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2. INTRODUCTION

2.1. Project Objective

The Fund for Society Development (FSD), in partnership with the International Labor Rights Forum, presents this report on the use of forced labor of children and adults in agriculture in the Republic of Tajikistan, based on monitoring conducted by FSD in 2011 and 2012. National mobilization of the general population, including children, for cotton harvests is system adapted from that employed under the former Soviet Union and currently used in multiple Central Asian countries. Although some progress to implement labor laws and commitments to international standards is being made in recent years in the Republic of Tajikistan, there is evidence that forced labor continues in some places.

The FSD and ILRF monitoring and reporting project supports the continuation of initiatives to promote the eradication of forced labor. The project specifically contributes to raising awareness of Dehkan Farms Cooperatives regarding standards on labor law and the prevention of forced labor in the countryside. FSD and ILRF implemented the project in partnership with a coalition of public and international organizations coalesced to help implement the National Plan of Action to Combat Trafficking in Persons for 2011-2013.

Project implementation accounted for the Poverty Reduction Strategy Paper of the Republic of Tajikistan for 2010 – 2012, in particular in the agricultural sector in relation to the medium-term objectives of the strategy of increasing farmers' legal awareness.¹ Previous analyzes² have shown that one of the causes of forced labor is the low legal awareness of farmers. Sometimes this factor is the cause of most farmers to be exploited by investors and the use of cheap child labor.

This report presents monitoring and research findings and is organized in five sections. Section 1 provides methodology and definitions. Section 2 presents a comparative analysis of

¹ Republic of Tajikistan, "Poverty Reduction Strategy of the Republic of Tajikistan for 2010-2012," available at <http://www.imf.org/external/pubs/ft/scr/2012/cr1233.pdf>, last accessed 7 December 2012.

² Analyses within the project of "strengthening farms role on reducing force labor" by the local Tajikistan NGO Fund for Society Development

successful efforts to eradicate forced labor of children and remaining challenges. Section 3 identifies socio-economic factors affecting the forced labor. Section 4 explains the relevant national labor legislation of Tajikistan and obligations of the Republic under international norms such as the International Labour Organisation (ILO) Conventions. Section 5 proposes recommendations to the public and government institutions for the prevention of forced labor of children and adults in the agricultural sector of Tajikistan.

In today's competitive world, the prosperity of any country depends fundamentally on the quality of its human resources. Tolerance of the worst forms of child labor and forced labor of adults undermines development of human capital, which is the goal of any society. Rationalizations of the use of child labor or forced labor of adults for short-term economic benefits must be evaluated against the severe and significant losses of potential for national development. The project team operates on the basis of respect for fundamental labor rights established in the ILO Declaration on Fundamental Principles and Rights at Work.³

2. 2. Methodology

FSD and ILRF gathered the information presented in this report throughout the following methodologies. During 2011 and 2012 cotton harvests in Tajikistan, FSD visited 100 cotton farms and conducted observations and interviews of farmers, farm workers, children and additional stakeholders. Monitoring of the cotton sector was conducted on Dehkan farms and focused on the issues of forced labor and child labor. According to the Law "On Dehkan farms", Article 1, Dehkan farms are independent entities conducting agricultural activity and managed by business, individual, family, or group of people. There are three categories of dekhkan farms: 1) Individual private farm – work which is based on enterprise of one person, 2) Private farm family – work which is based on the family business and the business of joint assets; and 3) friendly private farm – established on the basis of common ownership and economic activity is determined by the contract on joint activity. Individual private farms tend to hire workers in the community or surroundings districts. Land and farming responsibilities on a “friendly private farm” are divided between members. Each member has a certain “row ” obligations. This means that a member is obliged to weed, plant, and harvest the allocated rows per harvest. The member receives a seasonal wage or a separate wage for planting, weeding, etc. on top of the quoted diram/kg of cotton picked. Children of dekhkan members are often asked by their parents/relatives to assist them in achieving their “row” obligations.

The project team contextualized the first-hand findings from monitoring activities with the analysis, review of national labor law and international labor conventions, and review of existing initiatives to implement such laws presented in the rest of this report. Media reports and materials by international and local nongovernmental organizations provided supplementary information.

FSD and ILRF organized and implemented the project on the basis of domestic legislation and international instruments, starting with the Constitution of the Republic of Tajikistan, Article 35, which states:

³ International Labour Organisation, “ILO Declaration on Fundamental Principles and Rights at Work” (1998) available at <<http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>> last accessed 7 December 2012.

"Everyone has the right to work, career choices, employment, labor protection and social protection against unemployment. Salary should not be below the minimum wage. Any labor restrictions are prohibited. For equal work is paid equally. No one may be subjected to forced labor, except in cases specified by law. The employment of women and minors in hard and underground work, and to work in hazardous conditions is prohibited."

Definitions for the project are rooted in international instruments ratified by Tajikistan, including the principle ILO Conventions concerning forced labor and child labor.

Forced or compulsory labour

All work or service, which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily. - ILO No. 29 (1930) on Forced Labour

Child Labour

Work that harms children's well being and hinders their education, development, and future livelihood (Declaration on the Rights of the Child. - ILO No. 138 (1959) on Minimum Age and No. 182 (1999) on Worst Forms of Child Labour.

The project worked closely with the Inter-ministerial Commission on Counter Trafficking in Persons of the Government of the Republic of Tajikistan (IMCCTIP), including participation in the annual campaign on child labor led of the International Organisation of Migration (IOM) Mission in Tajikistan.

3 FINDINGS: CURRENT SITUATION, 2011 and 2012

3.1 Cotton in Tajikistan

Cotton cultivation is the main agricultural activity in the Republic of Tajikistan. Tajikistan is predominantly an agricultural country. Currently, the rural population is 74% of the total population of 7.6 million people, and agriculture accounts for 50% of total employment and 19% of GDP. On average, Dehkan farms are 2 to 5 hectares of land. Manual labor is commonly used for the harvest on Dehkan farms, which sell their cotton to either ginning mills or trading companies, through which the cotton eventually goes to international markets.

3.2 Child and adult forced labor on agriculture fields

In 2011, direct monitoring of fields and surveys conducted indicated initial signs that the situation was gradually beginning to change. Reports of 2011 noted a slight reduction in the mass use of child labor and forced labor, as compared to similar reports in previous years⁴. The IOM in particular observed continued child labor in all 25 districts Tajikistan. Schools and vocational technical school districts were central to these issues. It means schools administration were helping to mobilize students on fields, for example in Sughd and Hatlon areas were observed as children with the teachers were in the field for collecting cotton. However, It should be noted that nature of use of work of children changed a little, children were attracted out of school times. Direct polls showed that The most common reason for working the cotton fields that children gave was to help parents or relatives by contributing to the family budget, not fear of repercussions for refusing to work in the fields. The ages of children seen on cotton fields are 12 till 18 years, and working hours makes from 4 to 8 hours. But this vary by regions and fields, interviews with some children showing that the words of “voluntary” instructed to some of them.

For example, in some areas Zafarabad, Spitamen and Khatlon of Tajikistan there were the facts of the mobilization of children for cotton during the school learning process.

The talks with them showed that one of big changes on these years are mobilization of children out of classes and repercussions on many cases not seen to children refusing to go to fields. But it is necessary to underline that certain children can not refuse as mobilization if happens on certain areas it will have mass character.

During interviews the same year, school teachers demonstrated greater awareness about the rights of children, including the right to education. Local officials shared their fear that the involvement in mobilizing children to work is punishable under the law. One of the major differences from previous years was work by children outside of the educational system; approximately 70% of children who worked in the cotton fields in 2011 were not mobilized through schools, according to interviews and monitoring conducted.

In 2012, the situation was not very different from that in 2011, but there were some changes. Cotton was planted earlier, and some farms managed to meet their goals for the harvest by mid-September. Nationally in 2012, farmers planted cotton on approximately 200 thousand hectares of land, which was expected to yield 401 tons of the cotton.⁵ Early sowing and early collection could be one of the reasons that it initially appeared that fewer school children were working the harvest this year, because the school year begins in Tajikistan in

⁴ What has changed SOAS – 2010, the rights of students during cotton campaign NGO AMPARO and Bureau of Human Rights Tajikistan – 2007, ILRF and Youth for civilization research on 2007

⁵ (www.news.tj).

September. However, this clearly does not mean that there was not child labor used in the harvest. In interviews of over 100 children in the Sughd region, a focus of the project for the concentration of cotton farms, nearly 80% said that they worked in the fields this year for 5-6 hours a day and received 40-50 dirams per kilogram of cotton picked.⁶

Children seen on fields of Spitamen, B. Gafuof, Asht and Zafarabad, and Matcha districts of Sughd region and by partners report children go to fields of Kulyab, Vose and other district of Khatlon region as well. The ages of children make 13 to 17 years. They get paid after each weeks for 1 kg about 0, 50 dirams, they do not have any signed contracts with the farms or any documents guaranteeing their health and other kinds of insurance.

Surveys among 100 children showed, more than 95% said they did not undergo a medical examination, and were not conducted any tests or to what extent the minerals used for cotton are not harmful to children's health.

For instance the cotton growers use the different kinds of minerals for their cotton plants such as (pesticide, insecticide) and on many cases it is not examined by the experts on a objects of harmfulness. Moreover, farms usually buy this minerals from outside through the “dark markets” and many of these products do not go under the State standard control test.

Monitoring throughout the 2012 harvest indicated several factors that were contributing to the use of child labor and forced labor in the cotton fields:

1. Parents are not adequately informed about the prohibition of child labor legislation of the Republic of Tajikistan and international conventions. Many parents and local officials still consider it to be normal for children to work outside of school hours. The Labor Code regulates minimum age for admission to employment (with 15 or 14 years). There was substantial evidence that the children working on fields were under age 14. Parents also often claimed to be unaware of their children's work in the fields; however, the frankness of such claims must be considered against the most commonly mentioned reason for child labor- to contribute to the family budget.
2. Farmers continue to have insufficient understanding of their rights and the laws governing agricultural cooperatives. Surveys of farmers show that they, as managers of the farms do not have a clear idea of the right to work. Arranging contractual relationships with their seasonal workers is particularly challenging. Debts accumulated by the farmers often contribute to their use of illegal labor. According to official statistics for 2012, in the Sughd region 38% of farmers' debts were accumulated in order to pay wages⁷. Consequently, they will be interested to attract cheap labor. Also, farmers have multimillion debts to investors (futures companies and ginning factories), which could result in monoculture and the consent of farmers to engage forced labor.

Interviews and surveys indicated that many farmers have not completed secondary school, which will need to be considered in efforts to raise their awareness of the laws and financial structures governing their farms. However, according to a 2012 survey of the cooperatives⁸, 80% of the cooperative executives had secondary vocational education and experience in cotton industry for over 15 years.

⁶ USD\$0.08 – USD\$0.10 at the conversion rate 1 USD = 4.77099 TJS (www.xe.com, last accessed 7 December 2012)

⁷ The statistical overview book for the Sughd region of Tajikistan

⁸ The current project analyses on Sughd region fields among farms

3. The employment relationship is not specifically defined. Farms usually during the spring will make verbal negotiations with the pickers about the price of cotton picking, time and other details such as the period of reimbursing the cotton picked. People harvesting cotton work 20 to 30 days without an employment contract, and generally they get 40 to 50 dirams per 1kg of cotton, usually they paid by weeks of the work on the fields, this is the situation of 2012 year.
4. Access to agricultural machinery and the quality and condition of the machinery available are inadequate. According to a survey of cooperative farms, 50% of farms have one or two machines, and nearly 80% expressed that the existing agricultural machinery partly satisfy their need. The surveyed cooperatives reported that they rent machines and hire machine operators during planting and harvesting seasons. All surveyed expressed that in during harvest their own labor force does not meet the scale of work to be completed, and they have to use informal labor.

The Sughd region as of the first half of 2012 provides a typical situation. The farm cooperatives had 5,592 cotton picking and combine machines, of which 4,120 units are fixed (74% of total). The farms had 2,263 trucks and repaired 1101 units (49% of the total). The farmers need machines and spare parts. At the same time, sowing of crops is mostly mechanized. Watering, weeding and picking cotton are the tasks performed manually. Manual labor becomes significant for the harvest. In most areas, use of machines is made impossible by impaired equipment. At the beginning of the 2012 harvest season, cotton farmers in one area of Sughd had 115 combines, but the farms only used two of the machines during the harvest due to the lack of spare parts and the high cost of fuel and lubricants. In Spitamen area, the entire cotton harvest was completed manually in 2012. According to local experts, the use of manual labor to harvest cotton farms costs less than mechanized harvesting, while it is unclear if such a comparison is based on the low costs of forced labor or child labor. To complete the cotton harvest in Zafarabad, Sughd region, local authorities helped to mobilize approximately 3,500 people from non-cotton producing areas. High school students also worked, outside of school hours.

5. While some Dehkan farms managers said that they profit at the moment that they sell cotton to local ginning mills, some observers experts are of the opinion that it would be beneficial to farmers themselves had direct access to buyers of cotton fibers, so they can sell at a good price. However, an analysis of media also shows that farmers simply do not have the opportunity to find a buyer directly because local plants and foreign companies have a contract with each other.
6. In addition debt before investors (futures companies) still does not allow farms to dispose of their land entirely. It is important that in the chain of production, sale and finally using by consumers were respected workers' rights, the rights of adults and children. It is well known that the uncertainty relations of production - Unsecured logistical bases and production facilities has created "futures contracts" in the sector of cotton, which, unfortunately, did not solve the problem, and because of that private farms, most of which are cotton growers became debtors. It should be noted that in this area there have been some initiative of the Government of Tajikistan's for cotton farm debt cancellation, but still necessary in the process of land reform, pay more attention to issues of safety, protection of children and adults from uncertain labor and forced labor facts .

7. The interest of local authorities in the organization of mass involvement of employees in other sectors of the cotton harvest is motivated by the Agrarian characters of certain areas and support specific areas of major taxpayers (farmers and cooperative farms) and the prevention of harvest losses. Various public and private organizations are involved in mobilizing labor for the cotton harvest. Many were recruited as volunteers willing to help pick cotton. The talks with the pickers of adult ages showed that many of them were mobilized by the workplace in order to help to the farms. On many cases it has command character and the work period covers about two weeks. They paid about 0,50 dirams for the 1kg and they do not make any job contracts with the farms. They simply were told by the head of their offices to go to fields. This is the new character of labor we have seen on 2012, the amount of children were not as much as previous years but people of adult ages were mobilized by their companies.

3.3 Stakeholder Map:

For the prevention of most types of child and forced labor these key holders should pay active role.

As analyses show cotton growers dekhkan farms depended on many cases before the local and international investors. For instance there about 2500 cotton growers and they have negotiations with the so called futures companies (about 8 futures companies functioning in the region). Futures companies or cotton ginning factories buy the cotton from dekhkan farms and on many cases the dekhkan farm can not set the price or directly go to the foreign companies. This can bring the factor for using the cheap labor to the farms as the farms usually depended before the local investors. As media analyses show⁹ local investing and futures companies do not allow dekhkan farms directly go to the market, and American Company Ecom usually make contracts with the local investors. The interviews of Agricultural specialists indicates that cotton growing farms mostly should do their business without mediators and this could bring more profit to them, at the same time they will have no need to attract child or forced labor. On this chain of business somehow school administrations also have their place when they pay not enough attention to the workers rights and students rights not to be exploited on the chain of business.

3.4 Currently active initiatives that aim to support labor rights in the agricultural sector of Tajikistan

In 2012, two additional initiatives addressing labor rights in the agricultural sector of Tajikistan provided opportunities for coordination and broader impacts. The government of Tajikistan Inter-ministerial Commission to Combat Trafficking in Persons is body which formed to systematically monitor and analyze the cases of human trafficking and all types of forced labor and operatively react to such violation of human rights. The International Organisation of Migration (IOM) *Assessment of child labor in cotton fields* report comes from the annual campaign of IOM together with NGOs the aim of which to reflect the

⁹ www.ozodi.org (17.09.2012 the black day of “white gold” article)

situation of child labor in the country and make recommendation for preventing of the worst of labor. In the 2010-2011 year there were several facts of child labor combating in the cotton sector, imposed administrative fines against several DFs and education departments on the use of child labor and violations of the laws.

4. LEGAL ANALYSIS OF LABOR LAWS IN TAJIKISTAN

4.1 International prohibition of forced labor

The ILO Conventions No. 29 (1930) on Forced Labour and ILO Convention No. 105 (1957) on Abolition of Forced Labour are the pillars of the international standard concerning forced or compulsory labor of adults and children. Forced labor of children is a worst form of child labor, defined by ILO Convention No. 182 (1999) on the Elimination of the Worst Forms of Child Labour. According to these conventions, the definition of forced labor contains two fundamental elements:

1. the work is carried out under the menace of any penalty; and/or
2. the work is carried out involuntarily, i.e. without consent of the worker.

According to the ILO “the menace of any penalty” includes:
physical violence against worker or family or close associates
sexual violence
threat of supernatural retaliation
imprisonment or other physical confinement
financial penalties
denunciation to authorities (police, immigration, etc.) and deportation
dismissal from the current employment
exclusion from future employment
exclusion from community and social life
removal of rights or privileges
deprivation of food, shelter or other necessities
shift to even worse working conditions and
loss of social status¹⁰ ()

On the issue of involuntary work, ILO states that even if a person initially gave his consent to work, the resulting labor relationship may turn out to be a situation of forced labor. According to the Global Alliance Against Forced Labour report:

Many victims enter forced labour situations initially of their own accord, albeit through fraud and deception, only to discover later that they are not free to withdraw their labour. They are subsequently unable to leave their work owing to legal, physical, or psychological coercion (ILO, 2005:6).

¹⁰ ILO, 2005:6

4.2 Labor Code of Tajikistan: Difference between “work” and “services” under the definition of forced labor

The concept of forced labor is unduly narrowed in the national legislation of Tajikistan and does not fully align with the concept of forced labor set forth in the ILO Convention No. 29 (1930) on Forced Labour. The Constitution prohibits forced labor in Article 38, and the Labor Code prohibits forced labor in Article 8.

Only in the Law on Combating Human Trafficking is the definition of forced labor outlined. Under this law, forced labor is defined as “carrying out any work or providing services through coercion”. In this definition, the separation of work from providing services is unnecessary as the concept of ‘work’ fully covers the concept of ‘services’. The Labor Code (as well as other parts of national legislation) uses the terms “working hours” and “employees” to refer to the employee. Within the statutes, there is no statement that a person who “provide(s) services” is different from “one who is carrying out any work”. With regards to military service, ILO Convention No. 29 clarifies that the term “forced or compulsory labour” “shall not include any work or service required in virtue of compulsory military service laws and used for work of a purely military nature.” However, a person who is under military service/authority who is being asked by this supervisor(s) to perform a task against his will and/or under menace of a penalty which is not related to his service but of a personal nature, such as if one is being asked to plow his supervisor’s *dekhkan* farm, is forced labor, under ILO Convention No. 29. To clarify the situation in Tajikistan, it would be useful to amend the Law on Combating Human Trafficking with the removal of the word “service.”

4.3 Comparison of Tajik law and international standards concerning child labor

The following chart presents a comparative legal analysis on national legislation of Tajikistan pertaining to child labor, revealing that the laws comply with international norms.

| | International Conventions Ratified | Tajikistan legislation |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Child rights | <ul style="list-style-type: none"> • Member States ensure all rights to children within their jurisdiction without discrimination and shall protect the child from all forms of discrimination or punishment on basis of status, expressed opinions or beliefs of the child and/or his/her parents/legal guardians/family members - UN Convention on the Rights of the Child (1989), Article 2 • Member States shall take legislative, administrative social measures, and educational measures to ensure the implementation of this article, in particular: <ul style="list-style-type: none"> o establish a minimum age(s) for admission to employment; o provide appropriate regulation of working hours and conditions; o provide appropriate penalties or sanctions to | <p>Decree No. 377 (2008) on “Protection of the Rights of the Child” to abolish the Commission on Juvenile Affairs and delegate its functions to the Commission on Child Rights</p> <ul style="list-style-type: none"> • Decree No. 253 (2009) on Legal Education of Citizens for the period 2009-2019 • Decree No. 278 (2010) on Program of Work with Minors for the period 2010-2015 • The National Concept of Education of the Republic of Tajikistan • The State program of Priority Development of Youth of Tajikistan for the period 2006-2010 • The National Concept of Development of Physical Fitness and Sports |

| | | |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | ensure the effective implementation of this article. - UN Convention on the Rights of the Child (1989), Article 32 | |
| Minimum Age | <p>A child is not allowed to be employed prior to attainment of the minimum age. No child should engage in work that is detrimental to his/her health or education, or interfere with his/her physical, mental, or moral development. - Declaration on the Rights of the Child (1959), Article 9</p> <ul style="list-style-type: none"> • Minimum age for work should not be below the age for completing compulsory schooling, which is generally 15 - ILO No. 138 on Minimum Age (1973), Clause 3, Article 2 • States should also set age limits, which the paid employment of child labour should be prohibited and punishable by law. – International Convention on Economic, Social and Cultural Rights (ICESCR) | Employment of persons under the age of 15 is not permitted. - Labour Code Article 174. |
| Hazardous work | <p>Hazardous work is defined as <i>work, which by its nature in which it is carried out is likely to harm the health, safety or morals of children</i> – ILO No. 182 (1999) on Worst Forms of Child Labour</p> <ul style="list-style-type: none"> • Member States recognize the right of the child for protection from economic exploitation and from performing any work that may be hazardous to his /her health, interfere with the child’s education, or be harmful to their health and/or physical, mental, spiritual, moral, or social development. - UN Convention on the Rights of the Child (1989) • Minimum age for admission work, which by its nature or by force of circumstances in which it is carried out may jeopardize the health, safety, or morals of the youth, shall not be less than 18. - ILO No. 138 on Minimum Age (1973), Clause 1, of Article 3 • Children and young persons shall be protected from economic and social exploitation. Their employment in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development should be punishable by law. – International Convention on Economic, Social and Cultural Rights (ICESCR) | <p>The employment of women and men in heavy or underground work, as well as work in hazardous conditions is prohibited. - Constitution of the Republic of Tajikistan Article 35</p> <ul style="list-style-type: none"> • Employment of persons under the age of 15 at hard work and work in hazardous or dangerous working conditions, underground work, and work which could harm health or moral development, is prohibited. Manual work and transfer by the said persons of things that exceed their established limits is inadmissible. - Labour Code Article 174. • It is the duty of parents to prevent employment of children in dangerous and hard work which is harmful to the child's health, as well as other work that interferes with the child's physical and psychological development. - Law on Parents' Responsibility for Education and Nurturing of Children No. 762 (2011), Article 8. |

| | | |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | |
| Light work | National legislation or regulations may permit the employment of children between 13-15 for light work as long as it is not harmful to health or hinder their education. - ILO No. 138 on Minimum Age (1973) Clause 1, Article 7 | Allows for work of minors no less than 14. - Labour Code, Article 174 |
| Forced labour | <p>No one shall be required to perform forced or compulsory labour. – International Convention on Civil and Political Rights (ICCPR), Article 8, Para 3.</p> <ul style="list-style-type: none"> • Each member of the ILO that ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms. - ILO No. 138 on Forced Labour (1930), Article 1 • Each Member of the ILO which ratifies this Convention undertakes to suppress the use of forced or compulsory labour and not to resort to any form of it: <ul style="list-style-type: none"> o as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; o as a method of mobilizing and using labour for purposes of economic development; o as a means of labour discipline; o as a punishment for having participated in strikes; o as a means of racial, social, national or religious discrimination. – ILO No. 105 on Abolition of Forced Labour (1957), Article 1. • Slavery, trafficking of children, debt bondage, serfdom, forced or compulsory labour including recruitment of children in armed conflict. – ILO No. 182 (1999) on Worst Forms of Child Labour | <p>No one shall be subjected to forced labour except in cases specified by Constitution of the Republic of Tajikistan, Article 35</p> <ul style="list-style-type: none"> • Forced labour is prohibited. - Labour Code, Article 8 |

5. CLOSING THE GAP: TOWARDS SUSTAINABLY ENDING FORCED LABOR & CHILD LABOR IN THE AGRICULTURAL SECTOR OF TAJIKISTAN

- The Ministry of Education should continue the initiative to ensure the right of children to a full education. In recent years, there has been a reduction in the participation of children in agricultural work during school hours. However, there are some areas where child labor continues to interfere with children's educational development. Consequently, the Ministry of Education should tighten control over the district departments of education to ensure application of the laws concerning the right of children to a full education.

 - The Government of Tajikistan has achieved some progress to protect children and adults from forced labor. In particular, the National Plan of Combating Trafficking in Persons for 2011-2013 has been implemented effectively. Since the commencement of the Plan, government officials have worked together with law enforcement and non-governmental organizations to address persistent instances of forced labor. However, the agricultural sector lags in the effective prohibition of forced labor; more effective enforcement of the law at the district and regional levels is required. The local government should be more responsible for banning the forced labor among children and adults. They should report about the situation of labor on central government, civil society institutions and law enforcement bodies. It should be formed a commission consisting of farm workers, NGOs, local government and other key institutions on regional level who will systematically monitor the situations on district levels.

 - Heads of Dehkan Farms cooperatives should improve their knowledge in the field of labor law. Legal guidance for relations with investors and seasonal workers would particularly support improved practices by Dehkan farmers. Professional courses should be offered for both farmers and farm workers to improve their legal awareness and capacity to exercise their rights under the law.

 - Investors companies and cotton processing enterprises should share accountability with the Dehkan farmers for the prevention of forced labor of children and adults. Fundamentally, contracts must respect farmers rights as guaranteed by national laws and ensure that farmers are not put in a position of bonded labor.
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