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2019 Trafficking in Persons Report: Uzbekistan

UZBEKISTAN: Tier 2 Watch List

The Government of Uzbekistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included taking substantive actions towards ending its use of forced adult labor during the annual cotton harvest, including by increasing remuneration to pickers, partially demobilizing some public sector workers, continuing to allow full unimpeded access to international third-party monitors, incorporating independent human rights activists into monitoring plans, and continuing to uphold the ban on child labor in the harvest. The ILO assessed a further decrease in the use of forced labor from the 2017 harvest. The government's high-level commitment to ending forced labor remained noteworthy; the President and Cabinet of Ministers called attention to government-compelled forced labor in public work projects and issued a decree against mobilization of civil servants for these projects. It increased support to vulnerable labor migrants, including trafficking victims, by creating a budget line item and allocating funds to provide assistance. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Government-compelled forced labor remained during the 2018 cotton harvest. The government did not consistently implement its ban on the mobilization of public sector employees. It identified fewer victims of trafficking and identified a disproportionately low number of transnational trafficking victims compared to the estimated size of that population. The government investigated and prosecuted fewer suspected traffickers for the fifth consecutive year. Therefore Uzbekistan remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS

Continue substantive actions to end government-compelled forced labor, including during the annual cotton harvest, through such measures as eliminating cotton production quotas, increasing remuneration, and improving working conditions for workers in the cotton harvest. • Improve procedures for identifying trafficking victims to ensure they are systematic and proactive. • Increase efforts to investigate and prosecute suspected traffickers, respecting due process. • Train law enforcement officials on proper handling of trafficking cases. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker and allow all first responders to officially identify potential trafficking victims and refer to care. • Fully implement commitments to neither mobilize teachers nor medical workers in forced labor. • Increase efforts to ensure all citizens are aware of their “right to refuse”

participation in the cotton harvest or other work outside their professional duties, and the requirement to pay for replacement workers, without suffering consequences. • Respecting due process, increase investigations and, when sufficient evidence exists, criminally prosecute officials complicit in human trafficking, including officials involved in mobilizing forced labor. • Revise the definition of human trafficking within the criminal code to more closely align with the definition in the UN TIP Protocol. • Eliminate the practice of requesting fees for replacement pickers or contributions from businesses and entrepreneurs to support the harvest. • Continue granting independent observers full access to monitor cotton cultivation and fully cease harassment, detention, and abuse of activists for documenting labor conditions, and investigate, and, when sufficient evidence exists, criminally prosecute persons complicit in human trafficking identified by observers. • Continue implementing the national action plan for improving labor conditions in the agricultural sector. • Fund anti-trafficking NGOs assisting and sheltering victims who were not admitted to the state-run shelter. • Develop formal mechanisms to ensure victims are not penalized for unlawful acts traffickers compelled them to commit, including for illegal border crossing and losing personal identification documents. • Amend the criminal code to protect the identities of trafficking victims. • Encourage prosecutors to proactively seek victim restitution in criminal cases. • Monitor private employment agencies for recruitment fees and ensure they are paid by employers rather than prospective job applicants.

PROSECUTION

The government demonstrated decreased law enforcement efforts; for the fifth consecutive year, investigations, prosecutions, and convictions declined. Article 135 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to five years' imprisonment for offenses involving an adult victim and eight to 12 years' imprisonment for those involving a child victim, which were sufficiently stringent. However, with respect to sex trafficking, by allowing for house arrest in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime. Forced labor violations were considered as administrative violations for first offenses with fines levied by the labor inspectorate; repeat offenses were considered criminal. However, the criteria for designating repeat offenses was unclear in the administrative code. The government conducted 123 investigations and prosecuted 168 cases for crimes related to trafficking in 2018, compared to 609 investigations and 314 prosecutions in 2017 and 651 investigations and 361 prosecutions in 2016. Authorities reported convicting 230 defendants for crimes involving trafficking and sexual exploitation in 2018, compared to 451 in 2017; however, the government did not provide sufficient detail to determine if the reported statistics met the definition of trafficking under international law. Of the 230 convicted perpetrators, 116 convictions carried a prison sentence, 54 involved house arrest, six carried a sentence of correctional labor, three were required to pay fines, and three were granted amnesty. The government did not provide information for the additional 48 sentences. Officials reported instances of the mishandling of trafficking cases; while most were due to negligence or insufficient training, two officials

were prosecuted for mishandling cases. The government did not provide additional details. Officials noted the challenge of collecting sufficient evidence to pursue criminal cases when the trafficker, witness, or victim was located abroad. NGOs noted that some victims reached financial settlements outside of the justice system, in some cases with the facilitation of low-level officials.

The Ministry of Interior (MOI) maintained an investigatory unit dedicated to trafficking crimes. Judges processing trafficking cases were not sufficiently trained; an NGO reported judges did not use a victim-centered approach, and victims often experienced re-traumatization. The government provided trafficking-specific training to police, judges, and other authorities. In addition to attending state-funded training, government officials participated in seminars and conferences sponsored by the government and taught by NGOs, international organizations, and foreign governments, and participated in regional anti-trafficking conferences. Despite official complicity in forced labor offenses, including in the cotton harvest and other sectors, the government did not report criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period. Uzbek law treated them as administrative violations rather than criminal offenses. The government reported issuing administrative fines to 206 officials in 2018, compared to 14 officials in 2017 and to nine in 2016, for forced labor violations. A senior government official characterized trafficking as a social problem resulting from economic vulnerabilities, rather than a criminal concern.

PROTECTION

The government decreased already weak efforts to identify, assist, and protect victims of sex and transnational labor trafficking, and it made limited efforts to assist victims of forced labor in the cotton harvest or other internal sectors. The government identified 208 victims of trafficking-related crimes in 2018, a decrease from 440 in 2017, 714 in 2016, and 924 in 2015. Of the 208 victims, 125 were female and 83 were men; traffickers subjected 100 to sex trafficking and 100 to forced labor. The government did not provide details on how many of these victims endured exploitation in Uzbekistan. The government did not identify any victims of foreign origin. A Tashkent-based NGO identified and assisted 579 trafficking victims, including 524 men, 53 women, and two children, in 2018 (676 in 2017 and 327 in 2016), the vast majority of whom were in Kazakhstan or Russia when traffickers exploited them; police referred 171 victims to NGOs. NGOs filed 457 applications to initiate criminal cases on behalf of victims, resulting in seven criminal cases and one administrative case. Uzbekistan's diplomatic missions abroad helped repatriate 15 victims, a decrease from 40 victims in 2017 and 109 in 2016, by issuing travel documents, and worked with IOM to provide food, clothing, and transportation to victims to facilitate their repatriation to Uzbekistan. NGOs in destination countries noted that Uzbek diplomatic missions did not proactively assist in the repatriation of their citizens. The government lacked a standardized process to proactively identify victims from vulnerable populations and refer those victims to protective services, especially those subjected to internal trafficking, which led to the penalization of potential victims, particularly those in prostitution. Police, consular officials, and border guards who were able to identify potential trafficking

victims could refer them to either a state-run shelter or NGOs for services. To be eligible to receive government-provided rehabilitation and protection services, the government required victims to file a criminal complaint with the authorities in their community of origin, after which the MOI had to decide whether to initiate an investigation and grant official victim status to the individual. As a result, NGOs reported local officials regularly referred victims who did not wish to pursue a criminal case to NGO offices for assistance. The majority of identified victims were reluctant to contact or cooperate with law enforcement because of their distrust in authorities and fear for their safety or the safety of their families due to corruption in law enforcement agencies.

The government allocated approximately 666 million soum (\$80,140), an increase from 540 million soum (approximately \$64,980) in 2017, to operate its Tashkent-based trafficking rehabilitation center for men, women, and children with official victim status. The government assisted 195 victims at this facility in 2018, compared to 460 victims in 2016. This center provided shelter, medical, psychological, legal, and job placement assistance. Victims could discharge themselves from the shelter, although in previous years, authorities at times pressured victims to stay to assist a criminal case. The center had the capacity to accommodate foreign victims, but there have been no foreign victims in the shelter since its opening. The government opened 130 centers to assist vulnerable women, including trafficking victims; these centers were managed and funded by regional governments, some of which coordinated with local anti-trafficking organizations; the new centers were not well-staffed or funded, and the staff did not have sufficient training to identify and assist victims. NGOs reported good cooperation with the government; in 2018, the government continued to provide in-kind support to local NGOs for the provision of victim assistance, such as food and clothing. The government discontinued tax benefits for NGOs, but did provide one NGO free use of a government-owned building. These NGOs provided critical services because officials referred victims to them, and those who did not wish to pursue a criminal case were therefore ineligible to access the state-run shelter. The law did not exempt transnational sex and labor trafficking victims from facing a criminal penalty for illegally crossing the border, which deterred some victims from reporting their trafficker. NGOs reported authorities dropped these charges when NGOs proved to authorities the victims were subjected to human trafficking. NGOs also noted that MOI officials increasingly complied with legal requirements to maintain victim confidentiality; however, victims' identities were not kept confidential during court proceedings. Victims could bring civil suits against traffickers, but the government did not provide legal representation for victims, and most victims could not afford legal representation on their own; the government reported that no cases were filed in 2018.

PREVENTION

The government increased prevention efforts. The government took steps to modify its agricultural policies that created pressure for the government to force people to work, including by increasing wages to pickers to 144 percent above 2017 rates for the first pass, fulfilling its commitment to not mobilize students, and partially implementing its commitment not to mobilize teachers and medical workers. The 2018 harvest marked the fifth consecutive year the government conducted a nationwide campaign to raise

public awareness of its prohibition of child labor in the cotton harvest. The government continued to uphold its ban against the use of child labor in the annual cotton harvest; children were virtually absent from the fields and there were no reports of systemic mobilization. The government, in coordination with the ILO, conducted an awareness-raising campaign to ensure all citizens were aware of their labor rights. The campaign featured more than 400 roadside billboards along major highways, and the distribution of brochures and posters to educational and health care facilities, as well as informative commercials on major television and radio networks. However, the central government continued to set cotton production quotas and demand farmers and local officials fulfill these state-assigned quotas, leading to the mobilization of adult forced labor. Farmers who were unable to fulfill their quotas risked losing the rights to farm their government-leased land. In addition to children, the central government emphasized the ban on mobilization of teachers and medical workers. NGOs reported that, for the first time, the government did not systemically mobilize health and education workers during the spring cotton fieldwork season, although limited reports of technical staff being in the field continued. The government previously coerced these employees to perform fieldwork without pay and under threat of penalty, including dismissal from their jobs. The government identified some instances of forced labor during the weeding and planting season, which resulted in formal reprimands to two regional governors. The ban on the use of these groups was successful for the first half of the harvest; during the first ten days of the harvest there were no reports of systemic mobilization. Observers credited the increased remuneration for attracting more voluntary pickers in the first weeks of the harvest, including a large number of otherwise unemployed pickers. After the first picking round of the harvest, voluntary laborers decreased, as cotton became less plentiful and the weather worsened; reports of forced labor, including of education and medical institution employees, increased. In order to fill the void left by education and health institution employees, the government increasingly mobilized other public employees, such as, among others, those at factories, grain mills, utility companies, banks, law enforcement agencies, and soldiers, as well as prisoners. Government officials instructed some forcibly mobilized pickers to lie about how they came to be in the fields. Local government officials in some areas required public sector employees to pick cotton, or pay for a replacement worker through an unregulated, informal system, creating a penalty for not participating in the forced labor system and a lucrative means of extortion for corrupt officials. In some cases, local governments pressured private businesses to provide pickers or pay fees to support the harvest, although it was not always clear if the fees funded payment of local administrative costs, or were a means of extortion. NGOs reported that many of the voluntary pickers preferred to be hired as replacement pickers by those seeking to avoid the cotton fields, which enabled them to earn income beyond the picking wages.

For a fourth consecutive year, the government agreed to allow the ILO to monitor the cotton harvest for child and forced labor, allowed ILO monitors unimpeded access to the cotton fields for observations and to interview laborers, and allowed the ILO to publish the results of a survey of the prevalence of child and forced labor during the 2018 harvest. The ILO assessed that approximately 170,000 pickers of an estimated 2.5 million member workforce were forced laborers; however, some experts believe this number was incomparable to previous years' assessments due to significant changes in the ILO's methodology. Some experts criticized the ILO's new methodology and

assessed that the ILO findings underestimated the level of forced labor in the harvest; however they generally agreed that the government was making concerted efforts to reduce forced labor. For the first time, the government granted the ILO access to data acquired through the government’s Cotton Harvest Feedback Mechanism—which included telephone hotlines and messaging apps dedicated to receiving reports of labor violations that received 2,006 complaints related to forced labor during the reporting period—and allowed the ILO to observe how it addressed such complaints. The government assigned 200 labor investigators across the country to look into reports of forced labor. The ILO reported that these complaints resulted in fines to 206 officials, but the government did not share additional details on the total number of fines levied, or total number of forced labor victims, including children, identified through this mechanism; compared to 2017, when 362 calls related to forced labor complaints resulted in the identification of 641 persons forced into the fields, including eight confirmed child labor cases, 42 lawsuits, 116 administrative citations, and fines totaling 220.5 million soum (\$26,530). Observers reported concerns about the effectiveness of the feedback mechanism, stating that some pickers had concerns about reprisals or the effectiveness of investigations. Unlike previous years, the government included independent human rights activists in plans to monitor the harvest, conduct field interviews, participate in awareness raising activities, and review cases gathered through the Cotton Harvest Feedback Mechanism. Isolated reports of harassment and temporary detention of independent civil society monitors continued. Media, including state media outlets, continued to report on forced labor practices, problems, and violations without penalization or censorship.

The government continued to implement ILO recommendations, reduced land allocated for cotton cultivation, and worked toward the mechanization of the harvest. In addition to the three clusters piloted in 2017, in 2018, the government opened 13 private textile-cotton clusters—which processed cotton from cultivation to finished textile products. However, these private clusters were still subject to quotas set by the central government. Independent observers identified forced labor on cluster farm lands.

In an April 2018 public address, the President ordered an end to forced labor in public works projects, specifically of teachers, doctors, and students, noting that it betrayed the country’s path of reform. At a Cabinet of Ministers meeting in April, Ministers were encouraged to use a special fund under the Ministry of Employment and Labor Relations to recruit unemployed individuals for public works, instead of compelling civil servants and students to perform public works. The government allocated 714 billion soum (\$85.92 million) to this fund in 2018. In May 2018, the Cabinet of Ministers issued a decree on the eradication of forced labor, instructing government officials to immediately end all forms of compulsory labor of civil servants and students, encouraging Ministries to cooperate with civil society to monitor for abuses, and for the justice sector to ensure perpetrators are held accountable. NGOs reported the ban’s limited success; local governments continued to compel civil servants into forced labor in public works projects, including street sweeping, garbage collection, city greening and beautification work, and collection of scrap metal. An NGO reported that farmers continued to face silk cocoon production quotas; there were uncorroborated reports that school directors in Jizzakh and Syrdarya removed children from school and forced them to harvest silk cocoons. The government continued to call for *hashar*, or volunteer

work days, throughout the country; some local leaders characterized cotton picking and street cleaning as *hashar*. NGOs reported that citizens felt they could not refuse to participate.

In September 2018, the Cabinet of Ministers passed a resolution providing additional support to labor migrants abroad, including victims of forced labor, and allocated a budget of 200 billion soum (\$24.07 million) for assistance to labor migrants. The Uzbek Agency for Foreign Labor Migration continued outreach to prospective labor migrants, serving to reduce potential risks of trafficking among this population. The Agency conducted pre-departure consultations on labor and migration laws in the country of destination. The Agency opened a representative office in Gwangju, South Korea in September; more than 2,250 Uzbek citizens worked in South Korea under a bilateral temporary work agreement. The government reported 34 migrants used these centers before departures for work in Russia. In October 2018, the government signed an agreement with Russia on the organized recruitment of Uzbek citizens for temporary employment in Russia. The government also signed employment agreements with Turkey and Japan in 2018 and 2019. The government reported that 300 Uzbek citizens found temporary employment in Turkey. As of September 2018, private companies, including foreign and local, had official permission from the government to recruit Uzbek citizens for jobs abroad and within Uzbekistan. Although the companies were required to obtain licenses, the government did not report the number of licenses granted nor any monitoring of recruitment fees charged to job applicants.

Inspections only took place in response to complaints or following advance notice, limiting the inspectorate’s ability to identify active instances of forced labor. The labor inspectorate conducted 2,006 inspections in 2018; the inspectorate did not provide additional information on cases, or report screening for trafficking indicators, or referring for criminal investigation. The labor inspectorate is not empowered to bring criminal charges for first time violations of the law against forced labor.

The Ministry of Internal Affairs chaired an interagency counter-trafficking commission that analyzed the causes of trafficking in the country and worked to increase public awareness. A 2018 independent survey of human trafficking in Uzbekistan found that 76 percent of respondents believed victims were responsible for being trafficked. Authorities promoted wide-scale public awareness efforts on transnational sex and labor trafficking, including through events, print media, television, and radio, often through partnering with and providing in-kind support to NGOs. The interagency commission on combatting human trafficking maintained a 24-hour hotline; in 2018 the line received 511 phone calls, of which 72 were identified as trafficking victims. An NGO maintained a foreign donor-funded hotline. The NGO received 5,889 phone calls; among these calls were 198 allegations of human trafficking and 211 requests for repatriation. The organization facilitated the repatriation of 442 people and referred 457 assistance requests to law enforcement. The government did not conduct efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims in Uzbekistan, and traffickers exploit victims from Uzbekistan abroad. The government continued to demand farmers and local officials fulfill state-assigned cotton production quotas or face penalties, which caused some officials to compel participation in the annual cotton harvest. The ILO and observers noted that the systemic mobilization of child labor was eliminated in the 2017 harvest, although anecdotal reports of the use of child labor continue. Government-compelled forced labor of adults, including employees of schools and medical facilities, remained during the 2018 cotton harvest; NGOs reported a decrease in the use of forced laborers, citing no evidence of systemic mobilizations during the first ten days of the harvest, and uneven implementation on the prohibition on teachers and medical workers. The government forced other groups of public employees to work in the cotton harvest at increased rates. International reports indicate some adults who refused to pick cotton, did not pay for a replacement worker, or did not fulfill their daily quota could face the loss of social benefits, termination of employment, or other forms of harassment. Some employees and market vendors could choose to hire a replacement picker directly, pay a fee for the mobilizer to find a replacement picker, or pay a fine rather than pick cotton, a coercive system that penalized those who chose not to participate in the harvest, and created a lucrative means of extortion for corrupt managers and officials. Private companies in some regions mobilized employees for the harvest under threat of increased government inspections of and taxes on their operations.

Government-compelled forced labor of adults remained in other sectors as well. There were isolated reports stating that local officials forced farmers to cultivate silk cocoons and uncorroborated reports that they removed children from school to harvest the cocoons. Despite an April 2018 government prohibition, there continued to be instances of local officials forcing teachers, students (including children), private businesses employees, and others to work in construction and other forms of non-cotton agriculture and to clean parks, streets, and buildings. Officials occasionally compelled labor by labeling these tasks as *hashar*, voluntary work for the community's benefit.

Traffickers exploit Uzbek women and children in sex trafficking in the Middle East, Eurasia, and Asia, and also internally in brothels, clubs, and private residences. Children in institutions were vulnerable to sex trafficking. Traffickers subject Uzbek men, and to a lesser extent women, to forced labor in Kazakhstan, Russia, Moldova, Turkey, and in other Asian, Middle Eastern, and European countries in the construction, oil and gas, agricultural, retail, and food sectors. An NGO noted that Uzbek citizens who had traveled with official employment contracts to Russia under a 2017 migrant labor agreement were vulnerable to forced labor, as the employers in Russia failed to properly register the migrants with the authorities, forced them to live in barracks, and underpaid or did not pay them at all. As the attractiveness of the Russian labor market decreases for Central Asian labor migrants, Uzbek labor migrants are increasingly looking to Turkey; Uzbek labor migrants there are vulnerable to trafficking, as there are 30,000 registered Uzbek citizens, but only 2,000 work legally with work visas.

ecoi.net summary:

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