiative for Human Rights (TIHR), 'Review of the Use of Forced Labour During the 2021 Cotton Harvest in Turkmenistan' (July 2022), available at: https://www.cottoncampaign.org/s/CC_TKM_2021_HARVEST_REPORT.pdf.

¹⁷ An average monthly salary of a school teacher in Turkmenistan is 2000 manats (\$100).

COVID-19 pandemic. In many districts, children aged 10 and above picked cotton in place of their parents. A lack of money at home led many children to go to the cotton fields.

Drought and problems with supplies of seeds, fertilizers, and equipment led to low yields. Although it was officially reported that the state plan for cotton production had been met, in reality, farmers could not grow enough cotton to fulfill the state plan. Farmers in Turkmenistan are practically unable to earn an income from cotton and at the same time, the authorities forbid them to use the land to grow other crops, leaving many farmers in poverty and in debt.

Turkmenistan continued to deny the existence of COVID-19 in the country, even as independent monitors documented dozens of death cases due to COVID-19¹⁸, and a third wave that appeared to peak in August-September 2021. No measures to contain the virus were observed during the 2021 harvest. Although harsh COVID-19 restrictions were imposed throughout the country, workers were forced to travel to the fields in overcrowded buses and were not provided with protection masks.

Preliminary Findings of the 2022 Independent Civil Society Cotton Harvest Monitoring

All evidence collected by the independent monitors indicates that the government has made no efforts to reform the state-imposed forced labor system.

In the 2022 harvest, the government continued to force public sector employees to pick cotton. The independent monitors also recorded cases of child labor, with children working as replacement workers for their parents or other family members. Students at the Agricultural University were forced to pick cotton and were told this was a requirement for their internship.

Officials continued the practice of extorting public sector workers and agricultural workers to contribute money to pay for workers and expenses related to the cotton harvest. Turkmen.News and Turkmen Initiative for Human Rights have gathered dozens of pieces of audiovisual evidence documenting state officials forcing employees to pick cotton or pay money to hire replacement workers.

The complete findings will be published at the end of March 2023 in a joint report by Turkmen.News, TIHR, and the Cotton Campaign.

International Reporting

There is a strong record of reporting and communication from international observers which echo the findings of the independent monitors, further establishing the need for urgent action. These include:

- 2022: The U.S. State Department 2022 Trafficking in Persons report, which found that **“there was a government policy or pattern of forced labor”** in Turkmenistan and that *“the government continued to direct policies that perpetuated the mobilization of adults and children for forced labor in the annual cotton harvest, in public works projects, and in other sectors in some areas of the country.”*¹⁹
- 2022: The ILO Committee of Experts on the Application of Conventions and Recommendations Observation which expressed **“deep concern at the continued practice of forced labour in the cotton**

¹⁸ See Turkmen.News, ‘Survival of the Fittest’ (January 2020–May 2021), available at: <https://turkmen.news/wp-content/uploads/2021/07/Coronavirus-in-Turkmenistan-Report.pdf>.

¹⁹ U.S. Department of State, ‘2022 Trafficking in Persons Report: Turkmenistan’, available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/turkmenistan/>.

sector”, and urged the government “to pursue its efforts to ensure the complete elimination of the use of compulsory labour of public and private sector workers as well as students in cotton production.”²⁰

- 2021: The communication of the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences of 30 August 2021 to the government of Turkmenistan, which expressed “**deep concern about the working and living conditions of cotton workers, including of children subjected to child labour, in Turkmenistan.**” It noted that according to the information received, the government forces tens of thousands of citizens to harvest cotton – all of whom are subjected to forced labor, as they are coerced to working in the cotton fields under threat of dismissal.²¹
- 2018: The UN Committee on Economic, Social and Cultural Rights’ 2018 Concluding Observations which expressed concern “**about the reported continued widespread use of forced labour among workers and students under threat of penalties during the cotton harvest**”, and recommended the government to “strengthen its measures to stop forced labor, including by enforcing existing laws and policies prohibiting forced labor and increasing the monitoring of compliance, in particular in the cotton sector”, alongside ensuring prosecutions and commensurate sanctions for employers violating labor rights, and full reparations for victims.²²
- 2017: The UN Human Rights Committee’s 2017 Concluding Observations, which expressed concern about “the reported **widespread use of forced labour of farmers, students, public and private sector workers during the cotton harvest under threat of penalties**” and recommended the government to promptly put an end to forced labor in the cotton sector, inter alia, by fully enforcing the legal framework prohibiting forced labor.²³

4. Recommended Questions

We encourage the Committee to ask the Turkmen government the following questions.

1. How does the government respond to reports of the systematic forced labor and extortion of public sector employees in the annual cotton harvest?
2. What measures has the government taken to eradicate forced labor in the cotton sector, including to eliminate quotas for cotton production, prosecute perpetrators, and provide remedy to victims?
3. What measures will the government take in advance of the 2023 harvest, to ensure that forced labor is not used in the harvest?
4. What measures has the government taken to create the space for civil society activists, human rights defenders, and independent journalists to operate without risking harassment and detention for doing their work, including to report on conditions of forced labor in the cotton harvest?

5. Recommendations

In its previous Concluding Observations, the Committee expressed concern at “the reported widespread use of forced labour of farmers, students, public and private sector workers during the cotton harvest under threat

²⁰ ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), ‘Observation adopted 2021, published 110th ILC session (2022) Abolition of Forced Labour Convention, 1957 (No. 105) - Turkmenistan (Ratification: 1997).

²¹ UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, ‘Concerns raised regarding allegations of forced labour in the cotton picking harvest of 2019 and 2020’ (30 August 2021), AL TKM 2/2021.

²² UN Committee on Economic, Social and Cultural Rights, ‘Concluding observations on the second periodic report of Turkmenistan’ (31 October 2018), E/C.12/TKM/CO/2, paras 23-24.

²³ UN Human Rights Committee, ‘Concluding observations on the second periodic report of Turkmenistan’ (20 April 2017), CCPR/C/TKM/CO/2, paras 26-27.

of penalties²⁴ and urged the State party to “promptly put an end to forced labor in the cotton sector”²⁵ including by, inter alia:

- fully enforcing the legal framework prohibiting forced labor
- clearly communicating to public officials and the public at large that the mobilization of persons to pick cotton under coercion or threats is unlawful, prosecuting those responsible for such violations, and providing full reparation to victims.

We welcome these recommendations and we strongly encourage the Committee to continue urging the government to take measures to end forced labor in the cotton sector.

The government of Turkmenistan should:

- Enforce national laws (Article 49 of Turkmenistan’s Constitution and Article 8 of the Labor Code of Turkmenistan) that prohibit forced labor.
- Make public, high-level policy statements condemning forced labor, specifically including forced labor in the cotton sector, and make clear that all work should be voluntary and fairly compensated.
- Instruct government officials at all levels and citizens that act on behalf of the government not to use coercion to mobilize anyone to work.
- Allow independent journalists, human rights defenders, and other individuals and organizations to document and report concerns about the use of forced labor without fear of reprisals.
- Initiate fair judicial processes that conform to international standards against government officials found to have forced citizens to work, including in the cotton sector, and ensure that those found guilty receive penalties that reflect the severity of the crime and serve as a deterrent.
- Establish and implement a time-bound national action plan to reform the root causes of forced labor in the cotton sector, including:
 - Cease punitive measures against farmers for debts and not meeting state-mandated production quotas for cotton and other agricultural products.
 - Ensure the state-established procurement prices for cotton, wheat and silk reflect the costs of production, including costs of voluntary labor at market rates, and, over time abolish the state monopoly on cotton, wheat and silk purchasing.
 - Increase financial transparency in the agriculture sector, including by ensuring national budgets include expenditures and income in the agriculture sector.
 - Abolish mandatory production quotas and grant farmers autonomous management of agricultural land.
- Fully cooperate with United Nations agencies, such as the ILO, and human rights bodies and mechanisms, to ensure the implementation of its obligations under UN and ILO conventions. The government should invite and allow unhindered access to the country to UN human rights monitors, including the ILO, the Special Rapporteur on contemporary forms of slavery, and all other Special Procedures that have requested a visit. The government should also fully implement the recommendations made by UN Treaty Bodies, Special Procedures, and the ILO supervisory mechanisms.
- Put in place, beyond the laws dealing with trafficking in persons, effective legislation specifically criminalizing slavery, servitude and forced labor, in line with the obligations undertaken in regard to the instruments dated 1926, 1930, 1956 and 1957; and to the ICCPR Article 8, as required by Article 2(2), which mandates the adoption of “such legislation or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”

²⁴ Ibid.

²⁵ Ibid.

6. Contact Information

On behalf of the Cotton Campaign:

Raluca Dumitrescu, Campaign Coordinator, GLJ-ILRF: coordinator@cottoncampaign.org

Cara Priestley, International Advocacy Officer, Anti-Slavery International: c.priestley@antislavery.org