

## Mission to Uzbekistan

6-11 October 2017

### General context

1. In spring 2017 the ITUC delegation visited Uzbekistan and met with FTUU the leadership, visited several organisations where unions were operating and also informally discussed activities of the trade unions with human rights defenders. That mission formulated recommendations to the FTUU and the FTUU developed a plan of work to address them. That plan was communicated to the ITUC in summer 2017. On that basis the FTUU invited ITUC to take part in a set of activities they run as a part of the World Day for Decent Work campaign.

2. Since the mission significant reforms took place in the country. The “exit visa”, or permission to leave the country for international voyages is to be gradually lifted. Foreign relations with neighbouring countries were relaunched (including Tajikistan, despite water conflict). Some political dissidents were released. Local currency, sum, was made convertible. That move improved export and brought investment promises (the level of foreign investments already grew remarkably this year). It abolished the black market, facilitated transparent exchange rate. However, official value of Sum was decreased in two times. That did not result in price increase yet as the main products for population are produced in the country and not imported. The government changed its approach to Uzbek citizens abroad. Previously, those who left the country to work abroad were considered as “traitors”, now the state recognised responsibilities for them. For the first time the government provided immediate assistance to the victims of the tragic road accident in Russia. In general relations with neighbouring countries improved significantly, even with Tajikistan despite the water conflict. Privatisation of dozens healthcare facilities was announced, special economic zones established where industrial parks shall be opened.

### World Day for Decent Work

3. The WDDW is well recognised and respected in the country. Furthermore, as the country implements Decent Work Country Programme and is a subject of the ILO monitoring regarding risks of forced and child labour during cotton harvesting period, the public attention to the “decent work concept” is high. On 4 October Mehjlis (Parliament) held public hearings about workers’ rights, where the government (Vice Prime-Minister), members of the Parliament and law enforcement agencies informed about unacceptance of forced mobilisation of citizens for cotton harvesting, particularly, by referring to the order of the President that prohibits mobilisation of teachers, public administration employees and healthcare workers for cotton harvesting. There was a recognition of existing risks and the need for bringing responsible for violations of the law to justice.

4. On 6 October public debates were organised with participation of the government (Vice Prime-Minister), Mehjlis, international organisations (including ILO), national organisations (women, youth), and academics in the press-club that was broad-casted by all mainstream media, with the same message of workers’ rights and unacceptance of forced and child labour.

5. On 7 October the Federation run its own Conference on Decent Work, where ITUC and ILO were the key speakers. In some other presentations the subject of forced and child labour was raised and openly discussed that was not imaginable a year ago. Interestingly, the government spoke about its vision of future development. On one hand, it introduced priorities of jobs creation, labour market analysis, VET, youth employment. On the other, it referred to the need to have “modern labour relations”, including promotion of agency labour, outsourcing, out-staffing, short-term and service contracts. The FTUU leadership (Vice-Chairman) in its intervention had to defend basic principles of decent work. They insist that agency labour should be prohibited, that private employment agencies could only be used for recruitment and not employment, that wages ratio should be at least 30% of GDP, and transparent mechanism for wage increase should be developed.

#### Harvest monitoring in Tashkent region

6. We also visited one of the colleges of Tashkent region. It was raining and no cotton was collected that day, but it was possible to meet with the national monitoring team of Tashkent region (the WB contracted ILO for monitoring in the regions where it has projects, those outside ILO coverage are subject of the national monitoring). The group consisted of trade union, women and youth representatives. Each day they receive coordinates of 3 places to visit. The selection is done randomly and sent to their tablet, which uses geolocation and register their movements. The team uses several different forms to be completed – by a farmer, a leader of brigade, a worker; checking agreements (if any), also if a leader of a brigade has responsibilities written in the contract including no forced and child labour. They also check working conditions, however, do not consider ILO approach efficient in this regard. The ILO proposed subjective approach, with questions to workers, while the FTUU used to have a 20 “check-points” approach (e.g. food provision, facilities) – for each monitors gave an assessment from 1 to 5 (worst) and if a sum was 70 points and more, than a specific field or farm was considered a risk and put under surveillance. The FTUU plans to return to that approach in the future.

7. The price for collected cotton was increased in two times, now 500 Sums for a kilo (600 Sums the last week of harvesting). With Sum devaluation it basically stayed the same in USD, but in terms of purchasing power, with prices for local production stable, it constituted considerable motivational factor. The organisation of recruitment is mainly done via local majallahs (community), sometimes by youth or women local organisations. Normally, a worker signs a contract with a farmer, but there also exist contracts between a farmer and a brigade. The FTUU recommends to develop a typical employment contract, that, apart from working conditions (food, water, sanitary) would also include special cloths, insurance etc. The question of workforce organisation has vital importance: with several waves of the harvest, several fields owned by a specific farmer, quotas imposed, unpredictable weather in many areas, the matching between the workforce availability and the availability / need of field of cotton to be processed becomes imperative. Hence the role of the local majallahs and more rarely enterprises who have special agreements with certain farmers and the risks of involuntary mobilisation.

8. The overall area of cotton production decreased by 10 % this year. An experienced cotton pickers can collect 100 kilos a day so to receive around 6 USD, or 180 USD a month (working each day), that is an average salary in the country. While 6 USD a day is extremely low, taking into account difficult working conditions and not limited time of work, in local realities, it constitutes considerable amount (e.g. enough for a good meal in a restaurant for 2 people). In rural areas participation in cotton picking provides families with enough cash to buy products for winter period (e.g. flour, sugar, rice...). Money is given in cash next day. Mostly unemployed people from the same region engage in cotton collection, but there are cases of in-country migration with questions of quality of accommodation and living for workers engaged. The Call (national cultural and social tradition) plays important role, but economic incentives are now the main motivational factor.

#### Qaraqalpaq region

9. On 8 October we visited city Moynaq, a former wealthy port on Aral Sea. It used to serve as the main base for fishing industry, its fish processing factory was the third in production in Soviet Union. With the water from Amu-Daria and Syr-Daria used for irrigation for agriculture, Aral Sea virtually disappeared. The sea withdrew 200 km from Moynaq and its level of salt is now too high for most of the fish species. The city basically was left on its own, most population left (e.g. to Russia and Kazakhstan). In 2017 a national programme was launched to address the challenges. E.g., programme to create 1300 workplaces was launched, 100 km water pipes were installed this year (before the sea has gone, drinking water was shipped to the city), tax privileges for investors opened, several artificial lakes for fishery were created, tourism started developing. Yet the city obviously is in extreme poverty.

10. On 9 October the WDDW conference was organised by the Qaraqalpaq regional FTUU structure with participation of main primary groups and leaders. The region is one of the poorest with high unemployment rate. Aral Sea withdrawal put thousands of families at risk. There are 2357 unions and 770 collective agreements. The regional chairman is a well-known and prominent thinker, former member of the Parliament Committee on International relations (in the times of the ILO Conventions 138 and 182 ratification), but seems he has much less trade union experiences than activists that come to the meeting.

Their main concern was OSH, regional and local development, wages, job creation and how to ensure law enforcement in practice on local level, including forced labour and supply chains.

11. It was possible to visit a cotton field in the region where national monitoring was conducted. 95 workers were picking cotton, mostly women. A representative of a farmer (son) was there. The quota for the field (15 hc) was 33 tons, at that moment already 39 tons were collected (it was the third and probably the last harvesting). The monitors went to interview workers according to the forms and did not reveal any coercion. I spoke with some of the workers (regretfully, only mid-aged men, who served in Soviet army, were able to communicate in Russian), who told that their engagement was not forced one. First, they were unemployed, "it is better than sitting and doing nothing at home", secondly, there is a respect to "the Call" tradition, "we follow the call, it is a right thing". They only had oral agreements with the farmer, but on a question, what if the farmer does not respect it, the response was "we will go home or to another farmer", and on a question if the farmer refuses to pay, "we will speak another language with him". There were no signals that they would contact unions or government in case of violations. Water and food was provided by the farmer (even if I would say, it could be better organised), but many go to have lunch to their homes. On the other hand, there are workers who work only till lunch and leave the field afterwards. In principle, the monitoring process is rather formalised and it is not obvious that a worker feels free to report problematic issues.

Navoiy region

12. The visit at Navoyi Mining Plant (state-owned) was a total difference. The Plant employs more than 60000 workers and plans to increase by 30000 more. It mines uranium and gold and is basically a mono employer for several cities (Navoyi, Zarafshan, Uchquduq). It pays for communal services and social infrastructure, health, cultural and sport objects, has its own university, provides young families with zero percent mortgages. Average salary is 1700000 Sums (200 USD), but workers and members of their families can profit from the infrastructure, healthcare, education free of charge as the Plant transfers 1 % of the wage fund for social and cultural activities. 500 paid trade union employees (including paid by the administration, those who deal with social and cultural activities), the union registered as a sectoral one and has only contractual relations with the FTUU. It is a member of the IndustryAll. Its annual budget is 22 mln. USD (including transfers for social work, OSH etc.)! Basically, it is a Soviet type company, and work there is a dream for many. The conference brought some 80 activists from different cities. Their main interest was about OSH.

General reflections on the FTUU situation.

13. The new Chairperson of the FTUU Rafikov is mainly pre-occupied with the management of the social infrastructure. The Vice-Chairperson is delegated to deal with daily trade union issues. Rafikov chaired the round table, but it was Vice-Chairperson who debated. Secondly, with Narbaeva left, normally, the monitoring etc. duties should be fully transferred to the government as she chairs the national council on child and forced labour. That gradually started, but still, the monitoring process takes a lot of energy and time of the FTUU people, basically, "it almost paralyzes normal trade union activities for 6 weeks", says head of the social and economic department. Daily WB, ILO and other officials phone Federation in relation to monitoring etc.

14. There was a scepticism about reports from Elena Urlaeva as WB suggested the FTUU to work with her. Some of her reports were investigated and not proved true. E.g., "she uses the same picture with different texts for different regions", "she jumps into pedagogical council of the colleges, makes a photo and runs out, reporting that school administration discusses whom to send to the field", "when she is contacted by someone who complained about bad sanitary in the kinder-garden and was repressed, she informs that the repression is because a person did not agree to go to harvest". However, at least in one case, the fact of "money collection" to pay for not going to harvest, reported by Urlaeva, was confirmed and resolved after union intervention. The FTUU message was, anyway, "we are ready to work with her as with any other citizen, but not as with a self-proclaimed human right defender paid from abroad. Contacts with registered organisations is better.

15. Human Rights Watch visited the country recently and met with different stakeholders, including high level officials and FTUU. While reports about outcome of the visit differ, the very fact shows that the

government changes its approach. Interestingly, I was shown a list of guests of the annual Cotton Fair and it had cottoncampaign on it.

16. The legal clinic of the FTUU received more than 6000 appeals this year, out of which, it formally dealt with 1460 (most of the others were ad-hoc consultations, clarifications about labour rights in legislation, not about violations). The elaborated database online allows to monitor the process of addressing the complaints. While consultations are given to all workers, the lawyers of the clinique can represent only trade union member. It was recognised that often in the courts the judges are not aware about ILO norms.

17. In September the FNPR President M. Shmakov visited FTUU. Cooperation agreement was signed that outlined main areas of joint work: road map to work with migrant workers in Russia, promoting Uzbek trade union participation in trade union trainings in Russia, establishment of the branch of the FNPR Academy for Labour and Social Relations.

18. On our call and explanation the FTUU decided not to take part in the European ILO Meeting in Istanbul despite the fact that the government was present on the Minister level.

19. Recent changes in the legislation were implemented under union proposals:

- Trade unions have mandate for public control over labour law implementation;
- Certain % of the wage funds (% to be set up in collective agreements) at enterprise level should be used for education, sport and cultural activities of workers;
- Decreased time duration for addressing trade union record about violations;
- **Leading role of trade unions in workers' representation (as the law foresees "other bodies" to represent workers);**
- Mandatory check-off system;
- Introduction of the concept of reputational risks and the need to control over supply chains.

Furthermore, the Federation proposed to exclude unions from the coverage of the law on public associations that basically restricts freedom of association by permissive registration.

#### Conclusions

- The FTUU implements ITUC recommendations, slowly and with different dynamics, and in their own oriental way. The changes that would follow opening of the country certainly will bring challenges the local unions are not equipped to deal with so the interest in international expertise will be high.
- Legal clinic activities accumulated significant data that can serve as a basis for analysis, including on trade union motivation: when trade union membership helped to resolve issues?
- There is a need to recommend ILO to work on raising awareness of judges about ILO conventions and jurisprudence.
- A story for ET about the situation of Moynaq would be a good opportunity to initiate just transition and climate change discussion in the country and the region.

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