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**Sixth sitting, 8 June 2021, 1 p.m.****Sixième séance, 8 juin 2021, 13 heures****Sexta sesión, 8 de junio de 2021, 13 horas**

Chairperson: Ms Mvondo

Présidente: M<sup>me</sup> Mvondo

Presidenta: Sra. Mvondo

**Work of the Committee***PV – Discussion on the General Survey was adopted, as amended.***Travaux de la commission***La commission a adopté le PV relatif à la discussion de l'étude d'ensemble, tel qu'amendé.***Trabajos de la Comisión***El acta de la discusión del Estudio General se adoptó en su tenor modificado.*

**Présidente** – Notre séance, comme annoncé dans le programme de travail de notre commission, sera consacrée à l'examen de deux cas individuels: le Turkménistan, pour l'application de la convention (n° 105) sur l'abolition du travail forcé, 1957; et le Zimbabwe, pour l'application de la convention (n° 105) sur l'abolition du travail forcé.

Avant de donner la parole au représentant gouvernemental du Turkménistan, et pour que nos discussions puissent se dérouler dans les meilleures conditions possibles, j'aimerais souligner une nouvelle fois l'importance d'envoyer la copie électronique de vos discours à: [standardsinterpret@ilo.org](mailto:standardsinterpret@ilo.org).

Une nouvelle fois, je vous rappelle qu'il est important pour le bon déroulement de nos travaux que l'inscription sur la liste des orateurs se fasse 24 heures à l'avance. Par ailleurs, dès lors que la discussion sur un cas aura commencé, nous ne serons plus en mesure d'enregistrer de nouveaux orateurs.

En prélude à la discussion de son cas cet après-midi, le gouvernement du Turkménistan a envoyé des informations écrites. Ces informations se trouvent dans la section «Discussion des cas individuels» de la page Web de la commission.

À la lumière du nombre d'orateurs inscrits pour cette discussion, et comme prévu dans les méthodes de travail, le bureau de la commission a décidé de réduire les temps de parole à deux minutes pour les délégués intervenant à titre individuel.

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

**Turkménistan (ratification: 1997)**

[Abolition of Forced Labour Convention, 1957 \(No. 105\)](#)  
[Convention \(n° 105\) sur l'abolition du travail forcé, 1957](#)  
[Convenio sobre la abolición del trabajo forzoso, 1957 \(núm. 105\)](#)

*Interpretation from Russian:* **Government representative, Minister of Labour and**

**Social Protection of Population (Mr SYLAPOV)** – The Government of Turkmenistan, having carefully studied the Addendum to the report of the Committee of Experts and the comments of the International Trade Union Confederation (ITUC) on the use of forced labour by the State in the cotton harvest, would like to provide the Committee

with information on the main elements of policy in Turkmenistan to implement the provisions of the Convention.

First of all, I would like to inform you that, in May of this year, Turkmenistan provided additional information at the request of the international workers' and employers' organizations highlighting the situation of the country's cotton industry.

In its additional information, the Government responded in detail to the comments. In this regard, let me draw your attention to some economic indicators in the cotton industry. In particular, the export of cotton and textiles in 2020 amounted to only 1 per cent of the country's GDP, while in 2015 this figure was 1.8 per cent. These indicators reflect the prevailing use of cotton products on the domestic market, resulting from the creation of new products – both in the agricultural and textile industries, medical and food industries, and other sectors of the economy. This, in turn, contributes to the creation of additional jobs, both in the public and private sectors of the economy.

The widespread use of the latest generation of cotton harvesters in the country's agricultural sector, with little change in the area of cotton harvested, and the volume of harvest, made it possible to reduce the rates of manual harvesting from 71 per cent in 2015 to 28 per cent in 2020. The above data indicates clearly that the Government of Turkmenistan is taking effective measures to reduce the manual picking of cotton, and that there is no need to involve mass human resources in this process.

Further, on the issue of mobilizing the population and using the labour force for the needs of economic development, I would like to note that the 1990 Act on the Legal Regime governing the State of Emergency was superseded by the State of Emergency Act in 2013. However, neither of these Acts of 1990 and 2013, nor the Act on Emergency Situations, as amended from 2021, provides the concept of needs of economic

development nor does it provide for the mobilization of the population to these ends, which is again noted in the comments of the Committee of Experts.

Turkmenistan, being a Member of the ILO since 1993, in its policy is committed to creating conditions for decent work and social justice for all. This is confirmed by the ratification by Turkmenistan of the United Nations (UN) Conventions on human rights, and the fundamental and technical Conventions of the ILO. The implementation of the Conventions is provided for in the first instance by the Constitution of the country in its new draft, which provides for the prevention of forced labour and the worst forms of child labour. The signing on 14 March 2020 between the Government of Turkmenistan and the UN of the Partnership Framework for Development for 2021–25, should be noted. The implementation of this programme provides for the participation of a significant number of UN organizations, including the ILO, in key strategic areas of cooperation.

The new Action Plan of Turkmenistan on Human Rights for 2021–25, approved by decree from the President of Turkmenistan on 16 April 2021, has a chapter on social, economic and cultural rights, including a section on freedom of labour that includes measures aimed at developing cooperation with the ILO to prevent forced labour, developing measures to prevent the use of forced labour, including by ensuring compliance with legislation and strengthening controls over its implementation, ensuring the comprehensive implementation of programmes to improve the employment sector in Turkmenistan, especially in order to ensure the maximum level of employment of persons with disabilities, improving legislation prohibiting forced labour, protecting the rights of workers to join trade unions, bringing trade-union legislation into line with the provisions of the UN International Covenant on Economic, Social and Cultural Rights, and ensuring that employers who violate labour legislation with regard

to compliance with labour safety rules are effectively brought to responsibility, including for compensation for injured workers.

The new plan was developed in light of the concluding remarks to the Government after the review of its national reports to the UN treaty bodies, the universal periodic review and the ILO's 2016 recommendations.

A further national document that lays the foundations for our cooperation with the ILO on issues of mutual interest is the plan for cooperation with international organizations for 2021–23, approved by decree by the President of Turkmenistan on 30 April 2021. One element of this plan involves the introduction of a new form of partnership with the ILO, namely through the development of annual cooperation on specific topics.

One example of successful cooperation is the implementation of annual work plans and projects with UN agencies and other international organizations.

The cotton industry can be one of the main areas for further cooperation within this programme, where we can establish measures to further compliance with international labour standards. Further, in the part of the plan on strengthening the legal framework for cooperation with international organizations, there is a provision to consider the joining of international Conventions and multilateral agreements, including ILO international instruments. Our focus will be on ratifying ILO labour inspection Conventions.

Representatives of the private sector at the international level have already had experience in being able to assess the situation under discussion. In line with ILO recommendations provided between 2016 and 2020, inspection visits to the cotton fields of Turkmenistan were organized for representatives of consulting groups at the request of major companies among the main buyers of Turkmen cotton.

Following these visits, reports were prepared for interested parties, the visits were carried out during the cotton season when the workers themselves were in the fields, and during these visits no violations or irregularities were found, and those present clearly were able to establish that there was no practice of using forced labour.

All this reflects the Government's desire to conduct an open and trusting dialogue with its partners. In this regard, the Government of Turkmenistan would like to express its willingness to cooperate with the ILO going forward. In addition, we have already had preliminary discussions with the ILO Office in Moscow and the Office of the UN Coordinator in Turkmenistan on forms of cooperation on issues relating to cotton, and it was proposed to involve international financial institutions in these discussions.

Further, I would like to respond to the recommendations relating to the application in law in the context of relations between different stakeholders in the agricultural sector. Currently, work is being done to improve procedures for concluding contracts between local executive authorities and local self-governing bodies, as well as agricultural producers and persons involved in the cotton harvest.

In conclusion, I would like to say that Turkmenistan is open to receiving further technical assistance from the ILO and, for its part, will take specific measures to ensure the full application of the provisions of the international treaties. At the same time, we can further develop cooperation and reach agreement in the near future.

**Employer members** – This fourth “double-footnoted” case in the agenda with the Committee relates to another fundamental Convention, No. 105, ratified by the Government of Turkmenistan in 1997. Convention No. 105, together with the Forced Labour Convention, 1930 (No. 29), respectively ratified by 176 and 179 countries, are of crucial importance for the abolition of all forced labour practices in all countries and under all jurisdictions.

The Employer members are highly involved and committed towards the eradication of forced labour. We cannot turn a blind eye on any form of forced labour especially if they are planned, conducted or tolerated by the central authorities.

This is the second time the Committee discusses Turkmenistan's application in law and practice of this Convention. The first discussion of these issues took place in 2016.

The Government of Turkmenistan has provided the Committee of Experts' with its report on Convention No. 105 in due time. It has also provided the submission to the Committee that we read with interest. We thank the Government for this additional information.

The Employer members deplore the fact that a second discussion in this forum is necessary to drive further change. At the same time, we want to emphasize the positive attitude of the Government, deriving both from the statement we have just heard and from the written submission. This is what the Committee represents – a forum for dialogue and a precursor of improvements.

Now, moving to the core of this case. The case refers to practices of forced labour in cotton production which affects employees of a wide range of private and public sector institutions, under threats of punishment for the lack of fulfilment of production quotas. Punishment includes wage cuts, providing a replacement worker or other forms of harassment. The Committee of Experts' observation reports of those practices by quoting different sources of information including: the ILO technical and advisory mission of September 2016; ITUC submissions from 2019 and 2020; the UN Committee on the Economic Social and Cultural Rights observation of October 2018; and the stakeholder submission of February 2018 to the UN Humans Rights Council for the universal and periodic review.

On the other side, the Government denies existence of such practices. In its written submission, it says “the observations of the ITUC of the widespread use by the State of forced labour in cotton harvesting are groundless and do not reflect the real situation, and most importantly, recent achievements in law and practice aimed at: (1) preventing forced labour in general and, in particular, in cotton harvesting; (2) the mechanization of cotton harvesting to reduce manual harvesting. Information on ongoing work on both dimensions is provided below”. This contradictory information is not helpful for the discussion and it is clearly adding a layer of difficulty to the open and frank debate we aim at in this forum.

So let us focus on the positive changes reported by the Government in its submission and, as we heard, in the presentation just recently. The first relevant change is legislative advancements, since forced labour and the worst forms of child labour are now prohibited under the Constitution, which was modified in 2016.

The second point referred to the adoption of the National Action Plan on Human Rights for the period 2021–25 in April of this year, that foresees measures aimed at improving the legislation on the prohibition of forced labour and establishing a cooperation with the ILO on the issue of preventing forced labour, plus strengthening the monitoring of application of legislation that prohibits forced labour.

The third change is the plan of cooperation with international organizations for 2021–23 adopted by the Government in April this year that should speed the request of assistance to the ILO on yearly cooperation programmes on specific topics, including on the cotton industry.

The fourth change will further the adoption of a cooperation framework with the UN on sustainable development that involved also, the ILO.



Finally, the fifth change is the mechanization of cotton harvesting that has drastically reduced manual harvesting from 71 per cent in 2015 to only 28 per cent in 2020. These are all positive developments that the Employer members praise. They certainly constitute a good basis for further improvement. However, we would like to remind the Government that already in 2016, it stated its readiness to constructive dialogue and further cooperation with the ILO. This cooperation, even if preliminary discussions with the ILO Moscow Office have started, has not been signed yet. We reiterate, as a priority and a way forward, the importance of the Government of Turkmenistan of availing itself of the technical assistance of the ILO.

Nevertheless, the positive developments mentioned above deal only with legislative changes and the intention of strengthening cooperation with international institutions but add little to the application in practice of the Convention.

Twenty-four years have passed since the ratification of the Convention in Turkmenistan, and important steps are still to be made to fully implement the Convention. The Employer members recall that a similar situation was also discussed by the Committee for the case of Uzbekistan and turned into a success story. As shown in the case of Uzbekistan, in countries with specific systems of “mobilizing labour for the purpose of economic development” some alternatives and adequate macroeconomic solutions are possible. Implementation of the Convention in practice may imply, for instance, awareness-raising of local authorities and society; fighting against bribery and zero tolerance on corruption of public officials in the cotton fields; capacity-building of labour inspectors and other relevant officials; involvement of social partners and relevant stakeholders in the monitoring of compliance with national laws.

Such an approach may require additional laws and financial resources, as well as the establishment of new institutions, possibly in cooperation with the most representative workers' and employers' organizations in the country.

The ILO is the key actor to ensure the proper implementation of the Convention through its technical assistance and very constructive approach and should be addressed to develop a national action plan to eliminate forced labour in connection with the cotton harvest. An important set of information, the ILO and the Committee of Experts could benefit from, would include information on the number and nature of contraventions reported for forced labour in the cotton fields, and the penalties applied.

To conclude the Employer members would like also to express concerns at the information reported in the Committee of Experts' direct request to the Government, that refers to the practice of forced labour imposed for expressing political views.

**Membres travailleurs** – Le travail forcé dans le cadre de la production du coton est malheureusement une problématique trop présente dans certains pays de différentes régions du monde. Au Turkménistan également, et le gouvernement a encore aujourd'hui massivement recours au travail forcé pour la production du coton.

Ce recours au travail forcé est véritablement institutionnalisé et reste piloté par les plus hautes autorités du pays. En imposant des quotas de production et en menaçant de représailles tous ceux qui ne les atteindraient pas, les autorités créent un environnement propice aux abus tout au long de la chaîne de production du coton dans ce pays.

Les travailleurs mobilisés de force pour la récolte du coton en sont les principales victimes puisqu'ils sont contraints de cesser leur activité professionnelle pour aller travailler dans les champs de coton. De nombreux étudiants, parfois très jeunes, sont également réquisitionnés. Le bon fonctionnement de nombreuses institutions publiques et d'entreprises est dès lors impacté.

En plus d'être mobilisés de force, ces travailleurs et ces étudiants doivent travailler dans des conditions sanitaires et de travail indécentes. Ils subissent pressions et menaces. Ils sont forcés à travailler de trop longues heures et se voient refuser les équipements de protection individuels, indispensables dans un contexte de crise sanitaire.

Selon les observations de la Confédération syndicale internationale (CSI) de 2019, les travailleurs de tous les secteurs ont été envoyés de force dans les champs de coton. Il ressort notamment de ces observations qu'une proportion de 70 pour cent des enseignants de la région de Mary a été mobilisée de force pour participer à la récolte de 2018. Il apparaît des dernières observations de la CSI que la mobilisation forcée des travailleurs de nombreux secteurs d'activité a continué lors des récoltes de 2019 et de 2020.

Le Turkménistan a pourtant ratifié les conventions n<sup>os</sup> 29 et 105 en 1997. Les premières observations de la commission d'experts relatives à ces pratiques de travail forcé à des fins de développement économique remontent à 2011 et, malgré une première discussion en 2016 à ce sujet au sein de notre commission, nous ne constatons aucune amélioration de la situation au Turkménistan et devons déplorer que le gouvernement turkmène ne reconnaisse même pas l'existence d'un très grave problème dans le pays.

D'autres organes internationaux ont également dressé les mêmes constats et s'inquiètent de la situation dans le pays, notamment le Comité des droits économiques, sociaux et culturels et le Conseil des droits de l'homme des Nations Unies. L'implication de ces organes dans le cas du Turkménistan témoigne également plus généralement de l'absence de respect de nombreux droits fondamentaux dans le pays.

L'article 1 de la convention n° 105 prévoit que les États Membres l'ayant ratifiée s'engagent à supprimer le travail forcé ou obligatoire et à n'y recourir sous aucune forme, notamment en tant que méthode de mobilisation et d'utilisation de la main-d'œuvre à des fins de développement économique.

L'article 7 de la loi sur le régime juridique des urgences de 1990 permet à l'État et aux autorités gouvernementales de recruter des citoyens pour travailler dans des entreprises, institutions et organisations en vue de mobiliser la main-d'œuvre à des fins de développement économique et de prévenir les urgences. Le gouvernement turkmène conteste que cette notion de développement économique est utilisée dans sa législation et renvoie plutôt à la notion d'urgence contenue dans la loi sur l'état d'urgence, la loi sur les interventions d'urgence et la loi sur la préparation et la mise en œuvre de la mobilisation au Turkménistan, qui semblent servir de bases légales ou de prétextes au travail forcé dans les champs de coton.

Ce faisant, le gouvernement turkmène tente de se prévaloir d'une exception contenue à l'article 2, paragraphe 2 d), de la convention n° 29, qui prévoit qu'il ne sera pas question de travail forcé lorsqu'il s'agit d'un travail exigé dans un cas de force majeure. Nous devons toutefois rejoindre la commission d'experts sur ce point: la récolte annuelle du coton ne constitue pas un cas de force majeure visé par cette disposition. Le gouvernement turkmène ne peut donc pas s'en prévaloir.

Et quand bien même la notion de développement économique ne serait pas utilisée dans la législation, il apparaît en pratique que c'est bel et bien à des fins de développement économique que le gouvernement permet ces campagnes de travail forcé.

Il apparaît également du rapport de la commission d'experts que l'article 19 du Code du travail prévoit qu'un employeur peut exiger d'un travailleur qu'il effectue un

travail sans lien avec son emploi dans des cas spécifiés par la loi. Le gouvernement turkmène n'a pas apporté de réponse à ce sujet dans ses informations écrites.

Même si la législation turkmène contient par ailleurs des dispositions interdisant le recours au travail forcé, il apparaît clairement que ces dispositions légales restent encore lettres mortes en pratique. L'absence de liberté de la presse et l'inexistence de syndicats indépendants au Turkménistan rendent toutefois très compliqué le contrôle de l'application concrète de ces législations.

Le gouvernement mentionne divers projets de plans d'action nationaux afin de mettre fin au travail forcé sans que des partenaires sociaux libres et indépendants ne semblent avoir été impliqués dans ces processus. Le gouvernement indique également investir dans la mécanisation de la récolte du coton afin de ne plus devoir recourir à trop de main-d'œuvre. La mécanisation du processus de récolte du coton ne nous semble toutefois pas offrir les garanties nécessaires afin de faire cesser durablement la pratique systématique du travail forcé au Turkménistan.

Si nous apprécions l'ouverture du gouvernement turkmène à une coopération plus poussée avec l'OIT afin de développer et mettre en œuvre des plans d'action visant à mettre fin au travail forcé, il nous semble qu'une étape importante pour le gouvernement turkmène est d'enfin reconnaître l'étendue du problème et de poser des actes concrets témoignant de sa volonté affichée de mettre fin au travail forcé.

Il conviendra pour ce faire que le Turkménistan facilite également à l'avenir le travail d'investigation des organisations internationales sur son territoire pour permettre une coopération technique efficace et utile. Nous devons en effet regretter que la mission consultative technique du BIT de septembre 2016 a éprouvé les plus grandes difficultés à se rendre dans les champs de coton pour y faire les constatations d'usage.

Nous invitons le gouvernement turkmène à s'engager dans une démarche positive analogue à celles que nous avons déjà connues dans d'autres pays sur cette problématique. La réussite d'une telle démarche sera conditionnée par la garantie d'un véritable exercice de la liberté syndicale, l'implication de syndicats indépendants et la liberté d'action des organisations de la société civile. L'ouverture d'un dialogue tripartite avec les partenaires sociaux est fondamentale afin d'apporter les changements durables qui s'imposent dans le pays.

*Interpretation from Russian: **Employer member, Turkmenistan (Mr HAJIYEV)*** – I would like to provide comments on the recommendations of the Committee of Experts with regard to the participation of farmers and private business in the cotton sector.

I cannot agree that farmers are being forced to harvest cotton. Cotton growth is a traditional sector and we have much experience in this field.

There is state purchasing and businesses are attracted by the possibility of having the right to farm land for a period of 99 years. Why is agricultural cotton production attractive for farmers? There is credit available at an interest rate of 1 per cent over ten years. That means that agricultural enterprises can acquire farming equipment. More than 3,000 John Deere agricultural technical units have been acquired and there is interest in Case and CLAAS brands as well. There is also a release from the duty to pay taxes and levies, and a release from rental payment.

Cotton, which goes beyond the amount recovered by the State purchase, is available to farmers to dispose of as they wish, and there is also attractive leaseholds available on land for 99 years. At the moment there are 517 (daikhan) associations in the cotton sector, 180 have now become part of the private sector, and the remaining ones by 2025 will also do that.

The agricultural enterprises are attracted by the possibility to make profits in this area and, in no way would be attracted, nor could they, use forced labour. The association of enterprise for Turkmenistan receives thousands of statements from our enterprises each year, but none of them contain information about being forced to grow or harvest cotton.

Our association does a huge amount of work in supporting our enterprises and represents their legitimate interests in the state bodies. We know the information on cases of forcing enterprises to farm cotton contained in the report, and we are willing to consider any case where there is objective and concrete information. We know the information provided by the Committee of Experts, but we would also ask that our opinion be considered as well.

*Interpretation from Russian:* **Worker member, Turkmenistan (Mr HAITOV)** – I would first like to say that in 2016, the delegation of Turkmenistan was already heard at the 105th ILO Conference on Convention No. 105.

We have studied the comments and recommendations made by the ITUC on the issue of the use of forced labour during the cotton harvest, and I would like to use this opportunity of this meeting to inform you about some information, some measures that have been taken by the unions to ensure the implementation of those recommendations.

The unions of Turkmenistan are very much attached to the principle of “tripartism”, as representatives of workers. According to our trade union law and its charter, trade unions exercise social control over the implementation of labour legislation in the country. For this purpose, we have carried out legal and technical labour inspections.

We have also worked in many government and parliamentary working groups and expert groups, in the development and improvement of labour legislation and other laws

and regulations related to labour and its protection as for this and the implementation of the provisions of ILO Conventions in our law.

One of the activities of trade unions is to assist the Government in implementing international labour standards. I have to say that in comparison with past years, the outcome of this year has been much more positive. We regularly participate in the work of a special tripartite commission on labour issues in accordance with the law that was adopted in 2019.

The country ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) a couple of years ago which is now in force for the country. In addition, this year Turkmenistan became a State party to the Employment Policy Convention, 1964 (No. 122).

So today, Turkmenistan has ratified 11 Conventions and of those, nine are fundamental and one is technical. This is an indication of our attachment to ILO values.

We participate actively in the work of the tripartite commission set up in Turkmenistan in the Social Affairs and Labour Ministry. We have made various proposals there on improving our labour legislation and, at this very moment, we are working on a new draft of our Labour Code which is going to have provisions added to it which will improve what it can do with respect to the issue under discussion.

Between 1 January and April this year we have concluded 121 agreements between workers' and employers' organizations. Over 2,000, nearly 3,000 collective agreements are in force in institutions and in businesses. Furthermore, and despite the restrictions placed on us at the moment by the pandemic, we are working as far as we can with regional branches of our unions in the country so that they can continue their work. Some 113 inspections were carried out last year and 15 have been carried out on compliance and legislation this year.



As far as the question of forced labour is concerned, we have not received any comments either from individual citizens or from businesses, not this year.

Special seminars, meetings and training courses are being offered as well to make sure that farmers and workers are aware of the situation and their rights. Eighteen such seminars have been held this year.

In the last couple of years, we have also stepped up our cooperation with international institutions, including the ILO. A delegation of the National Centre of Trade Unions of Turkmenistan, headed by its chairman, visited ILO headquarters in Geneva last year and fruitful consultations were held with officials there. So, we understand your concern, we do and we are doing whatever we possibly can in order to ensure that our legislation is in line with our country's commitments.

We are sure that the cooperation we have will lead to further positive results.

At the moment progress has certainly been made and we hope it will continue to be.

**Government member, Portugal (Mr CLAUDINO DE OLIVEIRA)** – I have the honour to speak on behalf of the European Union and its Member States. The Candidate Countries, the Republic of North Macedonia, Montenegro and Albania, and the EFTA country Norway, Member of the European Economic Area, as well as the Republic of Moldova, align themselves with this statement.

The EU and its Member States are committed to the promotion, protection and respect of human rights, including labour rights, freedom of association and the abolition of forced or compulsory labour as specified in Article 1 of Convention No. 105.

We actively promote the universal ratification and implementation of fundamental international labour standards, including Convention No. 105 and we support the ILO in

its indispensable role to develop, promote and supervise the implementation of international labour standards and of the fundamental Conventions in particular.

We thank the Office and give our full support for its constant engagement in the promotion of labour rights and the abolition of forced labour in Turkmenistan.

We regret that no meaningful progress has been achieved in addressing the issue of the mobilization of persons for forced labour in cotton harvest since the discussion of the case by the Committee and the visit of an ILO technical advisory mission to the country in 2016.

The EU and its Member States are deeply concerned by the enduring practice of forced labour in the cotton sector and the poor working conditions of workers employed in this sector. Forced labour affects not only farmers, but it also impinges on businesses, private and public sector workers, such as teachers and doctors, and students.

We would also like to express our disappointment that the draft cooperation programme developed by the Government of Turkmenistan together with the social partners, has not been agreed upon, and urge the Government to avail itself of ILO technical assistance.

In this context, the EU and its Member States urge the Government to take the necessary measures to completely eliminate the use of compulsory labour of public and private sector workers, as well as students in cotton farming.

Furthermore, we fully share the Committee of Experts' observations calling for the amendment of the legislation to put it in conformity with Convention No. 105, and to ensure, in law and in practice, that no penalties involving compulsory labour may be imposed for the peaceful expression of views opposed to the established system.

Pending the adoption of such measures, we expect the Government to provide information on the application of the aforementioned legislation.

We welcome the written information provided by the Government of Turkmenistan and the recent adoption of the second National Plan of Action on Human Rights and strongly urge the Government to step up efforts towards its implementation.

The EU and its Member States stand ready to assist Turkmenistan in meeting its obligations and will continue to closely follow and analyse the situation in the country.

**Membre travailleuse, France (M<sup>me</sup> ALEXANDRE)** – La pratique du travail forcé est particulièrement préoccupante dans le secteur public au Turkménistan. Du fait de leur dépendance envers l'État pour leur subsistance, ils sont parmi les plus vulnérables à être envoyés dans les champs au moment de la récolte. Un rapport très détaillé du Solidarity Center explique que des instructions officielles sont publiées, exigeant l'envoi de ces travailleurs récolter le coton, même si ce n'est économiquement pas rentable, information confirmée lors d'une réunion de mobilisation par un représentant des autorités, qui affirme devoir effectuer des rapports quotidiens sur le nombre de personnes envoyées dans les champs de coton, sur les tonnes récoltées, et qui exigent de ceux qui ne peuvent s'y rendre de payer quelqu'un pour y aller à leur place.

En 2020, devant la faiblesse de la récolte et le refus des agriculteurs de main-d'œuvre, les travailleurs ont reçu des sommes dérisoires, ont dû trouver eux-mêmes le champ à exploiter, travailler de nuit et sans équipement. Dans la région de Dashoguz, un travailleur a ainsi témoigné gagner péniblement 1,5 manat par jour. Pour comparaison, une bouteille d'huile en vaut 15. Les mécontents se sont vu rétorquer par le fermier qu'il n'était même pas obligé de les leur donner. Aucun certificat médical ni aucune circonstance familiale ne peuvent justifier une absence.

Dans la région de Lebap, la décision rendue le 28 août 2020 d'exempter les travailleurs du nettoyage des institutions et administrations du fait des risques liés à la pandémie a été contredite quinze jours plus tard, et ces travailleurs ont alterné un jour sur deux la récolte du coton et un jour sur deux le nettoyage.

La situation des femmes est encore pire, puisqu'elles sont encore plus vulnérables. En effet, elles représentent la part des travailleurs de la fonction publique les moins payés. Elles ne peuvent donc en aucun cas engager quelqu'un pour faire ce travail à leur place, et doivent donc s'y rendre elles-mêmes dans l'indifférence la plus complète de leur âge ou de leur état de santé.

**Government member, Canada (Ms MAWHINNEY)** – I am speaking on behalf of the Governments of Australia, New Zealand, the United Kingdom, the United States and my own country, Canada.

We thank the Government of Turkmenistan for the recent information provided on its implementation of the Convention . We note the information highlights measures by the Government that aim to address the observations of the Committee of Experts, including measures under the 2021–25 National Action Plan on Human Rights.

Nonetheless, we remain deeply concerned with reports of persistent use of forced labour in Turkmenistan, including state-sponsored mobilization of public and private sector employees, as well as students, under threat of penalties. In 2016, this Committee urged the Government to end that practice. However, the recent observations of the Committee of Experts note no meaningful progress on the part of the Government to effectively address these issues over the past five years.

We therefore urge the Government of Turkmenistan to take immediate and effective action to: first, use all legislative and investigative measures available to eliminate, in both law and practice, the mobilization and use of forced labour in

connection with the state-sponsored cotton harvest; second, to provide information to the ILO on the measures taken to end forced labour and the results achieved, including the number of violations detected and the penalties applied; and third, avail itself of ILO technical assistance towards eliminating forced labour and improving recruitment and working conditions in the cotton sector.

We welcome the Government's recent stated intention to cooperate with the ILO and other international organizations to prevent the use of forced labour in the country moving forward. To that end, we call on the Government to allow these organizations access to the cotton fields in order to observe the harvest.

Forced labour is a grave issue. State-sponsored forced labour in Turkmenistan is a clear violation of the Government's obligations under the Convention and inconsistent with the 1998 ILO Declaration on Fundamental Principles and Rights at Work.

We sincerely hope that the Government's next report to the Committee of Experts will highlight positive developments towards the elimination of forced labour in Turkmenistan.

**Worker member, United States of America (Mr GOTTWALD)** – Unfortunately, independent monitors and news outlets continued to document systematic forced labour in all cotton-growing regions of Turkmenistan during the 2020 harvest, as they have in previous years.

The Committee of Experts report notes that there has been no meaningful progress to address the issue of mobilization of persons for forced labour in the cotton harvest since the discussion of this case by the Committee and the visit of an ILO technical advisory mission to the country in 2016.

The State continues to set mandatory quotas for cotton production with severe penalties, including land confiscation, termination of employment and denial of social benefits, to force farmers and citizens to grow and harvest the crop. It is impossible to produce cotton in Turkmenistan outside of this system.

In May 2018, the US Government issued a sweeping order banning the importation of goods made in whole or in part with Turkmen cotton due to the overwhelming nature of the evidence that it is produced in a closed state-run system that relies on forced labour. Companies and importers who import products containing Turkmen cotton in violation of the ban may face steep fines and even criminal charges.

Forced labour is the antithesis of decent work and an egregious violation of labour and human rights. We ask the Committee to condemn this practice in the strongest possible terms and demand that the Government of Turkmenistan take concrete, verifiable measures to end forced labour during its annual cotton harvest.

*Interpretation from Russian:* **Government member, Russian Federation (Mr SERGEEV)** – The Russian Federation shares completely the points made by the representative of Turkmenistan with regard to the application of the Convention.

We consider the allegations of widespread use of forced labour in cotton farming against Turkmenistan to be completely unfounded. They fail to take into account the significant efforts by Ashgabat to mechanize the sector and fully eliminate forced labour.

We hope that the Committee will note with satisfaction the detailed report that has been provided today by the Minister from Turkmenistan and resolve the consideration of this issue.

As a general point, it is unacceptable that thematic country reports be tied to the internal events in any country.

The Russian Federation calls upon the International Labour Conference, rather we call upon the ITUC and its committees to forgo politically biased and confrontational agendas, in favour of constructive and mutually respectful approach to promote decent work and improve instruments that protect the interests of workers and employers.

*Interpretation from Russian:* **Worker member, Russian Federation (Mr KRAVCHENKO)** – The Committee of Experts has more than once noted that Turkmenistan does not comply with the Convention. Turkmenistan is one of the most closed countries in the world, and there is no freedom of expression. We know it also has severe problems with observing freedom of association and the right to organize. There are no free trade unions as such in the country.

Therefore, it is very difficult to get information about the labour rights situation in the country. However, there does seem to be systematic and organized use of forced labour in agriculture by the Government, particularly in the cotton industry.

Forced child labour has been documented as well. Those who are conscripts also have to participate in the cotton harvest without pay, and that is the case for others too. In many regions, it seems that some people are forced to pay 20 manats, two or three times a week, for their keep while they are engaged in the cotton harvest.

Farmers are not allowed to do more profitable types of farming. The Government prevents them from doing that. The authorities have used the coronavirus pandemic as an excuse for forcibly mobilizing workers in the course of last year and this year. Many of the workers mobilized in this way did not receive any salary, any protection in the transport of getting them to where they were working, and where were working against the virus. We urge that urgent measures be taken to protect the workers of Turkmenistan and their rights and to bring the situation in that country fully in line with its commitments. That is what needs to be done.

**Membre gouvernemental, Suisse (M. SCHÄRER)** – La Suisse regrette de devoir à nouveau discuter du respect de la convention – une convention fondamentale – par le Turkménistan.

Selon diverses sources, le recours au travail forcé par la mobilisation et l'utilisation de la main-d'œuvre dans la production de coton est une pratique courante au Turkménistan. Cette pratique constitue une violation grave des normes internationales qui garantissent la démocratie et l'État de droit, y compris les libertés fondamentales d'expression et d'association, telles que l'expression pacifique d'opinions politiques. Par ailleurs, cette pratique nuit aux travailleurs et aux agriculteurs.

Malgré certaines mesures prises en 2016, le gouvernement turkmène continue, selon diverses sources, de pratiquer le travail forcé dans le secteur du coton. Une telle pratique ne peut pas se justifier pour des raisons de développement économique. Pour rappel, la convention interdit le travail obligatoire en tant que méthode de mobilisation et d'utilisation de la main-d'œuvre à des fins de développement économique.

C'est dans ce contexte que la Suisse encourage le gouvernement à mettre en place des mesures concrètes pour éliminer, en droit et en pratique, le travail forcé de manière conforme à la convention.

Enfin, la Suisse soutient les conclusions et recommandations de la commission d'experts d'informer sur les mesures prises et les résultats concrets obtenus, et de continuer à utiliser l'assistance technique du BIT pour améliorer les conditions de recrutement et de travail dans le secteur du coton.

**Government member, Azerbaijan (Mr MARDALIYEV)** – My delegation thanks the delegation of Turkmenistan for providing the latest update on the application of the Convention to the Committee.



Azerbaijan appreciates the efforts made by the Government to ensure the effective application of the Convention and to enforce prohibition and eradication of forced labour in the country. We note that the prohibition of the use of forced labour is enshrined in the new Constitution of Turkmenistan, adopted in 2016, which demonstrates its commitment to complying with all its obligations under the Convention and the relevant international instruments.

We understand the Government has continued to introduce policy frameworks such as the recently adopted National Plan of Action on Human Rights and Plan of Cooperation with International Organizations. The National Plan of Action on Human Rights particularly foresees a set of measures aimed at improving legislation on prohibition of forced labour; developing cooperation with the ILO on the prevention of forced labour; and strengthening control over the legislation enforcement. We also welcome the practical measures by the Government to reduce manual harvesting of cotton.

These actions by the Government demonstrate its commitment and willingness to address the concerns raised with the active engagement of the ILO.

We encourage the Government to continue working closely with the ILO and increasing its efforts to implement ILO standards. At the same time, in fulfilling its labour related obligations, we invite the ILO to fully support the Government of Turkmenistan and provide any technical and consultative assistance that it may seek in this regard.

**Government member, Uzbekistan (Ms GORBUNOVA)** – The Government delegation of the Republic of Uzbekistan welcomes the openness and active interaction of the Government of Turkmenistan with the ILO on the application of fundamental international norms and standards, including Convention No. 105.

This is illustrated by the implementation of the National Plan of Action on Human Rights in the country, which was developed taking into account previous successful practices and has been approved by the President of the country. We highly appreciate the efforts of the Government of Turkmenistan in improving national legislation on eradication of forced labour, enhancing cooperation with the ILO on the issues of preventing forced labour and fruitful cooperation with other international organizations.

We are convinced that the steps taken by Turkmenistan represents the commitment of its Government to ensure the labour rights and deserve recognition from the Committee.

**Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) (Mr BUKETOV)** – All agricultural land in the country, in Turkmenistan, belongs to the State. Farmers' associations rent their land from the State. The State has the monopoly right to purchase from tenant farmers at prices set by the State. If tenants fail to fulfil their obligations, they are fined and might have their land taken away from them. A system where farmers have no freedom to decide what they will grow, where they will have no opportunity to negotiate the selling price for their produce, where workers have no opportunity to organize and bargain wages and working conditions, is a system which will inevitably depend on the use of forced labour.

We have sufficient evidence to conclude that this issue in Turkmenistan's agriculture is indeed endemic. The independent monitors have been documenting this case in spite of the Government's efforts to silence their voices, which was observed in the case of Gaspar Matalayev who was sentenced to three years in prison in October 2016 for his attempt to report the working conditions at cotton plantations. The warrant for his arrest was issued just a few months after this Committee examined the issue of forced labour

in Turkmenistan for the first time and where the Government stated their readiness for constructive dialogue and cooperation.

Several times the Committee issued its recommendations. All of them were but marginally accepted by the Government, as it persistently denied any use of forced labour in the country. This position was yet again reiterated in the Government's communication to the Committee on 20 May. The Government repeatedly maintains that it is open to cooperation with the ILO, yet we do not see any tangible proof of this openness. The ILO should continue taking all possible measures to secure the observance by Turkmenistan of its obligations under the Convention .

*Interpretation from Russian:* **Government member, Minister of Labour and Social Protection of Population (Mr SYLAPOV)** – On behalf of the delegation of Turkmenistan, I would like to express our gratitude to the Committee for the work that it has done and for the constructive dialogue we have had with delegates, particularly those who spoke in support of Turkmenistan.

We are grateful to the Spokesperson of Employer members, as well, to his constructive approach to dialogue and to the material provided by Turkmenistan for this meeting.

We have been doing, and continue to do, a great deal of work in order to comply with the Convention, not only in terms of enacting legislation, but also in the way we apply it.

To the Spokesperson of the Worker members, I would like him to pay perhaps a little more attention to the comments made by the Government. Comments about institutionalized forced labour in Turkmenistan are groundless and inaccurate. They do not reflect the real situation on the ground. Once again, I would like to say that Turkmenistan's emergency law, 1990, was replaced by a law in 2013, and does not

contain any provision about the cotton harvest. Neither, as I said, do we use the concept for the purposes of “economic development”. We are, as I have said, trying to further mechanize our cotton industry, and the statistics which we have provided illustrate that. In addition, the Government is clearly trying to make mechanization of agriculture a priority.

Some positive recommendations and comments have been made by the Committee of Experts, and we will, of course, carefully study those in Ashgabat, and carry out an analysis of them.

On behalf of my Government, I would like to say – and I can say this with certainty – that we see cooperation with the ILO as being something we would like to become more regular and systematic. We will be happy to do whatever is necessary to ensure that we are in full compliance with our obligations under ILO Conventions, and we are sure we can bring that about.

Further cooperation can be done through, through transposing the provisions of ILO Conventions into our legislation, by providing training and awareness-building to our people, and by monitoring the compliance with Conventions through tripartite cooperation. We are happy to do all that.

**Membres travailleurs** – Nous remercions le représentant du gouvernement turkmène pour les informations qu’il a pu nous fournir au cours de la discussion. Et je peux le rassurer, je l’ai écouté très attentivement. Nous remercions également les différents intervenants pour leur contribution à cette discussion.

Il est indéniable que le Turkménistan a encore aujourd’hui massivement recours au travail forcé pour la récolte du coton. Il ne s’agit pas de simples allégations mais d’informations vérifiées auprès de différentes sources présentes sur le terrain. Il n’est

pas raisonnable de mettre ces informations en balance avec les dénégations répétées du gouvernement turkmène sur la problématique avérée du travail forcé dans le pays.

Nous partageons la profonde préoccupation de la commission d'experts face à la persistance des pratiques de travail forcé et les mauvaises conditions de travail des personnes forcées à travailler dans le secteur du coton, et ce en violation manifeste de la convention.

Il est indispensable que le gouvernement prenne toutes les mesures, en droit comme en pratique, pour éliminer le recours au travail forcé des travailleurs des secteurs public et privé, ainsi que des étudiants, notamment en s'assurant que la loi sur l'état d'urgence, la loi sur les interventions d'urgence, la loi sur la préparation et la mise en œuvre de la mobilisation au Turkménistan, l'article 7 de la loi sur le régime juridique des urgences de 1990 et l'article 19 du Code du travail ne puissent servir de bases légales au travail forcé dans les champs de coton.

Le gouvernement veillera à cesser de brandir des menaces envers ceux qui ne parviendraient pas à rencontrer les quotas fixés par les autorités.

Ces pressions exercées sur les autorités à tous les niveaux pour rencontrer ces quotas induisent de nombreux abus dont les travailleurs sont les premières victimes. Il convient que le gouvernement agisse en conformité avec la convention et les législations nationales réprimant le recours au travail forcé, en émettant des instructions claires sur l'interdiction du recours au travail forcé et en poursuivant et sanctionnant, le cas échéant, les fonctionnaires qui y auraient tout de même recours.

Le gouvernement veillera à développer un plan d'action national en collaboration avec les partenaires sociaux afin d'éliminer durablement le travail forcé dans le cadre de la récolte du coton organisée par l'État.

Il ressort du rapport de la commission d'experts que des contacts préliminaires ont été pris avec l'OIT afin d'entamer une coopération pour mettre fin à ces pratiques contraires à la convention sans véritablement aboutir à des engagements concrets. Nous invitons dès lors le gouvernement à intensifier ces contacts et à y associer les partenaires sociaux ainsi que toutes les organisations de la société civile qui suivent la situation au Turkménistan. Dans cette perspective, il sera fondamental de garantir l'accès aux champs de coton aux partenaires sociaux, à la presse et à toute organisation de la société civile qui seront libres de rapporter les constatations qu'ils auront dressées sans crainte de représailles.

Il est évident que l'implication des partenaires sociaux dans le développement et la mise en œuvre d'un tel plan d'action national passera par la reconnaissance pleine et entière de la liberté syndicale dans le pays afin que les travailleurs et les employeurs du pays puissent être représentés.

Afin de garantir la réalisation de tous ces objectifs, nous invitons le gouvernement du Turkménistan à accepter la venue d'une mission de haut niveau de l'OIT avant la prochaine Conférence internationale du Travail et pendant la période de récolte; mission qui devra se voir accorder toutes les facilités afin de pouvoir mener à bien sa mission.

**Employer members** – The Employer members would like to thank the Government for the useful information, especially on the willingness to cooperate with the ILO.

We would like to thank also the trade unions and Government delegates for sharing their views on this case, and emphasizing their commitment towards the eradication of forced labour.

In the light of the debate, the Employer members invite the Government to truly commit to bring its practice in line with the Convention . The first priority is the ILO's support and the Government should seek technical assistance from the ILO in order to

comply with the Convention in law and practice and to develop an national action plan to eliminate forced labour in connection with the state-sponsored cotton harvest.

The Employer members conclude the discussion on this case by recommending the Government to: take effective measures in law and in practice to ensure that no one, either from the public or private sector amid the threats of punishment for the lack of fulfilment of production quotas, is forced to work in the cotton harvest; adopt any possible measure to ensure that local authorities, labour inspectorates and public officials are adequately informed of the applicable legislation on forced labour; prosecute and sanction appropriately any public official who participates in the forced mobilization of workers for the cultivation or harvest of cotton in contravention to the Convention; allow the social partners and civil society organizations to monitor and document any incidents of forced labour in the cotton harvest without fear of reprisals; and finally, provide the Committee of Experts with information on the number and nature of contraventions reported of forced labour in the cotton fields and the penalties applied.

**Présidente** – Je vous informe que la lecture du projet de conclusions concernant ce cas aura lieu comme pour tous les autres cas individuels lors de la dernière séance de la commission, c'est-à-dire le vendredi 18 juin 2021.