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Fifteenth sitting, 12 June 2023, 10.05 a.m.

Quinzième séance, 12 juin 2023, 10 h 05

Decimoquinta sesión, 12 de junio de 2023, 10.05 horas

Chairperson: Mr Leemans

Président: M. Leemans

Presidente: Sr. Leemans

Work of the Committee

PVs 6, 7, 8, and 9 are adopted, as amended.

Travaux de la Commission

La commission a adopté les PV 6, 7, 8 et 9, tels qu'amendés

Trabajos de la Comisión

Las actas 6, 7, 8 y 9 se adoptaron en su tenor modificado.

Discussion of individual cases (*cont.*)
Discussion des cas individuels (*suite*)
Discusión de los casos individuales (*cont.*)

Turkmenistan (ratification: 1997)

Abolition of Forced Labour Convention, 1957 (No. 105)
Convention (nº 105) sur l'abolition du travail forcé, 1957
Convenio sobre la abolición del trabajo forzoso, 1957 (núm. 105)

Chairperson – Today we have a well-planned agenda, with the discussion of the following cases: Turkmenistan on Convention No. 105, followed by Armenia for Convention No. 122, then we will have the Netherlands – Sint Maarten for Convention No. 87 and that is followed by Cameroon for Convention No. 122.

I would also like to inform you, that the period for the reception of amendments for the following verbatim PVs is now over: PV6 concerning Cambodia on Convention No. 105, PV7 concerning Indonesia on Convention No. 98, PV8 concerning Italy on Convention No. 81 and 129 and PV9 concerning Liberia on Convention No. 87.

(PVs 6, 7, 8, and 9 are adopted, as amended.)

For your information, the verbatim PV12 concerning Gabon on the Maritime Labour Convention, 2006, is now available on the Committee's web page and the Committee members may submit amendments to their own statement appearing in this verbatim PV to the Committee secretariat by tomorrow, Tuesday 13 June at 6.30 p.m.

I first have to apologize as the Chair of this Committee's presence is needed in another important meeting in this Conference and so, this morning you will have to do with me as Vice-Chairperson – I will take over his place, but I look forward to having a very cooperative discussion with you all on the respective items we will cover this morning.

I will pass through a number of remarks on the list of speakers before we move to the first item in our agenda. Let me please remind you that to allow efficient time management,

delegates are requested to register on the list of speakers as early as possible and at least 24 hours before the examination of each item on the Committee's agenda.

Delegates who are registered in the Committee should request their inclusion on the list of speakers by filling in the relevant form. In this regard, please note that requests for registration on the list of speakers made when the discussion of an individual case has already started will not be accepted, so, please do it before we start the discussion of that specific case.

I would also kindly remind you that delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure, and statements should be relevant to the subject under discussion and should avoid references to extraneous matters. It is my responsibility as Chairperson of this Committee to ensure that the rules of decorum are respected, but I hope that I will get some assistance from the secretariat to do so.

In addition, I would also like to stress that during the Committee sittings, filming is not allowed and delegates should not take photos of delegations other than their own and it is also not allowed to send live tweets or to publish online extracts of the Committee sittings.

I would also like to recall the speaking time limits adopted by the Committee for the examination of the individual cases. These times are as follows: 15 minutes for the Governments whose case is being discussed; 10 minutes for the Employer and Worker spokespersons; 10 minutes for the Employer and Worker members respectively from the country concerned – to be divided between different speakers of each group eventually; 7 minutes for the Government groups; 5 minutes for the other members; 15 minutes then for the concluding remarks by the Government whose case is being discussed and 10 minutes for the concluding remarks by the spokespersons of the Workers' and of the Employers' groups.

In this regard, I would like to inform you or to recall all delegates that Officers of the Committee have decided that if there are more than 17 speakers registered at the beginning of a case, on the speakers list for the discussion of an individual case, speaking times will be automatically reduced from 5 to 3 minutes as indicated in paragraph 14 of Document D.1.

You all know that interpreters are vital to the work of the Committee and we all recognize the interpreters and the quality of their work during our discussion. In order to assist their work, please, you are invited to send your statement by email to the following address: caninterpreters@ilo.org. I would also like to insist on the importance for delegates to speak at a reasonable speed, not to speed up when they speak while making their statements.

So, we move now to the individual cases and the first case on the agenda is Turkmenistan on the Abolition of Forced Labour Convention, 1957 (No. 105). I verified we have 15 speakers registered, so there will be no reduction of speaking time as I mentioned earlier.

Government representative (Mr HALJANOV) – Dear Mr Vice-Chair, dear members of the Committee, dear colleagues, ladies and gentlemen, having studied in detail the criteria for selection of cases, I would like to note that Turkmenistan adheres to their principles. In particular, as a Member of the ILO, in its policy, Turkmenistan is committed to creating conditions for decent work and social justice for all, including the prevention and elimination of the risks of forced labour, in particular in the cotton industry, to confirm its adherence to the standards set forth in the Convention. This is evidenced by the ongoing active cooperation with the ILO, including the improvement of legislative and regulatory legal acts, regulating issues of labour, employment and social protection of the population. My delegation studied the report of the Committee of Experts to the 111th Session of the Conference in terms of the implementation of the provisions of the above-mentioned Convention. In our opinion, the conclusions of the Committee of Experts are based on the information received from

unverified sources which includes a biased opinion on the situation in the country. Unfortunately, specific arguments from the state bodies are not taken into account. Turkmenistan was heard in the Committee in 2021 during the 109th online Session on the implementation of the provisions of the Convention during which Turkmenistan accepted the recommendation to invite a high-level mission of the ILO to provide technical assistance. The terms of objectives of the mission were discussed by the Government of Turkmenistan and the ILO, which resulted in a visit to Ashgabat in February 2022.

I would also like to inform you about the high-level ILO mission visit to Turkmenistan in September 2022, during which issues related to the analysis of legislation as well as the preparation of the second phase of the mission were discussed. During the next mission in November 2022, the issue of the draft Roadmap for Cooperation with the ILO for 2023 was considered. At the same time, during this visit, field visits were organized in two regions of the country with the participation of representatives of state bodies and local governments. It should be noted that during the regular ILO mission in March of this year, the activities provided for by the Roadmap were considered. During the mission, various meetings were held with the participation of the representatives of the Parliament of Turkmenistan, members of ministries and respective governmental bodies including the National Trade Union Centre of Turkmenistan and the Union of Industrialists and Entrepreneurs of Turkmenistan.

The result of the joint work was the adoption in March 2023 of the Roadmap for Cooperation between the ILO and the Government of Turkmenistan for 2023. This Roadmap includes the following activities: completion of a complete list of activities for the components of the draft concept note "Promoting fair employment during the cotton harvest in Turkmenistan"; follow-up action on the results of the ILO review of Turkmenistan's legislation; situation analysis on recruitment for cotton picking; regulation of seasonal work and contractual arrangements; technical assistance to improve labour inspection; the ILO-

Turkmenistan review of the 2023 cotton harvest; and enhancing the dialogue between Turkmenistan and the ILO. Here I would like to refer to the issues raised by the Committee of Experts and provide the following information.

Regarding the review of the policy and administrative structure governing the cotton harvest, I would like to note that taking into account the recommendations of the ILO presented in the review of the legislation of Turkmenistan on prevention and prohibition of forced labour, the Parliament, the ministries and the departments concerned and also the social partners represented by the National Trade Union Centre of Turkmenistan and the Union of Industrialists and Entrepreneurs of Turkmenistan have carried out an analysis of the current legislation and regulatory framework with regard to the application of the standards contained in the Convention. Based on the results of the analysis, relevant ministries and departments of the country have drafted Bills to amend and supplement relevant legislations.

It should be noted that in March 2023, regular elections of deputies to the Parliament of the new convocation were held and the composition of its committees were determined. Consideration is currently being given to submitting the Bills to the working groups established by the relevant parliamentary committees. In particular, draft legislation has been prepared to introduce amendments and additions to the Labour Code of Turkmenistan and the law of Turkmenistan on "Employment of the Population" arising from the Convention which has been submitted for consideration by the working group of the Committee on Social Issues of the Parliament of Turkmenistan.

On the issue of improving labour inspection, we note that Turkmenistan previously provided information on the situation in the country with regard to labour inspection. Specifically, according to the labour legislation, State oversight and monitoring of compliance with Turkmenistan's labour and related legislation is carried out by the Ministry of Labour and

Social Protection of the Population of Turkmenistan; the main State service Turkmenistan “Turkmenstandartlary” and other state bodies active in the area of occupational safety; the Ministries and departments within the limits of their competence in relation to their subordinate enterprises; local state authorities and local government bodies; trade unions as well as technical and legal labour inspectorates under their authority. The institutions indicated above within the limits of their authority exercise supervision and control over compliance with the law and the application of measures of administrative responsibility in the manner prescribed by the legislation of Turkmenistan.

I would like to share the following data which reflects the effectiveness of the activities of control and supervision bodies by the legislation in the field of labour and employment. If in 2021, more than 3.6 thousand individuals, officials and legal entities were brought to administrative responsibility for violations of labour legislation and employment, including in the field of labour protection, then in 2022, their number decreased to 2.6 thousand individuals. At the same time in case of violations of the law in terms of the use of forced labour, those responsible for their admission may also be subject to administrative measures provided for in Article 304 of the Code of Administrative Offences of Turkmenistan. Consideration is currently being given to the expediency of Turkmenistan’s accession to the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Labour Inspection Convention, 1947 (No. 81) which have been submitted for discussion at the regular meeting of the Tripartite Commission for the Regulation of Social and Labour Relations. In this context, in early April 2023, the Minister of Labour and Social Protection hosted an online meeting of stakeholders with the international expert on international standards in Central Asia and Eastern Europe at the ILO. Emphasis was placed on an analysis for compliance of Turkmenistan’s legislation and law enforcement practices with the provisions of Conventions Nos 81 and 129 concerning labour inspection. In order to provide effective technical assistance from the ILO in improving labour

inspections and preparing relevant analysis, the international expert requested information on the questionnaire he had submitted to familiarize himself with the legal instruments regulating labour inspections as well as data on the actual situation regarding the functioning of labour inspections in Turkmenistan. Discussion of the information received is expected to be held in a tripartite format with the representative of the Minister of Labour and Social Protection and social partners represented by the National Trade Union Centre of Turkmenistan and the Union of Industrialists and Entrepreneurs of Turkmenistan.

On the promotion of full, productive and freely chosen employment in the cotton sector, work is currently under way with the ILO representatives on the implementation of Item 3 of the Roadmap for Cooperation between the ILO and the Government of Turkmenistan for 2023, on the situation analysis on recruitment for cotton picking, which includes a qualitative study on recruitment practices for the cotton harvest in Turkmenistan. The terms of reference for this study have been prepared, the main objectives of which are to understand the hiring practices and procedures used in the cotton industry and also to study cotton pickers' experience and perceptions of the hiring process, including the factors influencing their decision to work in the cotton fields. At the same time, the methodology and the process of conducting the study are being studied. In accordance with the terms of reference, there are plans to hire a national consultant who will begin work shortly on the involved study. I want to point out that the ILO mission is expected to arrive in Turkmenistan in early July this year to advise on the situation analysis on recruitment for cotton picking. The quantitative study is planned as a part of the household survey to assess the trends in the cotton harvest over the past five years. On 19 May 2023, an online meeting was held with the ILO representatives with the participation of the specialists from the State Statistics Committee on the issue of conducting quantitative and qualitative studies on the topic under consideration, at which

further steps to conduct the above studies were discussed, and these issues will also be considered during the forthcoming ILO mission in early July this year.

In accordance with Item 6 of the Roadmap – a review of Turkmenistan’s cotton harvest– a discussion is also taking place with ILO representatives on the Concept Note, the main purpose of which is to establish a joint mechanism to improve working conditions and prevent forced labour during Turkmenistan’s cotton harvest. The review includes visits to the cotton fields during the harvesting period to monitor working conditions systematically.

On the issue of improvement of cotton production and harvesting, it is worth mentioning the widespread use of the latest generations of cotton harvesters in the country’s agricultural sector, with little change in the area of cotton fields under cultivation and volume of cotton harvested which has contributed to the significant reduction in the rates of manual harvesting. At the same time, Turkmenistan is committed to its policy of creating conditions for decent work and social justice for all, including those engaged in the cotton harvest.

The number of used agricultural machinery in 2022 increased significantly compared to 2016, by 25 times. This indicates that Turkmenistan prioritizes policies for the use of mechanized cotton harvesting, including the training and education of machine operators.

On the issue of design and implementation of awareness-raising activities, it should be noted that Parliament is actively engaged in awareness-raising activities aimed at, inter alia, raising public awareness on the prevention and prohibition of forced labour. The activities conducted by the trade unions in the *etrap*s (districts) also include awareness-raising workshops involving stakeholders and civil society focused on national and local tripartite stakeholders and civil society, to ensure an open dialogue on the problems, frameworks, response mechanisms to resolve issues relating to fair employment of workers. For example, in 2021 and 2022, more than 200 awareness-raising meetings and round-table seminars were

held throughout the country on this issue with broad participation. 40 articles and publications were issued on the topic of legal regulation of labour relations in various sectors, including agriculture.

On the issue of promotion of social dialogue in cotton production and processing, I would like to note that as a party to the Tripartite Commission for the Regulation of Social and Labour Relations, the trade unions exercise public oversight and monitoring of the observance and the implementation of labour standards. Trade unions work systematically to assist the Government in implementing ILO Conventions and international labour standards.

The information provided indicates genuine progress in Turkmenistan on the issues considered during the current meeting. In this regard, the inclusion of Turkmenistan into the short list of countries does not correspond to the spirit of bilateral cooperation. That being said, we express hope for mutual understanding on the part of the Committee of Experts and their objective assessment of the current situation in my country. Turkmenistan, for its part, is always ready for dialogue and any technical assistance from the ILO.

Employer members – First of all, we would like to thank the Government of Turkmenistan for the written and oral information provided. What is at stake in this case is the compliance with another ILO fundamental Convention, namely Convention No. 105 on the Abolition of Forced Labour. From the outset, the Employer members wish to stress their deep commitment towards the eradication of forced labour and the great importance attached to the Convention. We are firmly convinced that no relevant stakeholder should turn a blind eye on any of such practices, especially if they are planned, conducted or tolerated by the central authorities. Moving to the procedural aspects, we note that Turkmenistan ratified the Convention in 1997. We also take note that between 2015 and 2022, six observations have been provided by the Committee of Experts on this case, highlighting the persistence of compliance issues.

The application of the Convention by Turkmenistan has been discussed three times in this tripartite setting, the last time in 2021. We are aware that the Government submitted written information in advance of the Conference, which we have taken into due consideration and on which I will come back later. Let me start with some contextual information on the country. Turkmenistan's economy is almost fully state-driven; the private sector remains small and closely regulated by the State. At the political level, in February 2022, after 17 years in power, the Prime Minister announced preliminary elections. These resulted in the election of the exiting Prime Minister's son as leader of the country. Several media reported that no election since the country became independent in 1991 has been genuinely competitive. It is also reported that civil and political rights are highly denied in practice, leaving no space to opposition to develop. According to the 2023 observations by the Committee of Experts regarding Turkmenistan's implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), doubts have been raised regarding the independence of the trade union movement and there appear to be significant legal restrictions of the autonomy of employers' and workers' organizations in the country.

Turning to the legal issues, in its 2022 observations, the Committee of Experts highlighted several aspects entailing a violation of the Convention by Turkmenistan, notably of Article 1(b) of the Convention on using forced or compulsory labour as a method of mobilizing and for purposing of economic development. We note that, in 2021, the Committee of Experts had noted with deep concern the continued practice of forced labour in the cotton sector and had urged the Government to take measures to ensure that no one is forced to work for the state-sponsored cotton harvest.

With a view to implementing the conclusions of the Committee of 2021, a two-phase ILO high-level mission took place in Turkmenistan throughout 2022. The high-level mission also undertook visits to Mary and Lebap provinces, during which it met with the regional authorities

and visited the cotton fields. The main outcome of the high-level mission was an agreement on a draft Roadmap for Cooperation between the ILO and the Government for 2023, with a focus on the cotton harvesting sector. The Employer members note that the Roadmap provides for the elaboration of activities in a series of areas, including revision of legislative, policy and administrative frameworks; strengthening of labour inspection; conduct of situational assessment and analysis; and enhancement of social dialogue. As a follow-up, an ILO technical mission took place in Turkmenistan in March 2023 to support the implementation of the activities identified in the Roadmap, while the next ILO technical mission is scheduled for 3 to 7 July 2023.

However, the Employer members also take note of the observations formulated by the International Trade Union Confederation (ITUC) in 2022, alleging: first of all, the continued recourse by the State to the use of forced labour in picking cotton; secondly, the poor conditions and abusive practices which workers have been subjected to, notably during the 2021 harvest; as well as thirdly, the forced employment of the most vulnerable categories of workers, including migrants and students. Finally, we note that the Government, in its report, remarks that no allegation of the use of forced labour in the cotton sector has been reported to state bodies, judicial authorities, representative organizations of employers and workers, or the Ombudsman's Office. It is instead highlighted that the latter made recommendations to various ministries and other public authorities to strengthen monitoring to prevent forced labour. In its written information, the Government also highlights the ILO mission to Turkmenistan of this year and the Roadmap for Cooperation between the ILO and the Government. We take note that the Roadmap focuses on six activities and some efforts have been made towards completing these activities.

The Employer members are clear on their position regarding forced labour and the Convention, we cannot tolerate any of such practices. Forced labour becomes even more

intolerable when it emanates from the Government or other central authorities and is specifically designed to serve the economic development of the State. In this regard, we note with interest the steps taken by the Government to address the issues raised in collaboration with the Office. Encouraging steps forward have been the 2022 high-level mission, which led to an agreed Roadmap, as well as the further Government's commitment to such collaboration, as signaled by the ILO technical mission scheduled for July this year. We trust that more concrete action will follow. In light of these developments, the Employer members request the Government of Turkmenistan to pursue its efforts to ensure the complete elimination of the use of compulsory labour of public and private sector workers, as well as students in cotton production.

We also encourage the Government to continue engaging in cooperation with the ILO within the framework of the Roadmap for Cooperation between the ILO and the Government. In this context, we would stress the importance of the involvement of fully independent and autonomous employers' and workers' organizations for a sustained and proper application of the Convention in practice. We request the Government to provide information on concrete measures taken, including on the activities indicated in the Roadmap. We look forward to hearing the views of the other groups on this case.

Worker members – We have already discussed the case of Turkmenistan twice before in our Committee, in 2016 and again in 2021. Following the last review, a high-level ILO mission visited the country in 2022 with a view to reaching agreement on the parameters of a development cooperation project and immediate activities for cooperation between the ILO and the Turkmen constituents.

At the end of that mission, an agreement was reached on a draft Roadmap for Cooperation for 2023 between the ILO and the Government. This Roadmap provides for the

development of activities in various fields, such as the review of the policy and administrative framework governing the cotton harvest, the improvement of labour inspection and law enforcement, the promotion of full, productive and freely chosen employment in the cotton sector, the improvement of cotton production and harvesting, the design and implementation of awareness-raising activities and the promotion of social dialogue in cotton production.

The Roadmap also includes activities aimed at:

- the improvement of the legislative framework for the prevention and prohibition of forced labour;
- the undertaking of a situation analysis on recruitment for cotton picking;
- the improvement of the regulation of seasonal work in agriculture and contractual arrangements;
- the improvement of labour inspection to strengthen oversight;
- the undertaking of field visits during the 2023 cotton harvest; and
- the further enhancement of dialogue between the ILO and the Government.

it will be essential to start work as soon as possible on these various areas of activity. We regret however, that this process did not involve tripartite constituencies of this Organization as we had hoped for when we discussed the case in 2021. We also regret that, despite the many initiatives put in place following the recommendations made by our Commission to Turkmenistan, forced labour practices in cotton production are nevertheless still prevalent on a massive scale in the country.

In 2021, we reported on the institutionalized nature of these practices in Turkmenistan. The persistence of this phenomenon demonstrates the difficulties faced by the Government in putting an end to it. We can only join the Committee of Experts in expressing our deep concern

at the continuation of these practices. The Government of Turkmenistan continues to be accused of serious breaches.

Forced labour in cotton harvesting, and likewise in silk harvesting, is organized by the Turkmen authorities. This system is implemented directly by the State, which produces cotton production quotas centrally and uses local administrators to force farmers to grow cotton and local populations to harvest it, all under the threat of penalty. The authorities are thus creating an environment conducive to abuse throughout the country's cotton and silk production chain.

Many workers are forcibly mobilized for the cotton and silk harvests and forced to give up their jobs. Many students, some of them very young, are also requisitioned.

Public sector employees constitute the main workforce to pick cotton, especially at the initial stage. Women are especially vulnerable in this situation, since they constitute the majority of the lower-paid public sector workforce involved in the cotton harvest. During the 2021 harvest, authorities also mobilized other vulnerable segments of the population, including migrant workers, people receiving treatment for addiction and people accused of prostitution or of alimony delinquency.

This forced mobilization leads some workers to pay a replacement or even send their own children to work in the cotton or silk fields. We understand that while child labour was not directly organized by the State, it nonetheless still exists, driven by both poverty and the current forced labour system. As well as being forcibly mobilized, these workers and students must often work without decent or adequate healthy and safe working conditions. They are subjected to pressure and threats. They are forced to work excessively long hours and are denied personal protective equipment.

Article 1 of the Convention provides that ratifying Member States undertake to suppress and not to make use of any form of forced or compulsory labour, particularly as a method of mobilizing labour for purposes of economic development.

However, section 7 of the Act on the legal regime governing emergencies of 1990 allows the State and government authorities to mobilize the workforce for the purposes of economic development and to prevent emergencies.

Under article 19 of the Labour Code, an employer may in cases specified by law, require a worker to undertake work which is not associated with his or her employment. This provision is likely to allow abuses of concern in the examination of the Convention. Even though Turkmen legislation also contains provisions prohibiting the use of forced labour, it is clear that these legal provisions remain purely and simply a dead letter in practice.

Moreover, the lack of press freedom and the non-existence of independent trade unions in Turkmenistan makes it very difficult to monitor the practical application of these laws. The Government has even never acknowledged the existence of widespread, state-sponsored forced labour practices in the cotton and silk industries.

Despite the Government's efforts to keep it hidden, independent monitors were able to document systemic, government-mobilized forced labour in the agricultural sector of Turkmenistan, not just in cotton, but in silk production as well. Gaspar Matalayev was sentenced to three years imprisonment in October 2016 for his attempt to report the working conditions in cotton fields and was made to serve the entirety of his term. The warrant for his arrest was issued just a few months after the Committee examined the issue of forced labour in Turkmenistan for the first time. Those who report on labour exploitation continue to be punished.

It appears from the ITUC's latest observations in 2022, which are based on independent reports, that the forced mobilization of workers in many sectors of activity continued during the 2021 harvest. We are aware of similar reports about the 2022 harvest which confirm that forced labour practices still persist.

Other international bodies have also made the same observations and are concerned about the situation in the country, notably the United Nations Committee on Economic, Social and Cultural Rights and the United Nations Human Rights Council. The involvement of these bodies in the case of Turkmenistan also testifies to the lack of respect for many fundamental rights in the country.

Of course, the establishment of the Roadmap following the high-level mission is a good thing. It demonstrates the intentions of the Government to work with the ILO, an important and necessary step toward ending the practice of forced labour. However, the Government must ensure that this process is credible and transparent, by allowing monitors, independent journalists and human rights defenders to document and report concerns about the use of forced labour without fear of reprisals. It also needs to involve constituencies of this house. Otherwise, we take the risk that the effective implementation of the many projects it contains will not address the core of issues.

It is insufficient to simply adjust the cotton production system without solutions grounded in a rights-based approach for the farmers and workers in that system. Lasting and robust solutions to state-imposed forced labour require enabling the exercise of labour rights and civil rights, including freedom of association, assembly, and collective bargaining. The success of such an approach will depend on the guarantee of genuine trade union freedom, the involvement of independent trade unions and the freedom of action of civil society organizations.

Interpretation from Russian: **Employer member, Turkmenistan (Ms HUDIKOVA)** – I would also like to comment on the recommendations of the Committee of Experts, in particular, with reference to the implementation by Turkmenistan of the Convention. We should note that cotton cultivation in our country is an age-old activity. Indeed, in our agricultural sector, we have tenant farmers, farmers who own their land and private homesteads. They are given privileges and compensation from the State. This makes it possible for them to manage effectively, profitably and independently their business. I therefore cannot agree with the idea that private agricultural businesses are compelled to grow cotton and to enter into agreements to that effect. Here I would like to note the following:

- cotton cultivation in our country is profitable. Yes, we have a state order for cotton, but that's very interesting for businesses to be involved in. Why is it so profitable? Well, they get loans for ten years, with an Annual Percentage Rate (APR) of 1 per cent which allows them to acquire equipment and they are able therefore to invest in their business. At present more than 3,000 pieces of John Deere equipment have been purchased, in other words tractors, and we are also working allowing people now to purchase agricultural machines "Case" and "CLAAS";
- secondly, they are exempt from all taxes and fees if they are involved in cotton cultivation;
- further, if you are involved in the cultivation of wheat, cotton, and other agricultural products, again you do not have to pay the lease fees;
- another point is that excess production over the State quota can be used as you wish.

At present in Turkmenistan, we have more than 500 peasant farmer associations. 35 per cent of them have already moved into the private sector, and by 2025 they will all be in the private sector. As it has been said before, in our country, businesses are considered as being very important. Businesses invest a lot in its lands to enrich the soil when it comes to

cultivation. We must bear in mind the fact that people who want to make profits are clearly going to do what is in their own interests and they have no need then to have recourse to any kind of forced labour. It is in everyone's interest to be involved in cotton cultivation. I myself, am a regional leader within the Union of Industrialists and Entrepreneurs of Turkmenistan, and I can tell you with certainty that at all stages of cotton cultivation and harvest, there is no use of forced labour whatsoever.

The Union of Industrialists and Entrepreneurs of Turkmenistan brings together an enormous number of private employers within our country. In the course of any given year, we look at thousands of complaints that come to us. However, we have never received one complaint of forced labour in cotton companies and in any kind of cotton trading posts. We have never received any such complaint, neither within our union nor in terms of the authorities in our country. I would like therefore to note that there are unofficial sources on the alleged use of forced labour by cotton companies and we are willing to look at them on a case-by-case basis if we have objective and concrete information submitted in the appropriate form. We respect the opinion expressed by the Committee of Experts, but we do call for our views and arguments to be taken into account. I would like to point out also, that our union is actively involved in a number of the events foreseen by the Roadmap for Cooperation between Turkmenistan and the ILO, which was referred to in the Government's report and that will include field visits.

*Interpretation from Russian: **Worker member, Turkmenistan, (Mr ATABERDIYEV) –***

As everybody knows, the unions of any country, in tackling the problems that the trade union movement shares around the world, work within its national circumstances. Each country has its own history, culture, specific structure of the State and structure within which it has economic development as well as spiritual traditions and social attitudes. Trade unions

cannot be set up or operate without taking these particular features into account because they, to a very great extent, determine the strategy for future development of the trade union movement in each individual country. The unions of Turkmenistan fully support the Convention, including its requirements to ensure the fundamental principles of decent work. We support tripartism and support social dialogue and the principles of social justice.

It is very important for us that in 2018, the Turkmen Parliament adopted a law on a tripartite committee to govern social and labour relations. In almost every state body and private enterprise there are collective agreements signed which regulate social and economic relations on the ground.

At the moment, the national union of Turkmenistan is focusing its work on the following fundamental areas: (i) further strengthening of our national economy through active support to businesses, organizations and enterprises, irrespective of their legal structure or status; (ii) improving implementation and monitoring of collective agreements; (iii) ensuring the rights of workers to decent work, which means having a job, having a decent salary, having healthy and safe working conditions, enjoying social protection and engaging in social dialogue.

Here we very actively support the far-reaching changes which are taking place at the moment in Turkmenistan. The position of Turkmen's unions has frequently been outlined in various international fora. Over the last few years, there has been a considerable increase in the role of trade unions in dealing with issues of labour protection at all levels. Technical and legal inspections carried out by the Labour Inspection Service of the unions in Turkmenistan has meant that specialists have monitored the way employers are complying with legal and other legal provisions to protect labour.

As far as the Convention is concerned, we strive to ensure decent working conditions without forced labour and without exploitation and we are working hard to cooperate with the

Government, with regional authorities and to ensure that they all comply with international labour standards. Measures taken by the unions to bring this about include checking that technical and legal inspection conclusions are being complied with. Furthermore, we protect the rights and interests of workers and inter alia by supporting workers when issues come to courts and there are legal proceedings.

We have not received any complaints about forced labour in our union offices, but nonetheless, we are still carrying out careful monitoring and we hold training courses, seminars and briefings for specialists in various areas and from various levels, including workers and employers in our agricultural sector. Most of the seminars at the moment are being held in the regions, together with the local authorities, and they involve the associations of peasant farmers which have been referred to often in the agricultural sector. In these, we involve the local authorities, the Government, the local employment service, the police force and other private and state structures.

We attach enormous importance to cooperation with the ILO in Turkmenistan and our cooperation with the Organization is increasing each year. We hold consultations with ILO representatives on various questions which are of mutual interest. Representatives of Turkmenistan's unions also participate actively in measures in defence which are organized within their framework and under the aegis of the ILO.

In March last year, high-level ILO representatives visited Turkmenistan and our unions participated actively in drawing up a Roadmap to prevent forced labour. That has been referred to in the statement just made by our Government's representative.

The social partners and unions have been working together and continue to on implementing this Roadmap. We have carried out analysis for example, of our existing legislation to see whether it is fully in accordance with the provisions of the Convention . At the

same time, we are working actively with our regional and local trade unions as well as local and regional authorities and other parties which have an interest in ensuring that we comply with international labour standards in all our economy and particularly in agriculture and in cotton farming.

In conclusion, let me say this, that Turkmen trade unions are actively involved in all the measures included in the Roadmap. We are cooperating with our Government and with the ILO this year as well, and we will continue to give support to the ILO in tackling this issue.

Government member, United States of America (Mr GERTSEN) – We thank the Government of Turkmenistan for providing additional information to this Committee in response to the recent observations of the Committee of Experts, as well as for accepting the high-level mission to Turkmenistan in November 2022.

We welcome that an agreement was reached on a Roadmap for Cooperation between the ILO and the Government in 2023, which focuses on six priority areas and includes activities on the improvement of the legislative framework for the prevention and prohibition of forced labour; the undertaking of a situation analysis on recruitment for cotton picking; improvement of the regulation of seasonal work in agriculture and contractual arrangements; improvement of labour inspection to strengthen oversight; monitoring by the ILO of the 2023 cotton harvest; as well as further enhancement of dialogue between the ILO and the Government.

We encourage the Government to continue to actively pursue its efforts to ensure the complete elimination of the use of compulsory labour in cotton production. We note with interest the Government's report that it has carried out an analysis of the current legislation and regulatory framework with regard to application of the standards contained in the Convention, and consideration is currently being given to submitting the Bills to the working groups established by the relevant parliamentary committees. We encourage the Government

to continue to work with the ILO to ensure revisions are fully in line with international labour standards.

We recall independent workers' representatives will be essential partners for building new legal and policy approaches to the cotton sector that eliminate the root causes of forced labour and urge the Government to amend provisions in the Trade Union Law and Law on Public Associations that enable the Government to exert undue control over union activities, including over the selection of trade union leadership.

We note with concern the continued reports of forced labour in the sector and policies that perpetuated the mobilization of workers for forced labour. We recall that the high-level mission's conclusions recognized persistent difficulties in openly discussing the existence or practices of compulsory labour in the cotton harvest and that many persons during the mission indicated the practice existed, albeit without direct or tangible proof of the extent due to limited access to cotton fields.

We encourage the Government to regularly make public, high-level policy statements condemning forced labour, specifically including forced labour in the cotton sector, and as part of awareness-raising activities under the Roadmap.

The United States remains committed in engaging with the Government to advance worker rights in Turkmenistan.

Worker member, Sweden (Ms DONOVAN) – I have the honour of speaking on behalf of the trade unions of the Nordic countries. Turkmenistan is discussed under the Convention today, but before I talk about that, I would like us to, for a minute, think about what we actually know about Turkmenistan. I assume not very much. There is a reason for that. Turkmenistan is a very closed country. The authorities exercise strict control over the flow of information and all media. Turkmenistan is a Central Asian country not far from here and cotton is grown and

harvested, at least partly, by forced labour, something that the Government consistently denies. The extreme limitations on free expression and association make it difficult to document and report anything that is going on within Turkmenistan. One thing we know is that people who have shared information with international media might be persecuted and some have received long prison sentences. But with that said, the consistency of reports about Turkmenistan year after year, including the last year, leave no room for doubt when it comes to the use of systemic, state-organized forced labour.

Turkmen News and the Turkmen Initiative for Human Rights conduct independently monitoring of the cotton harvest, compiling monitoring reports supported by additional documentary evidence. Their joint report indicates that tens of thousands of workers from various state bodies were mobilized during the 2021 harvest. The reports from 2022 harvest give the same grim picture. While denying forced labour, the State is continuing to mobilize workers in forced labour in violation of its commitments under the Convention and also under the National Action Plan for Human Rights in Turkmenistan for 2021-2025.

In fact, government authorities began forcibly mobilizing workers for the cotton harvest only four months after the Action Plan was signed in April 2021. A mere denial from the Government is far from enough. Given the lack of transparency, free media, independent trade unions, civil society organizations, and real freedom of association, Government reports are not credible. The Turkmenistan Government should stop the use of forced labour in the country and continue cooperating with the ILO but also with the social partners within the ILO.

The Government should guarantee freedom of association in Turkmenistan, including freedom for independent trade unions and civil society organizations. We know that forced labour flourishes when freedom of association is suppressed.

Worker member, United States of America (Mr GOTTWALD) – Since this Committee last discussed this case in 2019, independent monitors and news outlets have continued to document the systematic use of state-sponsored forced labour in all cotton-growing regions of Turkmenistan. Indeed, in some ways the 2022 harvest, the first presided over by President Serdar Berdimuhamedow, was worse than previous years given the political pressure to make his first harvest appear successful. An independent monitoring report noted that state employees were once again mobilized en masse and that some children were paid to work as “replacement pickers” by public employees. Alarming, the Government of Turkmenistan continues to deny the existence of forced labour in its annual cotton harvest. In 2022, the Government reported to the Committee of Experts that it had not received a single allegation of forced labour with regard to the last cotton harvest. This kind of blanket denial strains credulity and suggests to us the Government is ready to ignore what it does not want to see.

Indeed, the only way to solve the forced labour problem in Turkmenistan is for the Government to finally acknowledge the root causes of the problems and ensure Turkmen workers have the means to combat it with the fundamental tools of effective grievance and remedy mechanisms.

Accordingly, we call on the Government to fully implement the Roadmap negotiated with the ILO and to ensure full access for the high-level mission and independent civil society to the 2023 cotton harvest.

Interpretation from Russian: **Worker member, Russian Federation (Mr KRAVCHENKO)** – Chair, the report from the Committee of Experts this year is based on information from 2021. In an analysis of the real situation with reference to the Convention on the part of Turkmenistan, we base ourselves on more recent data, that is to say, data for 2022, submitted by independent, non-governmental organizations with reference to the cotton harvest in 2022.

We believe that this is convincing and representative information. We are grateful to the Government of Turkmenistan for the material submitted. The monitoring shows that practice of the use of different forms of forced labour in the cotton harvest continues on a massive and systemic scale. Large groups of public centre workers are sent to the cotton fields, including teachers, people from nurseries, schools, from health centres, from other kinds of state institutions and utilities. There is a lot of evidence from workers to the fact that in the course of this mobilization there are threats of people losing their jobs if they don't comply, losing part of their wages if they don't comply. Other restrictions are also used to force them to work on the cotton harvest. When it comes to the cotton harvest, those workers who stay in their regular jobs, tell us that they are compelled to pay part of the wages of the pickers and also to incur additional expenses relating to the cotton harvest. Experts provide information on the fact that government bodies establish quotas for cotton production and there are threats of penalties and fines as well as loss of land if you do not meet these quotas. As well as that, they establish the purchase price for the cotton unilaterally.

The working conditions under which mobilised pickers are forced to work, in our view, are also clear evidence of the coercive nature of recruitment. They work in open fields without shelter, they often do not have enough drinking water, and there are reports to the effect that they are obliged to pay for food, water, transport, and accommodation. They do not receive personal protective equipment for their work in the cotton fields when they are exposed to chemicals and fertilizers. The Government asserts that a lot of the manual work is now being done mechanically, but that is not confirmed by independent experts. When cotton is gathered by hand, it is of a higher quality and can be sold at a higher price. We also know that equipment is expensive, and that the very system itself means that certain public officials have financial interests in keeping the system going as it is right now.

We must note the fact that experts have noted the use of child labour in cotton production, although the specific mobilization of children is not noted. In interacting with the supervisory bodies of the ILO and other international organizations, the Government continues to deny the mass use of forced labour and one of the arguments that they put forward is that there are no complaints about this. However, in the country you do not have the conditions for there to be appropriate monitoring of the situation by the authorities. Nor do you have unions who could act in a way that could respond to any such complaints and cooperate with international organizations appropriately, in order to defend the conditions of workers.

We are, however, willing to look positively at the recent signing of the recent Roadmap between Turkmenistan and ILO. This is intended to eradicate forced labour in the country as you know, but sadly, we must note that the Government was prepared without the participation of the workers and without the expertise that the trade unions could have brought to bear on the situation.

We believe, however, that a number of the measures could have a significant impact on the situation, but if the changes are going to be real and irreversible, we need to ensure that the whole system of cotton production in Turkmenistan is brought into line with universal standards for the protection of rights of citizens and ensuring decent work for all at a decent wage. On behalf of the delegation of the workers of the Russian Federation, we call upon the Government of the Republic of Turkmenistan, to cooperate with the ILO on the issue of bringing their legislation into line with international standards, in particular with the provisions of the Convention. This work, as we see it, is essential, but it can only be successful if we see genuine implementation by the country of the core Conventions of the ILO and the fundamental rights of workers, foremost among them the right to freedom of association within the overall context in which the human rights of people in Turkmenistan are protected.

Worker member, Netherlands (Mr POSTMA) – Year after year during the cotton harvest, which takes place between August and December, the Turkmen Government forces tens of thousands of public sector workers to pick cotton or pay for replacement pickers under threat of penalty, including loss of employment, reduction of work hours or pay, and extorts money from the same workers to pay expenses related to the harvest. In Turkmenistan, harvesting cotton using forced labour is not an anomaly, but an integral part of a command system of agricultural production that drives both rural poverty and child labour. The system of state control and coercion is so entrenched that farmers plant according to State dictates, instead of the soil, water and climate conditions. To comply with the systems, farmers have been forced to plant crops before fields are ready or in places with inadequate irrigation, ensuring the crops will fail, while the farmers themselves remain at the mercy of the government authorities.

Forced labour of public sector employees to pick cotton is and was widespread and systematic in all regions that were monitored by independent researchers. Teachers, doctors, cultural workers and other civil servants reported mobilizations by mid-August. By December, despite temperatures below freezing, about 25 per cent of public sector employees were forced to pick cotton or pay for replacements during the week, and all employees were sent to the fields on the weekend. The Government continues to deny the use of forced labour in the cotton harvest. The recently signed Roadmap and intention to work with the ILO is an important and necessary step toward ending this practice. However, it is also insufficient to simply adjust the cotton production system without grounding solutions in a rights-based approach for farmers and workers in that system. When going for the eradication of forced labour and child labour, the exercise of fundamental labour rights like freedom of association and collective bargaining are key and indispensable.

When working on solutions, independent workers' organizations must be involved in the whole process. It cannot be the case that Government representatives of Turkmenistan

present plans to the ILO, without involving any of the social partners. As previous speakers said, we also urge the authorities from Turkmenistan to fully cooperate with and implement recommendations from the ILO Supervisory Mechanisms. Under the framework of ILO technical advice, the Government of Turkmenistan should establish, monitor and report on clear benchmarks to fulfill its obligations under all fundamental labour Conventions of the ILO.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) (Mr BUKETOV) – On behalf of the IUF, the Global Union of Agriculture Workers, I support the voiced earlier comments indicating that forced labour in Turkmenistan's cotton sector continues to be widespread and systematic. Each year during the cotton harvest, the Government forces tens of thousands of public and private sector workers to pick cotton, or pay a bribe, or hire a replacement worker to pick cotton instead of them. 2022 was no exception. Independent monitoring conducted during that cotton season found that the forced labour of public sector employees to pick cotton was widespread and systematic in all regions where it was monitored. Conducting this work in secret, the monitors put themselves at great personal risk. The Government takes extensive measures to prevent documentation and the cotton fields are under strict surveillance by the police and security services.

Workers in the fields faced difficult and sometimes abusive or dangerous working and living conditions to meet mandatory daily quotas of cotton. Their forced participation in the harvest was organized and enforced by the government. People are intimidated, publicly censured, and threatened with wage deductions and loss of jobs in order to ensure compliance. Poverty and the pressure to fulfil quotas leads to child labour, with children picking cotton alongside parents, or to earn money as replacement workers hired by people forced to pick.

We welcome the Turkmen Government's recent engagement with the ILO. But at the same time, the Government continues to publicly deny the use of forced labour in the harvest – most recently during its review by the UN Human Rights Committee in March 2023 – and to harass and attack anyone who dares to speak out about human and labour rights abuses. Long-lasting solutions to ending forced labour in Turkmenistan must be grounded in a rights-based approach for the farmers and workers in that system – and require the enabling of freedom of association, freedom of assembly, and freedom of collective bargaining. As it stands, in two months' time, tens of thousands of people will once again be forced to work in the fields, picking cotton under threat of punishment, under government orders. The 2022 independent monitoring findings show that the Government has not taken meaningful steps to eradicate this practice since the last review. Change is long-overdue.

We urge the Government to take urgent action to end the practice of state-sponsored forced labour in the cotton sector. The Government must enforce national laws that prohibit the use of forced and child labour; take action to hold officials to account for forcing citizens to work; and fully cooperate with and implement recommendations from UN treaty bodies, special procedures, and first of all ILO supervisory mechanisms. It must enable monitors, journalists, human rights organizations and labour rights defenders to operate freely and without the threat of reprisal, and allow workers to organize, form and join independent trade unions, and bargain collectively.

Government representative (Mr HALIANOV) – Allow me, on behalf of the governmental delegation of Turkmenistan, to express gratitude to the Committee for the work done and constructive dialogue, as well as to the delegations and Employer and Worker members for their statements addressed to Turkmenistan.

Here, of course, we have listened to so much information regarding Turkmenistan. We took note of some of them. Some delegations' approaches were very constructive and took into account the materials provided by Turkmenistan in the process of preparing this meeting.

As noted in the main speech of our delegation, a lot of work has been done and is being done to implement the norms of the Convention, not only at the level of legislation, but also in practice. In this context, I would like to once again urge the Worker members and Employer members to pay more careful attention to the Government's comments. Some of the information provided is basically untrue, even there was a concern of the democratic elections held in our country. I want to reassure that elections are being held in Turkmenistan with the active participation of international observers. The criticism of my country's leadership is unacceptable and unprofessional and should not be used at this event. We explicitly declare that the information about legalization of the forced cotton harvest by the State is unfounded and does not reflect the real situation on the ground. The policy of my country in this area is aimed at mechanization of the cotton harvest, as indicated in my main report.

All constructive proposals and recommendations of international experts in the context of the issue under consideration, will be carefully studied and analysed. On behalf of my Government, I want to note with confidence that we seek cooperation with the ILO on a systematic basis. The Roadmap of our partnership is solving the tasks of fulfilling the universally recognized norms of international law and is aimed at implementing a mechanism of improving both the legislative framework and its law enforcement practice.

This interaction can be carried out through technical cooperation on the implementation of the relevant Conventions in national legislation, awareness-raising, and capacity-building of specialists, as well as through a system for monitoring the

implementation of the provisions of the Convention using the mechanisms of tripartite cooperation.

After successful implementation of the short-term Roadmap for 2023, Turkmenistan will be ready to discuss the prospects for long-term cooperation and interaction with the ILO.

Worker members – We would like to thank the Turkmen Government representative for the information they provided during the discussion. We would also like to thank the speakers for their contributions. It is undeniable that Turkmenistan still uses forced labour on a massive scale to harvest cotton and silk. Please allow me to respond to a comment made by the Government representative regarding the supposedly unverified sources reporting practices of forced labour in the country. In a situation when there are no independent social partners, nor any genuine form of functioning civil society, we cannot consider information by the Government wholly credible. If the Government wishes to contest critical information provided by non-governmental sources and the ITUC and insists instead on its own alternative narrative of greater progress, we are compelled to ask why does it continue closed door policies? Why does it not engage with reputable global workers' organizations, or the media or with human rights groups? We share the Committee of Experts' deep concern at the persistence of forced labour practices and the poor working conditions of those forced to work in the cotton and silk sector, in clear violation of the Convention.

We request the Government to ensure the full implementation of the recommendations made following the review of its case by our Committee in 2021. The Government must also ensure that the implementation of the Roadmap is made in cooperation with the social partners and in a time-bound manner. In particular, it is essential that the Government takes all measures, in law and practice, to eliminate the use of forced labour by workers in the public and private sectors, as well as students, in particular by ensuring that the State of Emergency

Act, the Emergency Intervention Act, the Act on the preparation and implementation of mobilization in Turkmenistan, Article 7 of the Emergency Legal Regime Act 1990 and section 19 of the Labour Code cannot be used as legal bases for forced labour in cotton and silk fields. The Government must stop threatening those who fail to meet the quotas set by the authorities. It must also make public, high-level policy statements condemning forced labour, specifically including forced labour in the cotton sector and making clear that all work should be voluntary and fairly compensated. The pressure exerted on the authorities at all levels to meet these quotas leads to numerous abuses of which workers are the first victims.

The Government should act in accordance with the Convention and national legislation against the use of forced labour by issuing clear instructions on the prohibition of the use of forced labour and by prosecuting and punishing any civil servants who nevertheless resort to it. Strengthening labour inspection and law enforcement is essential if these practices are finally to be eradicated. The Government must work with the social partners to develop a national action plan to sustainably eliminate forced labour in the state-organized cotton and silk harvest. This plan must be time-bound and address the root causes of forced labour in agriculture. It will be essential for the Government to guarantee access to the cotton and silk fields for the social partners, monitors, independent journalists and human rights defenders who should be free to document and report their findings without fear of reprisals. It is further clear that the involvement of the social partners in the development and implementation of the Roadmap will require full recognition of trade union freedom in the country, so that the country's workers and employers can be represented. We expect that Turkmenistan implements all fundamental labour rights, especially the prohibition of the use of forced and child labour, freedom of association and the right to collective bargaining, in alignment with the ratified ILO Conventions. To guarantee the achievement of all these objectives, we invite the Government of Turkmenistan to continue to avail itself of the ongoing ILO technical

assistance and to accept the arrival of a high-level tripartite mission from the ILO, which must be given every facility to be able to carry out its mission.

Employer members – The Employer members would like to thank all the speakers who have taken the floor. In particular, we thank the Government of Turkmenistan for its intervention, as well as the oral and written information it provided, as it helps build a more comprehensive picture regarding the developments on the ground.

In closing, we would like to stress once again that the Employer members consider unacceptable, any forms of forced labour and other abusive practices amounting to forced labour. Notably, when they target the most vulnerable categories of society and are orchestrated by central authorities. Our position aligns in this regard with that of the Committee of Experts, the Office and the Worker members. While we welcome the efforts undertaken to address the issues raised by the Committee of Experts in 2022, in particular the collaboration started with the ILO, we also take note of reports of continued recourse to practices of forced labour by the State in the cotton harvesting sector. In light of the discussion we have had on this case in this Committee, the Employer members request – even urge – the Government to first of all, pursue its efforts to ensure the complete elimination of the use of compulsory labour of public and private sector workers, as well as students in cotton production. Secondly, continue engaging in cooperation with the ILO and independent social partners, to ensure the full application of the Convention in practice, including within the framework of the Roadmap for Cooperation between the ILO and the Government. Thirdly, and lastly, provide information on concrete measures taken in this respect, including on all activities indicated in the Roadmap.

We trust that the Government will implement such recommendations in a timely manner, to achieve full compliance with the Convention, both in law and practice.

Chairperson – We have now concluded the discussion of the case. The conclusions will be adopted on Thursday, 15 June in the morning.

The sitting was suspended at 11.30 a.m.

La séance est suspendue à 11 h 30.

Se suspende la sesión a las 11.30 horas.