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Concerns Regarding Forced Labor in the Modernization and Improved Performance of the Amu Bukhara Irrigation System (ABIS) Project in Uzbekistan

Dear President Nakao,

We write to share with you our serious concerns regarding the Modernization and Improved Performance of the Amu Bukhara Irrigation System (ABIS) project in Uzbekistan. We understand that the project is scheduled to go before the Board imminently. We urge you to withdraw this project from Board consideration until grave human rights concerns including forced labor are adequately addressed.

The stated objective of the project as outlined in the Bank's 2011 concept paper is to "rehabilitate and upgrade prioritized components of the main irrigation system ... to help the government raise agricultural productivity



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and rural incomes.”¹ It is clear from project planning documents that the agricultural sector that stands to benefit the most from the modernization of ABIS in Bukhara is the cotton sector.² Bukhara is a lead cotton-producing region in Uzbekistan, and is projected to produce 342,000(t) in marketing year (MY) 2012/13.³

Project documents categorically fail to note, however, that the Uzbek government uses a cotton production system that relies on forced labor and forced child labor.⁴

In addition, the tightly-controlled, highly-centralized structure of the cotton sector in Uzbekistan undermines the incomes of rural farmers. As organizations like the Cotton Campaign have reported, **“Uzbek cotton farmers are forced to meet state-established cotton quotas, purchase inputs from one state-owned enterprise, and sell the cotton to a state-owned enterprise at artificially low prices. The system traps farmers in poverty, and the state profits from high-priced sales to global buyers.”**⁵ As such, investment in the sector is not in line with **the ADB’s commitments to pro-poor, inclusive, and sustainable economic growth.**⁶

¹ ADB, “Amu Bukhara Irrigation System Rehabilitation, Concept Papers,” November 2011, <http://www.adb.org/projects/documents/amu-bukhara-irrigation-system-rehabilitation-cp> (accessed August 30, 2013).

² See, Figure 1: Location of Amu Bukhara Irrigation System, ADB, “Amu Bukhara Irrigation System Rehabilitation, Concept Papers,” November 2011, <http://www.adb.org/projects/documents/amu-bukhara-irrigation-system-rehabilitation-cp> (accessed August 30, 2013), p. 7. The only mention of cotton production in the project area in the Initial Environmental Examination Document is in footnote 69 on page 23. “Timber and fuel wood shortages are evident throughout the area. In the irrigation scheme, the desert has been modified into irrigated arable lands with monoculture crops (cotton, wheat and rice).” ADB, “Initial Environmental Examination Document,” May 2013, <http://www.adb.org/sites/default/files/projdocs/2013/44458-013-uzb-lee-01.pdf> (accessed August 30, 2013), p. 23.

³ USDA Foreign Agricultural Service, “Republic of Uzbekistan, Cotton and Products Annual Report,” January 4, 2013, http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Cotton%20and%20Products%20Annual_Tas_hkent_Uzbekistan%20-%20Republic%20of_01.04.2013.pdf (accessed September 3, 2013).

⁴ The ILO Committee of Experts on the Application of Conventions and Recommendations clarified in their 2013 report, observation on C182: Uzbekistan, that “section 241 of the Labour Code prohibits the employment of persons under 18 years in hazardous work, and that the ‘list of occupations with unfavourable working conditions in which it is forbidden to employ persons under 18 years of age’ prohibited children from watering and gathering cotton by hand.” See, ILO, “Follow-up to the conclusions of the Committee on the Application of Standards International Labour Conference, 100th Session,” June 2011, http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700710 (accessed September 3, 2013).

⁵ Cotton Campaign, <http://www.cottoncampaign.org/> (accessed September 3, 2013).

⁶ ADB, “Pro-Poor Growth: What is It and How is It Important?” June 2003, <http://www.adb.org/publications/pro-poor-growth-what-it-and-how-it-important> (September 3, 2013); ADB, “ADB Sustainability Reports,” <http://www.adb.org/documents/series/adb-sustainability-reports> (accessed September 3, 2013).

Forced Labor in the Uzbek Cotton Sector

During the 2012 harvest, the Uzbek government forced over a million of its own citizens, children and adults to harvest cotton in abusive conditions on threat of punishment.⁷ Regional authorities, police, and school administrators, reporting to the prime minister **and other cabinet ministers, transported children and adults by bus to the country's cotton fields**, where those far from their homes were assigned temporary housing. The workers picked cotton for weeks at a time and were not free to leave. As described in more detail in the attachment, workers lived in filthy conditions, contracted illnesses, suffered serious injuries, and worked from early morning until evening for little or no pay. Childr and young adult workers missed school and college. Adults and older children were required to harvest a minimum of 60 kilograms (or 132 pounds) per day, with younger children required to meet slightly lower quotas.⁸

On June 11, 2013, the tripartite Committee on the Application of Standards of the **International Labour Organization (ILO) cited evidence of the “systematic mobilization” of adults and children to pick cotton during Uzbekistan’s 2012 cotton harvest “as well as the substantial negative impact of this practice on the health and education of school-aged children obliged to participate in the cotton harvest,” and reiterated its call to Uzbek authorities to allow the monitoring mission during the 2013 harvest.**⁹ Also in June 2013, the United States government downgraded Uzbekistan to the lowest category in its human **trafficking ranking because of the Uzbek government’s continued use of forced and child labor.**¹⁰

Failure to Identify and Address Forced Labor in Key Project Design Documents According to the ADB’s prohibited investment activities list, production or activities involving harmful or exploitative forms of forced labor or child labor do not qualify for ADB

⁷ For more information, see attached, “The 2012 Cotton Harvest.” “Uzbekistan: Forced Labor Widespread in Cotton Harvest,” Human Rights Watch news release, January 26, 2013, <http://www.hrw.org/news/2013/01/25/uzbekistan-forced-labor-widespread-cotton-harvest>.

⁸ In contrast to earlier years, the government reduced the numbers of younger children forced to pick cotton during the 2012 harvest. However, local monitors and rights groups reported that the authorities forced some children as young as nine to work in the cotton harvest in at least three regions. To compensate for the loss of younger children, the government forced larger numbers of adults and children, ages fifteen to seventeen, to work in the harvest. “Uzbekistan: Forced Labor Widespread in Cotton Harvest,” Human Rights Watch news release, January 26, 2013, <http://www.hrw.org/news/2013/01/25/uzbekistan-forced-labor-widespread-cotton-harvest>.

⁹ “Uzbekistan: US Decision Vindicates Forced Labor Victims,” Human Rights Watch news release, June 20, 2013, <http://www.hrw.org/news/2013/06/20/uzbekistan-us-decision-vindicates-forced-labor-victims>.

¹⁰ Ibid.

financing.¹¹ In 2006, the ADB committed to work towards the “elimination of all forms of forced or compulsory labor” in designing and implementing all its projects.¹²

In contravention of these commitments, planning documents for the Modernization and Improved Performance of the Amu Bukhara Irrigation System (ABIS) project contain a number of troubling omissions. For example, the Initial Poverty and Social Analysis stated that the project will have no impact on “Core Labor Standards.”¹³ The limitation of the consideration of labor issues to impacts on “water sector employees” is grossly inappropriate in a context of known violations of labor rights in the economic activity that most benefits from this project, cotton production.¹⁴ The Social Compliance Audit Report of May 2013 also fails to mention forced labor in the cotton sector. The same report further notes that National Laws on resettlement are unclear on land compensation and provisions for affected households.¹⁵

Barriers to Civic Participation and Social Accountability

The current repressive climate for independent civil society organizations in Uzbekistan presents a significant barrier to civic participation and meaningful stakeholder consultation. Despite this, ADB project documents state that stakeholder consultations with people living on land surrounding the project areas were carried out with local government officials present but do not discuss how these barriers were overcome.¹⁶

¹¹ ADB, “Safeguard Policy Statement,” June 2009, <http://www.adb.org/sites/default/files/pub/2009/Safeguard-Policy-Statement-June2009.pdf> (accessed September 3, 2013).

¹² ADB, “Core Labor Standards and ADB,” <http://www.ilocarib.org.tt/cef/initiatives/asian%20development%20bank.pdf> (accessed September 3, 2013); ADB-ILO, “Core Labor Standards Handbook,” October 2006 <http://www.adb.org/sites/default/files/cls-handbook.pdf> (September 3, 2013).

¹³ ADB, “Initial Poverty and Social Assessment: UZB: Modernization and Improved Performance of the Amu Bukhara Irrigation System,” May 2009, <http://www.adb.org/sites/default/files/projdocs/2009/43112-UZB-IPSA.pdf> (accessed September 3, 2013), p. 5.

¹⁴ “Core” refers to the ILO Fundamental Rights at Work: the prohibition of forced labor, child labor and discrimination and the rights to unionize and collective bargaining. Ibid.

¹⁵ ADB, “Social Compliance Audit Report: UZB: Amu Bukhara Irrigation System Rehabilitation Project,” May 2013, <http://www.adb.org/sites/default/files/projdocs/2013/44458-013-uzb-scar-01.pdf> (September 3, 2013), p. 7.

¹⁶ ADB, “Social Compliance Audit Report: UZB: Amu Bukhara Irrigation System Rehabilitation Project,” May 2013, <http://www.adb.org/sites/default/files/projdocs/2013/44458-013-uzb-scar-01.pdf> (September 3, 2013), p. 3.

Authorities regularly threaten, imprison, and torture rights defenders and civil society activists, and block international rights groups¹⁷ and media outlets from operating in Uzbekistan. At the time of writing, numerous human rights defenders, independent journalists, and opposition activists are in prison in Uzbekistan in retaliation for their work or criticism of the government.¹⁸ Independent journalists risk prosecution for writing **stories the government deems to be “defamatory,” and many lawyers who took on politically-sensitive cases have been disbarred.**¹⁹

Despite longstanding and well-documented concerns about forced labor and child labor in the cotton harvest in Uzbekistan, Uzbek authorities have steadfastly refused to allow international monitors unfettered access to inspect working conditions in the cotton sector, and arrested and intimidated local activists and independent journalists who have attempted to report on forced labor.

For instance, in September 2012, during the peak of the cotton harvest, authorities arrested Uktam Pardaev, a rights activist well known for reporting on police abuses, torture, and forced labor. Pardaev was beaten by several officers during the initial arrest **and then held for over 15 days on minor administrative charges of “hooliganism” and “resisting arrest.”** Pardaev and other observers believe he was arrested to prevent him from monitoring the rights of children and adults who are mobilized and forced to pick cotton during the annual harvest.²⁰

Project Collaboration with Uzbek Officials Responsible for Implementing Forced Labor

Another matter of deep concern is that the government officials who are responsible for directing forced labor of children and adults during the cotton harvest, also control the

¹⁷ In March 2011, the Uzbek government forced Human Rights Watch to close its Tashkent office, and on June 9, **the Supreme Court of Uzbekistan granted the Ministry of Justice's petition to liquidate Human Rights Watch's** Tashkent office registration in a hearing that violated due process standards. The legal ruling followed years of Uzbek government obstruction of Human Rights Watch's access to the country, including through denial of visas and accreditation to Human Rights Watch staff. <http://www.hrw.org/news/2013/04/19/universal-periodic-review-hrw-submission-uzbekistan-submitted-october-2012>

¹⁸ Ibid.

¹⁹ <http://www.hrw.org/en/features/uzbekistan-crackdown-human-rights-defenders>.

²⁰ For more information about the climate for civic participation in Uzbekistan, please consult: Human Rights Watch, **“Universal Periodic Review: HRW Submission on Uzbekistan - Submitted in October 2012,”** April 2013, <http://www.hrw.org/news/2013/04/19/universal-periodic-review-hrw-submission-uzbekistan-submitted-october-2012>; Human Rights Watch, **“World Report 2013, Uzbekistan,”** February 2013, <http://www.hrw.org/world-report/2013/country-chapters/uzbekistan?page=2>.

irrigation system in the ADB project area. Further, the ADB has tapped these same officials to play a key role in the project grievance redress mechanism.²¹

Every year, the national cotton production plan is developed by several government agencies including the Ministry of Agriculture and Water Resources, the Ministry of the Economy, the Ministry of Finance, the Ministry for Foreign Economic Relations, Investments and Trade, and the Association Uzpaxtasanoat (Uzbekistan's state-controlled cotton production company). The prime minister, reporting directly to the president, then publicly announces the national plan for cotton production, including national production targets. The prime minister then convenes the regional *hokims*²² and dictates the cotton production quotas for each region. The regional *hokims* are responsible for ensuring that **their region's quota is delivered, including the forced mobilization** of farmers to meet a share of the government-imposed cotton quota. Farmers who fail to fulfill the state order of cotton risk loss of their land.²³

The regional *hokims* are also responsible for the forced mobilization of children, university students, public-sector workers and the private sector to harvest cotton. The *hokims* have deputies with responsibilities for specific sectors such as education, health care and the military. In most districts, the *hokimiyat* functions as the headquarters for the mobilization of children and adults to harvest cotton. It includes the staff of the *hokimiyat*, the district prosecutor, the district police, and the director of the district departments of public services. After receiving its target for cotton picking, the director of each institution develops schedules and quotas for the staff. Individuals are assigned cotton picking quotas. Citizens who refuse to participate in the cotton harvest face punishment by the state, including the loss of employment; suspension, expulsion or other disciplinary action at school or work, loss of state welfare payments, fines, social ostracization, verbal abuse, public humiliation, and physical abuse.

²¹ For example, if any participant had questions they were told to direct them to their district heads: **“Consultants informed participants that if they have any questions, complaints and suggestions concerning the Project, they can address them to following project contact persons: Mr. Muradov A. as well as Mr. Palvanov B., Olimov Kh. (Head of Romitan district), Safarova R. (Deputy Hokim of Romitan District on Women Questions), Niyazov A.B. (Head of Bukhara Province Natural Protection Committee). All suggestions, questions, and complaints will be registered in the registration book and delivered to experts for feedback.”** ADB, “Social Compliance Audit Report: UZB: Amu Bukhara Irrigation System Rehabilitation Project,” May 2013, <http://www.adb.org/sites/default/files/projdocs/2013/44458-013-uzb-scar-01.pdf> (accessed September 3, 2013).

²² *Hokim* is a title used to describe administrative city heads as well as district heads.

²³ Uzbek farmers farm land under long-term leases with the Government that oblige the farmers to grow cotton. Regional *hokims* manage the leases and have the authority to take land from one farmer and assign it to another.

Human Rights Watch and the Cotton Campaign Recommend that the ADB:

- Refrain from approving the Modernization and Improved Performance of the Amu Bukhara Irrigation System (ABIS) project until human rights concerns including forced labor and child labor are addressed.
- Raise with the Uzbek government, both publicly and privately, concerns about forced labor and other ongoing serious human rights violations in the country, **including through the ADB's country strategy for Uzbekistan**, and proactively work with the government to address these concerns.
- In recognition of the importance of civic participation and social accountability for development, urge the Uzbek government to amend its restrictive NGO laws and practices to bring them into line with the international human rights standards regarding freedom of association, expression, speech, and assembly.

We would also like to request a meeting with you and your colleagues to discuss these issues in more detail at your earliest convenience. We will follow up with your office, or kindly contact Jessica Evans at 202-612-4361 or at evansj@hrw.org.

Sincerely,



Jessica Evans
Senior Advocate/Researcher for
International Financial Institutions
Human Rights Watch



Matthew M. Fischer-Daly
Coordinator
Cotton Campaign

Attachment: The 2012 Cotton Harvest: Forced Labor of Children and Adults