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Old Habits Die Hard: Banning Child Labor Practices in the Uzbek Cotton Sector

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1. Introduction

The issue of child labor strikes an emotional chord with a vast majority of consumers. When the BBC released a segment detailing the ongoing horrors of child labor in Uzbekistan's cotton industry in October 2007, massive public attention was drawn to the world's third largest exporter of cotton and its unsettling child rights abuses. The Uzbek government's continuing reliance on forced child labor for the cotton industry, which yields its largest export revenue, generated international outrage and put pressure on the world's textile giants to take action.

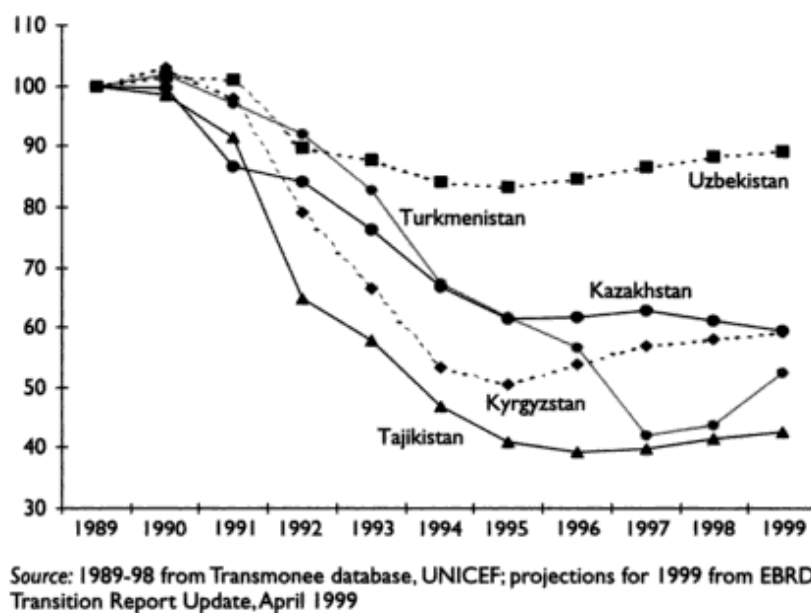
The threat of a global ban on Uzbek cotton naturally motivated the Uzbek authorities to take some immediate, internationally visible steps to convince textile companies that they were cracking down on the use of child labor according to the mandates of international law. Numerous reports, however, reveal that the government already summoned children and other uncompensated workers to the fields for the autumn harvest in September 2008, indicating that the administration has no real intention of altering the old practices of its most lucrative industry.

This paper will begin by briefly looking into the situation of child labor in Uzbekistan and its origins in the Soviet era. Next, it will discuss the efforts of the U.S and European textile industry to condemn the use of child labor in their supply chains. Accordingly, the Uzbek government's causal reaction to deflect the threat of a global ban on Uzbek cotton will be addressed. Following this, I will investigate whether the industry's ban on Uzbek cotton has pressured actual change in labor standards or simply resulted in official lip-service, hoping to salvage the country's image without really ceding to demands. Much evidence suggests that the supposed efforts of the Uzbek government to prohibit the further use of child labor are not and likely will not in the future actually forge any real change in the traditional practices of the cotton industry. Finally, this paper will offer suggestions for the necessary actions required to ensure that the textile industry's ban will, in fact, eventually lead to the successful prohibition of child as well as other forms of forced labor in Uzbekistan.

II. Uzbekistan's Cotton Industry and Child Labor

Uzbekistan's role as a major cotton supplier is deeply rooted in history. The use of child labor in the Uzbek cotton industry is also an old practice and surprisingly, does not find its roots in the extreme poverty that accompanied the collapse of the communist era. Uzbekistan played a vital role in supporting the textiles sector of the Soviet Union's industrialized and planned economy, serving as the Soviet Union's main source of cotton. In fact, the lucrative presence of Uzbekistan's "white gold" remains one of the main reasons for Uzbekistan's relatively successful economic trajectory after economies began to improve in East Central Asia in 1995. Following the period immediately after the break up of the Soviet Union, when all countries in the region experienced shrinking GDPs, Uzbekistan's GDP increased more steadily than its neighbors largely due to this valuable commodity. That free forced/child labor was traditionally utilized to

Figure 1: Cumulative change of real GDP in Central Asia from 1989-1999. (1989=100)¹



reap the harvest also undoubtedly contributed to the steady growth of GDP. Child labor was always used during the harvest season and was viewed as a just duty to one's nation. In this light, the use of child labor in the cotton industry does not appear to have its roots in the poverty that ensued due to the break up of the Soviet Union, but rather in traditional norms. Child labor appears acceptable in Uzbekistan because it has always been present.

According to some experts, child laborers received some amount of compensation in the socialist system, but as a result of the regime change, the government no longer assumes responsibility for social welfare as it did in the past and the use of child labor has become even more inhumane and exploitative. Under the socialist system, president of the Paris-based group Human Rights in Central Asia Nadejda Atayeva asserts, children received some degree of care for their health, "the quality of their nutrition, and development

¹ Koen Vleminckx and Timothy M. Smeeding, *Child Well-being, Child Poverty and Child Policy in Modern Nations: What Do We Know?* (Bristol: Policy Press, 2000), 270.

of the rural social infrastructure" in return for their "contribution" to the harvest.² Atayeva continues "now forced labour is compensated neither by decent payment, nor through public funds," and often denies children their right to education as well as endangers their health and well-being.³ Traditionally, every year around mid-September schools are closed in Uzbekistan's provinces and the schools' tens of thousands of children, some as young as 7 or 8 years old, and teachers are bussed out to the cotton fields on government orders. Until the end of harvest in mid-November, their education is interrupted and they are forced to work at least 8-hour days in dangerous environments, exposed to chemicals and pesticides without proper care or supervision. The Environmental Justice Foundation (EJF) reports the Uzbek government issues teacher cotton quotas, which they must ensure are fulfilled by the children daily. Children, who do not successfully work up to expectations, face corporal punishment, detentions, lower academic marks or even expulsion.⁴

Children largely receive no compensation for their work, placing much of the rewards of their free labor directly in the hands of the Uzbek government's ruling family. Even the country's cotton farmers hardly benefit from the harvests, despite the fact that Uzbek cotton produces over 1 billion USD in revenues. Official statistics state that farmers receive less than one-third of the profits of the harvest. Earnings on cotton, which represent 60% of Uzbekistan's total export revenues, are collected by just three trading companies controlled by the President Islam Karimov's family.^{5 6} Chairman of the Initiative Group of Independent Human Rights Defenders of Uzbekistan, Surat Ikramov and Juliette Williams from EJF claim that rent-seeking government elites have come to rely on free child labor as a means of denying farmers and adult field workers decent work and pay and grossly maximizing their profits from the world cotton market.⁷

Critics argue that the development of child labor practices in Uzbekistan, especially after the fall of the Soviet Union, move further away from traditional practices into the realm of full out exploitation. Moreover, by forcing children to fuel Uzbekistan's lucrative cotton export industry, the totalitarian government blatantly violates international law and conventions on the rights of children. Specifically, Uzbekistan's institution of child labor violates the UN convention on the rights of a child, which stipulates that children should "be protected from performing any work that is likely to be hazardous, or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development," as well as the ILO conventions 182 and 138, on the Minimum Age for Employment and Against the Worst Forms of Child Labor.⁸

III. U.S. and European Textile Industry Commence Ban on Uzbek Cotton

When the BBC presented its heart-wrenching documentary coverage of the use of child labor in the Uzbek cotton industry in October 2007, massive consumer attention was finally brought to the slavery-like

² Kester Kenn Klomegah, "Uzbekistan: Call to Boycott Slave Children Cotton," *IPS News*, January 4, 2008, <<http://ipsnews.net/news.asp?idnews=40679>> (Accessed November 23, 2008)

³ Klomegah, "Uzbekistan: Call to Boycott"

⁴ "Cotton in Uzbekistan," *EJF*, <<http://www.ejfoundation.org/page142.html>> (Accessed November 20, 2008)

⁵ "Cotton in Uzbekistan," *EJF*,

⁶ Klomegah, "Uzbekistan: Call to Boycott"

⁷ Klomegah, "Uzbekistan: Call to Boycott"

⁸ "Convention on the Rights of the Child," *UNHCHR*, entry into force September 2, 1990, <<http://www.unhchr.ch/html/menu3/b/k2crc.htm>> (Accessed November 25, 2008)

practices used by the world's fifth largest producer and third largest exporter of cotton. Consumers flooded major textile companies with letters urging them to address the issue of cotton sourcing from Uzbekistan. As a result of NGO campaigns, letters from consumers and sharply critical blogging⁹, major textile companies, who previously dismissed calls for fairer trade cotton by claiming cotton's impossible "traceability," publically announced their revulsion and intolerance of the use of child labor in Uzbekistan regardless of country specific economic or cultural particularities. Already in December 2007, C&A required all of its global suppliers to sign written statements agreeing to omit the use of cotton fiber from Uzbekistan from their materials and requested that the origin of the fiber targeted for C&A merchandise be clearly labeled.¹⁰

Following suit, in the autumn of 2008 the British conglomerate Tesco Stores Limited and the American super chain Wal-Mart joined U.S. and European textile groups and retailers in the campaign for an international ban on Uzbek cotton sourcing. Tesco's CEO Terry Green issued a statement acknowledging that although cotton is an internationally traded commodity, whose raw source may not always be easily identifiable, from 2008 onwards Tesco will require its suppliers to "identify the source of raw cotton used in Tesco textiles products" as well as reserved "the right to randomly audit records to monitor the source of raw cotton."¹¹ As of October 2008, major clothing retailers Hennes & Mauritz, JC Penney, Target, Gap, Levis and Marks & Spencer all demanded similar requirements from their supply chain, declaring an official boycott of Uzbek cotton.¹²¹³ Additionally, a coalition of four US trade associations urged the government of Uzbekistan "to take decisive and immediate actions to end the use of forced child labor in the cotton fields" or face the possibility that they, too, might enforce ban on Uzbek cotton sourcing for all of their members.¹⁴

IV. Uzbek Government's Response to Ban

With the threat of more and more companies and associations joining the campaign to ban Uzbek cotton and the potential economic disaster that a complete global ban would inevitably induce, Uzbek authorities quickly began obvious attempts to save their degenerating public image. At the start of the 2008 harvest, the Uzbek government announced a ban on using children under 16 for picking cotton and the Prime Minister Shavkat Mirziyayev reportedly signed the ILO conventions 182 and 138, seen as the two fundamental instruments of international law used to prohibit child labor. The government further declared that it would already halt forced child labor for the cotton picking season of autumn 2008 by heralding a so-called national "action plan," which Mirziyayev decreed on September 12th. Clearly, the Uzbek authorities showed signs of

⁹ Craig Murray, "Tesco's Ban Uzbek Cotton," *Craig Murray*, January 15, 2008, http://www.craigmurray.org.uk/archives/2008/01/tesco_ban_uzbek.html (Accessed November 24, 2008)

¹⁰ "Code of Conduct for Uzbekistan," C&A, Autumn/Winter 2008 < <http://www.c-and-a.com/aboutUs/socialResponsibility/>> (Accessed November 24, 2008)

¹¹ Terry Green, "Raw Cotton Sourcing," July 1, 2008, http://www.efoundation.org/pdf/Uzbekistan_Cotton%20Tesco_letter_to_%20suppliers.pdf (Accessed November 18, 2008)

¹² "Bangladesh textiles face boycott over Uzbek cotton," *Reuters India*, October 18, 2008, < <http://in.reuters.com/article/domesticNews/idINDHA40534920081018>> (Accessed November 26, 2008)

¹³ "Buyers of Uzbek cotton avoid press," *Muslim Uzbekistan*, October 18, 2008, < <http://muslimuzbekistan.net/en/centralasia/featured/detail.php?ID=19395>> (Accessed November 26, 2008)

¹⁴ "By Invitation: Uzbek cotton and forced child labour - is the Government serious?," *Ethical Corporation*, September 21, 2008, <http://www.ethicalcorp.com/content.asp?ContentID=6093&rss=ec-main.xml> (Accessed November 22, 2008)

feeling the global threat to their country's most profitable export commodity, but critics suggest that eliminating child labor in Uzbekistan would call for an entire reform of the cotton industry in general. Does the Uzbek government exhibit genuine intentions to halt the practice of child labor or are they merely issuing official lip-service in hopes of salvaging their image?

V. Is the Ban on Uzbek Cotton Pressuring Actual Change or simply Official Lip-Service?

While the immediate actions of the Uzbek government to combat their negative image may appear significant, many critics remain skeptical of the government's genuine commitment to ending child and forced labor in the cotton industry. Many factors indicate that the government has been more concerned about saving its business connections in the international community than instilling any real changes in human and child rights policies. While the government did sign ILO conventions 182 and 138, only convention 182 has been adequately prepared for ratification and will not be considered in force until July 2009.¹⁵ The "action plan" announced by Mirziyayev has been criticized for being too brief and vague to be seriously considered an actual instrument in combating child labor. In general, Uzbek authorities have avoided transparency in addressing how they will actually enforce the ban on child labor. Additionally, they have avoided raising the issue publically within their country as well as allowing independent committees into the cotton fields to monitor labor standards and gauge the government's progress in improving them. The media, which remains under the totalitarian control of the government, made no mention of the ban, leaving most people in the country unaware of its existence. The International Labor Rights Forum reports that while UNICEF and other human rights organizations knew about the government's intention to enforce an action plan, "none of the children..., parents or teachers interviewed across these eight provinces had heard of the governmental decree."¹⁶ Furthermore, the government refused offers by the ILO and the International Cotton Advisory Council (ICAC) to carry out or assist in conducting independent assessments of the presence of child labor in Uzbek cotton fields during the 2008 harvest.¹⁷ Evidently, the Uzbek government appears less eager to improve transparency about its self-imposed ban on child labor than one would expect a government with genuine intentions to display.

The unwillingness of Uzbek authorities to publically and internationally address the ban on child labor in a concrete and instrumental way probably arises from the suspicion that nothing has actually been done to change the use of child labor in the cotton fields of Uzbekistan. Reports already indicate that children from some provinces have been bussed out to pick cotton for this past harvest, during which the ban was supposed to commence.¹⁸ The International Labor Rights Forum accounts that just ten days after the alleged action plan was announced, regional leaders from at least five different provinces released orders for the mobilization of children to the fields. The strict hierarchical structure of Uzbekistan's dictatorship disallows such commands to

¹⁵ "Uzbekistan update: Government still forcing young children to harvest cotton despite pledges to ban the practice," *International Labor Rights Forum*, November 2008 <http://www.laborrights.org/files/UzbekCottonNov08.pdf> (Accessed November 24, 2008)

¹⁶ "Uzbekistan update: Government still forcing..."

¹⁷ "Uzbekistan update: Government still forcing..."

¹⁸ "By Invitation: Uzbek cotton..."

be carried out without approval from the central government, indicating that all levels of government collectively disregard the ban.¹⁹

In fact, the Uzbek government actually appeared more involved in ensuring the continued use of child labor or at least covering it up rather than stopping it. Independent journalists and human rights activists secretly observed children as young as eleven years old picking cotton in the Namangan district. The children stated that they received daily visits from local and federal government officials, who monitored how well they were fulfilling the prescribed cotton quotas.²⁰ In mid-September, a week before schools were closed and children were sent to the fields in the Fergana district, teachers obliged children to sign statements testifying that they would remain in school for the duration of the autumn term and harvest. Critics argue that this clearly represents the government's preparedness in covering their tales, should questions later be raised about bussing children to the fields to work during the school term.²¹ These insider reports, if confirmed, suggest not only that the government has no intention of halting the cotton industry's reliance on child labor, but also that it is prepared to go to lengths to conceal these condemned practices in order to protect the precious dividends reaped from free labor.

Finally, critics argue further that the international community must regard the Uzbek government's "ban" with particular suspicion and scrutiny because, despite the institutionalized reality of uncompensated child workers in the cotton industry, the use of child and forced labor, in general, has actually long been outlawed by Uzbek legislation. In fact, Uzbekistan's constitution bans child labor and the government has for years, in good ole Soviet-styled rhetoric, contended that children "volunteer" to work in the fields out of sense of patriotic duty.²² Thus, new laws drafted to combat child labor could likely be just as ineffective as the older, lesser publicized ones.

Secondly, it is a well known fact that Uzbek authorities have become greedily accustomed to the financial benefits of unpaid labor whether conducted by children or adults and will unlikely switch to fair trade labor standards immediately simply for the sake of human rights. Critics warn, if the Uzbek government were forced to (temporarily) abandon the use of children in order to avoid a global ban on Uzbek cotton and empty government coffers, that does not necessarily guarantee that other people—over the age of 16—will not be forced to work under the same inhumane conditions. Uzbek sources indicate that the ban on child labor has been partially enforced in areas near the capital of Tashkent, but the ban also consequently introduced a need for a new supply of unpaid workers to replace child laborers. As a result, one source reports breastfeeding mothers as well as the elderly have been coerced into the fields with the threat that they will not receive their pensions or motherhood benefits, if they do not perform the work for free.²³ CEO of the UK sourcing consultants Clothesline, Mike Flanagan, states,

¹⁹ "Uzbekistan update: Government still forcing..."

²⁰ "Uzbekistan update: Government still forcing..."

²¹ "Uzbekistan update: Government still forcing..."

²² Jonathan Birchall, "Wal-Mart boycotts Uzbek cotton," *Financial Times*, September 30, 2008, <http://www.ft.com/cms/s/0/1362991c-8f07-11dd-946c-0000779fd18c.html?ncklick_check=1> (Accessed November 25, 2008)

²³ "Clothesource Highlights Uzbekistan's Re-Introduction of Slavery onto Cotton Fields," *The Open Press*, November 1, 2008, <http://www.theopenpress.com/index.php?a=press&id=40014> (Accessed November 22, 2008)

“The problem is more than child labour. Re-introducing slavery onto cotton fields gives the Uzbeks a competitive advantage over countries like India where cotton pickers are paid, however meagrely. Western retailers now have no alternative to a total ban on Uzbek cotton until its government stops all forced labour and allows free inspection by outsiders. But Uzbek slave labour damages other low-income cotton producing countries, and we will soon be seeing pressure from them to ban this trade. The Uzbek government has turned the country's major export into a pariah commodity. Non-Uzbek businesses set up to exploit Uzbek cotton will now simply be unable to find respectable customers. As long as slavery goes on, Uzbek cotton will find customers...at a deep discount.”²⁴

As Flanagan warns, the use of child labor in Uzbekistan has moved beyond a tradition of civic service or poverty-driven necessity. The Uzbek government has officially turned a once traditional, if morally incorrect, practice into modern day slavery. In Uzbekistan, the cotton industry is a commodity, which shackles its people into inhumane, uncompensated work, in order to keep the authorities rich and clothing for the Western market cheap. The use of slave labor additionally puts pressure on suppliers in other developing countries, who actually pay their workers, however little. In order for Western companies to improve the human rights situation in Uzbekistan, they must accomplish more than a verbal ban on child labor. They must seek to change the mentality of Uzbek officials and encourage their sensitivity to human rights. They must demand reforms in the cotton industry as a whole in order to promote international standards of human rights and convince the authorities that modern forms of slavery, whether involving children or adults, will not be tolerated within the global economy.

VI. Conclusion: Recommendations on Ensuring the Ban Successfully Leads to the Prohibition of Child and Forced Labor in Uzbekistan

As previously discussed, the moral dilemmas that arise from Uzbek cotton sourcing are wide-ranging and complex, reaching even beyond the issue of child labor. Most analysts agree that in order for real changes in human rights conditions to occur an entire reform of the global textile industry as well as the cotton export industry in Uzbekistan must take place. Several experts on the issue of labor violations in the Uzbekistan's cotton industry offer suggestions as to what additional pressures the international community should place on the Uzbek government, as well as the global textile industry, to ensure that the ban on Uzbek cotton successfully improves the human rights situation in the country. Recommendations consider all aspects of the problem from the ban's extent, to its administration and assessment and to reforms of the countries cotton industry in general. The EIJ, for example, targets four areas in which changes must occur: the European Union market, national government policies, international clothing retailer standards, and consumer awareness.²⁵

The largest buyer and receiver of Uzbek cotton is the European Union. For this reason, an agreement from the EU to suspend cotton and cotton related imports originating in Uzbekistan until the government has convincingly demonstrated that it no longer utilizes child labor for cotton production would be an extremely instrumental step in forcing the Uzbek government's compliance with human rights standards. Secondly, the EIJ recommends that the EU issue and promote a “child labor free” product label for all cotton products, to give incentives for consumers and companies to support the efforts.

²⁴ “Clothesource Highlights Uzbekistan's...”

²⁵ Cotton in Uzbekistan,” *EIJ*.

National governments should use their pull within the World Trade Organization in order to construct punishments for manufacturers and producers who allow the usage of child labor in their supply chains. Additionally, national governments should keep the issue of child labor in Uzbekistan in the forefront of their foreign policy dealing with the country and consider placing sanctions on Uzbekistan until the government produces proof of reforms.

International clothing retailers, of course, play an integral role in combating the use of child labor in its industry. The campaigns from Tesco, C&A, Wal-Mart, Marks & Spencer, Gap, Target, Levis, and H&M to ban Uzbek cotton sourcing all caused the Uzbek government to get nervous about its biggest moneymaking export. In order to enforce their ban, EJP recommends that they stick to their agreement to ban Uzbek cotton until the Uzbek government can effectively prove that child *and* other forms of force labor are no longer used. Companies are also urged to develop an effective product labeling system and to campaign other textile firms to join their efforts.

Finally, consumers probably play the largest role in the success of the ban because if they refuse to buy cotton products sourced from Uzbekistan, companies and governments have no incentive to deal with the Uzbek government's "dirty" cotton. EJP emphasizes that consumers must demand companies to provide product labeling, which includes the origin of cotton fiber. They should keep aware of human rights abuses and environmental destruction and find out which countries, companies, and products are involved. In general, consumers should, of course, always opt for certified fair trade products, when available, both to express disdain for global human rights abuses and to support fair trade labeling efforts.

Other experts emphasize reforms within Uzbekistan and compliance on behalf of the government officials. The ILO or other impartial organizations must be allowed within the country to monitor progress in combating child and forced labor practices. Investors and organizations can help Uzbekistan modernize its agricultural industry and replace unpaid workers with machinery. Alternatively, the government can loosen up employment restrictions and utilize the high percentages of unemployed adults in Uzbekistan to replace child and other forced laborers. Most economists agree that general reforms to liberalize industry would help to improve Uzbekistan's political transition, stop archaic slavery-like practices, and promote competition and free enterprise.

In all respects, the poor labor standards tolerated in Uzbekistan have led to the moral detriment of its people, especially its children. The world as well as the Uzbek government has a responsibility to enforce Uzbekistan's ban on child labor. It is a complex problem with complex solutions and it must be addressed by everyone, from the teachers who close the schools to the Western consumers who wear the products of modern day slavery.