

# JOINT SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF TURKMENISTAN

44<sup>th</sup> SESSION, NOVEMBER 2023

## STATE-IMPOSED FORCED LABOR IN THE COTTON SECTOR

### INTRODUCTION

1. This is a joint submission by Anti-Slavery International, the Cotton Campaign, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), Global Labor Justice-International Labor Rights Forum (GLJ-ILRF), Turkmen.News, and Turkmen Initiative for Human Rights.
2. The information in this submission is based on direct evidence of forced mobilization of cotton pickers during the annual cotton harvest in Turkmenistan. This evidence is documented by a network of monitors working with Cotton Campaign member organizations Turkmen.News and the Turkmen Initiative for Human Rights. 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 In order to protect our sources, we do not publish their names or the precise location of their work. Documentation includes recordings of meetings at state organizations, Government documents, and findings of independent monitoring of the annual harvest in all five cotton-growing provinces of Turkmenistan: Ahal, Balkan, Dashoguz, Lebap and Mary.
3. In this submission, we examine the Government of Turkmenistan's compliance with its international human rights obligations, including to not use forced labor and to allow independent monitors and human rights defenders to document and report concerns about the use of forced labor without fear of reprisals.
4. This is relevant to the following themes under the Government's previous UPR examination in 2018<sup>1</sup>:
  - Theme E31 on the Right to work
  - Theme E32 on the Right to just and favourable conditions of work
  - Theme F31 on Children: definition; general principles; protection

<sup>1</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Turkmenistan', 39<sup>th</sup> session (2018), <https://www.ohchr.org/en/hr-bodies/upr/t-mindex>.

- Theme F33 on Children: protection against exploitation
  - Themes D1 Civil & political rights - general measures of implementation
  - D43 Freedom of opinion and expression
  - H1 Human rights defenders
5. To this end, we assess the Government of Turkmenistan's implementation of recommendations received during the third UPR cycle relating to forced labor in the cotton sector.

## EXECUTIVE SUMMARY

6. During the third UPR cycle, the Government of Turkmenistan received four recommendations relating to forced labor. The following three recommendations were supported:
- "Work in partnership with the International Labour Organization to eliminate forced labour in connection with State-sponsored cotton harvesting" (United Kingdom of Great Britain and Northern Ireland, 114.50)
  - "Strengthen its policy on prevention and combat of child labour, and on the full guarantee of the rights of child, with special attention to children without parental care" (Tajikistan, 114.86)
  - "Introduce legal measures that prohibit forced and child labour" (Poland, 116.89)
7. The following recommendation was noted:
- "Establish a time-bound national plan of action to address forced labour in cotton farming and abolish mandatory production and sanctions for non-compliance with cotton quotas" (Chile, 116.85)
8. Turkmenistan's cotton industry continues to be underpinned by a state-sponsored forced labor system. During each year's harvest, and confirmed every year of the reporting period (including again in 2022) by independent monitors, the Government forces tens of thousands of public sector workers to pick cotton, or – as alternatives – to pay money, or hire a replacement worker. Anyone unable to do this faces threats of lost wages and termination of employment. The Turkmen Government maintains total control over cotton production and forces farmers to meet official production quotas under threat of penalty, including loss of their land.
9. The Turkmen Government exercises an extremely oppressive regime, exerting control over all aspects of public life and severely repressing all civic freedoms, which are crucial to combating forced labor. All civil society organizations that are publicly critical of the repressive regime in Turkmenistan, including Turkmen.News and the Turkmen Initiative for Human Rights, must work from positions of exile, and the independent labor monitors and informants who provide evidence of forced labor

during the harvest, do so at great personal risk.<sup>2</sup>

## STATE-IMPOSED FORCED LABOR IN THE COTTON SECTOR

Relevant to Themes: E31 Right to work; E32 Right to just and favourable conditions of work; D27: Prohibition of slavery, trafficking.

### Forced Labor and the Cotton Production System in Turkmenistan

10. Findings shared with the Cotton Campaign by independent labor monitors demonstrate that there has been no progress in reducing forced labor in the cotton sector since Turkmenistan's last review in 2018. Each year during the review period, the Turkmen Government has continued to force tens of thousands of public sector employees to pick cotton in hazardous and unsanitary conditions during the cotton harvest, and to extort money from public sector employees to pay harvest expenses.
11. The results of the joint Turkmen.News-Turkmen Initiative for Human Rights 2021 harvest monitoring<sup>3</sup> found that the forced labor system persists in the cotton harvest in Turkmenistan, and that it remains widespread and systematic. In 2021, the Government again forced tens of thousands of people to pick cotton and extorted money from people to hire pickers in their place. This means that public sector employees in low paying jobs, were in effect forced to subsidize Government cotton production through their money and labor. Findings from 2022 were broadly similar, showing no systemic changes from the previous year.<sup>4</sup>
12. During the 2021 and 2022 harvests, forced labor of large numbers of public sector employees was recorded in the Balkan, Dashoguz, Lebap, and Mary districts. In Mary, ***“Every state institution was obliged to send at least 10 people. Hired workers are paid 20 to 30 manats a day,”*** an employee of the state-funded organization told RFE/RL.<sup>5</sup> In the Balkan region, it was reported in early September 2021<sup>6</sup> that almost all high school employees and high school seniors in Bereket and Serdar districts were being sent to harvest cotton with an overnight stay. The largest number of

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<sup>2</sup> The Government continues to crack down on activists, bloggers and other perceived government critics. See Turkmen.News, 'Human Rights', <https://en.turkmen.news/category/human-rights/>.

<sup>3</sup> Turkmen.News and the Turkmen Initiative for Human Rights (TIHR), 'Review of the Use of Forced Labor During the 2021 Cotton Harvest in Turkmenistan' (July 2022), [https://www.cottoncampaign.org/s/CC\\_TKM\\_2021\\_HARVEST\\_REPORT.pdf](https://www.cottoncampaign.org/s/CC_TKM_2021_HARVEST_REPORT.pdf).

<sup>4</sup> The 2022 Cotton Harvest Report is forthcoming and will be published in Spring 2023, available at: <https://www.cottoncampaign.org/resources>.

<sup>5</sup> Туркменских алиментщиков принудительно отправляют на сбор хлопка (31 августа 2021) <https://rus.azathabar.com/a/31436486.html>.

<sup>6</sup> В Туркменистана школьных учителей и старшеклассников заставляют собирать хлопок (09 сентября 2021) <https://rus.azathabar.com/a/31450451.html>.

reports of public sector workers being sent to the cotton fields came from the Lebap region.

13. The most systematic use of forced labour in Turkmenistan involves public sector workers. However, during the course of 2021, sources also reported that police arbitrarily forced some vulnerable citizens to pick cotton, in additional violation of international law. In the cases documented, police preyed upon the vulnerability of internal migrants; men with alimony debts; citizens registered as alcohol dependent; and women caught doing sex work, to force them to pick cotton. In some cases, police used physical force to take people to the fields.<sup>7</sup>
14. At the beginning of the cotton harvest in 2021, 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 in their place, three times per week. Depending on the region and enterprise, people paid 20-30 manats (approximately US \$1-\$1.50) to hire a picker per day.<sup>8</sup> ***“You bring doctors’ notes to avoid picking cotton. These notes are no longer acceptable. Young teachers bring them while the older ones go and pick cotton. Aren’t you ashamed of yourselves?”*** the director of one city school said on 3 September 2021.<sup>9</sup>
15. Although some cotton in Turkmenistan is machine harvested, manual picking is still common and widespread. Weeding and harvesting cotton is mainly done by hand. It is hard physical labor, as the picker has to bend down and repeat the same movements throughout the working day, often in scorching sun or cold, damp fall weather.<sup>10</sup> The cotton is placed in special sacks (each one weighs 20 to 30 kg), which have to be carried to the truck (often for several hundred meters). Workers are exposed to the use of chemicals, sprayed from planes or tractors. The requirements of labor legislation<sup>11</sup> are not followed. People are often not able to access medical help when needed.

### **Preliminary Findings of the 2022 Independent Civil Society Cotton Harvest Monitoring<sup>12</sup>**

16. All evidence collected by the independent monitors indicates that in 2022 the Government has made no efforts to reform the state-imposed forced labor system.

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<sup>7</sup> Turkmen.News and Turkmen Initiative for Human Rights, ‘Review of the Use of Forced Labor in Turkmenistan During the 2021 Cotton Harvest’ (July 2022), p. 9.

<sup>8</sup> An average monthly salary of a kindergarten nanny in Turkmenistan is 1570 manats (\$77), a school teacher earns 2000 manats (\$100).

<sup>9</sup> Turkmen.News and the Turkmen Initiative for Human Rights (TIHR), ‘Review of the Use of Forced Labor During the 2021 Cotton Harvest in Turkmenistan’ (July 2022), [https://www.cottoncampaign.org/s/CC\\_TKM\\_2021\\_HARVEST\\_REPORT.pdf](https://www.cottoncampaign.org/s/CC_TKM_2021_HARVEST_REPORT.pdf), p. 6.

<sup>10</sup> Ibid., p.10.

<sup>11</sup> Ibid. See also ТРУДОВОЙ КОДЕКС ТУРКМЕНИСТАНА <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83620/92461/F1271643593/TKM83620.pdf>.

<sup>12</sup> The 2022 Cotton Harvest Report is forthcoming, to be published in Spring 2023, available at: <https://www.cottoncampaign.org/resources>.

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.

17. Unfortunately, the Government continues to deny the use of forced labor in the cotton harvest. During its review by the UN Human Rights Committee in March 2023, the Government of Turkmenistan explicitly denied that forced labor occurred in the country, insisting that “Turkmenistan does not have a policy of compelling or pressuring anyone into mandatory labor to collect the cotton harvest”.<sup>13</sup> In 2021, the Government stated that the observations of the International Trade Union Confederation (ITUC) on the widespread use by the State of forced labor in cotton harvesting were “groundless and do not reflect the real situation”.<sup>14</sup>

### **Government Implementation of Third Cycle Recommendations**

18. During the third cycle, the Government of Turkmenistan ‘noted’ a recommendation to “Establish a time-bound national plan of action to address forced labour in cotton farming and abolish mandatory production and sanctions for non-compliance with cotton quotas.”<sup>15</sup> The Government’s rejection of this recommendation speaks to a concerning lack of political will to effectively tackle this issue. The findings outlined in this submission demonstrate the consequences of this lack of action.
19. At its last review, the Government supported a recommendation to “Introduce legal measures that prohibit forced and child labour”.<sup>16</sup> While Turkmenistan is party to the 1926 UN Slavery Convention, 1930 ILO Forced Labour Convention, the UN 1956 Supplementary Slavery Convention, and the 1957 ILO Abolition of Forced Labour Convention, it does not appear that it has carried out its obligations under these instruments by promulgating effective criminal legislation specifically addressing the prohibitions of slavery, servitude and forced labor. While noting the Law on Combating Trafficking in Persons (2016), the constitutional provision (Article 49) prohibiting forced labor and the worst forms of child labor, and Article 8 of the Labour Code (2009) which prohibits forced or compulsory labor, Turkmenistan does not appear to have implemented any further laws, beyond those specifically addressing trafficking in persons, which give effect specifically to the prohibition of slavery and servitude.
20. In the third cycle, the Government of Turkmenistan supported a recommendation to “Work in partnership with the International Labour Organization to eliminate forced

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<sup>13</sup> See Cotton Campaign, ‘UN Human Rights Committee Urges Turkmenistan to End Forced Labor in Cotton’ (28 March 2023), <https://www.cottoncampaign.org/news/un-human-rights-committee-urges-government-of-turkmenistan-to-end-state-imposed-forced-labor-in-the-annual-cotton-harvest>.

<sup>14</sup> ILO, ‘Individual Case (CAS) - Discussion: 2021, Publication: 109th ILC session (2021)’, [https://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101\\_COMMENT\\_ID:3253697](https://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:3253697).

<sup>15</sup> Chile, 116.85. OHCHR, ‘Third Cycle Matrice of Recommendations – Turkmenistan’.

<sup>16</sup> Poland, 116.89. Ibid.

labour in connection with State-sponsored cotton harvesting.<sup>17</sup> There has been some progress in implementing this recommendation since Turkmenistan's last review. During the reporting period, the Government ratified the ILO Employment Policy Convention, 1964 (No. 122) in 2021 and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) in 2019.<sup>18</sup>

21. It is a positive step that the Government, in a communication dated 25 October 2021, accepted a high-level mission of the ILO, on the request of the ILO Committee on the Application of Standards (CAS).<sup>19</sup> The first phase took place virtually in February 2022 (due to COVID-19 restrictions), followed by a preparatory ILO mission to Turkmenistan from 14-16 September 2022 to prepare for the second phase of the high-level mission, which was undertaken between 14-18 November 2022.<sup>20</sup>
22. We welcome that during the second phase, an agreement was reached on a draft road map for cooperation between the ILO and the Government for 2023 in relation to the cotton harvest.<sup>21</sup> This is due to include, *inter alia*, activities towards the improvement of the legislative framework for the prevention and prohibition of forced labor; a review of the policy and administrative framework governing the cotton harvest; and improvement of labor inspection and law enforcement.<sup>22</sup> We welcome the Government of Turkmenistan's openness to dialogue with the ILO, and look forward to seeing the roadmap once published.
23. However, we are also concerned that the ILO high-level mission has not yet been able to conduct a visit during the height of the cotton harvest period. In 2021 the ILO CAS recommended that the high-level mission of the ILO "be granted all accommodations so as to carry out its duties before the next International Labour Conference and during the harvest season."<sup>23</sup> However, the 2022 high-level mission took place in November, when the harvest is largely over (being at its height in September). We call on the Government of Turkmenistan to ensure access is granted to international observers, including the ILO, during the height of the cotton harvest in future.
24. For forced labor reforms to be sustainable, they must be structural. Three elements need to be present: ending systemic forced labor, enacting structural reforms, and empowering civil society. These pillars are complementary and mutually reinforcing: systemic forced labor cannot be eliminated without the enactment of structural reforms; neither can be achieved without the empowerment of civil society to

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<sup>17</sup> United Kingdom of Great Britain and Northern Ireland, 114.50. Ibid.

<sup>18</sup> ILO, 'Ratifications for Turkmenistan',

[https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103551](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103551).

<sup>19</sup> ILO, Observation (CEACR) - adopted 2021, published 110th ILC session (2022), Abolition of Forced Labour Convention, 1957 (No. 105) - Turkmenistan (Ratification: 1997).

<sup>20</sup> ILO, Observation (CEACR) - adopted 2022, published 111st ILC session (2023), Abolition of Forced Labour Convention, 1957 (No. 105) - Turkmenistan (Ratification: 1997).

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> ILO, 'Individual Case (CAS) - Discussion: 2021, Publication: 109th ILC session (2021)',

[https://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101\\_COMMENT\\_ID:3253697](https://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:3253697).

ensure transparency and accountability across every aspect of the reform process.

25. Creating space for civil society, freedom of expression and freedom of association must be considered central to reforms - including allowing the unimpeded operation of independent activists and groups. Reforms should be informed by the findings of independent forced labor monitors, and civil society should be consulted on solutions to the forced labor system. Workers and farmers must be able to represent themselves democratically and independently and to address workplace grievances, without fear of reprisal and with appropriate legal protections in place.

## **Recommendations**

- Enforce national laws (Article 49 of Turkmenistan's Constitution and Article 8 of the Labor Code of Turkmenistan) that prohibit forced labor.
- Put in place, beyond the laws dealing with trafficking in persons, effective legislation specifically criminalizing slavery, servitude and 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.
- 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 monopsony 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, to ensure the implementation of its obligations under UN and ILO conventions.

- 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 - including by allowing visits during the height of the cotton harvest.
- Fully implement the recommendations made by UN Treaty Bodies, Special Procedures, and the ILO supervisory mechanisms, including the UN Human Rights Committee's 2023 and 2017 Concluding Observations<sup>24</sup>, the ILO Committee of Experts on the Application of Conventions and Recommendations' 2022 Observation<sup>25</sup>, and the 2021 communication of the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences.<sup>26</sup>
- Allow the unimpeded operation of independent monitors of forced labor in Turkmenistan, and ensure that their findings are meaningfully included in forced labor reforms.
- Ensure that forced labor reforms involve the enabling of freedom of expression and freedom of association, and allow independent civil society to operate freely.

## CHILD LABOR IN THE COTTON SECTOR

**Relevant to Theme F31 Children: definition; general principles; protection and Theme: F33 Children: protection against exploitation**

26. Whilst there has been an official ban on involving children in the cotton harvest since 2005, it does still occur in practice. Child labor in Turkmenistan's cotton harvest is a direct result of the Government's policies and the systemic forced labor system. Children are often sent to the fields as replacement workers for state employees or to help their families pick cotton.
27. The cotton harvest season begins at almost the same time as the school year in early September and lasts until November, including the fall holidays in October. As a result, children's education is disrupted; either the children work in the cotton fields

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<sup>24</sup> UN Human Rights Committee, 'Concluding observations on the third periodic report of Turkmenistan' (24 March 2023), UN Doc CCPR/C/TKM/CO/3, para 33; UN Human Rights Committee, 'Concluding observations on the second periodic report of Turkmenistan' (20 April 2017), UN Doc CCPR/C/TKM/CO/2, paras 26-27.

<sup>25</sup> 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)'.

<sup>26</sup> 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.



themselves, or their teachers do - with many schools practically not functioning for two months as teachers combine teaching in school with work in the cotton fields.

### Government Implementation of Third Cycle Recommendations

28. In the third cycle, the Government of Turkmenistan committed to implementing two recommendations to tackle child labor: “Strengthen its policy on prevention and combat of child labour...”<sup>27</sup> and “Introduce legal measures that prohibit forced and child labour”.<sup>28</sup>
29. However, evidence from independent monitors shows that child labor continues in Turkmenistan. In both the 2022 and 2021 harvests, independent monitors recorded cases of child labor in the cotton harvest, driven by a combination of poverty and the forced labor system. Monitors documented that public sector employees in all regions who were forced to pick cotton and/or pay for cotton pickers sometimes sent relatives in their place, including children.
30. In some cases children, seeking to earn extra money for their families, offered themselves as replacement pickers for employees extorted to hire pickers. Turkmen.News sources reported in 2021 that, during the fall holiday, school children between 12 and 17 years of age went to the cotton fields to help their families financially.<sup>29</sup> A teenager receives 30 to 40 manats (approximately US \$1.5-\$2) for a day’s work in the fields in addition to money for the cotton they have picked.
31. Some children also picked cotton to replace their parents who work in the public sector and were forced to pick cotton or send replacement pickers. Radio Liberty sources reported that school children were directly forced to work, too. ***“Dozens of children, some of them coughing and sneezing, could be seen in the fields along the road in the Baharden farmers’ association (Ahal region). Though they were clearly unwell, they were still kept in the fields,”*** the radio station said.<sup>30</sup>
32. In 2020, the authorities sent children to the cotton fields in summer<sup>31</sup>, and when the harvest started there were many children between 10 and 16 years of age in the fields. Some went cotton picking in place of their parents who were public sector workers, while others were hired for money in place of adults.
33. Radio Azatlyk reported that in June in Dargan-Ata district, Lebap region, the heads and teachers of school No. 25 took children to weed the cotton fields and to harvest

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<sup>27</sup> Tajikistan, 114.86. OHCHR, ‘Third Cycle Matrice of Recommendations – Turkmenistan’.

<sup>28</sup> Poland, 116.89. Ibid.

<sup>29</sup> Turkmen.News and the Turkmen Initiative for Human Rights (TIHR), ‘Review of the Use of Forced Labor During the 2021 Cotton Harvest in Turkmenistan’ (July 2022), p.7.

<sup>30</sup> Больные школьники на хлопковых полях. Власти Ахала пытаются выполнить свои хлопковые обязательства (05 ноября 2021) <https://rus.azathabar.com/a/31547092.html>.

<sup>31</sup> Turkmen.News and Turkmen Initiative for Human Rights, ‘Review of the Use of Forced Labor in Turkmenistan During the 2020 Cotton Harvest’ (March 2021), [https://en.turkmen.news/wp-content/uploads/2021/03/TURKMENISTAN\\_COTTON\\_2020\\_WEB\\_ENG.pdf](https://en.turkmen.news/wp-content/uploads/2021/03/TURKMENISTAN_COTTON_2020_WEB_ENG.pdf), p.40.

potatoes as summer camp activities.<sup>32</sup> It cost parents 300 manats (around \$85) to send a child to summer camp.

34. In addition, the school heads took the children to do agricultural work several times without providing either food or drinking water. The schoolchildren were in the fields from 8.30 to 15.00 and had to work without sustenance. The temperature was above +40°C. The farmers took pity on the children and brought them water. The parents were afraid to complain to the school administration, fearing their children would suffer further mistreatment during the school year.

35. It has been established practice for many years for some teachers to send pupils from the senior grades to pick cotton in their place. They pay them 20 to 25 manats a day (just under \$1.5 according to the market rate), which on average is cheaper than paying a hired worker (usually between 20 and 30 manats). The pupils are marked as present in the class registers.

36. In addition, in 2020, in connection with the coronavirus pandemic the authorities introduced not only a cotton obligation, but a cotton punishment too. It emerged in September 2020 that people not wearing masks in the region of Mary were sent to work in the cotton fields.<sup>33</sup> Furthermore, in October 2020 it was reported that not only adults, but teenagers too, were sent to the fields for failing to follow the rules on mask-wearing.<sup>34</sup> As an alternative the police suggested that the teenagers pay a fine of 50 manats; as this was too large a sum for most families, the teenagers were often compelled to agree to pay off their fine by working in the fields.<sup>35</sup>

## Recommendations

- Ensure effective implementation of existing legislation prohibiting child labor.
- Conduct thorough investigations into ongoing incidents of child labor in the cotton harvest.

# HARASSMENT AND IMPRISONMENT OF HUMAN RIGHTS DEFENDERS WHO MONITOR AND REPORT ON FORCED LABOR IN THE COTTON SECTOR

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<sup>32</sup> Туркменских школьников в летнем лагере отдыха водят на прополку хлопка и сбор картофеля (13 июня 2020),

<https://rus.azathabar.com/a/30667090.html>.

<sup>33</sup> Turkmen.News and Turkmen Initiative for Human Rights, 'Review of the Use of Forced Labor in Turkmenistan During the 2020 Cotton Harvest' (March 2021), p.42.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

**Relevant to Themes: D1 Civil & political rights - general measures of implementation; D43 Freedom of opinion and expression; H1 Human rights defenders.**

37. State-sponsored forced labor in Turkmenistan takes place in a climate of widespread human rights violations in the country. The Government is also responsible for forced disappearances, and tolerates no freedom of expression or criticism. Independent scrutiny of labor practices in the country is suppressed by the Government, and independent NGOs are not permitted to operate openly in Turkmenistan.
38. Journalists and human rights defenders seeking to monitor and report on forced labor in the cotton harvest cannot operate openly and risk intimidation, harassment, arrest and detention. The information that is available regarding Turkmenistan's forced labor system exists due to the courage of human rights activists, such as the team of cotton harvest monitors linked to Turkmen.News and Turkmen Initiative for Human Rights, who at all times run the risk of arrest and torture.

**Government Implementation of Third Cycle Recommendations**

39. The Government has failed to implement the raft of recommendations it supported at its third cycle UPR to guarantee the right to freedom of expression, association and opinion, including to end arbitrary detention, harassment and other acts of intimidation against journalists, media workers and human rights defenders, and to allow independent media and civil society to operate freely.
40. Gaspar Matalaev, an independent journalist working undercover to investigate and reveal forced labor in Turkmenistan's cotton harvest, was arrested on 4 October 2016, two days after he published a report on the extensive use of forced labor in the 2016 cotton harvest. He was sentenced to three years in prison on false charges of fraud and bribery on 9 November 2016.<sup>36</sup> Despite various requests to the Government by international experts to secure his immediate release,<sup>37</sup> Gaspar Matalaev was not released until 6 September 2019 after serving his full term of three years in Turkmenabat.
41. He has received no compensation or other reparations, nor has the Government conducted a full and independent investigation of the circumstances surrounding Mr. Matalaev's arbitrary deprivation of liberty, and measures taken against those responsible for the violation of his rights, as requested by independent experts.<sup>38</sup>

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<sup>36</sup> Frontline Defenders, 'Gaspar Matalaev Released from Prison' <https://www.frontlinedefenders.org/en/case/gaspar-matalaev-remains-prison>.

<sup>37</sup> Including in 2019 by the UN Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (8 February 2019) AL TKM 1/2019.

<sup>38</sup> Ibid.

## Recommendations

- 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.

# RECOMMENDATIONS TO THE GOVERNMENT OF TURKMENISTAN

We call on the Government of Turkmenistan to:

- Enforce national laws (Article 49 of Turkmenistan's Constitution and Article 8 of the Labor Code of Turkmenistan) that prohibit forced labor.
- Put in place, beyond the laws dealing with trafficking in persons, effective legislation specifically criminalizing slavery, servitude and 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.
- 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 monopsony 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, to ensure the implementation of its obligations under UN and ILO conventions.
- 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 - including by allowing visits during the height of the cotton harvest.
- Fully implement the recommendations made by UN Treaty Bodies, Special Procedures, and the ILO supervisory mechanisms, including the UN Human Rights Committee's 2023 and 2017 Concluding Observations<sup>39</sup>, the ILO Committee of Experts on the Application of Conventions and Recommendations' 2022 Observation<sup>40</sup>, and the 2021 communication of the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences.<sup>41</sup>
- Allow the unimpeded operation of independent monitors of forced labor in Turkmenistan, and ensure that their findings are meaningfully included in forced labor reforms.
- Ensure that forced labor reforms involve the enabling of freedom of expression and freedom of association, and allow independent civil society to operate freely.
- 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.

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<sup>39</sup> UN Human Rights Committee, 'Concluding observations on the third periodic report of Turkmenistan' (24 March 2023), UN Doc CCPR/C/TKM/CO/3, para 33; UN Human Rights Committee, 'Concluding observations on the second periodic report of Turkmenistan' (20 April 2017), UN Doc CCPR/C/TKM/CO/2, paras 26-27.

<sup>40</sup> 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)'.

<sup>41</sup> 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.