

Prohibition of forced labor

Miryokub Rakhimov
Tashkent State University of Law
Nikolay Kuryanov
Don State Technical University

Abstract: The research focuses on conception of forced labour, types of forced labour, legislation about labour relations, laws about employment issues, measures are conducting prohibition forced labour in cotton harvesting and other tasks.

Keywords: child labour, decent work, forced labour, child workers, working conditions, minimum wage, social protection, agriculture, workers' rights.

According to statistics, nowadays average population of Uzbekistan is 35 546 162,00 thousand and workforce is 19 473 847,00 thousand. As well as there are 6 298, 942 thousand people are employed in the formal sector, 5 551, 682 thousand people are employed in the formal sector [1]. Arising from this, ensuring the protection of workers' (the subordinate party in labor relations) rights and regular improvement of labor legislation is urgent issue in country. Uzbekistan strives to support international standards, to date, the Republic of Uzbekistan has ratified 19 conventions and 1 protocol of the International Labour Organization. On Dec. 13, 2018, a delegation of the International Labor Organization headed by Director-General Guy Ryder arrived in Uzbekistan. Director-General Guy Ryder also took part in the international conference titled "Ensuring decent employment in the context of sustainable development goals: international practice and experience of Uzbekistan". As a result of reforms, the country has succeeded in eradicating systemic forced labour and systemic child labour during the cotton production cycle.

According to the forthcoming 2021 ILO Third-Party Monitoring Report of the Cotton Harvest in Uzbekistan based on eleven thousand interviews with cotton pickers, 99 per cent of those involved in the 2021 cotton harvest worked voluntarily. All provinces and districts had very few or no forced labour cases [2].

According to Article 7 of Labour Code of Uzbekistan forced labor is coercion to perform work under threat of any punishment (including as a means of maintaining labor discipline) and it is prohibited. There are some norms in part two of Article 37 of the Constitution of the Republic of Uzbekistan, part three of Article 2 of the Law of the Republic of Uzbekistan "On Employment of the Population", Article 51 of the Code of the Republic of Uzbekistan on Administrative Responsibility, Article 148 (2) of the Criminal Code of the Republic of Uzbekistan.

Forced labor is the execution of a job or service by the employer or citizen, by threatening to apply any punishment, as well as in a homogeneous compulsory manner at the discretion of the citizen in order to maintain labor discipline [3].

The subject of forced labor can be an employer, a representative of a state body or a citizen.

One of the widespread conditions of forced labour is committed from employers. For instance, employer involve to overtime work employees in holidays, non-working days and leaves without any payment. According to Labour Ministry director of the school No. 9 of Oqoltin district, Syrdarya region, is forcibly involved in the cleaning of teachers in and around the courtyard of the school. In this situation according to Part 1 of Article 51 of the code of administrative responsibility of the Republic of Uzbekistan, an administrative fine was applied for director in the amount of 50 (fifty) times the amount of the base calculation.

Another forced labour situation committed by a representative of a state body or a citizen. Last cotton season five district khokims (local governors) reprimanded for forced labor. Despite repeated warnings, compulsory involvement to picking cotton by khokims (local governors) has also been noted in Uzbekistan. It was noted that in 2020, 170 officials were fined for violating labor laws, and 42 officials were held administratively liable for allowing forced labor [4].

Threat of any punishment is another character of forced labour. Usually threat of punishment includes in deception, restriction of movement, isolation (isolation) of the victim, conduct of physical or sexual violence, intimidation or threat, withdrawal of his identity documents, reduction (or retention) of wages, deterioration of working conditions, loss of rights and privileges, excessive use of overtime, threatening with firing and others. The victim of forced labor performs, at his discretion, work or duties that are not included in his official duties or are not paid. Common types of forced labor in Uzbekistan are to attract cotton harvesting or other agricultural work, involvement in landscaping or cleaning rubbish certain area, involvement in construction, repair work in workplace or another building as well as involvement in duty in workplace in holidays.

On the eve of the holidays, day or night duties are organized in many enterprises and organizations. According to unwritten practice the purpose of this is to maintain public safety, prevent, timely elimination of various possible disappointments, as well as quickly report this to the competent authorities [5]. Staying for duty is not paid any wage for employee. Chairman of Senate of Uzbekistan said that night duty is one of the shapes of forced labor. Forced labor has 11 characters determined by the International Labor Organization. Night duty, for example, it goes into forcing anyway. Because worker is forced to sit at night, even if he/she does not have his own desire [6].

On March 10, 2022, the Cotton Campaign international coalition announced the termination of the call for a global boycott of cotton from Uzbekistan which began more than 10 years ago. The fact that in 2009 a group of 331 international brands and retailers merged into the international non-governmental organization Cotton Campaign, which announced a boycott of cotton products in Uzbekistan. Among the companies that boycotted Uzbek cotton are Adidas, Amazon, Burberry, Disney, Gap, Gucci, Ikea, Lacoste, Nike, Puma, Uniqlo, Zara and many others that have adjusted their supply chains to buy fibers from other countries [7]. This historic achievement was the commitment of the Government of Uzbekistan to the eradication of forced labor.

In recent years, positive changes have been made in Uzbekistan, which have received recognition in the field of protection of workers' labor rights. The amount of the administrative fine for forced labour was sharply increased. Previously, the amount of the fine was from one to three times of basic calculation units, but now the amount is more than fifty times a hundred times of basic calculation units. If earlier an administrative fine was applied for minor to forced labour, now direct criminal liability has been established for those types of offences.

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