

COTTON CAMPAIGN
END FORCED LABOR IN CENTRAL ASIA

Comments Concerning the Ranking of Turkmenistan by the United States Department of State in the 2020 Trafficking in Persons Report

Submitted by: International Labor Rights Forum on behalf of the Cotton Campaign

Summary

The Cotton Campaign strongly recommends that the Department of State continues to issue a Tier 3 ranking to Turkmenistan, as the government continues to deny that it uses forced labor in cotton harvesting and has made no efforts to address or combat the drivers of systematic, government-sponsored forced labor.

During the 2019 cotton harvest (September through end December), as with previous years, the Cotton Campaign worked closely with Turkmen.news (formerly Alternative Turkmenistan News), which uses a network of trained, independent monitors to obtain on the ground information, including observations, interviews, video and audio recordings, and documentary evidence regarding forced labor. These monitors do not work publicly, as human rights monitoring and any perceived government criticism carries serious risk of reprisals. The information below comes from the reports of these independent monitors.

The cotton production system in Turkmenistan remains highly centralized, top-down, and controlled by the government. Orders for public sector employees to pick cotton or pay for replacement pickers were passed from government officials through agencies to heads of institutions. In 2019 the government continued to rely on forced labor to harvest cotton, requiring increasing numbers of public sector employees to pay to hire pickers to go to the fields in their place under threat of dismissal. The rate employees had to pay depended on the region, type of institution, and directives of their management. For example, by October 22, 2019 *Senagat* bank staff in Lebap region paid 800 manats (approximately US\$45) to hire pickers. Officials collected money from public sector employees to hire replacement pickers until the very end of December 2019.

The 2019 harvest season was poor in the country as a whole, but in two cotton growing areas of Turkmenistan, Ahal and Mary regions, it was a failure. As of October 22, 2019, only some 40% of the state plan for cotton harvesting had been fulfilled in these regions. The reasons for the poor harvest were shortages of water, fertilizers, and agricultural equipment, and a pest infestation.

Due to failure to meet the plan, authorities imposed fines on dozens of farmers in Ahal and Mary regions of up to 1,440 manats (approximately US\$80) per metric ton of shortfall and had their land confiscated. Despite the increase in the purchase price and the right to grow vegetables or other crops at the farmers' discretion on 30% of the leased land, some farmers are giving up on leasing land from the state, because growing cotton when there is a shortage of water, equipment, and fertilizers not only fails to make a profit for the tenant farmers, it can put them in debt. For many farms, migrant work abroad is an alternative to painstaking but unprofitable work in the cotton fields.

The Cotton Campaign strongly believes that Turkmenistan does not meet the Trafficking Victims Protection Act's (TVPA) minimum standards and is not making significant efforts to do so, thus should continue to receive a Tier 3 ranking.

[The Turkmen government continues to deny forced labor in the cotton harvest](#)

In 2019, the Turkmen government did not publicly recognize the issue of systemic, government-sponsored forced labor in the cotton industry, which results in tens of thousands of citizens being forced to work in the cotton fields involuntarily and under a threat of penalty such as being fired from their jobs, and for little to no pay. Instead of addressing the system that perpetuates forced labor, the Turkmen government continues to persecute, intimidate, or harass those that attempt to report on the working conditions in the cotton industry, which is discussed in greater detail in a later section.

In addition to denying the problem, the government of Turkmenistan prevents any scrutiny of its human rights record, including forced labor. In the fall of 2018, the UN special rapporteur on contemporary forms of slavery requested an invitation to conduct a country visit to Turkmenistan and begin a dialogue about forced labor in the cotton sector. The government has still not granted access to the special rapporteur or to any other international human rights mechanism that would expose its record on forced labor to scrutiny. The inability to conduct any monitoring or evaluate practices in the cotton sector, makes it nearly impossible to ensure that the government has taken steps to protect against forced labor. The government of Turkmenistan's unwillingness to engage meaningfully with the UN or other international bodies meaningfully highlights the lack of political will to address this widespread and systematic human rights violation. The Cotton Campaign urges the U.S. government to continue to urge the government of Turkmenistan to address the problem in the TIP report.

Forced labor of public sector employees

Throughout the 2019 harvest season, Turkmen.news reported on the use of public sector employees from a wide variety of institutions as forced laborers. As in previous years, the citizens who were sent to pick cotton first were non-professional and support staff of public organizations, including street cleaners, gardeners, and various municipal service employees, such as school security guards. As the harvest progressed, increasing numbers of professional staff from these institutions, including teachers, plumbers, electricians, and engineers were also forced to pick cotton. Turkmen.news reported that public sector workers picked cotton until the very end of December.¹

Teachers forced to pick cotton or pay for replacement pickers

Forced labor particularly affected teachers. Teachers in at least three cotton-growing regions (Dashoguz, Lebap and Mary) were forced to pick cotton. The orders were issued from the regional department of education. On August 31, Turkmen.news received a screenshot of a text message sent to a teacher by the school's deputy principal. The message ordered the teacher to appear at school on September 1 at 6:30 am to pick cotton.²

In October, Turkmen.news received an audio recording from a staff meeting at school №31 in Turkmenabat, at which deputy principal Maya Baiyeva told the teachers that they would need to pick cotton on public holidays on October 6 and 7, as well as all days of the fall break, October 20-29. She told teachers that the order came from the regional education department, which is also required to submit reports every day on how many teachers have been sent and how many tons of cotton they have harvested. Teachers could either pick themselves or pay money to hire replacement pickers.³

Staff meetings dedicated to cotton harvesting were held in Turkmenabat at kindergartens №1 and 6, schools №21, 29 and 31, at Halk Bank, Lebaptelecom, and the general hospital. In the majority of cases money was taken from the employees to hire pickers. At Halk Bank the management hired a team of 25 people from a rural area. The hired workers picked cotton for the entire season instead of the bank staff, for which every staff member paid 800 manats (approximately US\$45) from their own pocket. Throughout October people have complained to Lebaptelecom about poor connections, slow internet and outages in cable TV. In the middle of the month people brought their routers to Lebaptelecom and were told that there was no one to

¹ "We're sick of it!" Turkmenistan's Cotton Harvest Drags on to the End of the Year," Turkmen.news, December 18, 2019, <https://en.turkmen.news/news/we-re-sick-of-it-turkmenistan-s-cotton-harvest-drag-on-to-the-end-of-the-year/> (accessed February 25, 2020).

² "Turkmen Teachers Sent Early to Pick Cotton," Turkmen.news, September 5, 2019, <https://en.turkmen.news/news/turkmen-teachers-sent-early-to-pick-cotton/> (accessed February 25, 2020).

³ "Teachers in Eastern Turkmenistan Sent Cotton Picking en Masse," Turkmen.news, September 9, 2019, <https://en.turkmen.news/news/teachers-in-eastern-turkmenistan-sent-cotton-picking-en-masse/> (accessed February 25, 2020).

fix the internet — almost the entire staff of the technical department, led by the deputy head of the enterprise, were away picking cotton.

Abysmal living and working conditions for cotton pickers

The working and living conditions for these workers remained inadequate. In October the entire staff of the Caspian Sea port of Turkmenbashi were sent over 350 km inland to harvest cotton. The instruction came personally from the director of the maritime port, Annadurdy Kosayev. The workers went for 10-day “cotton shifts” to fields north of the city of Serdar, near the border with Ahal region. They had to take their own food with them and told at the staff meeting to find their own overnight accommodation.

The majority of workers preferred to buy themselves out of the cotton harvest, paying 300 manats to the personnel department (around \$17 according to the market rate). Wages at the port are low, so for many this sum constitutes half their monthly salary. But travel to the fields, food and lodging is more expensive, therefore workers at port preferred to pay the fee and free themselves from the cotton harvest obligation.

A Turkmen.news source told the story of one port worker, a father of five, as an example.

“The sole breadwinner in the family, he decided to go to the cotton harvest himself, as he couldn’t find money quickly to buy himself out of it,” the source said. “He came back black as pitch, thin, and covered in insect bites. He said he just ate bread and drank water and slept out in the cotton fields, as the residents of the nearby houses refused to let him stay for free.”⁴

There were no facilities in these remote areas. People had to go the toilet in the fields. There were no showers, hot food, and medical services for those forced to pick cotton. If they wanted to have shower after work, they had to go to the nearest villages Cherkezli or Tutly and ask the locals to let them take a shower or bath. As a result, the worker spent more than 300 manats on food and travel to and from the fields.

Punitive production system: fines, land confiscation, and labor migration

The government enacts punitive measures against farmers who fail to meet the state’s inflated production quotas. These measures include fines for the shortfalls in meeting the quota and land confiscation. These measures have resulted in significant outflow of people leaving the country to look for work, particularly in Turkey.

⁴ Turkmen.news interview with port worker, name and location withheld, fall 2019.

In an example of these punitive, arbitrary measures, the management of the farmers' associations and representatives of the local authorities of Ahal region were fining farmers for failing to meet their contractual commitments before the end of the harvest. The fines are equivalent to the purchase price of the shortfall in meeting the quota— 1,440 manats (approximately US\$80) per metric ton. Tenant farmers who were in debt to the state were forced to borrow money from relatives or fellow villagers or sell their cattle or vehicles to get cash to pay the fines.

Turkmen.news observers in Sarahs and Kaka districts recorded dozens of cases of confiscation of land from farmers for failing to meet their cotton commitments. The farmers' association takes away the land by tearing up the contract with the farmer. Farmers have no recourse to appeal or legal remedy. At the same time, the farmer is still obliged to pay the fine. Compelling the cotton growers to cover their shortfall out of their own pocket leads to an ever- decreasing number of people wanting to lease land to sow cotton, and an increase in the number of tenant farmers giving up both their plots and working on the land. The tenant farmers said the work they put in was worth more than the money they received for the cotton, but the 2019 season has driven even the most successful farmers into debt. According to one farmer interviewed by a Turkmen.news monitor:

The state will pay me 4,608 manats (approximately US\$256) for 3.2 tons of cotton, but after compulsory payments have been taken, I'll probably receive around 4,000 (approximately US\$222). But I won't see this money either, as according to the contract I was supposed to have produced six ton of cotton. So, the farmers' association is already doing the paperwork to fine me for the shortfall of 2.8 tonnes — it will be around 3,800-4,000 manats (approximately US\$211-\$222). So, I'll finish the year with a zero balance sheet, and all my and my family's hard work from early spring until late autumn will have been for nothing. There'll be nothing at all for my family to live on in winter and spring.⁵

Tenant farmers said it is unrealistic to produce a decent cotton harvest in the current conditions. This is why giving up on the land and emigrating to work in Turkey have become the alternative for most village families. Observers said that while labor migration from the north and east of the country was typical, today it is difficult to find a family in the villages in the southern and southeastern regions of Ahal and Mary, which a family member has not migrated for work to Turkey. In Ahal region's Babadayhan, Sarahs, Mary's Karakum, Murgap, and Sakarchage districts, every family has someone working abroad. Even if this person sends home \$100 a month, that makes \$1,200 a year — more than a tenant farmer could earn in two years growing cotton.

⁵ Turkmen.news interview with tenant farmer, name withheld, Karakum district, Turkmenistan, fall 2019.

Lack of engagement with civil society and persecution of labor monitors

The manner in which Turkmen.news' monitors must work, illustrates how the Turkmen government uses its power to censor civil society actors. Turkmen.news monitors must operate undercover or they risk serious reprisals, including arrest, imprisonment, and ill-treatment. To send communications to Turkmen.news, monitors must do so strategically, using communications that they hope are not monitored by the government. Turkmen.news monitors cannot operate openly, and all their work must be published under someone else's name.

The Turkmen government has not allowed for civil society space to grow and systematically persecutes civil society actors by denying them space to operate and subjecting them to measures such as harassment, intimidation, arbitrary arrest, ill-treatment, and imprisonment. If citizens are not able to speak out about human rights abuses, accountability is impossible. In order for Turkmenistan to adequately address forced labor, the government must end persecution of human and labor rights activists and begin to build an environment of trust and openness with its citizens.

Persecution of Gaspar Matalaev

Turkmen.news reporter Gaspar Matalaev was released from prison in September 2019 after having served a 3-year term on false charges of fraud. Matalaev was arrested the night of October 4, 2016, two days after his report on state-orchestrated forced labor of children and adults in Turkmenistan's cotton harvest was posted on Turkmen.news' website. He reportedly confessed to fraud charges while being tortured with electroshocks, though when he was arrested police told him it was related to photographs he posted on the internet.

Matalaev is one of the few independent monitors who worked undercover to reveal the state-run nature of forced and child labor during cotton harvests in one of the world's most authoritarian countries. The Turkmen government treats refusal to contribute to the cotton harvest as insubordination, incitement to sabotage, and even 'contempt of the homeland.' The United Nations Working Group on Arbitrary Detention found the arrest and deprivation of liberty of Gaspar Matalaev arbitrary.⁶

After his release from prison Matalaev has not been able to resume monitoring work. In the first several weeks after release he had to report to the local police every day in writing about how he spent his previous day. If he came late to come to the police, they would call him and pressure him to come. Besides, Matalaev remained under constant surveillance; people he did not know in plainclothes followed him wherever he went. His landline and mobile phone are still being wiretapped.

⁶ Human Rights Council, Working Group on Arbitrary Detention, A/HRC/WGAD/2018/4, May 23, 2018, available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session81/A_HRC_WGAD_2018_4.pdf (accessed February 28, 2020).

Recommendations for the Turkmen Government:

The Turkmen government has complete control over the cotton production system and should take urgent action to end the use of forced labor in the following ways:

1. Enforce national laws that prohibit the use of forced and child labor in alignment with ratified ILO conventions.
2. 2. Make public, high-level policy statements condemning forced labor, specifically including forced labor in the cotton sector, and making clear that all work should be voluntary and fairly compensated.
3. Instruct government officials, at all levels, and citizens that act on behalf of the government to not use coercion to mobilize anyone to work.
4. 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 hold accountable those found guilty with penalties that reflect the severity of the crime and serve as a deterrent for future crimes.
5. 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.
6. Initiate a time-bound plan to reform root causes of forced labor in the agriculture sector, that includes the following actions:
 - 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 purchasing.
 - Increase financial transparency in the agriculture sector, by ensuring national budgets include expenditures and income in the agriculture sector.
 - Abolish mandatory production quotas and grant farmers autonomous management of agricultural land.