

**Mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

REFERENCE:  
AL TKM 2/2021

30 August 2021

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on contemporary forms of slavery, including its causes and consequences, pursuant to Human Rights Council resolution 42/10.

I am sending this letter under the communications procedure of the Special Procedures of the United Nations (UN) Human Rights Council to seek clarification on the information received regarding alleged forced and - to some extent - child labour in the cotton harvest of Turkmenistan, with a particular focus on the harvests of 2019 and 2020.

According to the information received:

In Turkmenistan, agricultural lands are owned by the State and farmers can only lease the fields to grow wheat, cotton and other crops. Cotton is one of the main agricultural crops in Turkmenistan and this country is currently the 13<sup>th</sup> largest cotton producer and exporter in the World. The cotton fields are principally in the regions of Ahal, Dashoguz, Lebap and Mary. In 2014, the cotton sowing stopped in the West of Turkmenistan because of climate-related challenges, the poor quality of the soil and the low yields but it resumed in 2019.

Every year, the central Turkmen government establishes a cotton harvest plan. Regional authorities, and those over which they have authority, must implement. If farmers do not comply with this plan, they have to pay fines and risk losing their tenancies. The system for growing and harvesting cotton in Turkmenistan is highly inefficient. This is partly due to the pursuit of fictitious numbers, the lack of transparency in reporting, the corrupt behavior of officials on the ground, and the lack of opportunity for farmers to stand up for their rights. In 2019, for instance, in the Mary region, the State established cotton plan could not be implemented and the farmers became indebted to the State because of the shortage of raw cotton. As a result, the vulnerability and economic precariousness of the farmers increased.

**The situation on the ground and findings from 2020**

To fulfil the cotton plan, each year, the Turkmen Government forces tens of thousands of citizens, public sector workers but also workers of private companies, to harvest cotton. They are subjected to forced labour, as they are coerced to working in the cotton fields under threat of dismissal. Despite challenges to monitoring due to extreme limitations on freedom of expression and association, reports year after year across different regions of the country, consistently document the ongoing use of systemic state-organised forced labour. In 2020, in all the regions monitored, forced labour by public sector

employees, conscripts, and students in higher education, colleges and vocational schools was used systematically in the cotton harvest.

In view of the current socioeconomic crisis and the high level of unemployment in the country, many public sector workers depend on Government funding. As many fear to lose their jobs and falling into poverty, they are vulnerable to the decisions taken by the Government authorities. Subjecting thousands of public sector employees, including nurses, doctors, and teachers to forced labour for cotton picking leads to a disruption of the work of medical and educational institutions. Some local authorities, for instance in Turkmenabat, reportedly pressured kindergarten employees to sign declarations indicating their willingness to contribute to the cotton harvest. In addition, many conscripts are also subjected to forced labour in the cotton picking, sometimes in the fields of their commanders' relatives. In 2020, a large number of soldiers had to pick and deliver the cotton without being paid. The farmers directly pay the commanders of military units to obtain the support of soldiers as workforce.

Although the COVID-19 pandemic is officially not affecting Turkmenistan, tough restrictions were introduced in the country: school holidays were extended, retail, food and service outlets were closed, and people were fined for not wearing masks on the street. People were reminded in the media and in schools about social distancing, the importance of hand hygiene, and other preventive measures against respiratory diseases, but these rules did not apply to cotton pickers.

Public sector workers were taken to work in the cotton fields in overcrowded buses, without masks or basic hygiene. During the COVID-19 pandemic, doctors were exempt from working in the cotton fields in some regions but school workers had to bear the additional work. The deputy governor of Dashoguz region, who is responsible for education, culture and health, ordered to send all the teachers to pick cotton in the fields during their eight-day fall holiday (from 22 October 2020). Many teachers alleged that "neither medical certificates nor family circumstances exempted them from work in the cotton fields." If they could not work in the fields themselves, they had the obligation to hire a worker to replace them, otherwise they risked to lose their job. Thus, some teachers reportedly paid 240 manats (68 USD) for a worker.

Reportedly, public sector workers have to pay a "voluntary contribution" every year from their salaries "to the successful achievement of the State plan for the cotton harvest." Reportedly, supervisors are requested to take disciplinary action and to report any workers who do not agree to pay this contribution. For instance, in August 2020, some public utility workers in the Mary region reported that they had to pay 300 manats (85 USD) to hire workers for cotton fields. Also, a schoolteacher from the same region alleged that they were forced to pay 400 manats (114 USD) to hire these workers. Similarly, some teachers in the Lebap region reported that they had to pay 20 manats (5 USD) two to three times a week from August to 12 December 2020.

In 2019, teachers of a Turkmenabat school were reportedly asked to pick cotton themselves or to pay to hire a worker, or to resign from their job if they did not agree to these terms. Reportedly, officials on the ground could force

farmers to hire workers, for example public sector workers and students. According to information received, the cotton could be picked only by farmers instead of hiring workers paid out of their income as the production was low.<sup>1</sup> Nevertheless, some farmers were forced to hire additional workers.

Women represent the majority of the public sector workforce and thus are the most involved in the cotton harvest which places a disproportionate burden on them. Reportedly, women who have low-paid jobs such as school janitors or caretakers in residential blocks, suffer even more from this situation as they cannot afford to hire a worker to go to the fields in their place and are forced to work in the cotton crops themselves, without considering their health, age or family responsibilities.

In the regions, students in higher education, vocational schools and colleges are also regularly forced to work in the cotton fields as the management can impose sanctions on them if they refuse, such as exclusion and disciplinary penalties. This may have an impact on their career and therefore, they have no choice but to work in the cotton fields which interrupts their studies.

The Government sets the prices of the crops and maintains a monopoly on cotton purchasing and sales. This system facilitates abuses and puts cotton pickers and tenants under the control of the State. Agricultural associations are responsible for leasing out lands and purchasing cotton from the tenant farmers at the State's price. If the State's objectives are not achieved due to low cotton production, agricultural associations, enterprises and organizations, schools, construction organizations, public utilities service and hospitals of the respective region can be obliged to supply cotton to the State's cotton reception points, by purchasing cotton elsewhere. In the town of Turkmengala in the Mary region, for instance, farmers' associations were reportedly told at a meeting on the cotton harvest in October 2020 that most of them did not deliver even half of the Government order for cotton. Therefore, Government authorities informed that hospitals, schools, the public utilities service and every enterprise had to supply 2.5 tons of cotton to the reception points. This forced them to buy cotton and to supply it to the State.

Furthermore, many cotton workers allegedly received low wages or faced abusive behaviors from the tenant farmers to not pay their wages entirely. In 2020, in Dashoguz region, cotton pickers were paid 0.30 manats per kilogram of cotton by the farmers which they considered too low as the State bought cotton from the farmers for 1.4 manats per kilogram. A cotton picker in Boldumsaz district (Dashoguz region) reported that he was paid 1.5 manats (0.43 USD) for a whole day of work in the field. A teacher had reportedly picked 40 kg of cotton, as indicated on the scale, but the farmer allegedly wrote down 20 kg and paid her 6 manats (1.62 USD). In another case, several cotton pickers who had reportedly worked all day without any break received only half of the expected wage because the farmer decided to discount the harvest as there was moisture in the cotton. As workers are taken to the fields to achieve their "compulsory service" sometimes without any previous agreement with the tenant farmers, many farmers are not willing to respond to their complaints about low wages.

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<sup>1</sup> *Ibid.*

The cotton cultivation is a labour-intensive and physically demanding process as cotton has to be sown, weeded, hilled, fertilized and watered. They generally work manually so as to lose less cotton and mechanized pickers are too expensive for tenant farmers who have to buy all the equipment themselves. In addition, the workers have to bend down, repeat the same movements every working day and carry heavy cotton sacks for several hundred meters to the truck (twenty to thirty kilogrammes), either in hot weather or chilly, damp fall. Sometimes, because of the weather conditions, farmers have to re-sow their fields so as to meet the Government's expectations but some tenants could not afford the cost of new seeds or equipment. The heads of many farmers' associations, for example in Koneurgench and Boldumsaz districts, refused to help farmers facing such difficulties in 2020.

Despite being forced to work in the cotton fields by the Government of Turkmenistan, workers reportedly have to pay for their own transport, accommodation and food. In the absence of any facilities, workers sleep in the fields. Reportedly, there is no organization of transportation to take the workers to the fields and sometimes workers have to wait in the streets for hours, sometimes with extreme weather conditions, to find a way of transport.

In the second half of October 2019 workers at Turkmenbashi maritime port reportedly were divided into several groups and sent on ten-day shifts to pick cotton in fields north of the town of Serdar. The workers allegedly had to pay for their own transport, food and accommodation. In the absence of any facilities at all, most people slept in the fields and ate the food they had brought with them.

Instead of picking cotton themselves, some individuals decide to hire someone to pick it for them.). However, workers such as longshoremen and drivers have to go to the fields to harvest the cotton themselves, as they had low wages, less than 500 manats per month (143 USD).

Water is generally brought to the fields for workers but it is untreated and unfiltered well's water which may be contaminated. Furthermore, cotton pickers may face health risks because chemicals are used intensively during harvests and cotton bushes have thorns which prick fingers. Many cotton workers reportedly suffer from bronchitis and cystitis because of the working conditions. Workers do not have access to medical assistance when needed and they cannot afford medical care themselves due to their low incomes. During the COVID-19 pandemic, health risks increased for people taken to work in the cotton fields without any social distancing or other protective measures.

Many workers do not receive their wages or have very low salaries. The Government does not issue a contract to the workers, they only receive an indication of the amount of cotton they are expected to produce and hand in to the Government authorities, depending on the size of the land leased. Furthermore, public sector workers are reportedly often taken to the fields without any advance agreement with the tenant farmers which makes it difficult for the workers to fulfil their compulsory service of cotton picking.

Also, farmer's associations are expected to give cash "top-ups" out of their pocket throughout the cotton cultivation process. For example, to ensure that tractor drivers perform well farmers are expected to pay them a "tip.". All the mechanical interventions necessary during the growing season, such as fertilizing the crops, are paid by the tenant farmers and cost approximately 250-260 manats (71-74 USD) per hectare. Because of the pressure to meet the Government's plan, many farmers bribe the providers of seeds, fertilizers, irrigation water, and pest and disease control agents.

Furthermore, many farmers allegedly face difficulties at the reception point, when they have to deliver the cotton harvest to the Government authorities: Many reportedly suffer from arbitrary behavior of public officials, for example some may not register the weight of the cotton delivered correctly. As a result, the farmers see themselves forced to pay bribes to the weigh-in operator, the gin Director and the lab assistant as otherwise they may mark down the weight of their cotton production. In the Bayramali district (Mary region), for example, a tenant farmer had weighed his production before giving it to the State's authorities and he had reportedly 1260 kg of cotton in 2020. But after his delivery, he got a receipt of 890 kg. Many similar cases were also reported in Lebap region. Some farmers even alleged that they were forced to agree with the weigh-in operator's terms otherwise they would risk receiving a laboratory report indicating high levels of humidity and impurities in the raw cotton which would increase the farmers' loss. For many farmers, it is difficult to meet the cotton harvest plan because of the weather, the poor quality seeds, the lack of water and fertilizers and the organizational shortcomings. Despite these issues, the quotas imposed by the State are not flexible and must be met. People continue to be sent to fields even if there is not much cotton to pick.

Furthermore, many farmers reportedly experience delays in receiving payments for their cotton deliveries. Others are not paid at all and have been threatened by the local authorities to lose their leased lands for apparently being unable to fulfil their contractual obligations. For instance, in 2020, residents of the Azatlyk and Seydi farmers' associations in Sayat district, and the Vatan and Lebap farmers' associations in Charjou district suffered such situations. Other farmers could not withdraw the cash they had earned for cotton sales due to a shortage of cash in the country. Reportedly, although many farmers have complained about these payment issues, the Turkmen authorities still not have resolved them. Also, the tenant farmers usually have difficulties to pay their workers due to the cash shortage existing in Turkmenistan. They often have to wait in long lines for hours at ATMs to withdraw money.

Furthermore, the Turkmen government seems to not publicly report on the real cotton production. Indeed, the Ministry of Agriculture and Water Management stated that in 2018 the Government's plan had been met and was exceeded (1 050 000 tonnes planned, 1 099 236 officially reported). Reportedly, less than half of the planned quantity of cotton was produced (450 000 tonnes) which indicates that the reports are not transparent and trustworthy.

Moreover, farmers are unable to safely and freely express their dissatisfaction and do not have opportunities to stand up for their rights without facing

retaliation or even criminalization by your Excellency's Government. Furthermore, they do not have an appropriate level of social protection and the alleged corruption in the cotton cultivation process exposes them to poverty and vulnerability. By growing inter-seasonal crops other than cotton, farmers would be able to improve their income and livelihoods but they need to make additional payments to the Government to sow inter-seasonal crops which compounds the economic pressure on farmers. Farmers' associations wishing legally to grow inter-seasonal crops are obliged to pay 800 manats for a license. The tenant farmers are fined for sowing profitable crops without permission. Crops planted without permission are plowed up and destroyed.

We note that on 26 November 2020, the Deputy Prime Minister announced the creation of a special land bank in the regions to grow crops that are part of the government order. Seventy percent of the bank's land was to be offered on a contractual basis to grow wheat, cotton and other crops to meet the government order. The rest of the land could be sown to other crops only if the plan for the production of cotton would be met. Nevertheless, such a plan is difficult to put into practice. For example, a tenant farmer in Bayramali district (Mary region) rented lands and wanted to also grow lucerne, meat and milk but in 2019 the agricultural association forced him to only grow cotton. But his cotton production was so low that he could not cover all his costs. As a result, he – and other tenant farmers from this region – incurred in debt for the second year running. Reportedly, farmers' associations who want to grow inter-seasonal crops must pay 800 manats (228 USD USD) to get a license and the tenant farmers can be fined if they sow profitable crops without authorization. The unauthorized crops could be destroyed and plowed up. Indeed, farmers of the Turkmenbashi district (Dashoguz region) alleged that the local Governor illegally destroyed their crops and stopped their irrigation water while growing grains on his own land. Similarly, in the Mary region, at least in four villages (Akmeýdan, Durnalyýan, Sahra and Shatlyk), the Governor decided to destroy curcubit and vegetables crops grown by villagers on the edges of the cotton fields. In view of these labour conditions, many farmers try to seek work abroad.

### **Child labour in the cotton fields**

There has been an official ban on involving children in the cotton harvest in Turkmenistan since 2005 and national laws prohibit forced and child labour. However, while it is understood that child labour is not systematically used in the country's cotton harvest, there are cases reported each year where children are forced to pick cotton by their schools and teachers under threat of punishment. In addition to this, child labour persists in the cotton harvest because children pick cotton to help their parents meet quotas, or replace their parents in the fields, or are hired as replacement workers by other adults. Most children working in the cotton fields are between 10 and 17 years of age.

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. Many schools practically do not function for two months, as teachers combine teaching in school with work in the cotton fields. This has a direct impact on children's access to education.

Each year, cases are reported of children being forcibly mobilised to pick cotton in particular districts and areas. For instance, in early September 2020, students of the Seyidi Pedagogical Institute and pupils at various vocational schools, in Lebap region, were forced by their teachers to go to the fields and pick cotton. In 2020, reportedly, some teachers in Dargan-Ata district (Lebap region) took children to “weed the cotton fields and to harvest potatoes as summer camp activities”, sometimes without providing drinking water or food while the temperature was above +40°C. Their parents were afraid of complaining to the school administration as they feared mistreatment of their child during the school year.

Child labour in the cotton sector most commonly occurs where children pick cotton alongside or in place of their parents or are hired as replacement workers. Some children pick cotton alongside their parents in order to help them fulfil their cotton quota, due to the risk of sanctions if they do not. Other children pick cotton to replace their parents who are public sector workers and have been instructed to pick cotton. Some children are hired to replace other adults instructed to pick cotton. For example, in rural areas, school children are often offered the opportunity to replace their teachers in the cotton fields for a modest daily fee. Many children take up such offers to earn some pocket money to support their families.

Finally, during the COVID-19 pandemic, the authorities of the Mary region reportedly sent teenagers to the cotton fields as a punishment for not wearing a mask. The police had suggested to impose a fine of 50 manats (14 USD) to these children as an alternative, but depending on their family situation, many teenagers felt obliged to work in the fields. Thus, they had to pick 40 kg of cotton to pay off their fine.

According to [the Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#) ratified by the Government of Turkmenistan on 15 November 2010, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, amounts to the worst forms of child labour. The latter are considered a contemporary form of slavery.

I would like to express my deep concern about the working and living conditions of cotton workers, including of children subjected to child labour, in Turkmenistan.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to end children forced or compulsory labour in line with the Convention on the Rights of the Child (1989), the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No 182), and the ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No 138).
3. Please provide information about the measures that your Excellency's Government has taken, or is considering to take, to end forced or compulsory labour in line with ILO Forced Labour Convention, 1930 (No. 29).
4. Please indicate which measures your Excellency's Government is taking to avoid incidences of forced labour in the cotton harvest of 2021.
5. Please indicate through which measures your Excellency's Government is ensuring that all children are able to access free education without interruption.
6. Please highlight the steps that your Excellency's Government has taken, or is considering to take, to ensure effective access to domestic judicial mechanisms for victims of forced or compulsory labour.

I would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

Tomoya Obokata  
Special Rapporteur on contemporary forms of slavery, including its causes and  
consequences

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your Excellency Government attention to its international obligations, relevant for this case.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on December 10, 1948, further contributes to international standards regarding the elimination of all forms of slavery. Article 4 states that “no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms.”

We would also like to point out that article 32 of the Convention on the Rights of the Child (CRC), ratified by Turkmenistan in 1991, recognizes the right of the child to be protected from economic exploitation, as well as from “performing any work that may be dangerous or interfere with their education, or that is harmful to their health or to their physical, mental, spiritual, moral or social development.”

Forced or compulsory labour is defined in the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), ratified by Turkmenistan in 1997. As per Article 2, paragraph 1, ‘term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’.

In this regard, we would also like to refer your Excellency’s Government to the Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Turkmenistan, in 2018, which highlighted that forced labour of students and workers under threat of penalties is still used during the cotton harvest. The Committee recommended that:

“24. [...] the State party further strengthen its measures to stop forced labour, including by enforcing existing laws and policies prohibiting forced labour and increasing the monitoring of compliance, in particular in the cotton sector. It should also ensure that those employers violating labour rights are prosecuted and that, if convicted, commensurate sanctions are imposed and effectively implemented, and that full reparations are provided to victims.”<sup>2</sup>

Some forms of child labour may constitute contemporary forms of slavery. This includes some of the worst forms of child labour as defined by the ILO’s Worst Forms of Child Labour Convention, 1999 (No. 182), ratified by Turkmenistan in 2010, which includes the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour.

Also, we would also like to refer your Excellency’s Government to the ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138), ratified by Turkmenistan in 2012, in which article 3, para.1. requests that: “The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.”

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<sup>2</sup> E/C.12/TKM/CO/2, 31 October 2018.

Furthermore, according the article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), ratified by Turkmenistan in 2005, “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude...” In line with this Protocol, ““Child” shall mean any person under eighteen years of age” (article 3 (d)).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.