



AN ASSESSMENT OF THE EXPLOITATION OF CHILDREN AND STUDENTS DURING THE 2011 COTTON HARVEST IN TAJIKISTAN



MONITORING
REPORT
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The author would like to acknowledge the work the Counter-Trafficking (CT) Unit at IOM Tajikistan has accomplished since 2001 in combating trafficking in persons (TIP) in Tajikistan. In recent years, the CT Unit has developed TIP legislation into the Criminal Code of Tajikistan and assisted the Government of Tajikistan in forming the Inter-Ministerial Commission on Counter Trafficking in Persons (IMCCTIP). It is this author's great pleasure to work with such a team. Additionally, the author would like to thank the Chief of Mission, Zeynal Hajiyevev, and National Program Coordinator, Zohir Navjavonov for their invaluable contribution to these annual child labour monitoring projects.

Past IOM Tajikistan cotton monitoring reports:

Monitoring of Child Labour Use in the Cotton Fields – May 2011



Children in the Cottonfields – January 2004





Combating human trafficking is a key priority for the International Organization for Migration (IOM). Trafficking in persons (TIP) primarily involves exploitation, and as such, the use of child labour during the cotton harvest falls within the scope of IOM activities. As an intergovernmental body, IOM in collaboration with the Government of Tajikistan (GOT) has actively adopted effective measures to monitor the use of child labour during the cotton harvest. Such measures have included assisting the GOT in developing and implementing the National Action Plan (NAP) on Combating Human Trafficking in the Republic of Tajikistan for 2011-2013 and conducting an annual monitoring and awareness campaign during the 2010 and 2011 cotton harvests.

ABOVE: PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO B. GAFUROV DISTRICT, SUGHD REGION.

This monitoring project was the continuation of similar effort conducted by IOM Tajikistan during the 2010 harvest season. Conducting an independent monitoring project across multiple regions on such a sensitive topic as child labour in a major economic producing industry would not have been possible without governmental support. Special gratitude goes to the Inter-Ministerial Commission for Combating Trafficking in Persons (IMCCTIP) for its cooperation throughout the project's implementation; to the Ministry of Labour and Social Protection of the population for their participation on four extensive joint monitoring trips to Sughd and Khatlon regions; and to the Ministry of Education and General Prosecutor's Office for their quick response to the identified cases of potential child labour exploitation referred to IMCCTIP. Additionally, thank you to the twelve local NGOs that braved criticism from their local communities to conduct independent monitorings. Lastly, this monitoring project would not have been possible without the financial support from the Bureau for International Narcotics and Law Enforcement Affairs at the United States Department of State.

It is our hope that with continued cooperation by the Government of Tajikistan and civil society, child labour exploitation during the cotton harvest will be eliminated fully.

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March 2012



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LIST OF ABBREVIATIONS AND ACRONYMS

CRC	United Nations Convention on the Rights of the Child
GDP	Gross Domestic Product
GOT	Government of Tajikistan
ha	hectares
ILO	International Labour Organization
ILRF	International Labour Rights Forum
IMCCTIP	Inter-Ministerial Commission for Combating Trafficking in Persons
INL	Bureau for International Narcotics and Law Enforcement Affairs, at the United States Department of State
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
J/TIP	Office to Monitor and Combat Trafficking in Persons, at the US Department of State
kg	kilogram
MLSP	Ministry of Labour and Social Protection of the population of the Republic of Tajikistan
mt	metric tons
NGO	non-governmental organization
RRS	Regions of Republic Subordination
TIP	Trafficking in Persons
UN	United Nations
USSR	Union of the Soviet Socialist Republics
VOT	Victim of Trafficking

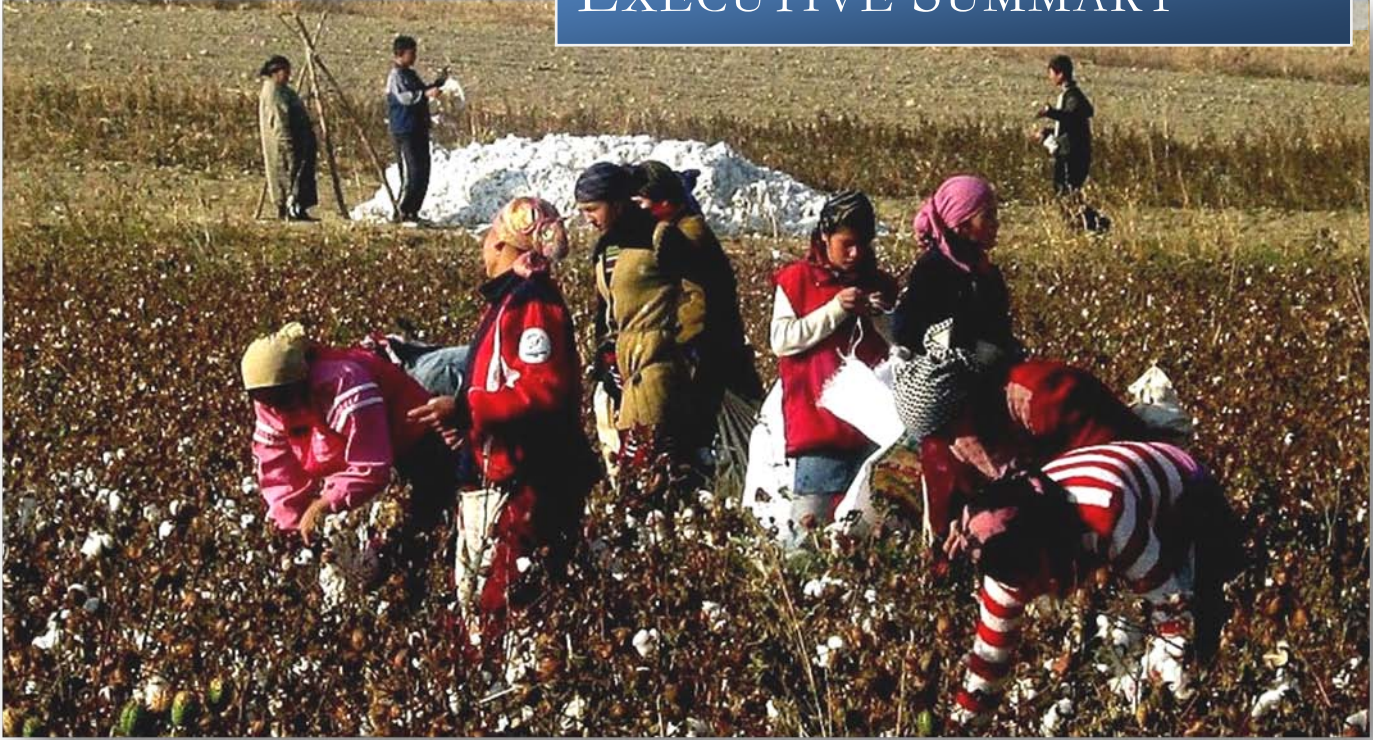
GLOSSARY

brigade leader – farm plot/division manager in charge for field workers and production on that particular plot
dekhkan farm – a farm that produces commercial agricultural crops
diram – coin currency of Tajikistan; 100 diram = 1 somoni/TJS
guzapoya – cotton plant bush or cotton stalks
hukumat – district government
jamoat – body of local self-government
oblast – region or province of a country
protokol – record of an administrative offence accompanied by a monetary fine
quintals – a unit of weight equal to 100 kg
somoni – currency of Tajikistan

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EXECUTIVE SUMMARY



ABOVE: PHOTO BY LOCAL IOM CT NGO, TAKEN IN SUGHID REGION.

This report is a product of the second annual “An Assessment of the Exploitation of Children and Students in the Cotton Fields of Tajikistan” monitoring project, sponsored by the Bureau for International Narcotics and Law Enforcement Affairs at the United States Department of State. Thus, this report drew on IOM Tajikistan’s 2010 harvest report “Monitoring of Child Labour Use in the Cotton Fields” (IOM, 2011) as a baseline for analysis. The primary objective of this year’s project was to assist the GOT in implementing the National Action Plan on Combating Human Trafficking for 2011-2013 with emphasis on preventing and monitoring the use of child labour during the cotton harvest. As such, the project was divided into three phases: 1) develop a reporting mechanism for reporting cases of abuse, forced labour, and child labour to national and local officials; 2) conduct a monitoring campaign in cotton-picking districts to assess the extent of children and students’ exploitation during the harvest, and 3) perform legal and situational analysis to assess whether the GOT is meeting its international obligations in the sphere of child labour rights.

The aim of the survey this year was to gain situational overview rather than collect economic and geographic data, and therefore, the survey was developed with a qualitative approach rather than quantitative approach. The project concentrated on exploring: a) recruitment techniques, b) exploitation tactics, c) forced labour, and d) large scale mobilization of students. The negative consequences related to participation in the harvest, such as health deterioration and effects to educational development, were not explored this year as it was covered thoroughly in the previous year’s study. This year’s survey consisted of face-to-face interviews conducted on independent NGOs and IOM/Government joint monitoring field visits targeting a) *dekhkan* farm owners/brigade leaders and b) child field workers observed working in the cotton fields. In total, 500 farms were visited and 1151 interviews were carried out in 25 cotton-producing districts throughout Tajikistan. As a result, 500 farm owners/brigade leaders and 651 child/student field workers were interviewed.

Child participation during the 2011 cotton harvest was still found to be widespread in most of the 25 targeted districts in Sughd, RRS, and Khatlon regions, although this participation was largely voluntary by nature. Child labour use was observed to be more concentrated in Sughd region, however, this could attribute to the ratio of labour to farm size. 651 children and students between the ages of 7-18 (1st-11th grades) observed working in the cotton fields were interviewed on 500 *dekhkan* farms from 12 September - 30 November during independent NGO and IOM/Government joint monitorings. Most of the children were observed to be harvesting cotton on a **voluntary** basis outside of classes with the cited reasons for participation being: 1) to assist parents/relatives who were *dekhkan* farm members to fulfill ‘row’ obligations; 2) to contribute to the family income; and 3) to earn money to purchase school supplies.

One case of organized forced mobilization of students, three cases of ‘voluntary’ mass mobilization of students, and one case of mass mobilization of teachers were identified in Sughd region. Another observed case found ten students absent from classes to participate in the cotton harvest in Khatlon region. Although there was one case of forced mobilization identified in Spitamen district, Sughd region, no coercive methods to pressure participation, such as the threat of expulsion from school, were reported. Despite the removal of official cotton quotas set by the *hukumats*, cotton campaigns are still being implemented to persuade as many people as possible to the cotton fields. Such campaigns could account for the concentration of mass mobilization observed in Sughd region this year. Overall, the number of children and students observed this harvest was far less than previous years.

Six cases of potential child labour violations observed during NGO independent monitorings and IOM/Government joint monitorings were reported to IMCCTIP. Per the established reporting mechanism developed in cooperation with the IMCCTIP, case details were referred to the relevant district government officials to investigate. *Hukumats* were quick to investigate IOM referred cases and accusations of child labour exploitation reported in the news media. The six reported cases were identified in Farkhor district in Khatlon region and the districts of B. Gafurov, Konibodon, Spitamen, and Zafarobod in Sughd region. All six were investigated by the government. The allegations in one case were found to be false, two cases were issued an onsite labour *protokol* (fine) for labour violations by the accompanying state labour inspector, three¹ cases received punishment from their respective district education departments for violations of the Law on Education, and two cases resulted in district-wide awareness seminars on child labour in the agricultural sector.

Chapter 1 provides a historical background of the cotton industry in Tajikistan and the causes for the use of child labour in the agricultural sector from Soviet times to the present day. Chapter 2 gives an overview of the 2011 harvest monitoring project and methodology of the three phases of the project. Chapter 3 provides a legal analysis comparing the national legislation of Tajikistan pertaining to child labour with international conventions ratified by Tajikistan to assess whether the GOT is in compliance with its international commitments. Chapter 4 outlines in detail monitoring results of the harvest from independent NGO and IOM/Government joint monitoring visits to 25 cotton-producing districts in the regions of Sughd, RRS, and Khatlon. This chapter also provides statistics of the number of farms visited, *dekhkan* farms/brigade leaders and child field workers interviewed by districts and regions, and details on the six identified cases reported to IMCCTIP. Chapter 5 compares the 2011 harvest monitoring results with four past cotton studies in the harvest years of 2003, 2009, and 2010 to provide a situational overview and what has changed from previous years. Chapter 6 concludes with general and legal recommendations.



RIGHT: PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO ZAFAROBOD DISTRICT, SUGHD REGION. THIS WAS ONE OF THE SIX CASES REPORTED TO IMCCTIP.

¹ One of these cases was reprimanded for both labour violations and violations of the Law on Education.

1. INTRODUCTION



“An estimated 99% of the world’s cotton farmers live and work in the developing world. These farmers – responsible for 75% of the global cotton production – are predominately members of the rural poor, often cultivating cotton [...] as a means of supplementing their livelihoods.” – EJF, 2007:3.

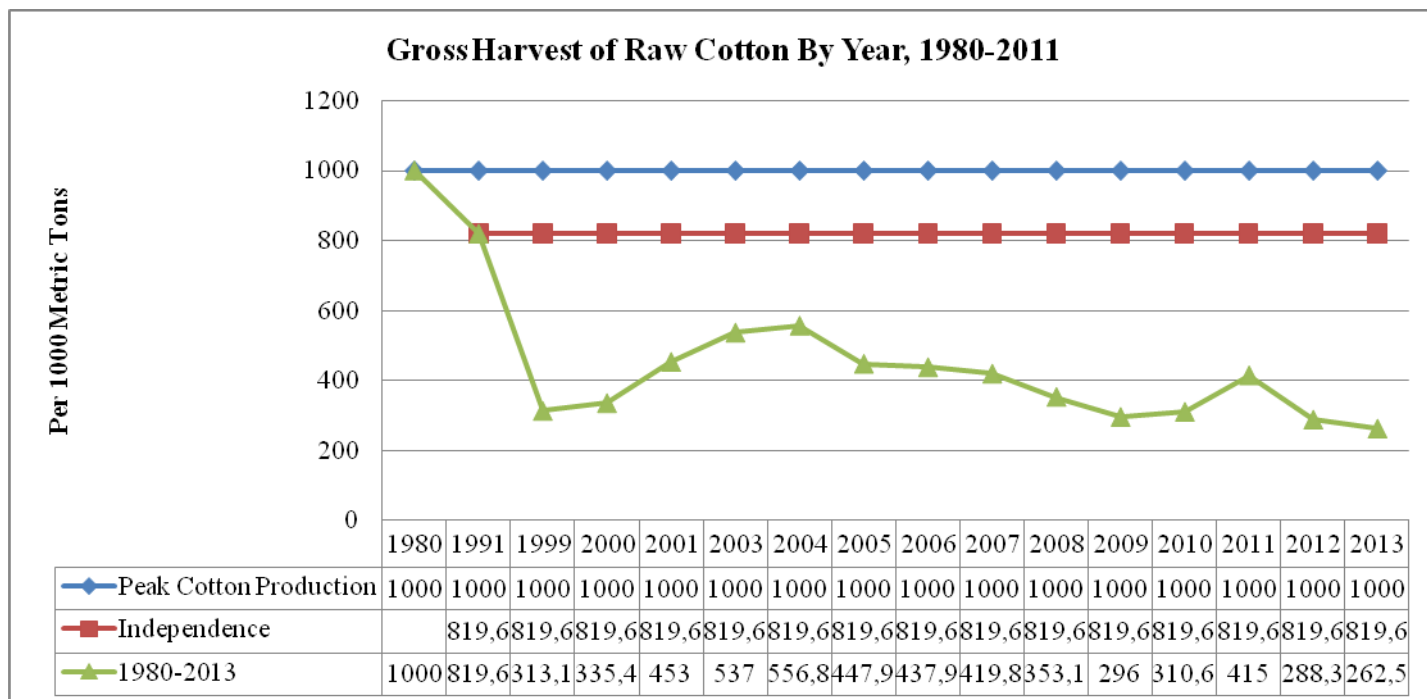
ABOVE: PHOTO BY LOCAL NGO, TAKEN IN SUGH D REGION.

1.1 THE COTTON INDUSTRY IN TAJIKISTAN

Cotton production is a major agricultural industry in the Republic of Tajikistan. As a predominantly agrarian country with the rural population accounting for 74% of the total population of 7.6 million, Tajikistan’s agricultural sector accounts for 50% of overall employment (2.1 million) and 19% of GDP (USG, 2011). Cotton is one of the main cash crops, accounting for 30% of the planted areas of Tajikistan. As the second largest cotton producer in Central Asia, cotton fiber is Tajikistan’s primary agricultural export commodity contributing 16% to total exports, second only to aluminum (GOT, 2011). With the increase of global demand for natural cotton fibers, the Tajik Government increased cotton production with the implementation of the “Programme of Development of Cotton Industry in Tajikistan for 2010-2014” on 31 October 2009 (GOT, 2007b).

Cotton production is concentrated in the major geographical areas of Sughd, Regions of Republic Subordination (RRS) and Khatlon regions; 65% of the population lives in the Sughd and Khatlon regions (ILRF, 2007). In 2010, 164,503 ha of land of cotton was planted producing 310 thousand metric tons (mt) of cotton (ArgonInform.TJ, 2010a). For 2011, 203,000 ha of land was planted of which 126,700 (62.4%) ha was planted in Khatlon, 65,300 ha in Sughd (32.2%), 11,800 (5.8%) ha in RRS for an estimated 400 thousand mt (ArgonInform.TJ, 2010a). With the completion of the harvest in November, the final count came in at 415 thousand mt, 20.5 quintals of cotton per ha – “a record level of productivity during the 20 years of independence” (Asia-Plus, 2012: online). It was announced on 17 January 2012 by the Deputy Minister of Agriculture that 210,000 ha of cotton will be planted in 2012 with the same targeted goal of 400 thousand mt (Asia-Plus, 2012). At the height of its cotton production in the 1980s under Soviet times, Tajikistan was producing up to 800 thousand mt of cotton per harvest season.

FIGURE 1: GRAPH OF COTTON PRODUCTION IN TAJIKISTAN, 1980-2011



Source: Data obtained from GOT, 2011.

Prior to independence in 1991, the Union of the Soviet Socialist Republics (USSR) provided all the financing for the cotton industry and cotton production quotas were set each year by the Soviet Central Planning Authority (ILRF, 2007). In turn, the Ministry of Agriculture set individual *hukumat* target quotas, based on “determined quality and production capabilities” (ILRF, 2007:5). However, the highly integrated structure of cotton specialization brought on by central planning caused dependency on the USSR (IMF, 1994). This dependency on imports and exports from USSR caused industrial plants to “reduce production when spare parts [...] became unavailable” with the collapse of the USSR in 1991 (IMF, 1994). This combined with the infrastructure damages wrought by civil war from 1992-1997 (estimated at US\$ 7 billion) caused a “sharp decline in industrial and agricultural production” (USG, 2011: online). The GOT lacked the resources to sustain cotton production and, as a result, private forms of finance became the means to maintain cotton production. Both the GOT and individual farmers (through local brokers or ‘futures companies’) began relying on private investors to provide financial loans at high interest rates. The first foreign financier, Paul Reinhart SA, lent USD \$138 million from Credit Suisse First Boston in inputs against later cotton purchases (ICG, 2005; ILRF, 2007): “Funds were distributed to local investors through the Tajik bank Agroinvestbank [...]. [F]uture companies channeled the funds to farmers in the form of inputs (fertilizers, pesticides, fuel, and seeds)” (ICG, 2005:8). For individual farmers, the financial risk is hefty. In exchange for these agricultural loans, farmers are expected to reach a certain production quota for that harvest season:

Newly restructured farms enter into contracts with these futures companies, who provide inputs up front on credit to the farmers...farmers are expected to produce a certain amount of cotton destined for predetermined gins. [...] If the farmer does not deliver the expected amount of cotton, debt is incurred with accruing interest (ILRF, 2007:6).

If farmers find themselves in debt after the harvest season, they are often required to sign a contract with the same investor again next year as the “share of the value of [the] next crop will be used to pay back the debt and interest from the previous season” (UNDP, 2010:2). As a result, cotton farmers remain heavily indebted to private loan companies.

1.2 THE USE OF CHILD LABOUR IN THE AGRICULTURAL SECTOR

Market demands for natural cotton fibers and the heavy indebtedness of cotton farmers is a major incentive to increase cotton production every year to Tajikistan’s potential of 800 thousand mt. In recent years, there has been an escalation of raw cotton price on the international exchange. As of January 2012, cotton prices have increased from USD\$1,500/mt to USD\$1,900/mt from 2011. The profit earned by *dekhkan* farms for raw cotton prior to 2008 was US\$350-500/mt; it has since increased to US\$650-750/mt (IOM, 2011b).

An important part of cotton production is the harvest during September-November. Due to the lack of finance to purchase, replace, or repair cotton-picking machines, cotton is picked by hand. Moreover, handpicking cotton causes less damage to the quality of the fibers, thus, often result in better quality raw cotton than machine picked cotton. In prior years, a special commission under the national government and district *hukumats* was established to mobilize as many people as possible to pick cotton. “Each province [had] its own [quota] plan (365,000 tons in Khatlon in 2004). Individual districts [...] and the local administration set production quotas for individual farms” (ICG, 2005:6). However, the double transition of Soviet collapse and civil war contributed to a diminished adult male population. The civil war resulted in 50,000 casualties. The collapse of the USSR resulted in a weakened economy lacking the capacity to provide adequate employment opportunities. As a result, many Tajiks seek job opportunities in neighboring labour markets (particularly Russia) to fill the employment gap. It is estimated that 650,000-800,000 Tajiks are migrant workers abroad; of that number, 85%-90% are adult males (WDR, 2011).

Of a total population of 7.6 million, 34% is under the age of 14 and 41% is under the age of 18.

These factors contribute to the interest in the use of child labour in the cotton industry in Tajikistan. Child labour provides a) cheap labour and b) additional labour. Of a total population of 7.6 million, 34% is under the age of 14 (USG, 2011) and 41% is under the age of 18 (UNICEF, 2009); half are children. According to the International Labour Organization (ILO) assessment on the labour force in Tajikistan in 2004, 40% of cotton was picked by children (ILO, 2010). Official numbers from the Zafarobod² district education department (in Sughd region) in 2004 indicate that of the 12,454 students enrolled in grades 6-11, 20.4% (2,544) were involved in picking cotton (IOM, 2004:9). In an International Labour Rights Forum study from 2007, of the 101 students surveyed in Sughd, 98% had participated in the cotton harvest and 57% were forced to do so with threats of “expulsion, exam failure, and debt”.

Prior to 2010, despite existing national legal frameworks prohibiting the use of students and university students during the harvest season³, both students and adults were forcibly mobilized to the cotton fields by local authorities (IOM, 2011b:68). Tactics used included local authorities pressuring school administrators and teachers threatening students with expulsion or bad grades. School was suspended and students worked in the field during the 2-3 month harvest season. Students were given harvest quotas and punished with additional manual labour if quotas were not met (ILRF, 2007:9). This overt practice of recruiting children from schools disappeared only in 2010, a year following an appeal by President Emomali Rahmon. In an April 2009 speech to the Majlisi Oli – the National Parliament – the president stated: “[T]he ministries of agriculture and education, as well as the executive bodies of the state authority in oblasts, cities, and districts are mandated to categorically refrain from involving students and students in field work, especially in the cotton harvest” (Rakhmon, 2009).

The use of child labour to pick cotton during the annual harvest season is an international concern. On 19 July 2009, the U.S. Department of Labour added Tajik cotton on the list of commodities that “might have been produced” by “forced or indentured child labour⁴” (DOL, 2009) with a representative from the US Embassy in Tajikistan citing that “there were credible reports that some officials in the Sughd and Khatlon [regions] used threats and coercion to force children to work in the cotton fields during the 2009 harvest” (Eurasianet, 2010). These indicators of trafficking coupled with the government’s poor performance in combating child labour in the cotton fields are the factors that contribute to Tajikistan’s Tier 2 Watch List status on the United States Department of State Trafficking in Persons (TIP) Annual Report from 2008-2010. As of 2011, Tajikistan has been taken off the ‘Watch List’ status due to GOT’s increased anti-trafficking law enforcement efforts to reduce “the use of forced labour in the 2010 cotton harvest” (DOS, 2011: online). However, annual monitoring of the cotton harvest season is important in establishing if the *hukumats* at the local level are complying with national and international frameworks.

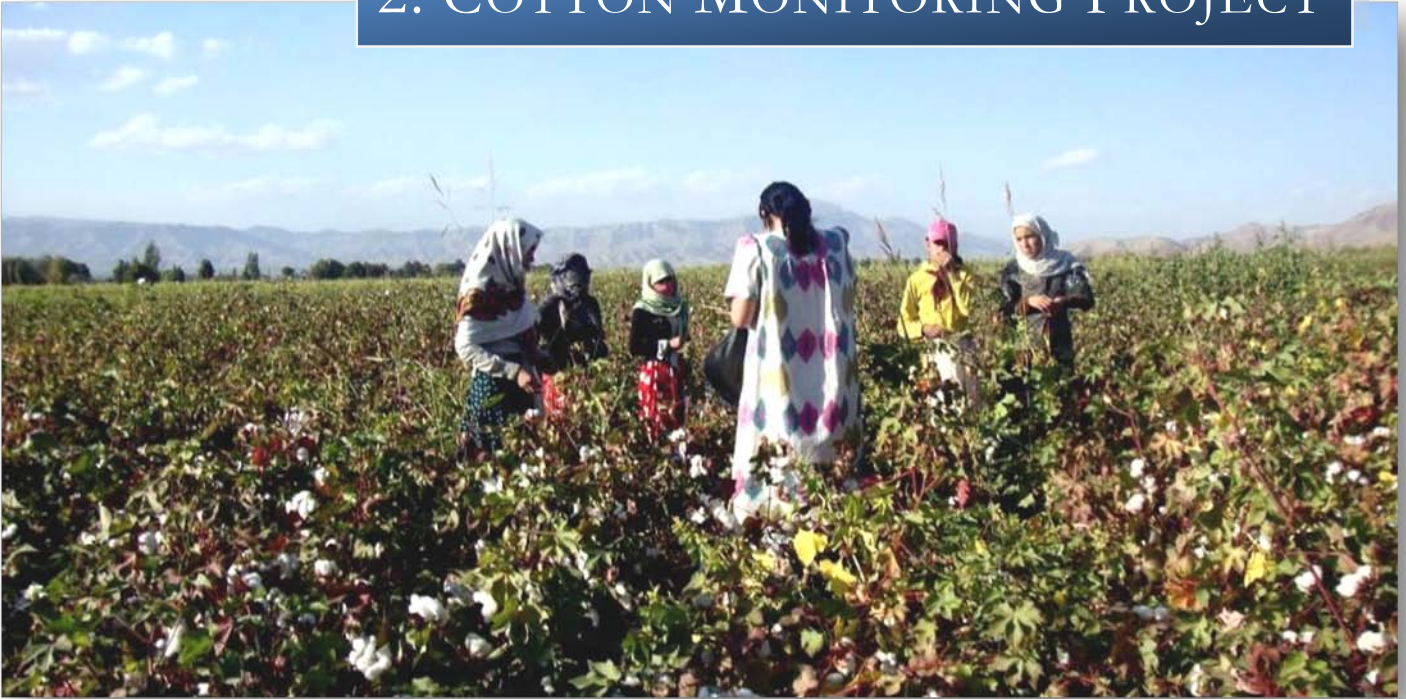


² Zafarobod district in Sughd region is traditionally the largest cotton producing district.

³ The harvest season falls at the beginning of the academic year and disrupts their schooling.

⁴ As of February 2012, Tajik cotton remains on this list.

2. COTTON MONITORING PROJECT



“Bringing in the cotton harvest in Central Asia has traditionally involved mobilizing wide sections of the community, including young people. However, since independence in 1991 Uzbekistan and Tajikistan have been faced with the challenge of reforming their agricultural sectors in response to not only the pressures of international markets but also their commitment to international norms [...]” – SOAS, 2010:4.

ABOVE: PHOTO BY NGO F, TAKEN DURING AN MONITORING VISIT IN KHATLON REGION DEPICTING MONITORING REPRESENTATIVE QUESTIONING FIELD WORKERS.

Despite labour right provisions stipulated in the Labour Code of the Republic of Tajikistan, the President’s Appeal to the Parliament of the Republic of Tajikistan on April 2009, and the Ministry of Education banning the use of child and force labour in the cotton fields, local authorities and school administrators continue to compulsorily involve students in the annual cotton harvest that they claim to be ‘voluntary’. This project monitored the 2011 cotton harvest season to establish if *hukumats* at the local level are complying with national legislation and determine to what extent is the GOT enforcing national legislation and international conventions against forced and child labour and following the National Action Plan (NAP) on Combating Human Trafficking in the Republic of Tajikistan for 2011-2013.

This monitoring project was the continuation of the “Monitoring of Child Labour Use in the Cotton Fields” conducted by IOM Tajikistan during the 2010 harvest. Last year’s project consisted of both survey interviews and independent monitoring conducted in 25 cotton-producing districts in the regions of Sughd, RRS, and Khatlon from October-November 2010 by 15 local NGOs. The survey targeted students involved in the cotton harvest, parents, and local education officials. The aim of the survey was to identify the extent of the student’s participation in the harvest, motives for involvement, working conditions, the interference with schooling, and negative consequences (i.e. health, academic) as a result of participation. Field monitorings in joint with IOM and representatives from the central government was not conducted.

The law prohibiting the use of students during the cotton harvest, as referred to in this report, is the Law of the Republic of Tajikistan on Education (refer to Figure 6: List of National Legislation on Child Labour Issues). This Law on Education refers to Article #26 “Organization of Educational Process” that prohibits the involvement of the workers in the sphere of education and students and states:

Despite the origination and legal forms, involvement of the workers in the sphere of education students, and post-graduates in agricultural affairs and other works unbound with the education is prohibited in educational institutions (GOT, 2004a).

This project monitored the 2011 cotton harvest season to establish if *hukumats* at the local level are complying with national legislation and if the GOT was enforcing national legislation and international conventions against forced and child labour.

The Labour Code of the Republic of Tajikistan meanwhile restricts the use of child labour; children under the age of 14 are not allowed to work in the fields, children 15-18 that not enrolled in school are allowed to work 5-7 hours/day, and students 14-18 are allowed to work 2.5-3.5 hours/day (refer to Figure 6: List of National Legislation on Child Labour Issues). In addition, under the Labour Code, agricultural works require written contracts. Contracts ensure workers are paid in a timely matter, paid what was quoted, are provided meal breaks, and assure state unemployment benefits and legal action if not paid. Moreover, contracts can ensure the *dekhkan* farm owners abide by the law by ensuring children only work between their allocated times.

2.1 PROJECT OBJECTIVE

The objective of this project was to assist the GOT in implementing the National Action Plan on Combating Human Trafficking for 2011-2013, specifically with respects towards preventing and monitoring the exploitation of children during the cotton harvest. In order to reach this objective, IOM: 1) developed a reporting mechanism for reporting cases of abuse, forced labour, and child labour to national and local officials, 2) conducted a monitoring campaign in cotton-picking districts to assess the extent of children and students' exploitation during the cotton harvest, and 3) performed legal and situational analysis to assess whether the GOT is meeting its international obligations in the sphere of child labour rights.

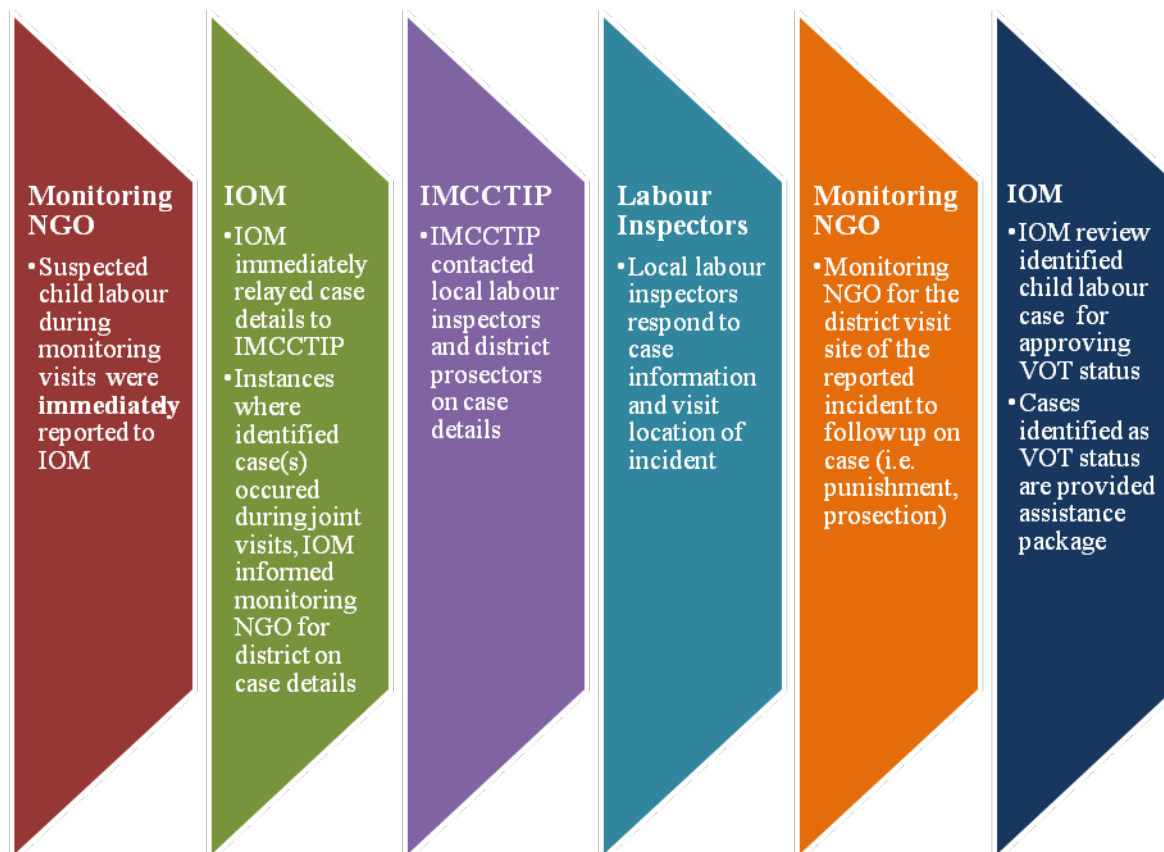
2.2 METHODOLOGY

This project was conducted over the course of five months from August-December 2011, a month earlier than last year's monitoring project due to the relatively early start to the cotton harvest this year.

2.2.1 REPORTING MECHANISM

A reporting mechanism was developed in cooperation with IMCCTIP to report cases of child labour violations identified during NGO and joint monitorings. Details of identified cases were then referred to the relevant district government officials to investigate and report back to IMCCTIP.

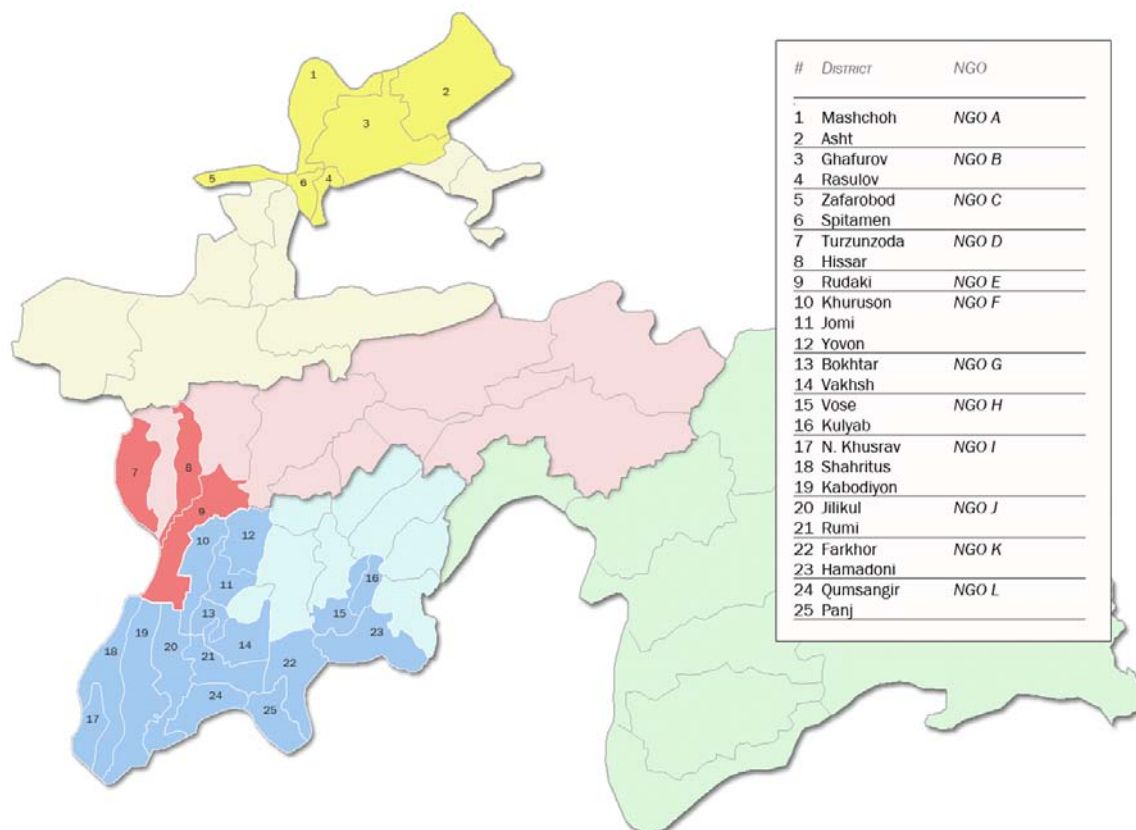
FIGURE 2: MONITORING REFERRAL MECHANISM



2.2.2 MONITORING CAMPAIGN

The monitoring aspect of the project aimed to examine the presence of children and students in the cotton fields and the agricultural sector's adherence to labour standards. Monitoring was divided into independent NGO and IOM/Government joint monitorings that targeted 25 traditionally cotton producing districts in the regions of Sughd, RRS, and Khatlon. These same 25 districts were targeted during the 2010 harvest as well. Monitoring focused on: a) recruitment techniques, b) exploitation tactics, c) forced labour, and d) large scale mobilization of students. Occupational health and safety was not looked into as comprehensively this year as was during the 2010 harvest.

FIGURE 3: MAP OF MONITORED DISTRICTS BY REGIONS



THE MONITORING SURVEY

The primary objective of the 2010 harvest project was to “assess the extent of exploitation of minors and adults” (IOM, 2011a). In contrast, the primary objective of the 2011 harvest project was to “prevent and monitor the exploitation of children during the cotton harvest”. The aim of the survey this year was to gain a situational overview rather than collect economic and geographic data, and therefore, was developed with a qualitative approach rather than quantitative approach. The survey consisted of face-to-face interviews conducted in tandem with NGO and IOM/Government joint monitoring visits and targeted a) *dekhkan* farm owners/brigade leaders and b) child field workers observed working in the cotton fields. 500 farms were visited and 1151 interviews were carried out in 25 districts in three regions of Tajikistan with two categories of respondents; 500 with farm owners/brigade leaders and 651 with child/student field workers.

Survey questions for farmer owners/brigade leaders addressed the size of the farm, number of employees, if child labour was used to harvest cotton, recruitment tactics, work hours, break schedules, labour contracts, mode of employee transportation, pay per kilogram of picked cotton, and if and what social benefits (i.e. medical) were provided. Survey questions for child/student field workers addressed age, school attendance, which school attended, motives for picking cotton, recruitment method(s), if forced tactics were being used by parents/teacher/principal, how often they picked cotton, how many hours per shift, if the *dekhkan* owner provided food, water, timely breaks, and medicine when needed, amount and frequency of pay, and mode of transportation.

**INTERNATIONAL
CONVENTIONS
PERTAINING TO CHILD
LABOUR RATIFIED BY
TAJIKISTAN**

- Universal Declaration of Human Rights (1948)
- Declaration on the Rights of the Child (1959)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- ILO Convention No. 105 (1957) on Abolition of Forced Labour (ratified on 23 September 1993)
- UN Convention on the Rights of the Child (CRC) (1989) (ratified on 25 November 1993)
- ILO Convention No. 29 (1930) on Forced Labour (ratified on 26 November 1993)
- ILO Convention No. 138 (1973) on Minimum Age for Admissions to Employment (ratified on 26 November 1993)
- ILO Convention No. 182 (1999) on the Worst Forms of Child Labour (ratified on 8 June 2005)

INDEPENDENT NGO MONITORINGS

12 local NGOs were assigned to monitor 25 districts in the regions of Sughd, RRS, and Khatlon during the cotton harvest months of September-November 2011. 11 of the 12 NGOs were the same monitoring NGOs used during the 2010 harvest. NGO monitoring teams were trained on international child labour rights and national labour standards, how to identify child labour violations in the field, the reporting mechanism for identified cases, and interview techniques. Monitoring NGOs conducted regular trips in their assigned districts reporting suspected cases of child labour exploitation throughout the harvest season from 12 September to 30 November 2011. NGOs were instructed to meet with *hukumat* and *jamoat* representatives in their assigned districts prior to the start of their independent monitoring visits, however, the monitoring visits dates were kept anonymous. Identified cases of child labour were immediately reported to IOM by monitoring teams per mechanism developed with IMCTTIP. Each NGO was instructed to carry a copy of the monitoring approval letter from the GOT and documentation affirming their affiliation with IOM to ensure cooperation of local authorities and *dekhkan* farm owners. The results of the interviews and notes taken during monitoring reports were used to compile monthly monitoring reports to IOM.

JOINT IOM/GOVERNMENT MONITORINGS

During the September-November 2011 harvest months, an IOM Child Protection Specialist, IOM Counter-Trafficking Specialist, and a Labour Inspector representing the Ministry of Labour and Social Protection of Population conducted four joint monitoring visits in Sughd and Khatlon regions; 40 cotton farms were visited in total. The state labour inspector, under Administrative Code Article 74, was able to issue on-site *protokols* (fines) for labour violations. However, the labour inspector was limited to only reprimand violations stipulated in the Labour Code. Violations of the Law on Education, e.g. forced or voluntary mobilizations of students, could only be forwarded to the regional labour office and IMCCTIP to take the necessary action(s). Joint monitoring was concentrated on regions (Sughd and Khatlon) with the highest amount of cultivated cotton.

2.2.3 LEGAL AND SITUATIONAL ANALYSIS

In order to assess whether the GOT was meeting its international obligations in the sphere of child labour rights, a comprehensive integrated and comparative analysis of the current legislation of the Republic of Tajikistan along international conventions focusing on the categories of a) forced labour and b) child labour was made. Recommendations for legislative improvements regulating the use of child labour were determined based on the analysis. Moreover, final monitoring results were analyzed to determine the GOT's cooperation and timely enforcement reaction to identified cases.

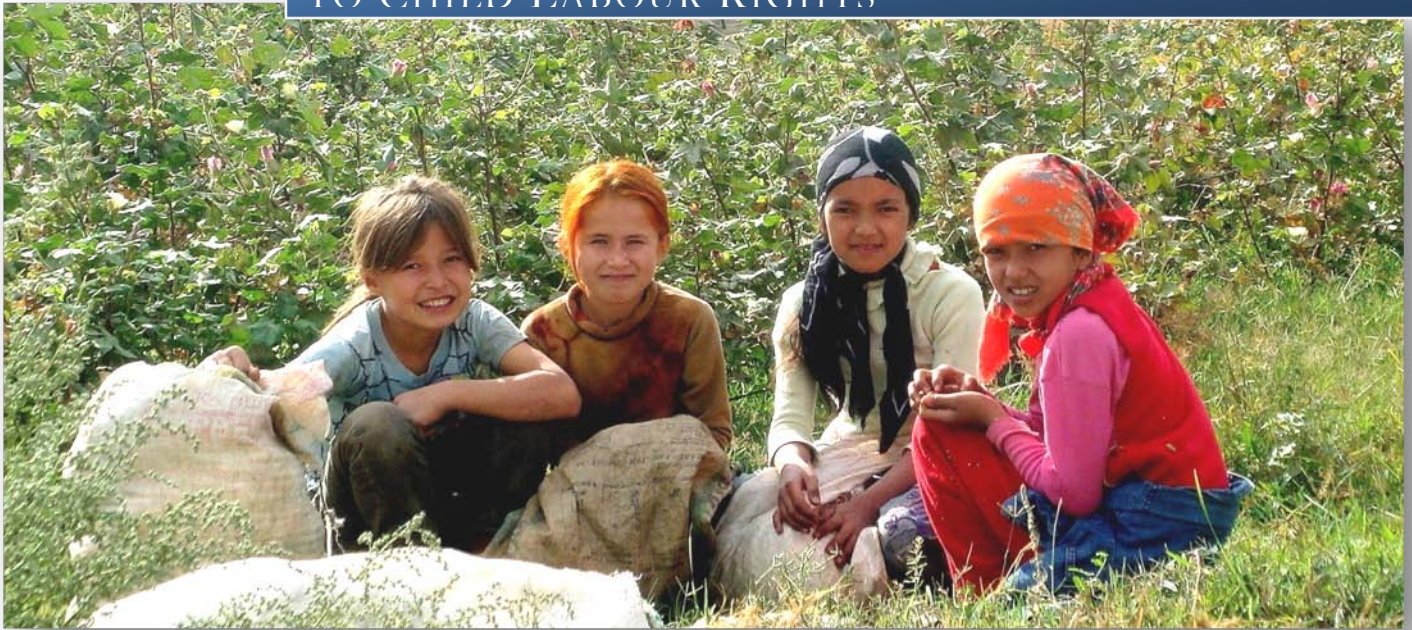
LEGAL ANALYSIS

Legal analysis was conducted by the Head of the Criminal Law Department at the Tajikistan National University who is also the Director of the National Training Centre on Combating Human Trafficking, and the Deputy Head of the Felony Investigations Department at the General Prosecutor's Office. The legal analysis comprised of several stages. First, an exploratory survey was conducted among employees of the law enforcement agencies and employment services concerning existing gaps in the national legislation regulating the issues of child labour. Second, a comprehensive legal analysis of the national legislation for compliance in the field of child rights and use of child labour along the provisions of international conventions was performed. Lastly, the results of the legal analysis were discussed with national experts and their suggestions were taken into consideration in developing recommendations to amend existing legal-regulatory framework to strengthen the GOT's adherence to international obligations.

SITUATIONAL ANALYSIS

Final monitoring results were analyzed to determine the GOT's cooperation at the national, *hukumat*, and *jamoat* levels, and timely enforcement reaction to identified cases (i.e. investigation of cases, officials reprimanded, prosecution of offenses). Furthermore, a comparison of results of past IOM (refer to IOM, 2004; and IOM, 2011b) and international agencies cotton monitoring studies (refer to ILRF, 2007; Amparo, 2010; SOAS 2010) was also made to assess situational change.

3. LEGAL ANALYSIS ON LEGISLATION PERTAINING TO CHILD LABOUR RIGHTS



“The ILO [International Labour Organization] has undertaken to eliminate what are termed the worst forms of child labour [...]. This last category is generally termed “hazardous child labour”, and is particularly applicable to children working in the cotton fields.” – EJF, 2007:4.

ABOVE: PHOTO BY IOM TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO KULYAB DISTRICT, KHATLON REGION.

Tajikistan is a democratic and constitutional state that recognizes human rights and freedoms as the utmost value (Constitution of the Republic of Tajikistan, Article 1). As a social state, the legislative policy is aimed at creating conditions that ensure a good quality of life and human development (Constitution, Article 1). As such, child protection is given a privileged position in the legislation of the Republic of Tajikistan. Shortly after gaining independence in 1991, Tajikistan ratified the UN Convention on the Rights of the Child (CRC) on 26 October 1993 and took a number of steps to implement the international standards stipulated in the CRC into the national legislation.

The labour of youth and young people within the agricultural sector is recognized by both Tajik society and within the national legislation as vocational work that contributes towards a child’s social growth. Nonetheless, it is necessary to have and abide by certain standards that regulate this work. The phenomenon of forced labour, which includes forced child labour, falls under the historical notion of ‘slavery’ – the situation in which a person and/or their labour is sold against their will for profit. Human trafficking is a form of modern day slavery. The Law on Combating Human Trafficking (Article 1) defines ‘human trafficking’ as:

[...] the act of recruitment, transportation, transfer, harboring or receipt of persons by means of 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 prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (or) tissue.

The concept of ‘human trafficking’ is relatively new. It first appeared at the international level in 2000 within the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol). Under the Palermo Protocol, the concept of ‘trafficking in persons’ (TIP) covers forced labour. However, even after the adoption of Palermo Protocol, the concept of TIP for several years remained focused on just sexual exploitation, excluding ‘forced labour’ as a TIP issue. It was only after the adoption of the Council of Europe Convention on Action against Trafficking in Human Beings in 2005 that national legislators begin to pay attention to cases of TIP for forced labour and to make relevant changes in the criminal legislation. Furthermore, analysis of the judicial-investigative practice of the TIP cases in Tajikistan revealed that for the most part only TIP cases related to sexual exploitation of women and children were being investigated. Investigations into cases of forced labour, including women and children were much less. The reason for this is due the gaps, imperfections, and inconsistency with international standards within the national legislation.

3.1 COMPARISON OF INTERNATIONAL CONVENTIONS AND NATIONAL LEGISLATION OF TAJIKISTAN PERTAINING TO CHILD LABOUR

FIGURE 4: DEFINITIONS OF CHILD LABOUR ACCORDING TO INTERNATIONAL STANDARDS

HOW IS CHILD LABOUR DEFINED?	
'CHILD'	<ul style="list-style-type: none"> • Convention on the Rights of the Child (1989), defines 'child' as: <i>human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.</i> • ILO No. 182 (1999) on Worst Forms of Child Labour: <i>For the purposes of this Convention, the term "child" applies to all persons under the age of 18 years.</i>
'FORCED OR COMPULSORY LABOUR'	<ul style="list-style-type: none"> • All work⁵ or service, which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily. - ILO No. 29 (1930) on Forced Labour
'CHILD LABOUR'	<ul style="list-style-type: none"> • Work that harms children's well being and hinders their education, development, and future livelihood (Declaration on the Rights of the Child. - ILO No. 138 (1959) on Minimum Age and No. 182 (1999) on Worst Forms of Child Labour.



ABOVE: PHOTO BY NGO C, TAKEN DURING A MONITORING VISIT TO IN SUGH D REGION.

3.1.1 DEFINITION OF 'CHILD'

In both the Constitution of the Republic of Tajikistan and the Labour Code, the concept of 'child' is not defined. However, other parts of the national legislation outline the concept of 'child':

- In the Family Code, a 'child' is a person who is under eighteen years (Article 55).
- In the Law on Parents' Responsibility for Education and Nurturing of Children No. 762 adopted 2 August 2011, a 'child' is a person under 18 years (Article 4).
- The Criminal Code (Article 171) establishes criminal responsibility for the substitution of a child. However, the definition of 'child' in this context – "tiff" – literally translates to "infant".

The issue here is that different parts of the national legislation define "child" differently. In order to ensure a uniform understanding of the concept of "child" in the national legislation, the following is recommended:

1. amend Article 171 of the Criminal Code and replace the word 'tiff' (infant) with the word 'kudak' (child); and
2. amend Article 3¹ Basic Terms of the Labour Code to address basic terms and include the definition of a 'child' as: *a child is a person under the age of 18 years (age of majority).*

⁵ The exception is military service, civil obligations, and consequence of a conviction (ILO, No. 29); this is also what the national legislation is referring to in phrases such as "except in cases specified by law", e.g. Constitution of the Republic of Tajikistan, Article 35.

3.1.2 DEFINITION OF ‘FORCED LABOUR’

ILO Convention No. 29 (1930) on Forced Labour and ILO Convention No. 105 (1957) on Abolition of Forced Labour regulates the legal standards concerning forced or compulsory labour of children. According to these conventions, the definition of ‘forced labour’ contains two elements:

1. the work is carried out under the menace of any penalty; and/or
2. the work is carried out involuntarily, i.e. without consent of the worker.

According to a 2005 follow-up on ILO declarations on fundamental principles and rights at work, ILO notes that “the menace of any penalty” includes:

- physical violence against worker or family or close associates
- sexual violence
- threat of supernatural retaliation
- imprisonment or other physical confinement
- financial penalties
- denunciation to authorities (police, immigration, etc.) and deportation
- dismissal from the current employment
- exclusion from future employment
- exclusion from community and social life
- removal of rights or privileges
- deprivation of food, shelter or other necessities
- shift to even worse working conditions and
- loss of social status (ILO, 2005:6)

The concept of ‘forced labour’ is unduly narrowed in the national legislation and does not fit the concept of forced labour set forth in the ILO Convention No. 29 on Forced Labour (1930).

On the issue of involuntary work, ILO states that even if a person initially gave his consent to work, it should not be taken into account when analyzing situations of forced labour. According to the Global Alliance Against Forced Labour report:

Many victims enter forced labour situations initially of their own accord, albeit through fraud and deception, only to discover later that they are not free to withdraw their labour. They are subsequently unable to leave their work owing to legal, physical, or psychological coercion (ILO, 2005:6).

Thus, based on the 2005 ILO recommendations, for a case to be defined as ‘forced labour’, it is necessary to have a combination of at least two elements from the aforementioned list.

DIFFERENCE BETWEEN ‘WORK’ AND ‘SERVICES’ UNDER THE DEFINITION OF FORCED LABOUR

The concept of ‘forced labour’ is unduly narrowed in the national legislation and does not fit the concept of forced labour set forth in the ILO Convention No. 29 (1930) on Forced Labour. Although forced labour is prohibited under both the Constitution (Article 38) and the Labour Code (Article 8), legal analysis of the national legislation reveals that only in the Law on Combating Human Trafficking is the definition of ‘forced labour’ outlined. Under this law, ‘forced labour’ is defined as “carrying out any work or providing services through coercion”. In this definition, the separation of work from providing services is unjustified as the concept of ‘work’ fully covers the concept of ‘services’. Accordingly, the Labour Code (as well as other parts of the legislation) uses the terms ‘working hours’ and ‘employees’ to address the employee in accordance with routine or schedule or labour agreement (‘contract’). Within the frame of these terms, there is no reference that a person who “provide(s) services” is different from “one who is carrying out any work”.

At the same time, it is necessary to add to the concept of ‘service’ to cover forced labour during military service or similar service. ILO Convention No. 29 clarifies that the term ‘forced or compulsory labour’ “shall not include any work or service required in virtue of compulsory military service laws and used for work of a purely military nature”. However, a person who is under military service/authority who is being asked by this supervisor(s) to perform a task against his will and/or under menace of a penalty which is not related to his service but of a personal nature, such as if one is being asked to plow his supervisor’s *dekhkan* farm, is considered ‘forced labour’ under the understanding of ILO Convention No. 29. Therefore, there is a need to amend the concept of ‘forced labour’ in the Law on Combating Human Trafficking with the word ‘service’. In accordance to this law (refer to Figure 6: List of National Legislation on Child Labour Issues), the term ‘exploitation’ refers to “forced labour or services, slavery or practices similar to slavery, [and] serfdom”.

3.1.3 CHILD LABOUR

A comparative legal analysis on national legislation of Tajikistan pertaining to child labour reveals that the laws comply with international norms.

FIGURE 5: COMPARISON OF RATIFIED INTERNATIONAL CONVENTIONS AND NATIONAL LEGISLATION PERTAINING TO CHILD LABOUR

	International Conventions Ratified	Legislation of the Republic of Tajikistan
Child Rights	<ul style="list-style-type: none"> Member States ensure all rights to children within their jurisdiction without discrimination and shall protect the child from all forms of discrimination or punishment on basis of status, expressed opinions or beliefs of the child and/or his/her parents/legal guardians/family members - UN Convention on the Rights of the Child (1989), Article 2 Member States shall take legislative, administrative social measures, and educational measures to ensure the implementation of this article, in particular: <ul style="list-style-type: none"> establish a minimum age(s) for admission to employment; provide appropriate regulation of working hours and conditions; provide appropriate penalties or sanctions to ensure the effective implementation of this article. - UN Convention on the Rights of the Child (1989), Article 32 	<ul style="list-style-type: none"> Decree No. 377 (2008) on “Protecting the Rights of the Child” to abolish the Commission on Juvenile Affairs and delegated its functions to the Commission on Child Rights Decree No. 253 (2009) on Legal Education of Citizens for the period 2009-2019 Decree No. 278 (2010) on Program of Work with Minors for the period 2010-2015 The National Concept of Education in the Republic of Tajikistan The State program of Patriotic Education of Youth of Tajikistan for the period 2006-2010 The National Concept of Development of Physical Fitness and Sports
Minimum Age	<ul style="list-style-type: none"> A child is not allowed to be employed prior to attainment of the minimum age. No child should engage in work that is detrimental to his/her health or education, or interfere with his/her physical, mental, or moral development. - Declaration on the Rights of the Child (1959), Article 9 Minimum age for work should not be below the age for completing compulsory schooling, which is generally 15 - ILO No. 138 on Minimum Age (1973), Clause 3, Article 2 States should also set age limits, which the paid employment of child labour should be prohibited and punishable by law. – International Convention on Economic, Social and Cultural Rights (ICESCR) 	<ul style="list-style-type: none"> Employment of persons under the age of 14 is not permitted. - Labour Code (1997), Article 174.
Hazardous Work	<ul style="list-style-type: none"> Hazardous work is defined as <i>work, which by its nature in which it is carried out is likely to harm the health, safety or morals of children</i> – ILO No. 182 (1999) on Worst Forms of Child Labour Member States recognize the right of the child for protection from economic exploitation and from performing any work that may be hazardous to his /her health, interfere with the child’s education, or 	<ul style="list-style-type: none"> The employment of women and minors in heavy or underground work, as well as in work in hazardous conditions is prohibited. - Constitution of the Republic of Tajikistan, Article 35 Employment of persons under the age of 18 at hard work and work in hazardous and dangerous working conditions, underground work, and work which could harm their health or moral

	<p>be harmful to their health and/or physical, mental, spiritual, moral, or social development. - UN Convention on the Rights of the Child (1989)</p> <ul style="list-style-type: none"> • Minimum age for admission work, which by its nature or by force of circumstances in which it is carried out may jeopardize the health, safety, or morals of the youth, shall not be less than 18. - ILO No. 138 on Minimum Age (1973), Clause 1, of Article 3 • Children and young persons shall be protected from economic and social exploitation. Their employment in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development should be punishable by law. – International Convention on Economic, Social and Cultural Rights (ICESCR) 	<p>development, is prohibited. Manual carriage and transfer by the said persons of the loads that exceed their established limits are inadmissible. - Labour Code (1997), Article 174.</p> <ul style="list-style-type: none"> • It is the duty of parents to prevent the use of children in dangerous and hard work that is harmful to the child's health, as well as to other work that interferes with normal physical and psychological development of the child - Law on Parents' Responsibility for Education and Nurturing of Children, No. 762 (2011), Article 8.
Light Work	<ul style="list-style-type: none"> • National legislation or regulations may permit the employment of children between 13-15 for light work as long as it is not harmful to health or hinder their education. - ILO No. 138 on Minimum Age (1973) Clause 1, Article 7 	<ul style="list-style-type: none"> • Allows for work of minors no less than age 14. - Labour Code, Article 174
Forced Labour	<ul style="list-style-type: none"> • No one shall be required to perform forced or compulsory labour. – International Convention on Civil and Political Rights (ICCPR), Article 8, Para 3. • Each member of the ILO that ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms. - ILO No. 138 on Forced Labour (1930), Article 1 • Each Member of the ILO which ratifies this Convention undertakes to suppress the use of forced or compulsory labour and not to resort to any form of it: <ul style="list-style-type: none"> ○ as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; ○ as a method of mobilizing and using labour for purposes of economic development; ○ as a means of labour discipline; ○ as a punishment for having participated in strikes; ○ as a means of racial, social, national or religious discrimination. – ILO No. 105 on Abolition of Forced Labour (1957), Article 1. • Slavery, trafficking of children, debt bondage, serfdom, forced or compulsory labour including recruitment of children in armed conflict. – ILO No. 182 (1999) on Worst Forms of Child Labour 	<ul style="list-style-type: none"> • No one shall be subjected to forced labour except in cases specified by law⁶. – Constitution of the Republic of Tajikistan, Article 35 • Forced labour is prohibited. - Labour Code, Article 8 • <i>Criminal responsibility for involvement of minors in antisocial activities</i> addresses involvement by parents or other persons in begging, prostitution, in use of alcohol, substances and agents, which are not narcotic and psychotropic substances, but which may adversely affect the mental activity of minors, with no evidence of a crime. – Code on Administrative Infraction, Article 464.

⁶ Refer to footnote 5 on exceptions.

LABOUR RIGHTS

According to the Constitution of the Republic of Tajikistan, everyone has the right to work, allowed career choices, employment, and labour and social protection against unemployment. Salaries should not be less than the minimum wage and equal work is paid equally. Any restrictions in the labour relationship are prohibited. No one shall be subjected to forced labour except in cases specified by law. The employment of women and minors in heavy or underground work, as well as in work in hazardous conditions, is prohibited (Constitution, Article 35).

According to the Labour Code, all citizens have equal opportunities in labour relations. Any distinction, denial or preference and refusal to hire made on the basis of ethnic origin, race, color, sex, age, religion, political opinion, place of birth, foreign origin or social origin leading to a violation of equal opportunity in the field of labour is prohibited (Labour Code, Article 7). Persons who believe they have been discriminated against in labour relations, can file an action with the court (Labour Code, Article 7). Forced labour is prohibited (Labour Code, Article 8) and protection of labour rights of workers is carried out by government agencies that supervise and monitor compliance with labour legislation, and the courts (Labour Code, Article 9).

CHILD LABOUR RIGHTS – MINIMUM AGE

According to ILO Convention No. 138 (1973) on Minimum Age, national laws may permit the employment of children between the ages of 13-15 for 'light work' as long as the work is not harmful to their health or hinder their education (Clause 1, Article 7). In contrast, the Labour Code of Tajikistan caps the work of children no less than age 14 (Article 174). However, the Program of Work with Minors for the period 2010-2015, approved by the Decree No. 278 on 29 May 2010, allows for the establishment of handicrafts hobby groups and specialized jobs for children 9-18 years old who have committed unlawful acts. This program is meant to reintegrate juvenile delinquents back to society. However, according to the guidelines of this program, juvenile delinquents can be employed in specialized jobs at age nine. This seriously infringes their rights and is contrary the legal guidelines stipulated in ILO Convention No. 138 and the Labour Code. In this regard, it is necessary to amend this program and bring its guidelines in line with international standards and the Labour Code.

Moreover, as a poverty reduction suggestion, in accordance with the ILO Convention No. 138 that permits light work for children age 13, it is recommended to amend the Labour Code (Article 174) to allow the work of children starting at age 13 with the following amendment:

Article 174. The Age for Employment

Persons younger than fifteen years are not permitted for employment. To prepare young people for productive work, it is allowed to hire students of secondary schools, vocational schools, and specialized secondary schools upon reaching age 14 with the consent of a parent or guardian. Persons age 13 and up are permitted to work if this is a light work and if the work is not harmful to their health or development, does not affect their school attendance, is in their spare time, and with the consent of a parent or guardian. All persons younger than age 21 can be employed only after a preliminary medical examination.

Violation of the minimum age for employment of minors only results in administrative responsibility rather than criminal punishment.

FORCED CHILD LABOUR UNDER THE CRIMINAL CODE OF TAJIKISTAN

Currently, for cases involving forced labour of minors, it is possible to prosecute a violator under the Criminal Code Article 130¹ (Human Trafficking), but not in all cases. Under the definition of human trafficking as defined by Article 130¹, cases involving forcing a person to perform labour against their will; holding a person in serfdom to repay their debt; the use of deception, coercion, violence or threat of violence to force a person to perform labour; and acts that are committed not with the intent of exploitation cannot be classified as human trafficking. However, these actions involve forced labour and, thus, is covered under the Labour Code.

Nonetheless, Article 153 of the Criminal Code (Violation of the Labour Legislation) provides for criminal prosecution against those that intentionally breach the Labour Code with either: a) a fine from one to two thousand figures of settlement as administered by law; or b) imprisonment for a term up to three years. Moreover, violation of the minimum age for employment of minors only results in administrative responsibility (Administrative Code, Article 94). For instance, if the employer has complied with all labour requirements to ensure job safety but employs a minor under the legal age and that minor suffers harm to his health because of employment, the employer can only be subjected to administrative responsibility rather than criminal punishment. Under the Criminal Code, the aforementioned actions are not

considered a crime. Likewise, stiffer penalties for grave consequences such as infliction to health resulting from involvement of person (including minors) in forced labour is not covered under Article 153. Therefore, it would be advisable to amend Article 153¹ to the Criminal Code to the following:

Article 153¹. Involvement in Forced Labour⁷.

1. *Involvement in forced Labour without attribute of Article 130¹ of the current Code*
 - a. *shall be fined at a rate from one to two thousand determinants for payment or with imprisonment for a term of up to three years.*
2. *The same actions committed:*
 - a. *repeatedly;*
 - b. *by the group of persons by prior conspiracy;*
 - c. *an official using his official powers;*
 - d. *in respect of two or more persons or against a woman knowingly pregnant for a defaulter, as well as against a minor, as well as in respect of a minor, another helpless person or a person who is dependent on the defaulter;**i. shall be punishable with imprisonment for a term of three to five years, with disqualification to hold certain posts or practice certain activities for up to one year or without it.*
3. *The actions referred to Part 1 and Part 2 of current Article 153¹, committed:*
 - a. *by force or threat of force;*
 - b. *negligently caused the infliction of serious or moderate harm to health or occupational disease, or death of a person or the infliction of serious harm to the health of several persons,*
 - i. *shall be punishable with imprisonment for a term of five to ten years, with disqualification to hold certain posts or practice certain activities for up to three years or without it.*
4. *The same actions which negligently caused the death of two or more persons:*
 - a. *shall be punished with imprisonment for a term of seven to twelve years, with disqualification to hold certain posts or practice certain activities for up to five years or without it.*

Article 153². Non-Conformity with Age Established for Employment Caused Negligently Grave Consequences.

1. *Should the head of an enterprise, institution or organization, regardless of ownership not comply with the age established for employment, and if this results through negligence in the infliction of serious or moderate harm to the health or occupation disease of said underaged worker.*
 - a. *shall be punished by a fine from two hundred to five hundred figures for settlement, or correctional Labour for a period of two years or imprisonment for the same period.*
2. *The same action, which negligently caused the death of a person or a serious harm to the health of several persons*
 - a. *shall be punished by imprisonment for a term of up to five years with disqualification to hold certain posts or practice certain activities for up to three years or without it.*
3. *Actions, mentioned in part one of this Article, which negligently caused the death of two or more persons*
 - a. *shall be punished by imprisonment for a term of three to eight years with disqualification to hold certain posts or practice certain activities for up to five years or without it.*

In conclusion, the legal analysis revealed several inconsistencies and gaps in the national legislation in comparison with international legal acts regarding the use of forced labour and child labour. For instance, the use of different terms (*tifl* 'infant' and *kudak* 'child') are used to identify the same concept. Recommendations were developed to amend the criminal and labour legislation to comply with international legal standards. The implementation of these recommendations would guarantee the observance of international legal norms to aid in the protection children in Tajikistan from labour exploitation and the illegal use of their labour.



⁷ If amendments are made, it would also be necessary to renumber Article 153¹ to Article 153³. Note: the superscript (prime) numbering refers to amendment numbering.

FIGURE 6: LIST OF NATIONAL LEGISLATION ON CHILD LABOUR ISSUES THAT PERTAINS TO FORCE LABOUR AND RIGHT TO EDUCATION

Constitution of the Republic of Tajikistan (1994)	Article 34: Mothers and children are under the special protection and patronage of the government. Parents are responsible for raising children and adult children who are able to work are obligated to care for their parents. The government is responsible to protect orphans and the disable, as well as to ensure their upbringing and education.
	Article 35: Each person has the right to employment, choice of a job, to have their job protected, and to social protection against unemployment. Salaries should not be lower than the minimum wage. Any kind of limitation in employment relations is forbidden. Equal work is equally compensated. One may not be subject to forced labour, except in cases anticipated by law. The use of the labour of women and minors in heavy or underground work and work in hazardous conditions is forbidden.
	Article 41: Each person has the right to education. General basic education is obligatory. The government guarantees free high school, trade, and, in accordance with ability and on a competitive basis, specialized high school and university education. Other forms of education to be provided are determined by law.
Criminal Code (1997)	Article 130¹: Human trafficking
	Article 132: Recruitment of people for exploitation
	Article 153: Violation of the Labour Legislation – provides for criminal charges upon intended fundamental breach of the Labour Code.
	Article 164: Impeding the compulsory education (nine-year)
Labour Code (1997)	Article 8: Prohibition of forced labour. Forced labour shall be prohibited.
	Chapter 13: Establishes additional rights and guarantees, addresses the minimum age at which a child may be employed (15 or 14 with the consent of a parent or guardian); allows for employment for young people under 18; outlines working hours and conditions of employment (shorter working hours, annual leave, etc.); prohibits heavy work and harsh/harmful/ hazardous working conditions; and prohibits night work and overtime, work on rest days or during leave or a mission.
	Article 27: Parties of the labour contract.
	Article 32: Conclusion of labour contract.
	Article 60: Concept of working time. Normal length of working time, which cannot exceed 40 hours in a week.
	Article 61: Reduced length of working time. Normal length of working time is reduced for employees below age eighteen (Article 178 of the current Code).
	Article 67: Length of the daily working time (shift) cannot exceed 5 hours for employees between the ages of 15-16, 7 hours for those between the ages of 16 and 18; 2.5 hours for children between the ages of 14-16 years and 3.5 hours for those between the ages of 16-18 who are students of basic education institutions (schools) and professional training institutions, or combine work and school during the academic year.
	Article 26: Despite the origination and legal forms, involvement of the workers in the sphere of education students, students, and post-graduates in agricultural affairs and other works unbound with the education is prohibited in educational institutions.
Law on Education (2004)	Article 39: The pupils, students, and post-graduates of the educational establishments in accordance with the law has the right to protection from illegal actions (failure to act) by administration, pedagogical and other workers that humiliate their rights, honor, dignity, and authority
	Article 1: Defines human trafficking as: the act of recruitment, transportation, transfer, harboring or receipt of persons by means of 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 prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (or) tissue.
Law on Combating Human Trafficking (2004)	Article 1: Defines human trafficking as: the act of recruitment, transportation, transfer, harboring or receipt of persons by means of 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 prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (or) tissue.

Source: IOM, 2004: 8-9; ILO, 2010:4; Amparo, 2010:3-7, legal analysis

4. MONITORING RESULTS



“[D]uring any given harvest, the cotton fields will be full of children, some very young. Government officials often claim they are there voluntarily to help parents or communities. Sometimes, this is portrayed as an example of the Central Asian tradition of *hasher*, collective work for the benefit of the community” – ICG, 2005:18.

ABOVE: PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO B. GAFUROV DISTRICT, SUGH D REGION. THEIR PARENTS WERE NEARBY WORKING IN THE FIELDS; THERE WAS NO ONE AT HOME TO CARE FOR THEM.

There are three categories of *dekhkan* farms⁸: 1) *Individual private farm* - work which is based on the enterprise of one person; 2) *Private farm family* - work which is based on the family business and on the basis of joint assets; and 3) *Friendly private farm* - established on the basis of common ownership and economic activity is determined by the contract on joint activity. ‘Individual private’ farms tend to hire workers in the community or surrounding districts. Land and farming responsibilities on a ‘friendly private farm’ are divided between members. Each member has certain ‘row’ obligations. This means that a member is obligated to weed, plant, and harvest the allocated rows per harvest. The member receives a seasonal wage or a separate wage for planting, weeding, etc. on top of the quoted diram/kg of cotton picked. Children of *dekhkan* members are often asked by their parents/relatives to assist them in achieving their ‘row’ obligations.

Cotton is traditionally harvested in 4-5 rotations during the months of September to November, each rotation once every two weeks. After a complete harvest round (when the field is barren of cotton *locks*), field workers will rest for a period of 10-12 days waiting for additional cotton bolls to split open and dry out. Each cotton plant can bear up to 100 bolls. The cotton harvest can start earlier than the beginning of September if the cotton is exceptionally good that year. Moreover, a harvest season can be shortened if the weather becomes cold sooner. The start and frequency of the harvest rotation varies from district to district. Other points to note include: a) cotton cannot be harvested when it is raining nor when the ground is wet; b) snow and cold weather destroys cotton plants; c) at the completion of the harvest, *guzapoya* (cotton stalks) are gathered to be used to fuel to cook or heat homes, as well as used to feed livestock.



IOM DEPICTING OPEN COTTON BOLLS.

4.1 SUMMARIZED RESULTS FOR INDEPENDENT NGO MONITORINGS

Of the 12 NGOs conducting independent monitoring visits during the months from September to November, overall, most reported no observed cases of child labour exploitation, forced labour, or students whom were absent from school in the cotton fields. Nonetheless, NGO L (Qumsangir and Panj district, Khatlon region), came across students that “requested to leave school to pick cotton” and a mother that confessed to forcing her daughter to miss school in order to pick cotton. All NGOs observed the presence of children and students (between the ages of 10-18) working in the cotton fields, however, this number was reported to be far less than observed during the 2010 harvest. This development may be attributed to:

⁸ These definitions are based on the “Law of the Republic of Tajikistan on Dekhkan Farms” No. 526, adopted on 19 May 2009.

a) increased awareness of the Law on Education, which led to the reliance of harvest labour on *dekhkan* farm members and/or hired adult workers instead of children/students; and b) the high pay of 50 diram/kg of picked cotton, which attracted adult workers.



ABOVE: PHOTO BY IOM, TAKEN DURING A JOINT MONITORING VISIT IN KULYAB DISTRICT, KHATLON REGION DEPICTING THE CLOSE PROXIMITY OF STUDENTS HOMES TO THE COTTON FIELDS. THESE STUDENTS ARE CROSSING THE STREET FROM THEIR HOME TO THE COTTON FIELD.

The children/students observed in the fields were reported to: a) have come voluntary outside of school hours, b) lived in close proximity to the cotton farms (walking distance) and c) were found to be mostly children of *dekhkan* farm owners or farm members. Motivations for participation in the cotton harvest included desire to: 1) assist their parents/relatives to fulfill their member 'row' obligations, 2) contribute to their family's income and/or 3) earn money to purchase school supplies. However, NGO L (Qumsangir and Panj districts, Khatlon region) reported that even though the children/students stated that the work was 'voluntary', they

believed in some cases the children were afraid to state the truth for fear of punishment from their parents. Additionally, NGOs reported that field workers (adults and children) were working without written labour contracts, and some farms in Jillikul district were implementing a bartering system of borrowed land and *guzapoya* (cotton stalks) instead of a paid wage.

Most NGOs reported no coerced recruitment tactics or forced large-scale mobilization. Notwithstanding, a few reported cases of 'voluntary' mobilization of students. NGO F (Yovon, Jomi, and Khuroson districts, Khatlon region) captured a fleeing photo of medical students in Yovon district being transported to the cotton fields and NGO C (Zafarobod and Spitamen districts, Sughd region) observed students from the Teacher's Training College in Zafarobod district walking to the cotton fields at the instruction of their college administration. For the most part, children and students were observed walking to the fields rather than being transported. Only NGO C reported a case of forced mobilization by the principal of students of School #21 ages 10-18 in Spitamen district, Sughd region. This forced mobilization of students was deemed accepted by the principal because it was outside of regular class schedules, thus, not interfering with the students' education. This case was reported to IMCCTIP, and as a result, the Head of the Spitamen District Education Department was reprimanded and the principal of School #21 was dismissed⁹. Moreover, NGO B (B. Gafurov and J. Rasulov districts, Sughd region) reported mass mobilization of teachers. They were informed through interviews with *dekhkan* farm owners, managers, and field workers that the Sughd Region Education Department mobilized local schoolteachers to pick cotton for ten consecutive days, which is against the Law on Education which prohibits forced mobilization of "workers in the sphere of education" (GOT, 2004a) during school hours.

NGOs generally reported that the local government, communities, *dekhkan* farm owners, brigade leaders, field workers, and education officials were aware of the illegality of using child labour during the cotton harvest, however, awareness levels varied from district to district. Nonetheless, NGO C (Zafarobod and Spitamen districts, Sughd region) stressed an increase of public awareness on the specifics of the Law on Education and what constitutes legal versus illegal mobilization of students to the fields¹⁰. NGO I stated that awareness campaigns should focus on teachers and parents because they have the most influence over children and students and are less aware of the law. A few of the NGOs noted that the continued child labour awareness campaigns implemented as part of these INL-sponsored monitoring projects have spread awareness throughout the country. As a result, "*dekhkan* farm [owners] are changing their attitudes on the use of child labour during the cotton harvest", schools are implementing their own awareness campaigns, and farm owners are not employing children and students in order to be on the "safe side of the law"¹¹. However, NGO H (Kulyab and Vose districts, Khatlon region) highlighted that awareness is not the same as support. For instance, the non-cooperation of the Vose *Hukumat* Office hindered monitoring and awareness campaign activities during the implementation of this project.

⁹ The results of this case, along with three other IOM monitoring cases, were discussed by the Deputy Minister of Education during the quarterly dialogues hosted by the IMCCTIP on human trafficking on 4 November 2011.

¹⁰ *Dekhkan* owners and school principals believe they are within the law if the work is 'voluntary', thus, if the students are given a choice to pick cotton then the mobilization of a group of students is within the law.

¹¹ Quotes were taken from the NGOs' monthly monitoring reports submitted to IOM during the months of September to November 2011.

The 2011 harvest ended early due to inclement weather. The majority of NGOs reported that the rainy weather in November caused major difficulties for the cotton farms to harvest the cotton before the weather destroyed the plants and forced some farmers to end the harvest early. Nonetheless, even though no children/students were observed picking cotton in districts where the harvest had ended early, they were still observed in the fields gathering *guzapoya* (cotton stalks) for fuel.

Summaries of individual cases identified by NGOs, including the six cases that were referred to IMCCTIP, are provided in the following sections.

4.2 NGO AND JOINT MONITORING RESULTS¹² BY REGION


FIGURE 7: NUMBER OF FARM OWNERS AND CHILD WORKERS INTERVIEWED DURING NGO MONITORINGS BY DISTRICTS AND REGIONS¹³

Region	District	# Farms Owners/Brigade Leaders Interviewed	# Child Field Workers Interviewed
Sughd	Asht	55	30
	Mastchoh		
	B. Gafurov	46	22
	J. Rasulov		
	Zafarobod	45	63
	Spitamen		
RRS	Hissar	18	17
	Tursunzoda		
	Rudaki	22	66
Khatlon	Yovon	62	57
	Jomi		
	Khuroson		
	Vakhsh	58	53
	Bokhtar		
	Kulyab	29	18
	Vose		
	Shahritus		
	Kabodiyon	21	59
	N. Khusrav		
	J. Rumi	50	48
	Jillikul		
	Hamandoni		
	Farkhor	18	68
	Qumsangir		
Panj	36	67	
Total		460	568

¹² Monitoring results were compiled from monthly individual NGO monitoring reports. Any quoted referenced in this section is from that particular NGO's monthly report.

¹³ This data was taken from individual NGO reports, hence, the data is grouped by NGO assigned districts groups rather than individual districts.

FIGURE 8: NUMBER¹⁴ OF FARM OWNERS AND CHILD WORKERS INTERVIEWED DURING JOINT MONITORINGS BY DISTRICTS AND REGIONS



Region	District	# Farms Owners/Brigade Leaders Interviewed	# Child Field Workers Interviewed
Sughd	Asht ¹⁵	0	0
	Mastchoh	N/A	N/A
	B. Gafurov	4	17
	J. Rasulov	1	1
	Zafarobod	2	15
	Spitamen	8	7
	Konibodon ¹⁶	1	0
RRS	Hissar	N/A ¹⁷	N/A
	Tursunzoda	N/A	N/A
	Rudaki	N/A	N/A
Khatlon	Yovon	3	10
	Jomi	2	1
	Khuroson	N/A	N/A
	Vakhsh	2	4
	Bokhtar	4	2
	Kulyab	2	9
	Vose ¹⁸	0	0
	Shahritus	1	1
	Kabodiyon	3	2
	N. Khusrav	N/A	N/A
	J. Rumi	1	0
	Jillikul	1	0
	Hamandoni	2	6
	Farkhor	3	8
Qumsangir	N/A	N/A	
Panj	N/A	N/A	
Total		40	83

4.2.1 SUGHD REGION

NGO A (ASHT AND MASTCHOH DISTRICTS); 55 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 25 November 2011, NGO A conducted monitoring visits to 55 *dekhkan* cotton farms in Asht and Mastchoh districts, and interviewed 30 child field workers aged 7-17. Interviews with the children/students revealed they were harvesting cotton with the consent of their parents outside of school hours in order to assist their parents whom, as *dekhkan* farm members, had land shares on *dekhkan* cotton farms. Some farm members were children under 18 who either had graduated from school in the 8th grade or dropped out of school. Interviews with farm owners in the Asht and Mastchoh districts found they were well aware of the Law on Education. No students who were picking cotton during school hours were observed.

¹⁴ If the number of farms visited/owners is greater than the number of child workers interviewed, it is because there were low or no child workers observed on those farms during the conducted joint monitoring visits.

¹⁵ Asht district was visited during the second joint monitoring visit to Sughd region from 14-18 November 2011, however, there were no field workers observed in the cotton fields. This could have been due to rainy weather during this period.

¹⁶ Konibodon was not one of the 25 targeted districts but was visited during the first joint monitoring visit to Sughd from 6-9 October because IOM was following up on the details of a case that was reported to IOM by an Asia Plus journalist (this case was later referred to IMCCTIP) who later wrote an article published on 22 September 2011 stating that school administrators of the Medical College and School #24 in Konibodon were mobilizing their students to the cotton fields.

¹⁷ Indicates this district was not visited during joint monitoring.

¹⁸ Vose district was visited during the second joint monitoring visit to Khatlon region from 12-14 October 2011, however, there was no one observed in the cotton fields. This could have been due to a) the overcast weather or b) the cotton in this district had already been picked for that harvest rotation.

NGO B (B. GAFUROV AND J. RASULOV DISTRICTS); 46 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 25 November 2011, NGO B conducted monitoring visits to 46 *dekhkan* cotton farms in B. Gafurov and J. Rasulov districts, and interviewed 22 child field workers. Identified minors were either *dekhkan* members who had graduated early/dropped out of school or students who had arrived outside of school hours to pick cotton. No students picking cotton during school hours were observed. However, mass mobilization of teachers was reported. Through interviews with *dekhkan* farm owners, managers, and field workers, NGO B was informed that the Sughd District Education Department mobilized local schoolteachers to pick cotton for a period of ten consecutive days. NGO B stated that more awareness on the Law on Education concerning forced mobilization of “workers in the sphere of education” (GOT, 2004a) during school hours was needed. District wide mobilization campaigns implemented and supported by the local government at the *hukumat* and *jamoat* levels was in line with what was observed during the IOM/Government joint monitoring visit to Sughd region 6-9 October 2011 and what was reported by *Asia Plus* in their article from 20 September 2011, “Cotton Suffering In Sughd Declared a General Mobilization.” The local governments stated that the general mobilization of public workers in the government, schools, and hospitals were voluntary.

The Sughd District Education Department reportedly mobilized local schoolteachers to pick cotton for a period of ten consecutive days.

It is worthwhile to note that during a routine monitoring visit to J. Rasulov district in September, NGO B observed a special commission, composed of national government officials, also conducting cotton-monitoring visits. The commission relayed to NGO B that they had not encountered children/students present in the cotton fields, with the exception of one boy who had graduated from school upon reaching the 9th grade.

NGO C (ZAFAROBOD AND SPITAMEN DISTRICTS); 45 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 30 November 2011, NGO C conducted monitoring visits to 45 *dekhkan* cotton farms in Zafarobod and Spitamen districts, and interviewed 63 child field workers. Two of these visits were joint monitoring visits with local Zafarobod community employees. ‘Voluntary’ mobilization of children/students to harvest cotton in these districts was observed. Such cases were also observed during the first IOM/Government joint monitoring visit to Sughd region 6-9 October 2011. NGO C reported that minors observed in the fields in Zafarobod and Spitamen districts were aware of the Law on Education and the President’s public address banning the use of students in the cotton fields.

Nonetheless, on 26 September, NGO C encountered a cotton farm that had 10-12 child workers aged 10-13 years old (3rd-6th grades) and 15-18 years old (8th-11th grades) from School #21 in Hashtyak village, Spitamen district. The students informed NGO C that their school principal had forcibly mobilized students in 5th-11th grades to the cotton fields. According to the students, the school

administrators believed that the Law on Education only applied to the use of students during classes but mobilization of students outside of was permitted. This case was referred to IOM, which immediately notified IMCCTIP. The Head of the Education Department in Spitamen district was later reprimanded and principal of School #21 was fired for this violation. A similar case was also observed in Mehnatobod *jamoat* in Zafarobod district. 50 students from the Teacher’s Training College were observed on their way to voluntarily pick cotton; however, they had been instructed by their college administration to do so. NGO C concluded that in most cases of ‘voluntary’ mobilization observed, the students had gone to harvest cotton under instructions from their schoolteachers or principal. Additionally, *dekhkan* farm owners and brigade leaders in the Zafarobod and Spitamen districts were not aware of the Law on Education prohibiting the use of students in the cotton fields. NGO C recommended this be resolved through increase information campaigns in order to lower the number of child labour exploitation cases.



BELOW: PHOTO TAKEN BY NGO C DURING A MONITORING VISIT TO MEHNATOBOD JAMOAT, ZAFAROBOD DISTRICT, SUGHD REGION DEPICTING STUDENTS OF THE TEACHER’S TRAINING COLLEGE ON THEIR WAY TO THE COTTON FIELDS.

1ST IOM/GOVERNMENT JOINT MONITORING VISIT TO SUGHD REGION; 14 COTTON FARMS VISITED IN 5 DISTRICTS.

The four IOM/Government joint monitoring visits to Sughd and Khatlon regions during the 2011 cotton harvest were conducted by the author who was also the IOM child protection specialist, IOM Counter-Trafficking specialist, and a Labour Inspector representing the Ministry of Labour and Social Protection of Population.

BELOW: PHOTO BY IOM, TAKEN DURING A JOINT MONITORING VISIT IN ZAFAROBOD DISTRICT, SUGHD REGION. THIS WAS ONE OF THE SIX CASES REPORTED TO IMCCTIP.

During the first joint monitoring to the Sughd region from 6-9 October 2011, 14 *dekhkan* cotton farms were visited in nine *jamoats* in the five districts of B. Gafurov, J. Rasulov, Konibodon, Spitamen, and Zafarobod. Also during this visit, Konibodon Medical College, School #24 in Konibodon, and School #1 in Zafarobod were visited as well. In summary, of the 14 farms visited, seven were observed to employ only adult workers; three had mostly adult workers with the presence of 1-3 children ages 3-5 because there was no caretaker at home; and four used the labour of students to harvest cotton. Three of the latter cases are outlined below.



On Saturday¹⁹ afternoon, 8 October 2011, the monitoring team visited a farm in Shahraki Zafarobod *jamoat*, Zafarobod district, Sughd region. At this time, there were 53 field workers; all were students ages 15-16 (8th-9th grades) from School #1. There were also three teachers supervising the students. Interviews with the teachers and students revealed that during a school-wide assembly that morning, the principal of School #1 had asked volunteers to harvest cotton that particular afternoon from 1200 – 1700hrs for 30 diram/kg²⁰. Moreover, the students were expected to pick 30 kg of cotton per person.

Interviews with 15 students revealed that they had been picking cotton outside of classes at various cotton farms on the recommendation of their principal since 20 September. The *dekhkan* farm owner disclosed to the monitoring team that he had been contacted by the principal of School #1 and a Shahraki Zafarobod *jamoat* representative informing him students from School #1 would arrive Saturday to harvest cotton. This information aroused suspicion of a mobilization of students by an education official and the local *jamoat*. To

verify the farm owner's claim, the monitors visited School #1 and the Shahraki Zafarobod *jamoat* office. After the visits, the accompanying state labour inspector contacted the farm owner and informed him that he should have requested a written permission note from the students' parents and provided each student with a written contract limiting their work to the legal 2.5-3.5hrs/day before hiring student workers. Due to these labour violations, in addition to the suspicion of student mobilization, a *protokol* (fine) was issued to the *dekhkan* owner for TSJ 700. This case was referred to IMCCTIP by IOM on 11 October.

The *dekhkan* farm owner disclosed that he had been contacted by the principal of School #1 and a Shahraki Zafarobod *jamoat* representative informing him students from School #1 would arrive Saturday to harvest cotton.

On Sunday, 9 October 2011, another farm in Goziyon *jamoat*, B. Gafurov district, Sughd region was visited in the morning time. There were 51 field workers in the field comprising of 40 students aged 16-17 (10th-11th grades) and 11 teachers, all from School #21. One of the teacher stated that he had come voluntary to pick cotton because the pay of 50 diram/kg was attractive. The *dekhkan* farm owner informed the monitors that she had approached the principal of School #21 and requested he inform his students of the opportunity to earn

money on the weekends by picking cotton on her farm. She highlighted that School #21 was the only school she had approached, and that she had never used child labour to harvest cotton prior to this day. Moreover, the owner was not aware of the Law on Education. According to the state labour inspector, a *protokol* was not issued for this case even though it may have been merited because: a) the owner was not aware of the law; b) she had approached only one school; c) it was the first and only instance she had approached a school to seek assistance; and d) it was a non-school day. Nonetheless, this case was referred to IMCCTIP by IOM on 11 October.

¹⁹ Local schools in this district have classes on Saturdays.

²⁰ This amount was under the normal 50 diram/kg that IOM encountered in Sughd region.

On Sunday, 9 October 2011, a farm in Goziyon *jamoat*, B. Gafurov district, Sughd region was visited around noontime. There were 65 field workers present, among them 46 students aged 15-17 years (8th-10th grades) from School #20 (21 students) and School #11 (25 students). The *brigade leader* was quick to state that he had not invited the students to come pick cotton; they had arrived on their own accord. The monitoring team interviewed several students and one teacher; they all stated that they had voluntarily come to pick cotton. Neither the *brigade leader* nor the teacher was aware of the Law on Education. According to the state labour inspector, a *protokol* was not issued for this case even though it was a mobilization of students because: a) the manager was not aware of the law; b) he did not approach the school/student(s) directly to ask for labour assistance; and c) it was a non-school day. Nonetheless, this case was referred to IMCCTIP by IOM on 11 October.

2ND IOM/GOVERNMENT JOINT MONITORING VISIT TO SUGHD REGION; 2 COTTON FARMS VISITED IN 5 DISTRICTS.

During the second joint monitoring to the Sughd region from 14-18 November 2011, two cotton farms were visited in the five districts of Asht, B. Gafurov, J. Rasulov, Spitamen and Zafarobod districts. Continuous and unpredictable rainy weather made scheduling this joint monitoring visit difficult; there was a two-week period of continuous rainfall during early-November. During this visit, IOM discovered that the cotton harvest in Sughd had already completed and only *guzapoya* (cotton stalks) remained in the fields. The two farms visited had 8-16 adult field workers harvesting cotton; no children or students were present.

4.2.2 REGIONS OF REPUBLICAN SUBORDINATION (RRS)

NGO D (HISSAR AND TURSUNZODA DISTRICTS); 18 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 30 November 2011, NGO D conducted monitoring visits to 18 *dekhkan* cotton farms in Hissar and Tursunzoda districts, and interviewed 17 child field workers. Child workers observed in the fields were reported to be there voluntarily.

Prior to the start of the monitoring visits, NGO D meet with the Deputy District Chairman and local government representatives in Hissar and Tursunzoda districts to inform them of the monitoring project. As a result, some NGO D's monitorings were joint visits with local government officials. The monitoring to Jura Rahmonov *jamoat* in Tursunzoda district with the Leading Specialist at the local Social Development Department and inspector of the Education Department of the same district was one of such visits. Monitoring visits to Qaratogh *jamoat* in Tursunzoda district were conducted together with the Head of Qaratogh *jamoat*. No force child labour was observed during these joint visits.

The lack of observed child labour in the cotton fields in Hissar and Tursunzoda districts could be attributed to district-wide awareness of child labour laws.

According to NGO D, the low number of child labour use in the fields in Hissar and Tursunzoda districts this harvest season could be attributed to district-wide awareness of the illegality of using child labour during the cotton harvest. Interviews with the heads of the *jamoats*, *dekhkan* farm owners, field workers, and cooperative and manufacturing companies in Tursunzoda district affirmed that they were informed on the Law on Education. However, NGO D did observed children between the ages of 13-17 at almost every farm visited. In interviews, the children explained they were picking cotton voluntarily to assist their families. On the average, they arrived to the fields between 1300-1400hrs²¹, worked for 3-4 hours daily over the course of 2-6 days per week. They earned 40 diram/kg, and received payment every 10 days. The money they earned went towards the purchase of school supplies, clothing, and/or contributed to the family budget. It should be noted that these cotton farms were in close proximity to the children's residence.

NGO E (RUDAKI DISTRICT); 22 COTTON FARMS VISITED IN 1 DISTRICT.

From 12 September to 30 November 2011, NGO E conducted monitoring visits to 22 *dekhkan* cotton farms in Rudaki district and interviewed 66 child field workers aged 15-17. The children stated they were present in the fields to earn money or were bringing food to field workers. NGO E conducted some of its monitoring visits in joint with a local journalist, the Deputy District Chairman, and the Manager at the Rudaki District Education Department. Additionally, NGO E met with Rudaki District Chairman and two District Deputies, the Head of the Rudaki District Education Department, and school principals of Schools #45, #47, and #54. NGO E reported that the Rudaki *hukumat* was keenly aware about IOM's monitoring project and took relevant measures to prohibit child exploitation in the fields this season. For instance, a copy of the Education's Order against the use of students during the cotton harvest was disseminated to all the local

²¹ NGO D reported that the schedule of work hours observed for field workers was 800-1800 hrs daily.

schools and farms in the district by the local education departments. Furthermore, the Rudaki *hukumat* held a meeting with all *dekhkan* farm owners on 23 August 2011 prohibiting the use of children/students during the harvest. NGO E had reported during the previous year that the principal of School #17 was dismissed for his involvement in mobilizing his students to pick cotton. However, there were no such cases observed this year in Rudaki district.

In conclusion, NGO E noted that the IOM monitoring project this year has exerted a positive impact on the local villages and *dekhkan* farms in Rudaki district. However, they underlined that other forms of child labour still exist in Rudaki, most notably in Korvon, Sultoni Kabir, Sakhovat, and Farovon *jamoats* where children carry heavy loads to the markets.

4.2.3 KHATLON REGION

NGO F (YOVON, JOMI, AND KHUROSON DISTRICTS); 62 COTTON FARMS VISITED IN 3 DISTRICTS.

From 12 September to 18 November 2011, NGO F conducted monitoring visits to 62 *dekhkan* cotton farms in the Yovon, Jomi, and Khuroson districts, and interviewed 57 child field workers. NGO F reported that children and students were taking part in the 2011 cotton harvest, however, it was observed to be voluntary and outside of school hours. *Dekhkan* farm owners, local government officials, and education representatives

in these districts were keenly aware of the Law on Education. For instance, the local schools and education departments were actively encouraging parents to prevent their children from missing school in order to harvest cotton: “The principal [of School #30 in Yovon district] was meeting with parents of students who had poor attendance on the suspicion that their children were missing classes to pick cotton. After such meetings, the students’ attendance greatly improved”.

During interviews with *dekhkan* owners, NGO F asked if they sought assistance of student labour to which they replied that generally farm members alone were used to harvest the cotton. Additionally, NGO F asked field workers if they were aware of forced mobilization of students on orders



ABOVE: PHOTO BY NGO F, TAKEN DURING A MONITORING VISIT YOVON DISTRICT, KHATLON REGION DEPICTING POSSIBLE MOBILIZATION OF STUDENTS FROM THE MEDICAL COLLEGE TO THE COTTON FIELDS.

from school officials, and received a negative reply. However, during a routine monitoring visit, NGO F witnessed 70-80 students from the Medical College in Yovon district being transported to the cotton fields. They were not able to interview the students but did manage capture a photo of the transport. Notwithstanding, compared to the monitoring results in the same districts last year, the use of forced child labour in the cotton fields has greatly diminished. NGO F attributed this improvement to the attendance polices that were being enforced in the schools and provided an example of School #31: “Trucks were organized and children were transported to pick cotton right from the front of the school building”. However, this year, when NGO F revisited School #31, interviews with students and teachers concluded that students were “not being involved by the school” to pick cotton this year.

NGO G (VAKHSH AND BOKHTAR DISTRICTS); 58 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 30 November 2011, NGO G conducted monitoring visits to 58 *dekhkan* cotton farms in Vakhsh and Bokhtar districts, and interviewed 53 child field workers. Children observed picking cotton were reported to be from “poor families” and were harvesting cotton “after classes” in order to “improve their living condition”. The children were motivated by the income they would receive on a daily basis to contribute to their family’s income. The Law on Education and child labour laws were reported to be widely known in these districts: “Every school is aware about the order of the Government of the Republic of Tajikistan and the ban on the use of child labour”. As a result, the majority of farm administrations were against employing individuals under the age of 18 to be cautious. Moreover, interviews with *jamoat* representatives, *dekhkan* farm owners, and parents revealed that they were highly aware of the law against child labour and exploitation during the cotton harvest.

NGO H (KULYAB AND VOSE DISTRICTS); 29 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 18 November 2011, NGO H conducted monitoring visits to 29 *dekhkan* cotton farms in Kulyab and Vose districts, and interviewed 18 child field workers. According to NGO H, in comparison to the monitoring results during the 2010 harvest, the involvement and exploitation of child labour during this harvest had significantly decreased. According to the *dekhkan* farm owners in Kulyab and Vose districts, the labour force on the *dekhkan* farms has been sufficient because the wage of 40-50 diram/kg cotton attracted adult workers, thus, there was no need seek out child labour. The students that were observed in the cotton fields had approached the farms voluntarily to assist their parents or to earn money to purchase school supplies. Children in these districts were reported to earn 300 TJS/mo from harvesting cotton. Although child exploitation was not observed during their independent monitoring visits, NGO H reported that child exploitation did occur during this harvest season as demonstrated by the pending district investigation into the Vose case²². Additionally, NGO H reported that not all local governments at the *hukumat* level were supportive of monitoring activities. The lack of permission and support from the Vose *hukumat* hindered monitoring visits in Vose district.

NGO I (SHAHRITUS, KABODIYON, AND N. KHUSRAV DISTRICTS); 21 COTTON FARMS WERE VISITED IN 3 DISTRICTS.

From 12 September to 30 November 2011, NGO I conducted monitoring visits to 21 *dekhkan* cotton farms in Shahritus, Kabodiyon, N. Khusrav districts, and interviewed 59 child field workers. Parents in these districts were not aware that the use of child labour was restricted and considered the labour of children to assist in the harvest as 'labour education,' which is to say, the children are contributing to the family's budget and appreciating the value of earned labour. Moreover, mothers believed they had a "moral right" to their child's labour to pay for school fees. NGO I stated that the awareness of monitoring activities caused *dekhkan* farm owners and parents to hide the use of child labour during the harvest rather than discourage the use altogether. NGO I observed that child workers work as "hard as adults in the fields", "no arrangement was made for their rest", and worked without contracts. Nonetheless, the children/students observed were recorded as voluntarily working outside of classes to earn money to purchase clothing, shoes, and school supplies, or were substituting for their sick parents. Some local schools in N. Khusrav district took advantage of the cotton harvest as an opportunity to collect funds for school maintenance repairs and textbook costs. Despite the continued presence of children in the cotton fields, NGO I remarked that *dekhkan* farmers changed their attitudes on the use of child labour; farmers expressed agreement on prohibiting the use of students during the cotton harvest. However, NGO I emphasized that awareness campaigns needed to target teachers and parents because they "pose their own requirements on the children and forget about child rights".

NGO J (J. RUMI AND JILLIKUL DISTRICTS); 50 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 30 November 2011, NGO J conducted monitoring visits to 50 *dekhkan* cotton farms in J. Rumi and Jillikul districts, and interviewed 48 child field workers aged 11-17. The students observed had come after classes. The reasons stated for adults and children to participate in the cotton harvest in these districts was a) to receive a paying wage and b) obtain rent-free land to farm additional agricultural products for sale and/or consumption. There was lack of employment opportunities in these communities and the cotton harvest offered a source of income. However, some farms in Jillikul district were implementing a barter system instead of paid wages. In exchange for labour, field workers were designated a plot to grow wheat or collect the *guzapoya* for fuel at the end of the harvest.

During interviews, NGO J noted the children did not feel comfortable answering their questions and needed adults to be nearby before cooperating. The children stated they were drawn to the harvest because of the high wage; they picked cotton 3-4 hours per day (21-28 hours during the week) and were paid 50-70 diram/kg each 3-5 day interval. There was only one child that reported he had not received a wage for his cotton-picking labour in over a month. The cotton harvest offered the only opportunity for the children to earn money and provide for themselves need items as a) their parents are unable to provide these items and b) cotton picking was the only source of income for children. An regional government employee told NGO J

²² The Vose case refers to case of mobilization of schoolchildren that was reported in the Radio Liberty news article "Tajik Police Probe Reports of Schoolchildren Picking Cotton" on 26 September 2011. The article stated that "the deputy prosecutor of the Vose district [...confirmed] that investigators are looking into reports that children are being forced to work during the cotton harvest". Additionally, the article reported that Vose District Education Department officials had imposed this forced mobilization of more than 50 students.

since his residence was close to a cotton farm, this represented a good opportunity for his children to earn money and he should allow it.

NGO J reported that most *dekhkan* farm owners and field workers were not aware of the Law on Education. However, some farm owners expressed frustration that children picking cotton in their fields because they do not want to shoulder the responsibility.

NGO K (HAMADONI AND FARKHOR DISTRICTS); 18 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September to 15 November 2011, NGO K conducted monitoring visits to 18 *dekhkan* cotton farms Hamadoni and Farkhor districts, and interviewed 68 child field workers. The children had come voluntarily outside of classes to assist their families. An 11th grade student from School #12 in Mehnatobod village stated that she was voluntarily picking cotton in order to contribute to her family's financial earnings and improve their living situation. NGO K noted that there were fewer child workers observed in the fields in November than in September or October and attributed the decrease to the effectiveness of the child labour awareness campaigns and the enforcement of the Law on Education. For instance, *dekhkan* farms in Navobod and Zafar jomoats in Farkhor district reported they discontinued the use of child labour all together after receiving a notification from their respective jomoat offices during the harvest. NGO K concluded that the Order of the President and the Law on Education are "gradually being applied" and believe that effectiveness of the monitoring project this harvest has contributed to "observance of orders and directives of the government to prevent the violation of child labour rights".

NGO L (QUMSANGIR AND PANJ DISTRICTS); 36 COTTON FARMS VISITED IN 2 DISTRICTS.

From 12 September 30 November 2011, NGO L conducted monitoring visits to 36 *dekhkan* cotton farms in Qumsangir and Panj districts and interviewed 67 child field workers. The children stated that they were harvesting cotton at their own freewill because they need the money to purchase school supplies:

We requested to leave school to pick cotton. The reason is bad living condition. Nobody forced us to pick cotton; we voluntarily pick cotton in order to buy school supplies and other needs. We are paid 50 diram/kg of cotton.

However, NGO L did not believe this statement was true of all children/students encountered. They believed the children were afraid of the consequences either from their parents or to their parents if they were to state they were forced/coerced to pick cotton. Severe economic conditions in the villages compelled parents to force their children to earn money in the cotton fields. For example, in an interview with a field worker on farm Siroj on 22 September, the worker confessed that she had forced her daughter to miss school to pick cotton:

Sometimes my daughter cries and asks to go to school, but what can I do? What should I do? I have five children. [...] I do not have a husband; my living situation is very bad. I ask my daughter to help me to buy pasta and sugar. There are many families in our district in this situation. All children who come to pick cotton come with their parent's consent. Because we do not have a permanent job or steady income, we take the opportunity when cotton-picking season arrives to postpone our duties in order to come pick cotton and earn income.

1ST IOM/GOVERNMENT JOINT MONITORING VISIT TO KHATLON REGION; 22 COTTON FARMS VISITED IN 14 DISTRICTS.

During the first joint monitoring visit to Khatlon region from 27-30 September 2011, 22 *dekhkan* cotton farms were visited in 17 districts. Additionally, School #18 in Hamadoni district and School #12 in Kulyab district were also visited.

On 27-29 September 2011, 21 cotton farms in the districts of A. Jomi, Bokhtar, Bokhtar, Farkhor, Hamadoni, Jilikul, J. Rumi, Kabodiyon, Kholmatov, Kumsangir, Mehnatobod, Sayodm, Shahrtuz, Vakhsh, and Yovon were visited between 930-1830hrs. In summary, of the 19 cotton farms visited, eight were observed to employ only adult workers; ten had adults female workers with the presence of 1-2 children who were present in the field to either a) assist their parents/relatives, b) needed money to buy school supplies, c) were delivering meals to the field workers, or d) cutting grass for the cows. One had 17 child workers under the age of 18; one had 25 workers of which nine were children aged 8-14. The notable cases are outlined below.

On Tuesday, 27 September 2011, a farm in Obi Muki *jamoat*, Yovon district, Khatlon region was visited at 1000hrs. There were 17 child workers under the age of 18. This particular case emphasized how child labour in the cotton fields was not so clearly identifiable. The children and students present in the cotton field were either a) students related to the *dekhkan* owner and were harvesting cotton outside of classes or b) were children who did not attend school; they were members of the Lyuli Community²³. The owner too was from this community.

On Thursday, 29 September 2011, farm Orzugul Kodirova, Dashti Gulo *jamoat*, Hamadoni district, Khatlon region was visited at 1045hrs. There were 25 workers, six of whom were students aged 12-13. The children stated they had planned to attend their afternoon classes after picking cotton. The *dekhkan farm* owner responded that she was not aware of the Law on Education. School #18 was located across the farm and students often asked if they could work the field. The state labour inspector felt that the owner was using a large amount of child labour for the size of her two ha field. He wanted issue a *protokol* but the owner insisted that she was not aware of the law. The owner received only a written warning. Additionally, the inspector wanted to verify that the students indeed had afternoon classes. A visit to the School #18 was made afterward.

On Thursday, 29 September 2011, a farm in Zafar *jamoat*, Farkhor district, Khatlon region was visited around noontime. There were 45 workers, 10 were students aged 11-16. They were unaccompanied and were there to pick cotton to earn money for their families. They all stated that their families were very poor. The monitoring team questioned eight students, all stated that they had morning classes but were missing school that day – but only that day – to pick cotton. The monitors believed the students were not telling the truth. Introduction questions (“what is your name?”, “how old are you”) were answered without pause but questions regarding missed classes followed long pauses. Moreover, the youngest child stated that he had not been to school for five consecutive days. Since the *dekhkan* owner owned several cotton farms in addition to one being visited, the accompanying state labour inspector believed that the owner should have been aware of the laws regulating child labour use. The Inspector issued a *protokol* to the owner for 700 TJS and gave a verbal warning asserting that if the owner continued to use students to harvest cotton, the next fine will be double. This case was referred to IMCCTIP by IOM on 11 October.



ABOVE: PHOTO BY IOM, TAKEN DURING A JOINT MONITORING VISIT IN YAVAN DISTRICT, KHATLON REGION.

2ND IOM/GOVERNMENT JOINT MONITORING VISIT TO KHATLON REGION; 22 COTTON FARMS VISITED IN 14 DISTRICTS.

During the second joint monitoring to Khatlon region on 12-14 October 2011, five cotton farms were visited in seven *jamoats* in the four districts of Farkhor, Hamadoni, Kulyab, and Vose. Of the four farms visited in Khatlon, three used only adult field workers and the fourth had 25 workers of whom six were students aged 10-14. Prior to this monitoring visit, there were four days of consecutive rain and, during the monitoring days, the sky was overcast. These two weather-related reasons contributed to the low number of field workers observed harvesting cotton and the low number of visited farms.

²³ The Lyuli Community are a subgroup of the Dom people living in Central Asia and speak a Lyuli dialect of the Domari language (Wikipedia: online).

4.3 SUMMARY BOX 1: BULLET POINT RESULTS OF INDEPENDENT NGOS AND JOINT MONITORINGS²⁴

- Use of children and students were observed on cotton farms in all 25 districts²⁵ but reported to be outside of class hours and ‘voluntary’ with the given reasons of:
 - to assist parents/relatives who were *dekhkan* farm members to fulfill ‘row’ obligations;
 - to contribute to the family income; and
 - to earn money to purchase school supplies.
- 2 identified and 1 unconfirmed cases of students absent from school to harvest cotton.
 - 10 students of School #23 in Farkhor district, Khatlon region missed several consecutive days of school in order to pick cotton. The *dekhkan* owner was given an onsite *protokol* and the case was reported to IMCCTIP on 11 October. (IOM/Government joint monitoring visit to Khatlon region)
 - A mother informed NGO L (Qumsangir and Panj district, Khatlon region) that she sometimes forced her daughter to stay home from school to assist in picking cotton and earn money for food.
 - (Unconfirmed) NGO L (Qumsangir and Panj district, Khatlon region) reported that students were asking permission to leave school early to pick cotton.
- 1 case of large-scale forced mobilization of students ages 10-18 (3rd-6th grades and 8th-11th grades) outside of school hours by principal of School #21 in Spitamen district, Sughd region; reported by NGO C and relayed to IMCCTIP on 27 September. General Prosecutor’s Office referred case to the district prosecutor office for investigation; the Head of Spitamen District Education Department was reprimanded and principal of School #21 fired.
- Several cases of ‘voluntary’ mobilization of students outside of school hours were observed. However, only 3 were reported to IMCCTIP due to a lack of evidence. These three cases were in Zafarobod and B. Gafurov districts, Sughd region and identified during an IOM/Government joint monitoring between 8-9 October 2011; they were reported to IMCCTIP on 11 October.
 - 1 of these ‘voluntary’ mobilization cases, in Zafarobod district, was suspected to include the joint involvement of the principal of the School #1 and representatives of the Shahraki Zafarobod *jamoat*. The *dekhkan* farmer was issued an on-site *protokol*, the principal of School #1 was reprimanded, and the Shahraki Zafarobod *jamoat* denied involvement.
- 1 case of mass mobilization of school teachers for 10 consecutive days by the Sughd District Education Department was reported by NGO B and reported in an *Asia Plus* article “Cotton Suffering in Sughd District Declared General Mobilization” on 20 September 2011. Mobilization of “workers in the sphere of education” is against the Law on Education (GOT, 2004). However, this case was not reported to IMCCTIP as it was outside the focus of the project, which concentrated on child labour.
- The awareness of the local government, communities, *dekhkan* farm owners, brigade leaders, field workers, and education officials on the illegality of child labour during the cotton harvest was found to be fair, depending on the district.
- The national and *hukumat* governments were actively informing, enforcing, and monitoring the application of the Law on Education and child labour laws during the 2011 cotton harvest.
 - However, not all *hukumats* and *jamoats* were supportive of the monitoring project or enforcing the Law on Education. For instance, NGO H reported that the non-cooperation of Vose *hukumat* hindered monitoring and awareness campaigns activities during the implementation of this project.
 - Nonetheless, *hukumats* were quick to investigate accusations of child labour abuse, exploitation, and/or forced mobilization that was reported in the news or referred to their attention by IMCCTIP via IOM.

4.4 CASES OF IDENTIFIED CHILD LABOUR VIOLATIONS REPORTED TO IMCCTIP

On Monday, 12 September 2011, IOM received a call from an *Asia Plus* journalist in Dushanbe. He had received an anonymous phone call informing him that there were plans to mobilize students in Schools #24, #25, #26 and #27 in Konibodon district, Sughd region to harvest cotton. Per the reporting mechanism, IOM immediately contacted IMCCTIP, who relayed the case details to the Deputy Ministry of Education, who contacted government representatives in Konibodon to conduct an investigation. The findings found there were no planned mobilizations of students to harvest cotton at the aforementioned schools. Nonetheless, the *Asia Plus* journalist published the article “Tajik Children Are Forced to Pick Cotton” on 22 September reporting that the Medical College and School #24 in Konibodon had mobilized their students. IOM made visits to the Deputy Director the Medical College and Principal of School #24 in Konibodon on 7 October to

²⁴ For comparison of the monitoring results from the 2010 and 2011 harvests, refer to Summary Box 2 Cases of Forced Child Labour during the 2010 Cotton Harvest” in Chapter 5.

²⁵ The number of child workers observed in the fields was found relative to the overall size of the cotton farm.

inquire on the facts of the case and concluded that the reporter's information was false.

On Monday, 26 September 2011, during an independent monitoring visit at 1600hrs, NGO C encountered the use of forced child labour on a cotton farm in Kurkati *jamoat*, Spitamen district, Sughd region. There were 10-12 students aged 10-13 (3rd-6th grades) and 15-18 years (8th-11th grades) from School #21 in Hashtyak village. The students informed NGO C that they were forced to pick cotton after classes by their principal. They were not permitted to miss classes but harvesting cotton after classes was mandatory. NGO C was concerned about the well-being of the younger students who were only 10 years old (3rd grade). IOM sent a letter to IMCCTIP on 27 September. Then, the General Prosecutor's Office referred the case to the local district prosecutor office for investigation. As a result, the Head of the Spitamen District Education Department was reprimanded and principal of School #21 was fired²⁶.

On Thursday, 29 September 2011, during an IOM/Government joint monitoring visit around midday, IOM encountered 10 students aged 11-16 from School #23 who had missed several days of school to pick cotton in Zafar *jamoat*, Farkhor district, Khatlon region. The accompanying state labour inspector issued an on-site *protokol* of TJS 700 to the *dekhkan* owner and filed a formal report. Additionally, IOM reported this case to the IMCCTIP in writing on 11 October. As a result of informing IMCCTIP, an information meeting on labour exploitation was conducted to district education department representatives in Khatlon region and the details of the identified case of School #23 in Farkhor district was divulged at the meeting. Moreover, the principal of School #23 was fired for his involvement in this case²⁷.

On Saturday, 8 October 2011, during an IOM/Government joint monitoring visit at 1400hrs, IOM encountered a case of 'voluntary' mobilization of 53 students aged 15-16 (8th-9th grades) from School #1 on a farm in Shahraki Zafarobod *jamoat*, Zafarobod district, Sughd region. Furthermore, there was suspected involvement of the principal of School #1 and Shahraki Zafarobod *jamoat* officials in the mobilization of these students. The state labour inspector issued an on-site *protokol* to the *dekhkan* owner for violations of the Labour Code and filed a formal report. IOM reported this case to IMCCTIP in writing on 11 October who relayed of the case details to the Sughd District Labour Office for an investigation. As a result, the principal of School #1 was reprimanded²⁸.

On Sunday, 9 October 2011, during an IOM/Government joint monitoring visit at 1100hrs, IOM encountered 40 students aged 16-17 (10th-11th grades) from School #21 on a farm in Goziyon *jamoat*, B. Gafurov district, Sughd region. The students were



BELOW: PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO FARKHOR DISTRICT, KHATLON REGION. THIS WAS ONE OF THE SIX CASES REPORTED TO IMCCTIP.



BELOW: PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO B. GAFUROV DISTRICT, SUGHD REGION. THIS WAS ONE OF THE SIX CASES REPORTED TO IMCCTIP.

²⁶ The results of this case was provided by the Deputy Minister of Education during the quarterly 5th Round of Dialogue for Human Trafficking on 4 November 2011 hosted by IMCCTIP.

²⁷ Same as footnote 23.

²⁸ Same as footnote 23.

accompanied by their teachers to voluntarily pick cotton. The *dekhkan* owner admitted she had approached the principal of School #21 to recruit students to harvest cotton on her farm. Due to the high number of students, IOM reported this case to the IMCCTIP in writing on 11 October and the case was referred to the Sughd district Labour Office for further investigation.

On Sunday, 9 October 2011, during an IOM/Government joint monitoring visit at 1100hrs, IOM encountered 46 students and teachers from School #20 and #11 students aged 15-17 (8th-10th grades) on a farm in Shahraki Zafarobod *jamoat*, Zafarobod district, Sughd region. The students and teachers had approached the *brigade leader* to ask to pick cotton. Due to the high number of students from two local schools, IOM reported this case to the IMCCTIP in writing on 11 October and the case was referred to the Sughd district Labour Office for investigation.

The investigation into these last two cases concluded that the principals of these schools were not aware of this out-of-school activity (the cases were identified on a non-school day). As a result, a seminar was conducted for all principals of the local schools in B. Gafurov district and the details these cases were discussed at this seminar²⁹.

BELOW: PHOTO BY IOM,
TAKEN DURING AN
IOM/GOVERNMENT
JOINT MONITORING
VISIT TO VAKHSH
DISTRICT, KHATLON
REGION.



²⁹ Same as footnote 26.

5. SITUATIONAL ANALYSIS OF MONITORING RESULTS



“Overall the need for additional labour, in order for farmers to meet their plan and avoid debt, trumped the public commitment to end the practice [of using child labour].” – SOAS, 2010:5.

ABOVE LEFT AND RIGHT: PHOTOS BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING. LEFT: TAKEN IN VAKHSH, DISTRICT, KHATLON REGION. RIGHT: TAKEN IN YOVON DISTRICT, KHATLON REGION.

Child participation during the 2011 cotton harvest was found to be widespread in most of the 25 targeted districts in Sughd, RRS, and Khatlon regions. 651 children and students³⁰ between the ages of 7-18 (1st-11th grades) observed working in the cotton fields were interviewed on 500 *dekhkan* farms from 12 September - 30 November during independent NGO and IOM/Government joint monitorings. Most of the children were observed to be harvesting cotton on a voluntary basis outside of classes with the cited reasons for participation being: 1) to assist parents/relatives who were *dekhkan* farm members to fulfill ‘row’ obligations; 2) to contribute to the family income; and 3) to earn money to purchase school supplies. Although there was one case of forced mobilization identified (in Spitamen district, Sughd region), no coercive methods such as expulsion were used to pressure participation were reported. Moreover, the number of children and students observed this harvest was far less than previous years. In 2003, in Khatlon region alone, 150,000 students in grades 6th-11th were going daily to the fields to pick cotton (2003 report by the Department on Industrial Crops of the Ministry of Agriculture, as cited in IOM, 2004:8). Although official cotton quotas are no longer set by the *hukumats*, cotton campaigns are still being implemented to persuade as many people as possible to the cotton fields³¹. Such campaigns could account for the concentration of mass mobilization observed in Sughd region this year. During this monitoring project, one case of organized forced mobilization of students, three cases of ‘voluntary’ mass mobilization of students, and one case of mass mobilization of teachers were identified in Sughd region. The 2011 harvest monitoring results were compared with past cotton studies (refer to IOM, 2004; ILRF, 2007; Amparo, 2010; IOM, 2011; SOAS 2010) to assess the situational change and to determine if *hukumats* at the local level are complying with national and international frameworks.

³⁰ This number and age range does not include the children observed in the fields that were not harvesting cotton, i.e. children that were being looked after by their mothers who were field workers, children who were cutting grass for the cows, etc.

³¹ These cotton campaigns were noted during joint monitoring visits to Sughd region, though such public cotton campaigns were not observed in Khatlon region.

5.1 PAST STUDIES ON CHILD LABOUR DURING THE COTTON HARVEST

5.1.1 IOM 2003 COTTON HARVEST STUDY

The IOM study on “Children in the Cotton Fields” consisted of face-to-face surveys conducted in the three districts of Zafarobod in Sughd region, and Vose and Pyandzh in Khatlon region in January 2004. The surveys were conducted in January 2004, shortly after the 2003 cotton harvest. In total, 282 interviews were carried out with two categories of respondents: 1) parents (142) and 2) students in grades 9-11 (140). The 2004 study concluded that senior-grade students were recruited to work 60-90 days during the cotton harvest but the recorded pay of 15-20 dirams/kg did not make a significant contribution to the family income. Additionally, no meals or medical aid was provided by the *dekhkan* owners. The study found that there was not a cooperation between educational institutions and *dekhkan* farms for the use of student labour, however, district education departments also do not take actions to “oppose the disruption of classes” or enforce “existing norms and regulations [on child labour use]” (IOM, 2004). The study concluded that participation of children in the cotton harvest negatively affected their health and educational development.

5.1.2 YOUNG LAWYERS ASSOCIATION “AMPARO” 2009 COTTON HARVEST STUDY

Amparo’s study on “Promotion of the Freedom of Children from Forced Labour in the Cotton Fields of Tajikistan” consisted of face-to-face surveys conducted in 19 districts in Sughd, RRS, and Khatlon regions during the 2009 cotton harvest. In total, 357 surveys were conducted with four categories of respondents: 1) students (110), 2) parents (98), 3) teachers (93) and 4) farmers (53). The study found that child involvement was “in accordance with the orders of the schools’ principals” who were asked by local *dekhkan* farmer owners and the head of the *jamoats* (Amparo, 2010:2). There were some cases of voluntary participation but in most cases, the students went to pick cotton on the orders of their school principals. The study observed students in 4th-11th grades harvesting cotton outside of classes and on weekends in most of the 19 districts surveyed. Parents and teachers surveyed stated the labour was ‘voluntary’ but students surveyed stated they faced social pressure. Children were convinced they are obligated to pick cotton because if they do not participate, they would “get scolded at school” (Amparo, 2009:2).

Two separate studies during the 2009 harvest pointed to schools being ordered to assist in the collection by local governments.

5.1.3 SOAS 2009 COTTON HARVEST STUDY

The Centre for Contemporary Central Asia and the Caucasus at the School of Oriental and African Studies (SOAS) study on “What Has Changed? Progress in Eliminating the Use of Forced Child Labour in the Cotton Harvest of Uzbekistan and Tajikistan” consisted of face-to-face surveys conducted in 18 districts in Sughd, RRS, and Khatlon regions during November-December 2009, shortly after the 2009 cotton harvest. In total, 315 surveys were conducted with four categories of respondents: 1) children, 2) parents, 3) teachers and 4) farmers. The study found that child labour was widespread in most of the districts surveyed with the exception of districts in RRS region. The study observed primary students aged 14-18 (7th-11th grades) harvesting cotton outside of classes and on weekends. The study found that “many rural residents saw children’s participation as normal” and that schools were “central to the mobilization of children” (SOAS, 2010:21). Furthermore, the evidence pointed to schools being ordered to assist in the harvest by local governments, which was in line with Amparo’s findings of the same harvest season. Like Amparo, SOAS also found that pressure on student involvement was “mixed” as “some suggested no pressure while others reported that children who didn’t participate [were] told off [and] did not receive help with exams”.

5.1.4 IOM 2010 COTTON HARVEST STUDY

The IOM study “Monitoring of Child Labour Use in the Cotton Fields” consisted of face-to-face surveys conducted by 15 local NGOs in 25 cotton-producing districts in Sughd, RRS, and Khatlon regions in the months of October-November during the 2010 cotton harvest. NGOs approached residences, cotton farms, and education institutions. In total, 1690 interviews were carried out with three categories of respondents: 1) parents (383) and 2) students (1222), and 3) education sector workers (85). The survey was designed similar to a household survey. Questions to parents and students revolved around age of parents, family size, number of students in a family involved in the cotton harvest, sources of household income, student contribution to household income, adequacy of student earnings to real costs of labour, etc (IOM, 2011b:10). The 2010 harvest study found the “principal factor behind student participation is the poverty that compels parents to send their child to cotton fields in order for them to contribute towards the family budget” (IOM, 2011b). In other words, children’s participation in the cotton harvest was decided at the household level. Of the 383

parents surveyed, 34% stated the main source of family income was farming (IOM, 2011b:26). Moreover, “cotton-growing families have 1.6 times more children than the country average while employment for these families is 35.5% less (IOM, 2011b:6). Of the 1222 students surveyed, 28% (342) stated that they spent between 30-90 days in the fields (IOM, 2011b:51). The average salary of cotton field workers was TJS 121 per month, 4.1 times less the average salaries of workers in the agricultural industry.

5.1.5 SUMMARY BOX 2: CASES OF FORCED CHILD LABOUR DURING THE 2010 COTTON HARVEST

- Use of children and students were observed on cotton farms in all 25 districts but reported to be outside of class hours and ‘voluntary’ with the given reasons of:
 - assisting their parents by contributing to the family income, and
 - to earn money to purchase school supplies.
- 2 identified cases and 1 unconfirmed case of students absent from school to pick cotton.
 - 7 students (7th-8th grades) in J. Rumi district, Khatlon region skipped school and were observed on their way to the cotton fields to “work and receive cash” (IOM, 2011a:7).
 - A female student in Hamadoni district, Khatlon region had been absent from school for three consecutive days picking cotton in order to earn TJS 21 to pay for her school book rental fee.
 - (Unconfirmed) On 6 October 2010, an 11th grader from a school in Farkhar district informed the monitoring NGO that only six students attended classes that day; the rest voluntarily went to the cotton fields.
- 3 identified cases of forced labour.
 - During a monitoring visit 8-11 October 2010 in J. Rasulov district, Sughd region, 42 respondents (30 children and 12 parents) mentioned cases of forced involvement by educational institutions or school authorities in September 2010.
- On 7 October 2010, 12 children in Matcha district, Sughd region informed the monitoring NGO that “they have been involved in heavy construction work, cleaning of drainage canals, and used as loading workmen” (IOM, 2004b:71). Additionally, “the children were forced to say that they work purely on a voluntary basis and not coerced” (IOM, 2004b:71).
- A parent in Kulyab district, Khatlon region stated that her son was forcibly sent to the cotton fields and noted that he was publicly derided at school for his refusal to participate in the harvest.
- Several cases of large-scale forced mobilization of students.
 - Monitorings during 15-17 October 2010 identified “a number of instances of forced gathering of children” to the cotton fields in Kulyab and Vose districts in Khatlon region.
 - School administrators of School #6 in A. Jomi district, Khatlon region transported 4th grade students to the cotton fields by bus after class hours.
 - Students at School #7 in Asht district, Sughd region were taken to the cotton fields after classes on the order of their school administration to assist a neighboring farm in collecting raw cotton.
- Several cases of ‘voluntary’ mobilization of students.
 - Students of School #5 in J. Rakhmonov *jamoat* and Tursunzade City Vocational School were mobilized to the cotton fields during weekends.

5.2 WHAT HAS CHANGED FROM PREVIOUS YEARS?

5.2.1 PARENTAL INFLUENCE

In the past, schools were central to the mobilization of children and students:

Less than a week into the new school year [...in 2007], a number of schools and universities [were] suspending lessons to allow students to be sent to harvest cotton. Schools in the southern Khatlon region [were] ordered to send all students from the 9th grade on to cotton fields...Other regions are expected to follow soon” (Radio Free Europe, 2007: online).

Though volunteer involvement of students through the advertisement of school administrators and supervision of students in the field by teachers were observed both after classes and on weekends this harvest, the influence of parents and relatives to have children assist in the harvest also proved to be a strong persuasion for child participation. Economic hardship was cited as the primary reason for child involvement in both the 2010 and 2011 harvest studies. The increased pay³² from 25-30 dirams/kg in 2010 to 40-50 dirams/kg in 2011 had a mixed effect. In some districts, the higher pay attracted adult workers leading to less reliance on the additional labour of children. However, in other districts, the higher pay prompted parents to involve their children. Important to note that the interest of parents in “using their children for cotton picking purposes ...[to] generate additional earnings” (IOM, 2011a:10) only if the labour is not “during the

³² The pay was reported to be 15-20 dirams/kg in 2003 (IOM, 2004) and 20-30 dirams/kg in 2009 (Amparo, 2010).

time allocated for studies” (IOM, 2011: 107). In other words, parents not only give their permission but also encourage the extra contribution to the family income if the harvesting is done outside of classes, and, thus, would not affect their children’s educational development. Additionally, in some districts, it was reported that parents view the labour of minors within the agricultural sector as vocational work that contributes towards the child’s social growth. The overall financial contribution to the family income is only 8-10%, nonetheless, these amounts are significant as they enable the family to cover expenses for clothes, shoes, and school supplies (IOM, 2011b). As such, it is recommended that future child labour awareness campaigns target teachers and parents directly as they have the most influence on children.

5.2.2 AWARENESS OF NATIONAL LEGISLATION PERTAINING TO CHILD LABOUR IN THE AGRICULTURAL SECTOR

Awareness on the Law on Education, the 2009 annual Presidential statement to parliament, and the Ministry of Education decree prohibiting the use of child labour in the cotton fields is gradually spreading. The majority of NGOs reported that the monitoring projects have contributed greatly to raising awareness at the local level amongst local governments and communities. NGO E (monitoring Rudaki district, RRS region) concluded that the monitoring project has “exerted a positive impact in the villages, particularly cotton-growing farms [...] child abuse is not allowed in the villages” and reported that heads of *jamoats* and school directors felt obligated to strictly follow the Law on Education because they were constantly being monitored for violations. NGO G (monitoring Vakhsh and Bokhar districts, Khatlon region) reported that *dekhkan* farm owners decided to err on the side of caution and not hire children under age 18. NGO K (monitoring Hamadoni and Fakhor districts, Khatlon region) reported that *dekhkan* farms in Hamadoni and Fakhor districts discontinued the use of children/students all together after receiving a notification from their respective jomoat offices. This is an improvement from previous years. It was reported by *Eurasianet* that “In 2006 [...] despite those decrees, children are still taken to the cotton fields. When we talk to teachers, they didn’t know about those decrees” (2009: online). Even as recent as 2010, of the 85 education sector workers surveyed in the IOM 2010 harvest study, 85% (72) stated they were not aware of the Law on Education banning the use of students during the cotton harvest and 64% (54) stated they “never came across a formal document or instruction stipulating the ban” (IOM, 2011b: 65). However, as pointed out by NGO I (monitoring Shahritus, Kabodiyon, and N. Khusrav districts, Khatlon region), increased awareness and continuous monitoring for child labour violations only caused *dekhkan* farm owners and parents to hide their use of child labour rather than discourage the use altogether. Thus, it is recommended that future awareness campaigns take a specific focus on *dekhkan* farm owners, teachers and parents.

5.2.3 ENFORCEMENT OF NATIONAL LEGISLATION PERTAINING TO CHILD LABOUR IN THE AGRICULTURAL SECTOR

A number of international reports addressing child labour in the agricultural sector in Tajikistan criticize the GOT for failure to enforce its national legislation against child labour and comply to international human rights commitments (refer to ICG, 2005; ILRF, 2007; SOAS, 2010). The IOM 2004 study found that district education departments did not take actions to “oppose the disruption of classes” or enforce “existing norms and regulations [on child labour use]” (IOM, 2004). The SOAS 2009 harvest study found that:

[T]he central government seems less able to control the dynamic of child labour at the local level. The survey confirms that [...the decrees] prohibiting child labour in cotton fields have had little impact, with low levels of awareness of their existence amongst teachers and with local leaders seemingly having greater autonomy to contradict these decrees (SOAS, 2010:5).

However, in the past couple of years, the GOT has “made important progress [...] in addressing the use of forced labour in the annual cotton harvest. During the fall of 2010 cotton harvest, the government disseminated a directive that ordered enforcement of existing prohibitions against forced labour” (DOS, 2011: online). With the full cooperation of the GOT, the monitoring projects during the 2010 and 2011 cotton harvest has contributed immensely to the awareness of national laws on the illegality of child labour during the harvest and the decreased coercive tactics, forced mobilization of students, and use of child labour at the local level. The IOM 2011 harvest study found that government officials from the national to *hukumat* level were actively involved in informing, enforcing, and monitoring the application of the Law on Education and child labour laws during the 2011 cotton harvest. However, not all *hukumats* and *jamoats* were supportive of the monitoring project or enforcing the Law on Education. This inhibited the monitoring project from reaching optimal success in those districts and *jamoats*. For instance, NGO H (monitoring Kulyab and Vose districts, Khatlon region) reported that the non-cooperation of the Vose *hukumat* hindered monitoring and awareness campaigns activities.



Nonetheless, *hukumats* were quick to investigate accusations of child labour abuse, exploitation, and forced mobilization that was reported in the news or referred to their attention by IMCCTIP via IOM. Additionally, the national government (IMCCTIP, Ministry of Labour and Social Protection, Ministry of Education) was very cooperative in their support for this monitoring project. The national government was quick in their response to the identified child labour cases and ordered the necessary investigations, reprimands, and prosecution. In addition, they took their own initiative to raise awareness and enforce the legislation on the use of child labour during the cotton harvest. For instance, the Deputy Ministry of Education reported at the quarterly TIP dialogue on 4 November 2011, that in 2011, 3087 teachers were trained on counter-trafficking issues and 78 directors and 82 school principals participated in round tables on child labour exploitation. Additionally, NGO B (monitoring Gafurov and Rasulov districts, Sughd region) encountered a special commission composed of national government officials also conducting cotton monitoring during an independent monitoring visit to Rasulov district in September 2011. It is clear that the national government efforts contributed to a significant reduction in the use of forced labour in both the 2010 and 2011 cotton harvest.

The IOM 2011 harvest study found that government officials from the national to *hukumat* level were actively involved in informing, enforcing, and monitoring the application of the Law on Education and child labour laws during the 2011 harvest.

BELOW: PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT TO SPITAMEN DISTRICT, SUGHD REGION.



6. RECOMMENDATIONS



“The responsible parties that involved children in harvesting cotton [during the 2011 harvest] were reprimanded. After receiving information regarding identified cases from IOM through IMCCTIP, we conducted an investigation and gave punishment to the responsible parties.”- Deputy of Ministry of Education, the 5th Round of TIP Dialogue on 4 November 2011

ABOVE: PHOTO BY LOCAL IOM CT NGO, TAKEN IN SUGHD REGION.

6.1 GENERAL RECOMMENDATIONS

- The implementation of annual cotton monitoring projects resulted in a widespread awareness of the Law on Education, the 2006 President decree, and the Ministry of Education decree prohibiting the use of child labour in the cotton fields. Additionally, because the monitoring projects were implemented two consecutive years in a row, *dekhkan* farms were aware of being monitored and, thus, err on the side of caution. Therefore, it is recommended that the GOT continue annual monitoring activities for the next few years until practice of using child labour for agricultural works is eliminated altogether.
- The presence of government officials has considerably more influence than monitoring NGOs on extracting information and gaining cooperation. Additionally, the fear of retribution of NGO staff within in their own local community was a major constraint in achieving timely reports of child labour abuse during the 2010 harvest study and caused an incident of harassment during the 2011 harvest study. Therefore, it is recommended that for future annual monitoring activities the GOT:
 - establish a joint monitoring team at the local level consisting of regional representatives from the labour office, prosecutor’s office, and district education departments that would perform regular joint monitoring during the harvest season,
 - establish a joint monitoring team at the national level consisting of national representatives from the Ministry of Labour, Social Protection, the General Prosecutor’s Office, and IMCCTIP that would perform a monthly joint monitoring visit to traditionally cotton producing districts in the regions of Sughd, RRS, and Khatlon during the harvest season.
 - It is important that monitoring teams have representatives from a) the labour department; and b) the education department and/or prosecutor’s office to deal with violations to both the Labour Code and the Law on Education.
 - Additionally, this recommendation would put direct responsibility on the local government to abide and enforce national legislation.
- The 2011 harvest study revealed that local governments at the *hukumat* and *jamoat* levels were quick to investigate accusations of child labour abuse, exploitation, and/or forced mobilization that had been published in the news, reported on television, or referred by IMCCTIP. Additionally, it was found that

some district education departments issued out a letter or held a meeting for all local school principals at the start of the academic year to underline the prohibition on the use of children and students during the cotton harvest. A meeting is more effective than a letter. It is recommended that at the beginning of the academic year, the district education departments in cotton producing districts hold: a) a mandatory meeting with all local school principals and teachers and b) community meeting requesting the attendance of all parents of students attending secondary schools to inform them of the illegality of child labour use during the cotton harvest.

- As teachers and parents have the most influence over children, it is recommended to specifically target teachers and parents during future awareness campaigns on child labour.

- Although official cotton quotas are no longer set by the *hukumats*, cotton campaigns are still being implemented at the *hukumat* and *jamoat* levels to persuade as many people as possible to the cotton fields. For instance, during a joint IOM/Government monitoring visit to Sughd region, IOM encountered an advertisement posted on the door of Shahraki Zafarobod *jamoat* calling for the participation of all community members young and old to assist in the cotton harvest. Therefore, it is recommended that the GOT prohibit local governments from this practice.
- The study found that principals and dekhkan owners were organizing ‘voluntary’ mobilizations outside of classes because they deemed the use of children and students during the cotton harvest as acceptable and legal if the work was ‘voluntary’. Therefore, it is recommended that in future awareness campaigns or public statements on the prohibition of the use of children and students during the cotton harvest that the GOT clarify the use of ‘voluntary’ and ‘voluntary’ mobilization of child labour.

6.2 LEGAL RECOMMENDATIONS

- Amend the Program of Work with Minors for the period 2010-2015 Decree No. 278 adopted 29 May 2010 to fall in line with the Labour Code and international conventions. The implementation of handicrafts hobby groups and specialized jobs should be for juvenile delinquents *between the ages of 14-18* (instead of 9-18 years) as a part of their social reintegration.
- As a poverty reduction recommendation, amend Article 174 of the Labour Code to comply with ILO No. 138 on Minimum Age by allowing the admission of children to perform light work that is not harmful to their health or development and does not interfere with school/vocation/training program attendance upon reaching the *age of 13* with the consent of a parent or guardian, instead of the *age of 14* as set forth by Article 174 Labour Code.
- In order to ensure a uniform understanding of the concept of ‘child’ in the national legislation, amend Article 171 of the Criminal Code and replace the word ‘tifi’ (infant) with the word ‘*kudak*’ (*child*).
 - Include into the Labour Code *Article 3¹ of Basic Concepts*, which would specify the basic concepts of the Labour Code, including the following definition of a child: “*a child a person who is under eighteen years of age (majority age)*”.
- Review the current legislation on the definition of ‘forced labour’. Make appropriate changes in the Law on Combating Human Trafficking and bring it into compliance with the ILO No. 29 on Forced Labour. In addition *exclude words “or provision of services” from the definition and add the word “service” to address forced labour during military service or similar services.*
- Define on the legislative level such concepts as ‘light work’ and ‘hard work’.
- Establish special normative standards for child labour e.g. limitations on size and weight of heavy objects.
- Amend Article 153¹ of the Criminal Code *addressing “involvement in forced labour”* and renumber Article 153¹ to Article 153³.
 - Amend Article 153² of the Criminal Code *addressing “non-conformity with age established for employment caused negligently grave consequences”*.
- Increase the number of staff in the State Supervision Service in Labour, Employment and Social Protection of the Ministry of Labour and Social Protection of the population in the regions, cities, and districts.
 - Train staff of law enforcement agencies and judiciary on TIP, forced labour, and child labour in order to improve the efficiency of criminal prosecution and protect the rights of VOTs.
- Conduct awareness campaigns on forced labour with the cooperation of the media.
- Reprimand and prosecute person(s) suspected of violating the laws pertaining to forced child labour.

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BACK COVER (FROM UPPER LEFT TO RIGHT):

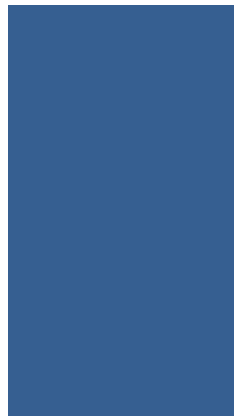
1. PHOTO BY IOM, COTTON PLANT IN HAMADONI DISTRICT, KHATLON REGION
2. PHOTO BY NGO F, TAKEN DURING A MONITORING VISIT IN KHATLON REGION
3. PHOTO BY IOM, TAKEN DURING AN IOM/GOVERNMENT JOINT MONITORING VISIT IN SPITAMEN DISTRICT, SUGHD REGION DEPICTING MOBILIZATION OF JAMOAT GOVERNMENT EMPLOYEES TO THE COTTON FIELDS
4. PHOTO BY NGO C, TAKEN DURING A MONITORING VISIT IN SUGHD REGION
5. PHOTO BY LOCAL NGO, TAKEN IN SUGHD REGION
6. PHOTO BY IOM, TAKEN IN ZAFAROBOD DISTRICT, SUGHD REGION DEPICTING THE WEIGHING OF HARVESTED COTTON BY THE KILOGRAM
7. PHOTO BY IOM, TAKEN IN ZAFAROBOD DISTRICT, SUGHD REGION
8. PHOTO BY IOM, TAKEN IN KUMSANGIR DISTRICT, KHATLON REGION
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