

Monitoring Report

on assessment of human rights situations in cotton fields
of the Republic of Azerbaijan
(Monitoring period: October 1, 2018 - January 30, 2019)

The authors of the report:

Vahid Maharramov
Gubad Ibadoghlu

Baku 2019

Summary

The Monitoring Report on assessment of human rights situations in cotton fields of the Republic of Azerbaijan produced by local experts reviews the current state of growth mechanisms of cotton production in Azerbaijan, including the latest state policy applied in the cotton sphere. It is worth highlighting that the level of compliance with human rights requirements as been evaluated based on the facts and data collected across seven regions (Salyan, Hajigabul, Sabirabad, Saatli, Imishli, Beylagan and Fuzuli) of the Republic of Azerbaijan specialized in cotton production. These facts and statistics were developed thanks to the followings: 1) Collection of genuine and accurate data during cotton harvesting period; 2) Video footages, photo facts; 3) Results of surveys conducted among farmers as well as employees of budgetary institutions who have been forced to cotton harvesting, and voluntary cotton harvesters; 4) Monitoring and observations carried out across seven regions.

Key words: Azerbaijan, agriculture, cotton, cotton harvest, farmer, forced labor, child labor, working conditions, labor rights

Acronyms

ASAU - Azerbaijan State Agrarian University

FF - Family farming

ILO - International Labor Organization

MLSPP - Ministry of Labor and Social Protection of Population

MT - Ministry of Taxes

SSC - State Statistical Committee

SSPF - State Social Protection Fund

Content

Introduction	4
1. Methodology of the monitoring report	5
2. Analysis of state policy on cotton-growing.....	7
3. Illegal administrative control mechanisms over cotton production imposed by executive committee authorities.....	12
4. Facts concerning violations of labour rights in cotton fields.....	28
5. Exploitation of child labour in cotton fields	43
6. Outcomes.....	46
7. Policy recommendation.....	48

Introduction

The plummet in oil prices in the world market since 2014 has brought about deficit in balance of payments, and devaluation of national currency. These two factors have had once again instigated some reform policies such as development of competitive and export-oriented non-oil sector, including agrarian sector. The Azerbaijan government streamlined its focus mainly on carrying out several activities, for example, it has allocated subsidies and enacted concession mechanisms taking into consideration that cotton production, as part of an agrarian sphere, is playing crucial role on injecting money into the country. Moreover, this area is well-known for its labour capacity and total volume of output. It should be noted that Azerbaijan President has linked "the state program for development of cotton growing in Azerbaijan for 2017-2022" in July 2017.

The processing of materials collected during monitoring and observations has revealed that labour rights of employees have been severely breached in cotton fields, and labour relations among farmers who act as employers and employees (cotton-pickers, brigadiers, drivers, and others) are not registered. Additionally, compulsory life insurance that addresses to work accidents during production phase or illnesses due to loss of occupational labour abilities is not granted to employees, and furthermore, minimal working standards required to ensure that workers execute their duties effectively are not abided by. It should be noted that workers are not provided with healthy and secure environments that could enable them to protect their life, health and labour. More importantly, sanitary and hygienic norms are not established at work places, and technical security are not ensured either.

Given to the fact that salaries of employees are not officially registered, this creates 'fruitful' conditions for employers to avoid paying taxes, social insurance expenses and other compulsory payments as stipulated in labour and tax codes and legislations. Consequently, immense problems related to social security and protection of employees are being emerged.

Moreover, it is worth underlining that the facts concerning forced child labour and exploitation of workers in cotton fields were recorded via video footages and photo shootings during conduction of monitoring. Similarly, a plethora of evidences related to the involvement of employees from various budgetary institutions (ministry of health, ministry of education, ministry of culture and others) into exploitation and forced labour in cotton planting, harvesting and collection were revealed at the monitoring held regions.

Additionally, the monitoring team has witnessed the facts where executive committee authorities imposed pressures over farmers, and even worse, the executive authorities have benefited from powers of municipalities in these processes. During the monitoring, it was disclosed that along with farmers, employees from budgetary organizations, in particular school directors and heads of healthcare institutions were coerced and harassed with an aim to involve them into cotton plantations.

1. Methodology of the Monitoring Report

The methodology of the Monitoring Report is based on the results of surveys conducted across three different groups (farmers, voluntary cotton pickers and employees of budgetary organizations involved into forced labour in cotton harvesting) vulnerable to forced labour and violation of labour rights in seven regions (Salyan, Hajigabul, Saatli, Sabirabad, Imishli, Beylagan and Fuzuli) of the Republic of Azerbaijan during cotton harvesting in 2018. In addition to this, regular observations and monitoring were carried out in order to study the level of compliance with human rights requirements based on the genuine facts, data and expert assessments.

Prior to launch of the survey, the monitoring team has had identified its objectives and targets, and applied sampling method. Afterwards, survey questionnaire was produced, and trial pre-test survey was conducted. After elimination of errors and application of lessons learned approach, an approval was issued for its start.

During the sampling phase, the key criteria was determination of required sample size. Thus, three main following nuances have been factored in order to achieve this:

- 1) Degree of inquisition circle coverage
- 2) Confidence level
- 3) Acceptable margin of error

Moreover, each of the survey questionnaire conducted among farmers comprised of 6A4 pages, whereas each of the survey questionnaire carried out among workers (cotton planters, cotton pickers, weed managers/choppers, and so on) involved in cotton plantations. Similarly, each of the survey questionnaire conducted among workers from budgetary institutions involved into forced labour in cotton harvesting period was consisted of five A4 pages. It should be noted that these surveys covered 30 respondents in each region based on sampling method, and surveys in total have reached out to 210 respondents.

After finalizing sample size, surveys were conducted among respondents, and survey data has been summarized, then processed and its results and findings were incorporated into the monitoring report.

Furthermore, the facts related to violation of various human rights were recorded via video recording and photo, and in later stage, they were documented. Additionally, video and audio interview recordings taken from farmers, cotton pickers, brigadiers, and heads of relevant enterprises acting as cotton recipients were used for production of video footages that describe evidences on breach of labour rights in cotton fields.

The revealed problems as a result of conducted monitoring and observations could be classified as following:

1. Forced labour of farmers and heads (education, health, culture, sport, and others) into cotton cultivation processes of budgetary organizations by executive committee agencies;
2. Forced labour of students and employees of budgetary organizations into cotton harvesting;
3. Violation of labour rights of workers in cotton plantations;
4. Exploitation of child labour in cotton fields;

Additionally, factual evidences received from farmers as well as official statistical data were used for monitoring purposes with an aim to establish general economic outlook of cotton-growing and at the same time determine factors (main economic and administrative problems, calculations of profitability, and whether the set targets are pragmatic or not) related to cotton-growing in the country implicitly impacting to issues on compliance to human rights in Azerbaijan.

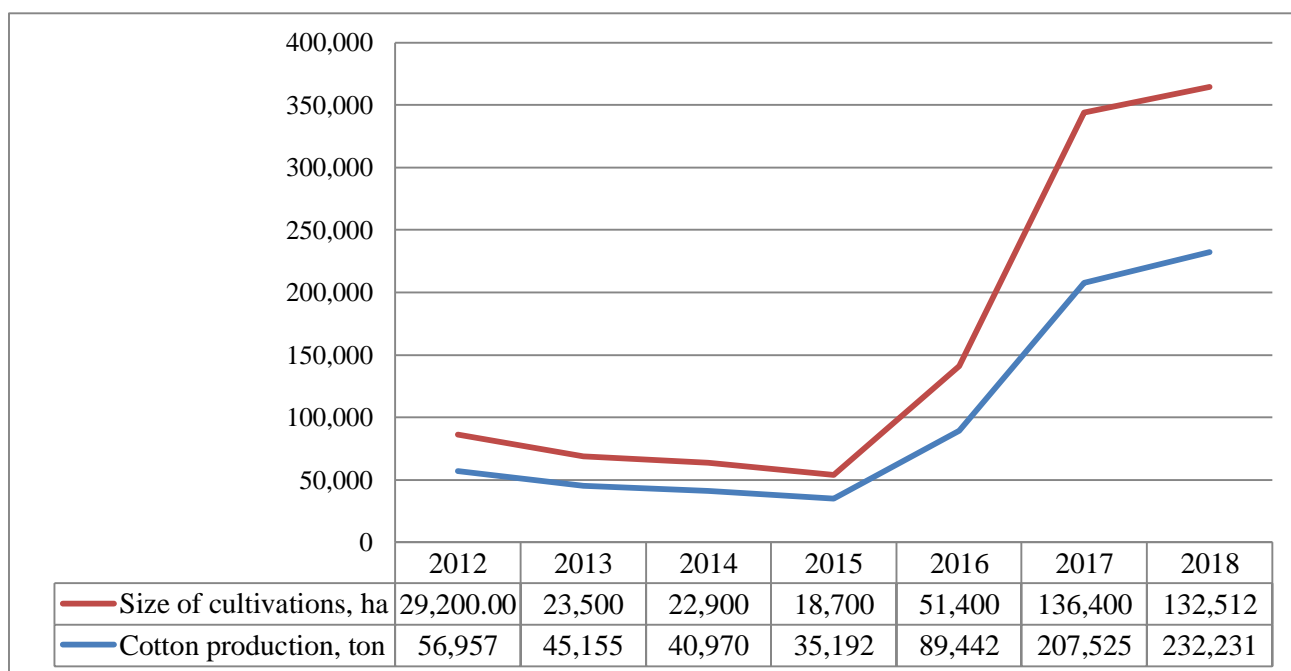
2. Analysis of state policy on cotton-growing

The objective of the State Program on the development of cotton growing in the Republic of Azerbaijan for 2017-2020 is "to meet the demand for cotton products in the country, improve the raw material supply of cotton processing plants, develop the processing industry, increase the export of cotton products, strengthen the state support for cotton-growing and to stimulate the development of this field, and increase the employment level of the population in rural areas."¹

It should be noted that on July 13, 2017, the Azerbaijan president signed a state program to increase production of cotton to 500,000 tons by 2022. The President of the Republic of Azerbaijan Ilham Aliyev stated at the republican conference on the development of cotton-growing held in 2018: " We should try to bring the average yields to the level of peak performance of 1980-81 – about 35 quintals. With such an average yield, 200,000 hectares will provide 700,000 tons of cotton. This will mean a full recovery of cotton production, and at a modern level." ²

An analysis of outcomes collated in the last 4 years (2014-2017) has shown that the expectations of government were not met, and productivity in cotton growing has had hit to its lowest point within the last 7 years after an adoption of state programme. Consequently, an average productivity per hectare constituted 15,3 quintals. According to the data of State Statistical Committee (SSC), cotton production was not considered profitable area. It should be stressed that approximately 80 thousand tons of seed cotton out of 207,5 thousand cotton were obtained in 2017, and the main part (54 thousand 314 ton of cotton fibre, and 9 thousand 488 ton of cotton yarn) of this was exported in 2018.

As it can be seen from the below Table, the size of farms and sown areas had a direct influence over the level of cotton production in the country between 2012-2018 years. Moreover, Azerbaijan government was not efficient to utilize new cotton varieties, apply innovative farming, tillage and cultivation technologies, and hence, failed to increase productivity.



¹ <http://www.e-qanun.az/framework/36050>

² <http://www.aztv.az/readnews.php?lang=az&id=26837>

Figure 1. Dependents of productivity of cotton production from size of cultivations

The results of the survey (dating back to 01 October 2018 - 31 January 2019) conducted among 70 farmers and village residents who are involved in cotton planting in 7 regions (Salyan, Hajigabul, Saatli, Sabirabad, Imishli, Beylagan and Fuzuli) of Azerbaijan have proved that majority of farmers and villagers producing raw cotton products have been able to earn a very small amount of income in return for their efforts and hardships in a year. Thus, monitoring team has asked question " How much money have you earned from each hectare of cotton in previous years?" to farmers and villagers and received the following responses: 1) 19 farmers (27,1%) said they have planted cotton for the first time, 41 (58,6%) stated between 200-500 manat, and the remaining 10 farmers (14,3%) said they have gained more than 500 manat profits.

In January-December of 2018, in total 104,13 million worth of cotton have been exported. The export value of 1 ton exported cotton amounts 1481 dollar. In a nutshell, profits gained from 80 thousand ton of cotton fibre extracted from raw cotton valued as 118,8 million USD in 2017 or 201 million 416 thousand manats given to current exchange rate.

Agrarian Research Centre (ARC) under Ministry of Agriculture has come up with several proposals on reducing sown areas for cotton-growing in comparison to previous years. Moreover, the Centre has projected that 104.9 thousand hectare sown areas will be allocated for cotton-growing in 2019³. In other words, this means the government will not be able to reach its target - 500 thousand tons of cotton production set in the State Programme for 2022.

The goals and objectives on cotton-growing for 2018 were not met. Despite the fact that the government has pledged to sow 40 quintals per hectare, however, it was forced to reduce this figure twice due to the reason that set tasks were not pragmatic. Thus, President Ilham Aliyev has highlighted an importance of increasing productivity in cotton production at the meeting of Cabinet of Ministers, and tasked relevant agencies to boost an average productivity as 20 quintals per hectare.

The monitoring team has found out that 232 thousand 231 tons of cotton was harvested from 132 thousand 512 cotton field in 2018. Thus, an average productivity has reached to 17,5 quintals per hectare in the country in 2018. The analysis has revealed that a dramatic low productivity in cotton-growing has brought about losses to villagers and farmers who are specialized in cotton planting in most regions of the country in 2018.

Moreover, cotton planting has been organized in 22 regions of the country in 2018, and productivity in half of these regions has reached to 15 quintals. Thus, an average productivity per hectare in Zardab region was 14,9, whereas in Neftchala it reached to 14,5, Imishli 13,3, Sabirabad 13, Kurdamir 12,9, and Agdash it amounted as 12 quintals. Additionally, an average productivity per hectare in some regions even did not reach above 10 quintals. For instance, an average productivity per hectare was 9,8 quintals in Fuzuli region, 8,8 in Hajigabul, 7,4 in Agsu, and 6,6 in Ucar region. The results of conducted studies have revealed that costs allocated for raw cotton production per hectare amounted approximately thousand manats. It is worth mentioning that low productivity and cheap prices have caused thousands of villagers to be bankrupt.

³ <http://www.cia.az/news-view/105184-Gelen-il-pambiq-ekini-sahesi-azaldilacaq>

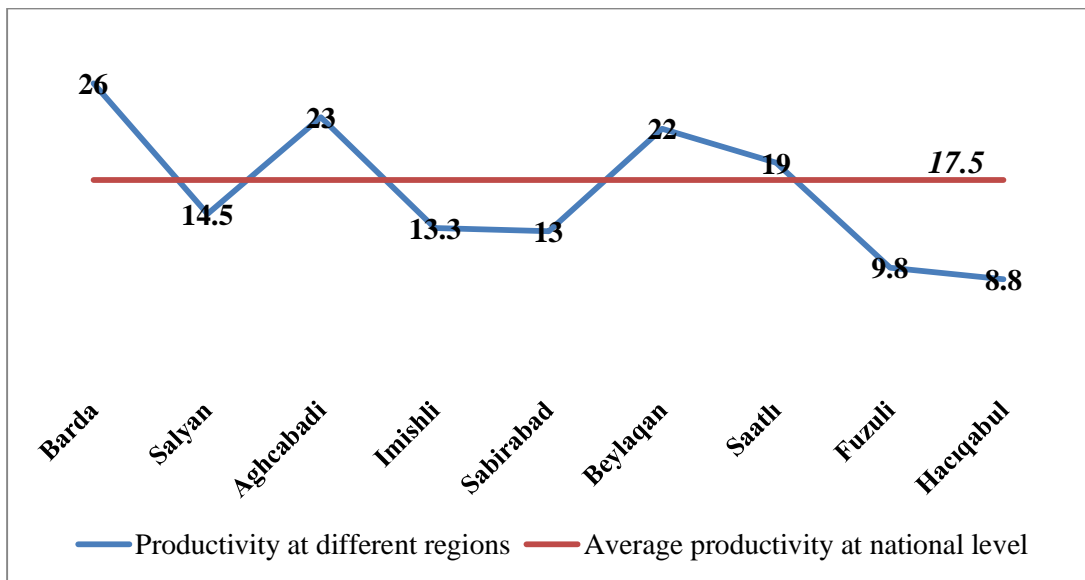


Figure 2. An average productivity at the main regions and national level, in 2018, center

Note that price for 1 kilogram of high quality cotton estimated as 60-65 qapiks. In fact, price of cotton in neighbouring Iran and Turkey is two times higher than Azerbaijan. Given the fact that an average cost of the cotton cultivation were about 1,000 manat per hectare, a farmer had to transfer 1 ton 600 kilograms of cotton per hectare to a processing enterprise. However, it was not possible to meet these demands in 11 regions of the country. Thus, these regions could contribute between 650-1490 kilogram of cotton per hectare. Therefore, farmers from 11 out of 11 regions have faced with an average of 350 manat worth of losses per hectare.

Overview of some concrete facts. According to official data, cotton was planted in 13645 hectare of Imishli region in 2018. Moreover, 3757 hectare out of 13645 falls under MKT-IK Imishli branch, while 1510 hectare belong to Imishli branch of MKT-IK "Innovation Centre". Additionally, "Azerpambiq" LTC based in Imishli planted 1392 ha cotton, whereas "P-Aqro" LTC in the same region has sown 1500 ha. The remaining 5485 hectare of cotton was planted by individual landowners under support of Imishli Executive Committee Authorities. By the end of 13 December, 17 500 ton products have been submitted to cotton supplier enterprises in the region. Based on this, it can be inferred that an average productivity per hectare constituted 12,8 quintals. The enterprises of MKT-IK LTD located in Imishli have produced 13 566 ton per 5267 hectare field. Also, "Innovation Centre" Imishli branch has harvested 5066 ton (33,5 quintals per hectare) cotton from 1510 hectare land. Nevertheless, in total 3934 ton (in average 4,7 quintals per hectare) cotton was produced from the remaining 8378 hectare field. It should be mentioned that it is necessary to harvest 12 quintals product per hectare, after taking into consideration the current price tag of cotton, allocated subsidies for harvesting as well as expenses, to avoid monetary losses. It can be implied that some cotton producers have been subject to serious losses.⁴

Although the law "About cotton-growing" specifies an improvement of financial-technical base, including strengthening irrigation infrastructure and melioration conditions of fields in cotton-growing zones, however, there has not been any positive development in this regard. In addition to this, the law stipulates purchase of modern technical and technological hardware, and leasing them to cotton producers on concessionary basis. Nonetheless, there are

⁴ "Cotton growing in Azerbaijan" Facebook page <https://www.facebook.com/336468150447495/photos/a.336676007093376/361192114641765/?type=3&theater>

serious setbacks in this field as well. The quantity of cotton-picker machines estimated as 4238 units in 1985, including 1751 in 1999, and surprisingly, this figure was just 311 in 2017.

According to the results of surveys conducted among farmers and villagers specialized in cotton-growing, 36 of respondents (51,4 %) mentioned they have not encountered problems in relation to cotton harvesters, while 34 farmers (48,6%) stated facing difficulties about cotton harvesters.

Despite the fact that the law stipulates the purchasing price of cotton to be determined separately by the types of cotton on the basis of the agreement between the parties, Minister of Economy Shahin Mustafayev and then Minister of Agriculture Heydar Asadov have identified the price of cotton by themselves on their meeting with representatives of enterprises engaged in cotton production and processing.⁵

In fact, the purchasing cost of first cotton type was 520 dollar back in 2015. It is worth reminding that the cost of 1-ton cotton gin estimated as 1500 dollar in the world market. Unlike to Azerbaijan, the price of 1 kilogram guaranteed cotton in neighbouring Iran was 29 thousand 325 riyal (1 manat 50 qapik). Moreover, the purchasing price of cotton in Turkey was much higher than Azerbaijan.

Furthermore, Azerbaijan government has decided to allocate subsidies for farmers in order to offset raw cotton producers from incurred financial losses due to difference in prices. In addition to this, subsidies in the amount of 0.1 Manat for each kilogram of delivered raw cotton in line with the Decree of the President of the Republic of Azerbaijan "On State Support for the Development of Cotton-growing in the Republic of Azerbaijan", dated September 22, 2016, No.2350 as well as increase by the companies of purchase price of raw cotton have served as additional incentive for the development of this field.

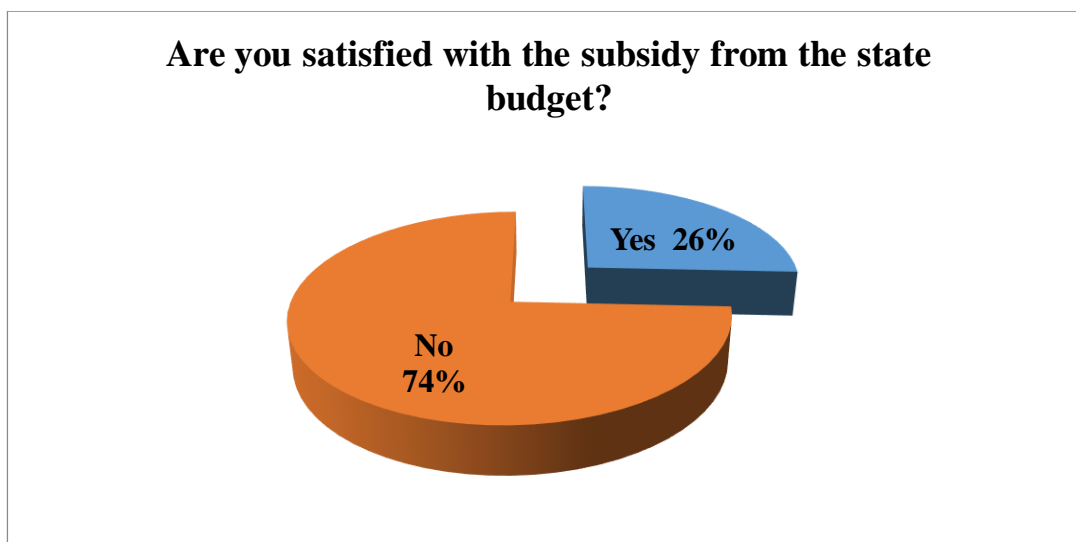


Figure 3. Are you satisfied with the subsidy from the state budget?

The results of carried out surveys have shown that the amount of subsidies allocated for raw cotton producers do not satisfy farmers and villagers. Thus, only 18 respondents (25,7%) were

⁵ <http://kaspi.az/az/pambiin-qiymeti-artirilir/>

content with subsidies allocated from the state budget, while the remaining 52 respondents (74,3%) were disappointed. Moreover, the desires of farmers on increasing the amount of subsidies was between 0,2-0,35 manat. Meanwhile, some farmers even requested 90 qapik subsidies per kilogram.

3. Illegal administrative control mechanisms over cotton production imposed by executive committee authorities

3.1. Forced labour of farmers and heads of budgetary organizations (education, healthcare, culture, sport and others) into cotton planting

The processes in relation to planting, growth and harvesting of cotton are carried out under direct supervision of local executive committee authorities and their structures in relevant regions. Municipalities are presenting certain assistance packages to relevant local executive committee authorities with an aim to force farmers into cotton planting.

Implicitly, this fact was admitted through official speeches at various events. It should be mentioned that President Ilham Aliyev has made the following statement at the republic conference dedicated to cotton-growing held in September of 2016: "...Overall coordination was assumed by the Presidential Administration. Zeynal Nagdaliyev⁶ is personally involved in these matters. As I have already noted, heads of executive authorities have worked hard...I want to say again, and the experience of previous years shows, that if we entrust the development of cotton-growing only to businesses, we will lose it, as we have done. Therefore, there should be serious policy, and the state is playing a major role here. The role of the state is not limited to coordination..."⁷

The monitoring has disclosed that all local executive committee authorities are mobilized to force farmers into cotton growing. Despite the fact that some executive committee agencies were clandestinely implementing these activities, however, some even did not bother to incorporate their illegal actions in official speeches and reports.

It should be emphasized that head of Goranboy Executive Committee, Nizamaddin Guliyev on his speech⁸, delivered at the conference of Goranboy activists dedicated to "Results of implemented activities in Goranboy region in 2018, and objectives and goals for 2019" dating back to 03 March 2019 has once again confirms the facts on direct illegal interferences into cotton production: "...We have already awarded representatives of executive committees from Girigli, Rahimli, Veyisli, and Qushchular who distinguished during cotton harvesting, and performed all required quotas before the set date. To seize this opportunity, I also would like to thank local executive committee representatives from Nadirkand, Yaharchi, Gazakhtar, Gizilhajili, Garamusali, Goranboy, Garadaghli, Narimanli, Alpout, Samadabad, and Boluslu. Unfortunately, local executive committee representatives from Tatarli, Bakhchakurd, Dayirmanlar, Sarov, Kalak, Yolgullar, Muzdurlar and others demonstrated improper attitude in this regard. If they continue to demonstrate low productivity, we will have no other optio, but to sack them."

This speech once again demonstrates certain tasks/liabilities on cotton harvesting imposed over local executive committee representatives by heads of executive committee authorities. During the monitoring it was revealed that the tasks put before local executive committee representatives have been shared among employees of the budgetary organizations operating within the executive committees in this region. The monitoring team is presenting the

⁶ By the time the President delivered speech, he was working as deputy head of Presidential Administration of the Republic of Azerbaijan. Currently, he was appointed Assistant to the President for Territorial and Organizational Issues, Department Head

⁷ <https://president.az/articles/21117/print>

⁸ <http://goranboy-ih.gov.az/news/251.html>

following facts related to illegal interferences on cotton production imposed by local executive committee authorities

01 November 2018. The order of the President of Azerbaijan Republic dating back to 03 October 2018 appointed Asif Agayev as the head of Beylagan Executive Committee. On 01 November of the same year, Mr Agayev has organized conference dedicated to current state of agriculture with participation of executive committee representatives, chairmen of municipalities and heads of budgetary organizations. Mr Agayev has delivered speech at the conference highlighting cotton growing as a priority policy of Beylagan region, and presented the following instructions to attendees:

- 1. Starting next year, farmers that lease the lands of municipalities should only plant cotton;*
- 2. Police forces should also join these initiatives and should take certain liabilities in regard to cotton planting;*
- 3. It should be stressed liabilities on cotton growing imposed over each village and settlement were determined at the conference, and the liabilities of settlements that have sown areas have been increased by 30-50%.⁹*

05 November 2018. Despite the fact that Fuzuli region focused its production mainly on sericulture, however, the head of local executive committee Ali Aliyev has imposed certain quotas on cotton growing before representatives from local executive committee, farmers and heads of budgetary organizations. Although local executive committee authorities forced farmers to grow cotton at Harami plain and ancient Fin town this year, however, starting next year they have softened their policy in this regard. For example, quotas before Bala Bahmanli village reduced three times compared to previous year: 100 ha. Similarly, Ahmadbayli village farmers were instructed to plant cotton in 200 ha territory.

A representative from local executive committee has divided liabilities across farmers, directors of schools and municipalities. It is worth mentioning that teachers in Fuzuli region are not forced to grow cotton on their private lands, however, each school director was instructed to plant cotton in 2 ha territory.

***Additional relevant facts.** The farmer named Ramig Hasanov from Mahmudlu-2 village was forced to grow cotton in his private 10 ha land (in total he owns 100 ha land). Another example is the farmer Aliyaddin Asadov who was instructed to plant cotton in his 5 ha soil (the farmer in total possesses 50 ha land).*

Moreover, local sources reported that local executive committee representatives are avoiding to force farmers to grow cotton due to problems in irrigation system¹⁰.

08 November 2018. *Some of heads of budgetary organizations (healthcare, education, culture, and others) forced to plant cotton in Sabirabad region have started purchasing cotton from farmers at a high price. The main reason of this was due to low productivity in their private fields that were forced to grow cotton by relevant local executive committee authorities.*

It should be underlined that employees from budgetary organizations who have no knowledge and practices on cotton growing and harvesting had to purchase cotton at a very high price (purchasing price of cotton as 65 qapiks plus 10 qapiks subsidies, in other words, more than 75 qapiks) submit them to recipient checkpoints due to the imposed quotas. Otherwise, in best scenario they can be dismissed from their positions, or in worst scenario, inspections against their

⁹ https://www.facebook.com/Az%C9%99rbaycan-pamb%C4%B1q%C3%A7%C4%B1%C4%B1%C4%9F%C4%B1-336468150447495/?modal=admin_todo_tour

¹⁰ibid.

departments could be launched. Having factored in all risks, heads of budgetary organizations have no other options, but to purchase cotton from farmers, and transfer them to recipient checkpoints.¹¹

25 November 2018. *The executive committees of Hajigabul, Sabirabad and Saatli regions have been demanding from “forced farmers” who planted cotton, but failed to meet quotas – heads and employees of healthcare, educational enterprises, and other budgetary enterprises and executive committee representatives to purchase cotton and transfer them to recipient checkpoints.*

Thus, recipient checkpoints have been proposing their “services” to “forced farmers”. It should be mentioned that the recipient checkpoints who have increased percentage rates of cotton moisture and uncleanness, in fact, collected sufficient reserve cotton products, and consequently, they have sold them to those who forcefully planted cotton, but failed to meet imposed demands.¹²

27 November 2018. *Hasanov Malid Badal oglu, teacher from Garadash village of Sabirabad region who forced to plant cotton attempted to take his cattle to his son’s field was prevented by executive committee representatives.*

A representative from local executive committee has delivered the instructions from Nazim Ismayilov, head of Sabirabad executive committee to all cotton planters who failed to comply with benchmark set at the beginning of the year : “ Cotton harvesting will be carried on until 15th of January”.¹³

3 December 2018. *Involvement of employees from budgetary organizations into forced cotton growing has been carried out by local executive committee authorities in Imishli region on regular basis. Moreover, head of Information Supply and Analysis Sector at Imishli Executive Committee, Ziya Pashayev, and deputy head of Public Relations and Humanitarian Issues section Huseyn Ibrahimov were appointed as responsible persons for this task.*

As responsible persons for involvement of budgetary organizations into cotton harvesting they have visited to cotton fields together with workers at 07:00 every morning in the last 3 months and overseen the activities of workers till the end of working hours.

As long as weather conditions will be promising today, especially in the location named “Shirinqum”, employees from state agencies will oversee forced cotton harvesting processes.¹⁴

13 December 2018. *Head of Salyan Executive Committee, Sevindik Hatamov has imposed new quotas in regard to cotton planting before school directors for next year. Each of 44 school directors working the region are required to plant cotton in 20 ha territory in 2019. The school directors who do not comply with imposed benchmark will be sacked.*

It should be noted that school directors will need to involve teachers into cotton growing process , and should share quotas with them. Despite the fact that teachers did not welcome this offer, however, school directors pressured them using similar tactics used by executive committee authorities

¹¹ibid.

¹²ibid.

¹³ibid.

¹⁴ibid.

*It was reported that one of the school director has signed resignation letter on voluntary basis*¹⁵.

20 December 2018. *According to sources from Sabirabad region, head of Executive Committee, Nazim Ismayilov has instructed representatives of local executive committees to apply new quotas in regard to cotton growing before school directors for the next year. Moreover, school directors are forced to sign agreements with LTCs which are responsible for receiving of cotton. It is expected that school directors will be sharing their quotas with school teachers*¹⁶.

22 January 2019. *Regardless of unstable weather condition throughout the country, head of Sabirabad Executive Committee, Nazim Ismayilov instructed workers to carry on collecting cotton in the fields. Mr Ismayilov further demanded from representatives of local executive committees, municipalities, and heads of budgetary organizations to collect cotton until quotas are met*¹⁷.

25 February 2019. *Farmer Imran Hasanov has submitted a letter to "Cotton growing in Azerbaijan" page operating in Hajigabul region. In his letter, the farmer underlines that due to pressures from local executive committee authorities he was forced to plant cotton in 2 out of 5 hectare of his private land. Nevertheless, the farmer was discontent for not receiving financial support package as he was promised. Besides cotton seeds, he said covered all expenses (fertilizer, transportation, tillage, weed cleaning, pest control, wages, first aid provided during labour accidents in cotton fields and others) by his own funds, but he regrets for all his hardships as he could earn only 200 manat profit at the end. At the end of the season (January 2019), he could not collect part of his cotton, and therefore, he could not even find a worker to collect cotton for 20 qapik per kilogram*¹⁸.

The survey was conducted among in total 70 farmers and villagers- 63 males, and 7 females involved in the monitoring¹⁹. It should be noted that 35 respondents (50%) stated they are in a belief that cotton is more profitable area than vegetables and other plants. The remaining 19 out of 35 respondents (27,1%) admitted they had no other option, but to plant cotton due to pressures from local executive committee authorities and municipalities. Moreover, 16 (22,9%) stated they are not farmers by profession, but forced to plant cotton due to being employees of budgetary organizations.

¹⁵ibid.

¹⁶ ibid

¹⁷ibid

¹⁸ibid

¹⁹ *The survey was conducted in 7 regions of Azerbaijan, specialized in cotton-growing (Saatli, Hajigabul, Sabirabad, Beylagan, Imishli, Fuzuli, Salyan). Ten farmers from each region were interviewed. Out of the 70 surveyed peasants, 63 farmers were male, and 7 were women. Sixty-eight of the marital status of these farmers are married, one single and one was a widow. Sixty-one respondents lived in the village, 7 in the district center and 2 in the settlement. Of these, 32 are finished middle school, 11 are incomplete, and 27 are undergraduate.*

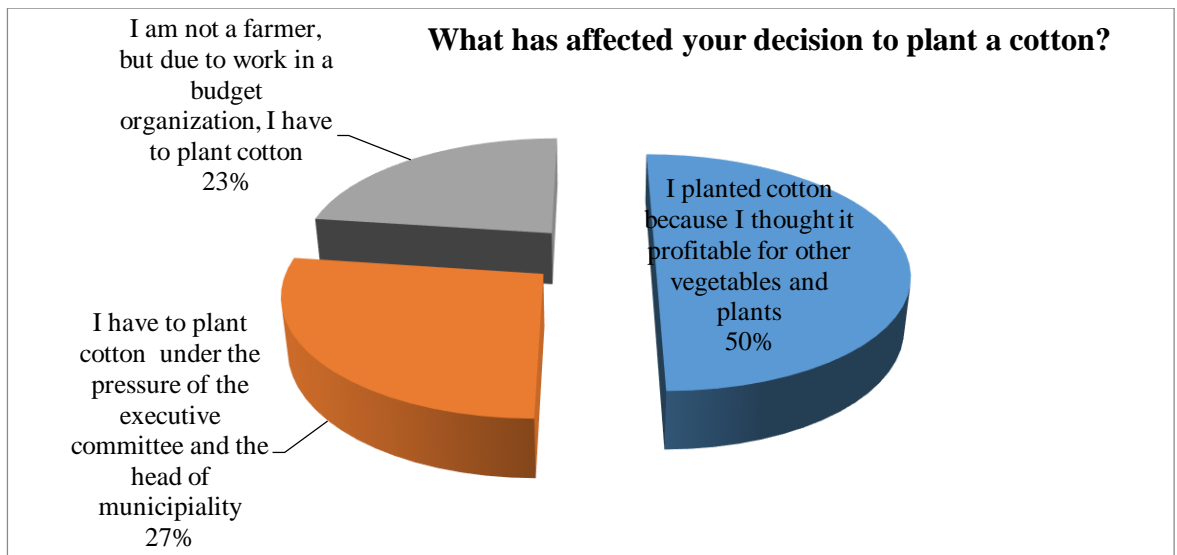


Figure 4. What has affected your decision to plant a cotton?

The majority of respondents involved in the survey were farmers and villagers from Beylagan region that confirmed planting cotton against their own wills. Moreover, only 30% of them stated they have made conscious decision to grow cotton in their fields. The 40% of respondents admitted planting cotton based on pressures from local executive committee and heads of municipalities. The remaining 30% involved in the survey confirmed they are not farmers by occupation, but forced to plant cotton due to being employees of budgetary organizations. According to the survey results, the percentage of respondents who consciously made decision to plant cotton ranges between 40% and 80%.

Furthermore, half of the respondents (50 farmers) grow cotton in 5 ha land or even below of this figure, and 17 farmers (24,3%) have planted cotton in 5-10 ha land. The remaining 10 % (7 persons) has planted cotton in 10-20 ha land, whereas the 15,7% (11 persons) farmers grew cotton in much bigger territories.

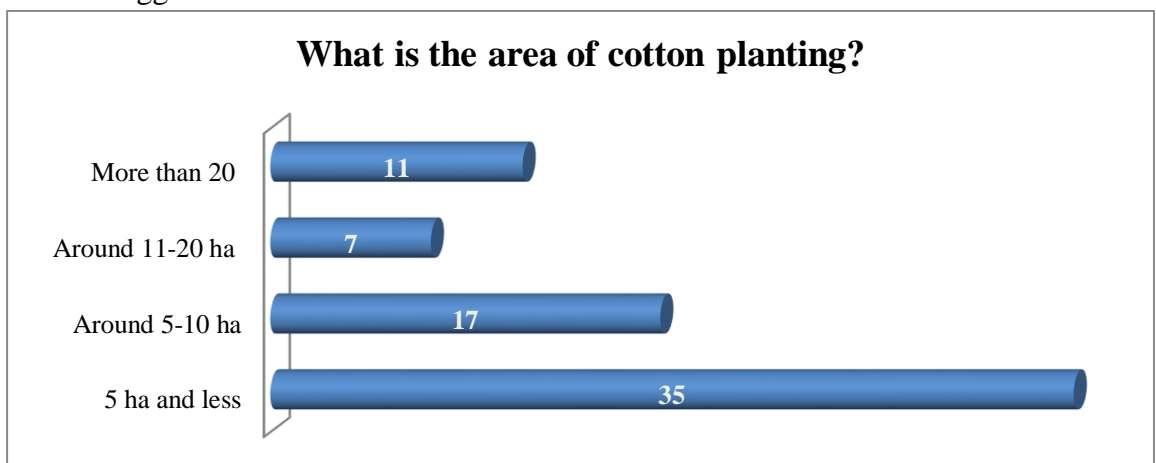


Figure 5. What has affected your decision to plant a cotton?

It should be noted that the fact that 74,3% of farmers and villagers planted cotton in less than 5-ha land, this once again proves they have made this decision against their own will. The main reason for this is because planting cotton in small lands are not profitable, and farmers would never risk to make such decisions. This indicator is subject to change by regions. For example, 80% of farmers and villagers involved in the survey have confirmed growing cotton in 2-5 ha

land. This figures was 6 ha in Beylagan region. Thus, 70% of respondents in this region have planted cotton in 0,6-2 ha territories. As coming to Imishli region, the monitoring team found out this figures was high. The 50% of respondents involved in the survey have grew cotton in 5-40 ha land.

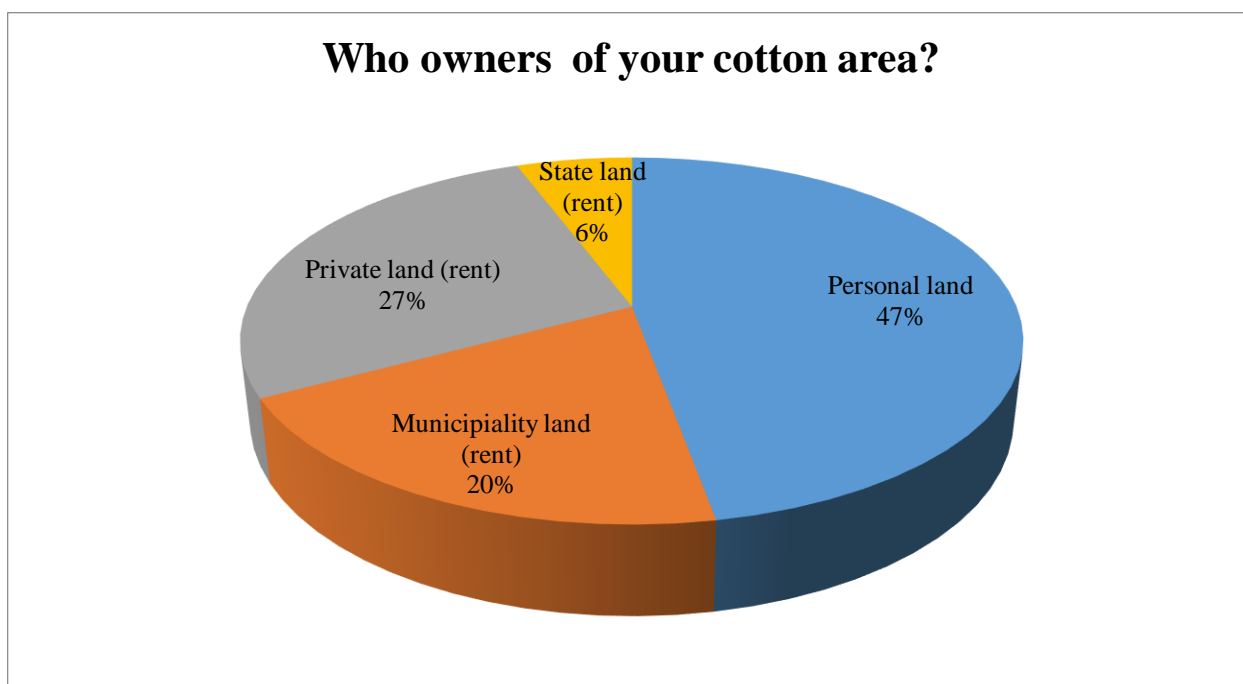


Figure 6. Who owners of your cotton area?

According to collated monitoring materials, the 18 hectare cotton field was land share of village residents living in Cavadkhanli village of Imishli region in 2018. Later, Mr Majnun Shukurov, responsible person from “MKT-İK” LTD have purchased land shares from local residents. The local sources confirmed residents sold land shares due to poverty²⁰.

As coming to Fuzuli region, cotton was planted mainly in small territories. Thus, 40% of respondents confirmed planting cotton in 3-5 ha, while 60% said they grew it in 6-15 ha. Moreover, 40% of farmers and villagers from Salyan region planted cotton in 3,5-6 ha, whereas 40% grew it in 7,4-19 ha land. Additionally, two farmers planted cotton in 26 and 40 ha land respectively.

It should be noted that farmers and villagers have planted cotton in private land shares, including territories leased from municipalities and state. Thus, 33 respondents (47,1%) confirmed they planted cotton in private lands, 14 persons (20%) stated it was soil leased from municipalities. The remaining 19 farmers (27,1%) have leased lands from other private individuals. As coming to the lands leased from state, only 4 farmers (5,8%) made such decision.

It was disclosed during the monitoring that officials employed in local executive committees as well as entrepreneurs engaged in cotton processing have also planted cotton. Their cotton fields have received comprehensive support package at the expense of state budget and administrative resources²¹. Consequently, the volume of their products have increased thanks to others. It should be noted that all these “achievements” were realized at the expense of violation

²⁰“Cotton growig in Azerbaijan” page

²¹Unlike farmers and village residents, officials did not experience any of the following difficulties – supply of irrigation water, tillage/plowing, harvesting, planting. A special attention was given to their cotton fields

of rights of farmers and villagers, and increasing the level of moisture and uncleanness. Thus, officials have appropriated some part of products through these ways.²²

During the monitoring period, the following facts have been recorded:

29 October 2018. According to sources from cotton growing regions (Salyan, Hajigabul, Sabirabad, Saatli, Beylagan, Fuzuli, and Imishli), one of the serious problems that farmers had encountered were high percentage of uncleanness recorded at the recipient checkpoints. Thus, this figure in Sabirabad was 10%, while it was 6% in Beylagan. In other words, due to the level of uncleanness being registered as 10% per 1 ton at the recipient checkpoints, the recipient checkpoints document this at 900 kg as opposed to 1 ton.²³

30 October 2018. *Due to rainy weather conditions in the regions in recent days, this has dramatically hardened the collection of cotton, and it has triggered an increase in its moisture level. According to sources received from farmers, the level of uncleanness and moistures has increased from 25% to 45% at recipient checkpoints in Hajigabul, Sabirabad and Saatli Hacıqabul, Sabirabad və Saatli.*²⁴

It should be noted that despite the fact that farmers are forced to plant cotton after receiving pressures from local executive committee authorities at some regions, however, they did not provide agro-technical services to cotton fields, cotton fields were abandoned, and hence, farmers did not collect it on timely manner, and used the fields for grazing purposes. More information could be found from the video films produced thanks to video footages and observations conducted by the monitoring team.²⁵

There are several factors for this, and the main reason is that cotton growing considered less profitable and burdensome activity. The monitoring team has observed similar ruined cotton fields in Salyan, Sabirabad, Beylagan and Fuzuli regions as well.



Photo 1. Cotton field covered with weeds, Sabirabad region **Photo 2. Abandoned cotton field, Beylagan region**

²² <https://www.azadliq.info/182797.html>

²³ "Cotton growing in Azerbaijan" Facebook page

²⁴ Ibid

²⁵ <https://www.youtube.com/watch?v=rXadFwRfeaI&t=181s>

<https://www.youtube.com/watch?v=-DwV0ManQgA&t=37s>



Photo 3. Cotton field used as pasture for cattle, Salyan region Photo 4. Unharvested cotton in the field, Imishli region

The monitoring data has shown that heads of budgetary organizations have attempted to meet the imposed quotas over them through involving their employees in cotton planting processes. It should be noted that these cases were more observed across educational enterprises among budgetary institutions.

Moreover, almost all school directors were forced to cotton planting in 7 regions. School directors usually grew the cotton in their private lands, but the monitoring team has come across facts where directors planted cotton at school premises/territories.

Thus, school director of high school number 1 named after Garay Asadov located in the First Shahsevan village of Beylagan region has planted cotton inside the school premises. This fact was spotted by Gubad Ibadoglu, expert of the monitoring report and after sharing the photos about it on his Facebook page it was covered in most local media outlets.²⁶ Later, head of Beylagan Region Education Section, Khuraman Rustamova issued an official statement about it.²⁷



Photo 5-6. Beylagan region, First Shahsevan village, school premises used as cotton field

3.2. Forced involvement of employees of budgetary organizations into cotton harvesting

²⁶ <https://www.yeniavaz.com/az/newscontent/znewscontent/86272/azerbaycanda-direktor-mektbin-heyetinde-pambiq-ekdirib-fotolar>, <https://www.az24saat.org/məktəbdə-pambiq-tarlasi-salinib-foto-157779.html>, <https://www.xural.com/məktəbdə-pambiq-tarlasi-salinib/>

²⁷ <http://aztehsil.com/news/7636-thsil-bsinin-mdiri-hytind-pambq-kiln-mktbdn-dand-bunun-nyj-pisdir-ki.html>, <http://azedu.az/az/news/7484>

The final results of surveys, observations, monitoring, and photo/video footages in 2018 have revealed that one of the violations of human rights related to cotton growing in Azerbaijan was involvement of employees of budgetary organizations into forced labour through applying various administrative means.

One of the international documents ratified by the Republic of Azerbaijan are conventions concerning “Forced or Compulsory Labour”²⁸ and “Abolition of Forced Labour”²⁹ of International Labour Organization (ILO). Thus, for the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include the followings: a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character; b) and any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population. Furthermore, each Member of ILO which ratifies this Convention shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations. It further emphasizes that where such forced or compulsory labour for the benefit of private individuals, companies or associations exists, the Member shall completely suppress such forced or compulsory labour. The Convention clearly outlines that no concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

The Constitution of the Republic of Azerbaijan specifies that everyone has the right to freely choose activity, profession, occupation and place of work, based on his/her abilities. Nobody may be forced to work. Employment contracts shall be concluded voluntarily. Nobody may be forced to conclude an employment contract³⁰.

Moreover, the Labour Code of the Republic of Azerbaijan outlines that it shall be prohibited to oblige an employee to perform a job not included in his job description through any kind of duress or under the threat of termination of the employment contract. Offenders shall be held liable under legally established procedure. According to the Code, forced Labour shall be permitted in connection with military and emergency situations if the work is performed under the supervision of relevant national authorities under the relevant law or court order³¹.

It should be noted that the monitoring team recorded various factors concerning forced labour in each of seven regions involved to the survey.

The collected facts once again confirm that employees from budgetary organizations were forcefully involved into cotton harvesting during the season. In particular, the employment of technical workers of educational enterprises for 3 months in cotton harvesting is irrefutable.

The team presents the following facts registered during the monitoring:

²⁸Came into force on 01 May 1932

²⁹Came into force on 17 January 1959

³⁰ The Constitution of the Republic of Azerbaijan. Article 35. Labor law.

³¹ Labour Code of the Republic of Azerbaijan. Article 17. Prohibition of Forced Labour

12 October 2018. *The employees of Salyan region Housing and Utilities Department have been forced to work in various cotton fields throughout the season..*³²

13 November 2018. *It should be mentioned that the employee of Imishli region Hygienic and Epidemiology Centre stated at the "Cotton growing in Azerbaijan" Facebook page he has been forced into cotton planting since the start of the season. Another employee who wished to stay anonymous underlined: " The fields that we are employed at belong to local officials. We have cleaned fields from weeds, and harvested cotton as well. Those who refused to work in the fields were threatened with redundancies, and hence, they had no other option, but to abide by the instruction."*³³

19 November 2018. The employees of kindergarten located in Saatli city were forced into cotton harvesting. According to the source who sent his comments to our page stated that cotton harvesting was realized in shifts. Every day at least 2 employees were instructed to take care of children in the kindergarten. It is worth mentioning that some employees voluntarily engaged in cotton harvesting, and the main reason for this is due to their official salaries in the kindergarten being lower even than a minimum essential standard of living in Azerbaijan. On similar but separate note, there are in total 21 kindergartens in Saatli region, and 5 of them are based in Saatli city.³⁴

30 November 2018. *As the cotton season comes to an end, heads of local executive committees had taken all measures and administrative methods with an aim to collect abandoned cotton from the fields. They even do not hesitate to force employees of budgetary institutions to collect cotton in muddy fields under torrential rain.*

*The head of Sabirabad region Education Department, Garayev Pahlivan has organized mass meeting with school directs in 29 November 2018. The head of the education department has delivered a series of serious instructions to school directors on behalf of the Nazim Ismayilov, head of Sabirabad region executive committee. According to him, despite of bad weather conditions all technical workers of schools should be involved in cotton harvesting processes..*³⁵

15 December 2018. *The technical employees (cleaners, responsible persons for school household activities)of schools in Hajigabul region were involved into cotton harvesting. Those employees that refrain working in the fields were dismissed by school directors.*³⁶

21 December 2018. *The employees of Cultural House in Imishli region were forced to work in the cotton fields that belong to local executive committee authorities and chief of police department. They were required to work in all stages of cotton processes - planting, cultivation and harvesting. Those who refused to obey instructions were either sacked or salaries reduced..*³⁷

³² "Cotton growing in Azerbaijan" Facebook page

³³ Ibid.

³⁴ Ibid

³⁵ Ibid

³⁶ ibid

³⁷ ibid

It should be noted that the survey was carried out among 70 employees (10 respondents from each region) forced labour in cotton harvesting in 7 regions during the monitoring period³⁸. Moreover, 58 respondents (82,9%) employed in state agencies, 10 persons (14,3%) in municipality agencies, and 2 (2,9%) in private sector. The 63 respondents (90%) were technical workers, and the remaining 7 (10%) were specialists.

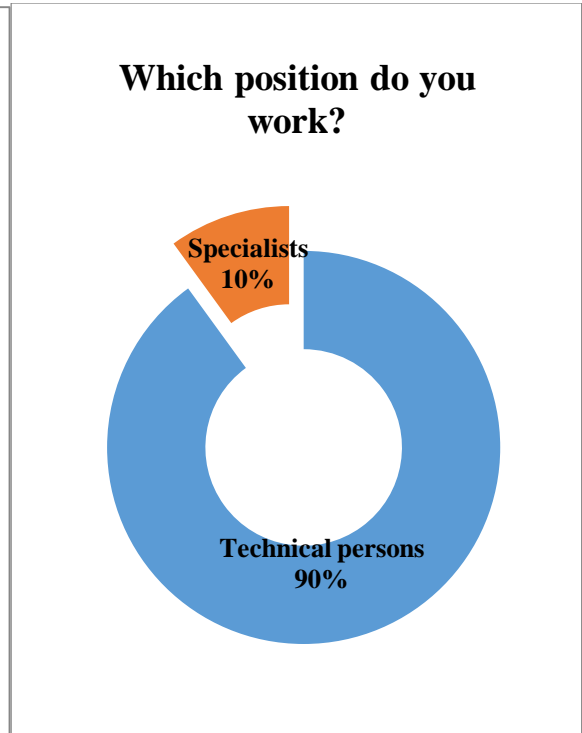
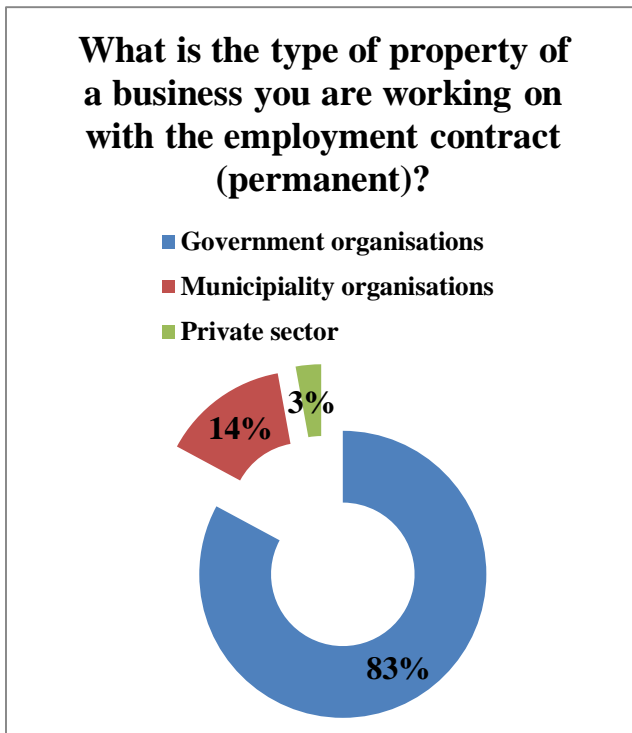


Figure 7. What is the type of property of a business you are working on with the employment contract (permanent)? **Figure 8. Which position do you work?**

Furthermore, those forced into cotton harvesting in Saatli, Beylagan and Fuzuli were employed at state agencies. Thus, 70% of respondents interviewed in Hajigabul were employed at state agencies, while 20% were at municipality agencies, 10 % at private sector. As coming to Sabirabad region, 80% of them worked at state agencies, 20 % at municipality. Additionally, 70% from Imishli region worked at state bodies, 30% at municipalities. The last but not least, 60% of respondents from Salyan worked at state agencies, while 20% and 10% employed at municipalities and private sector respectively.

The monitoring team has asked the question on "**Under which conditions are you forced into cotton harvesting?**" to persons forced into cotton harvesting and their responses were as following: 51 respondents (72,9%) replied "Pressures on redundancies", 12 persons (17,1%) said "reduction in wages". and the remaining 7 respondents (10%) stated "demotion and transferring to a much lower wages".

³⁸ Out of the 70 surveyed people forced in cotton harvesting, 13 were men and 57 were women. Moreover, 53 people of cotton pickers were married, 10 were single, 5 were widows and 2 were divorced. It should be mentioned that 61 respondents resided in the villages, 8 of them lived in the city center of the region and 1 lived in a residential settlement. Thus, educational background of 47 of them were secondary, 14 were incomplete and 9 were higher.

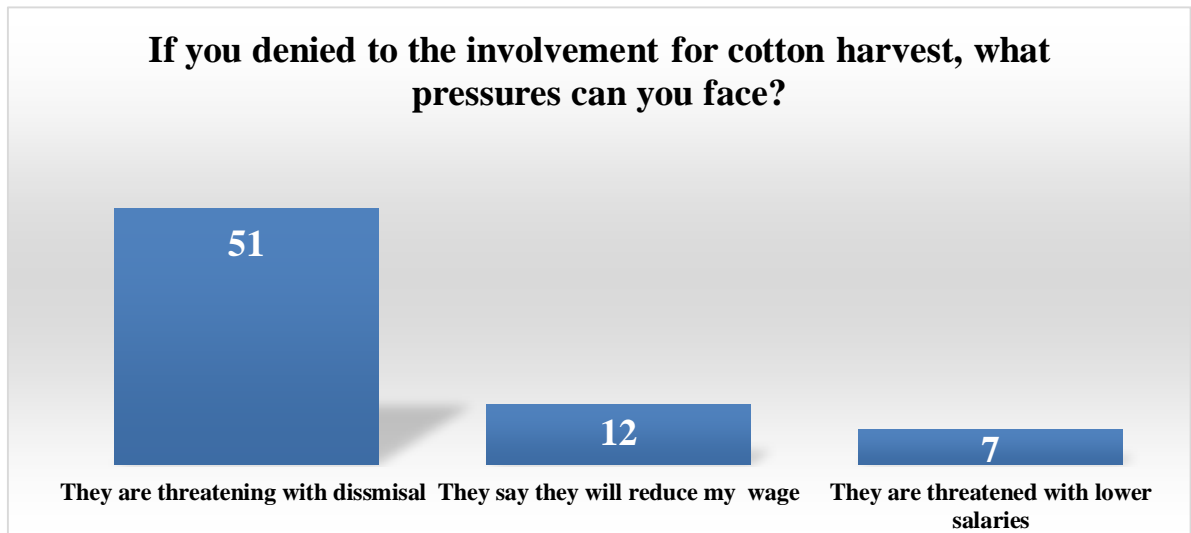


Figure 9. If you denied to the involvement for cotton harvest, what pressures can you face?

It should be noted that 23 individuals (32,9%) involved in the survey stated that they have raised their voices against forced cotton harvesting, however, their demands remained unheard. Thus, 4 individuals (5,7%) refused to be involved in harvesting processes, and they were successful. In other words, they were less involved in cotton harvesting than their peers who did not protest against forced labour. Moreover, 43 respondents (31,4%) did not think that protesting against forced labour would reap any results, and therefore, refrained doing this initiative. For example, no one from Saatli region has ever raised their voices against forced cotton harvesting. Although 50% of respondents protested against forced labour in Hajigabul, Fuzuli and Sabirabad, however, their tactics did not work. And 60% of respondents in Sabirabad refused to be engaged in forced labour, only one of them confirmed his voice was heard, and he was less involved on cotton harvesting in relation to his comrades. As coming to Imishli region, 40% of respondents confirmed they have protested against forced cotton harvesting, and this resulted 20% of them being relatively less involved in forced labour than his colleagues. However, 90% of respondents in Salyan region did not raise their voices against forced labour in cotton fields.

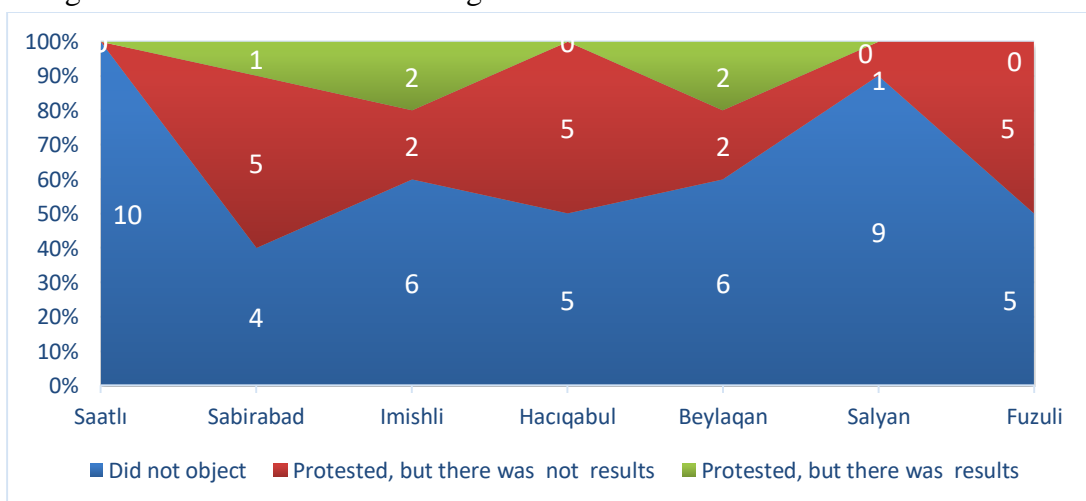


Figure 10. How many people protested against forced cotton harvesting?

Additionally, 67,1 % (47 individuals) responded to the question on " **Who forces you to harvest cotton**" as "head of the state agency that I work at", 20 %(14 persons) said " head of local executive committee", and the remaining 12,9% (9 persons) replied as "municipality chair".

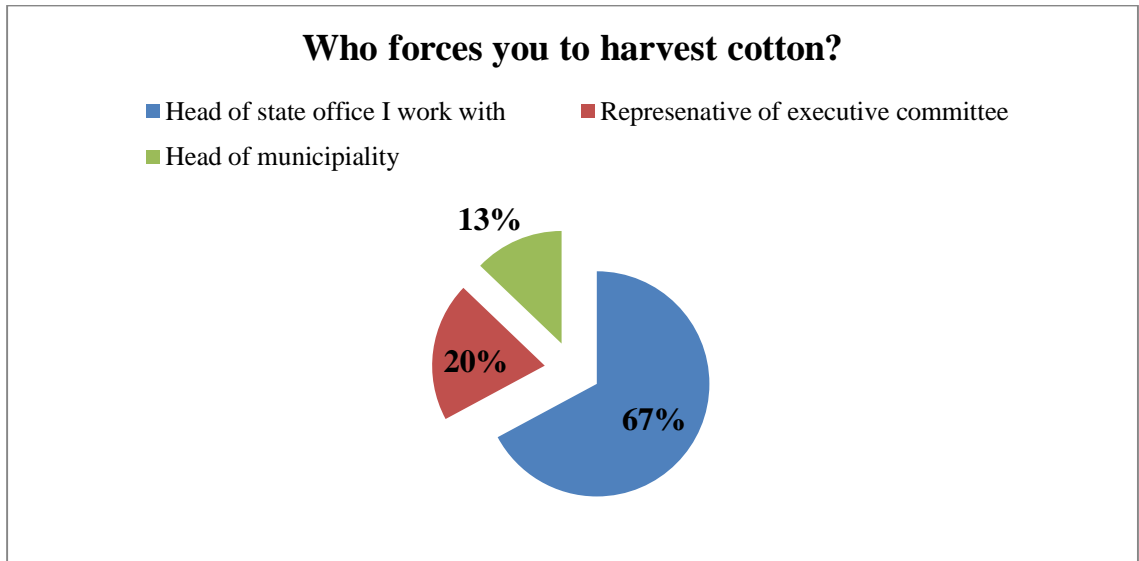


Figure 11. Who forces you to harvest cotton? In percentage.

Similarly, respondents involved in the survey from different regions have responded to the above mentioned question as following: 1) Saatli region - everyone said it was head of the budgetary organization that they are working at 2) Hajigabul - 70% said "head of budgetary organization", 10 % mentioned "head of executive committee", while 20% replied " municipality chair" 3) Sabirabad - 80% said "head of state agency", 20 % underlined "municipality chair" 4) Beylaqan - 30% said "head of budgetary organization". 60% mentioned " head of executive committee", and the remaining 10% stated "municipality chair" 5) Imishli region - 80 % said "head of state agency". 10% mentioned " local executive committee head", and 10 % "municipality chair". 6) Fuzuli region - 60% of respondents said " head of budgetary organization", while 40% believed it was " head of executive committee" 7) Salyan region - 60% said " head of state agency", 10% mentioned " head of executive committee", and the remaining 30% said " municipality chair".

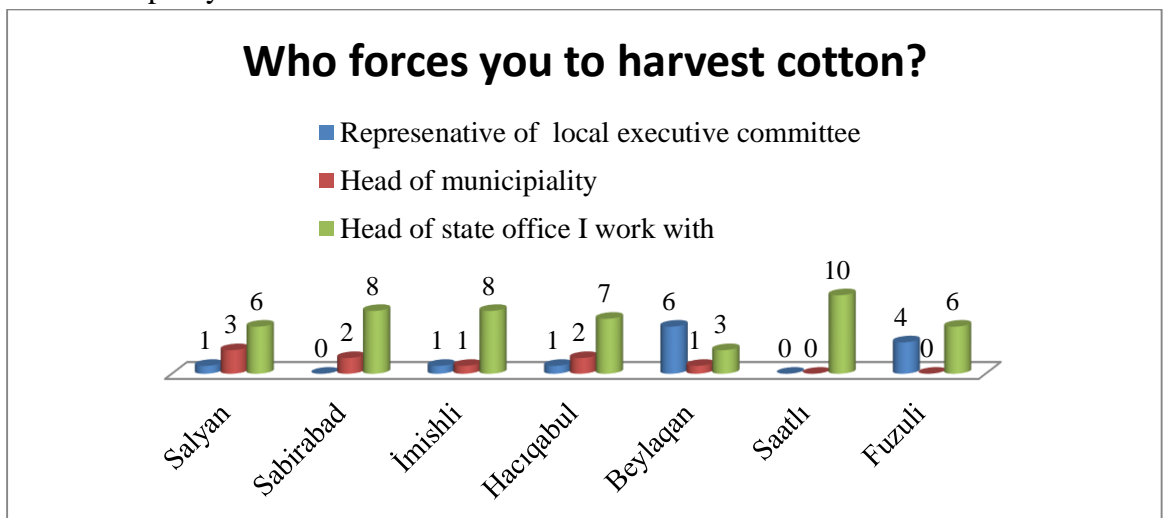


Figure 12. Who forces you to harvest cotton? By regions.

It should be noted that the frequency of involving individuals into forced labour varies. Thus, 20 cotton harvester (42,9%) have been taken to the cotton field 8-15 times per month, while 40 persons (56,1%) worked 16-30 times per month.

Additionally, 80% of respondents in Saatli were taken to the field 30 times, while in Hajigabul 70% respondents said this figure was 8-15 times per month, and the remaining 30% confirmed it was 18-22 times. As coming to Sabirabad region, 80% of respondents believed it was 20-30 times, and 20% claimed they worked 8-10 times in a month.

Furthermore, 80% of respondents in Beylagan were taken to the field 6-10 times in a month, whereas 30% of them were employed 11-15 times. As coming to Fuzuli region, 70% worked 15-22 times, while 30% did this 8-14 times per month. In Salyan region, 60% of those involved in forced labour claimed they worked 16-20 times in a month, and the remaining 40% said it was 9-15 times.

It should be noted that all respondents who are involved in forced cotton harvesting have received certain payments in return for their time in the field. Thus, 56 individuals (80%) confirmed they were paid 14-15 qepik per kilogram, while 14 persons (20%) believed it was 12-13 qapiks. Note that the amount of payments per kilogram by regions are almost the same.

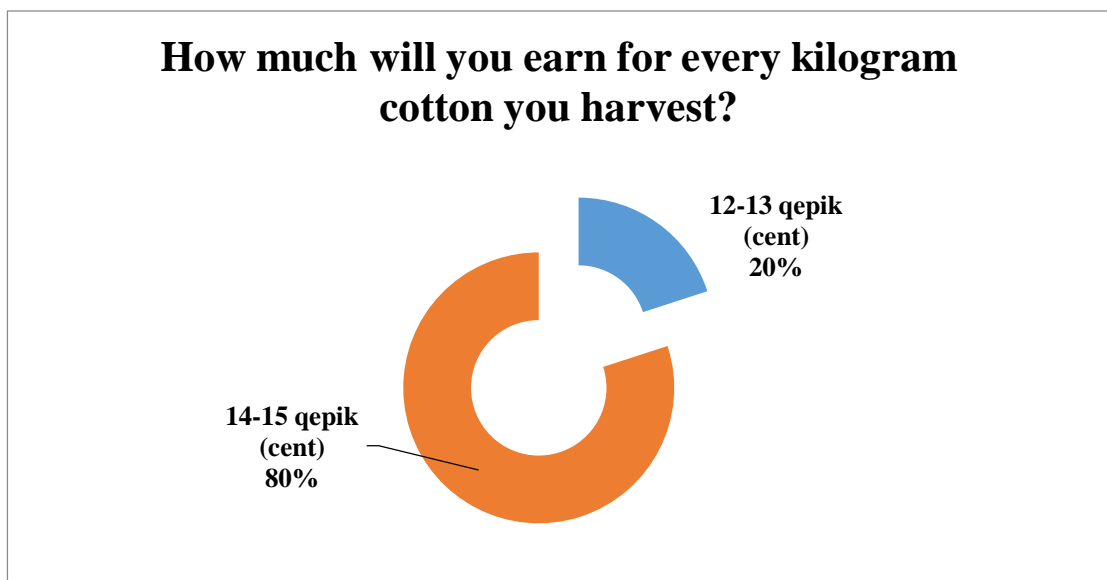


Figure 12. How much will you earn for every kilogram cotton you harvest?

Finally, 40 respondents (57,1%) replied to the question on " **Did you also take part in planting, irrigation, and harvesting of cotton**", as " Only in harvesting processes", 27 persons (38,6%) said " both in planting and harvesting", and the remaining 3 individuals (4,3%) mentioned " in all stages - planting, irrigation and harvesting".

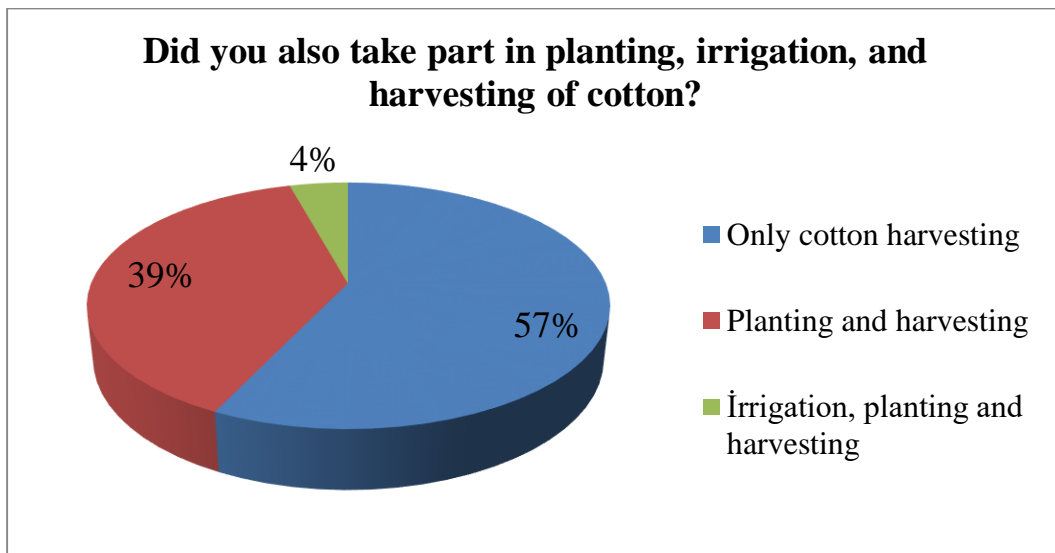


Figure 13. Did you also take part in planting, irrigation, and harvesting of cotton?

This once again demonstrates that despite the fact that employees of budgetary organizations have partaken in planting, cultivation, and harvesting processes, they were mainly involved in harvesting stages, and partly in planting and cultivation. In a nutshell, the logical explanation behind this could be due to lack of workforce dramatically.

3.3 Involvement of students into cotton harvesting

The monitoring team have registered many facts related to massive engagement of students in cotton collection in 2018. The official lines from government did not approach to cotton harvesting from violation of human rights point of view, but rather they claimed availability of sufficient labour resources for cotton collection, and hence, decided to involved students into forced labour. These facts could be once again confirmed with statement of President Aliyev delivered at republic conference dedicated to development of cotton-growing in Sabirabad region in 2016: " if our population was about 7 million back in 1970, this figure has reached to 10 million today. Today, there is no need to involved students into cotton harvesting as opposed to in old days. The main reason is we have sufficient human resources."³⁹

However, the official Facebook page of Azerbaijan State Agricultural University Ancaq (ASAU) posted the following announcement in regard to the involvement of students in cotton harvesting on September 29, 2018:

"To the attention of ASAU students who wish to partake in the cotton harvesting!"

Students are invited to join to the cotton harvesting processes in order to demonstrate solidarity with cotton workers and support them, to apply the acquired theoretical knowledge gained in the audience in real-life, and to have close look to the employed innovative technologies. The harvesting process will be implemented by Ganja Regional Centre for Agrarian Science and Innovation.. Note that 20 qapiks will be paid per one kilogram for cotton harvesting. Students who wish to participate in cotton collection process are kindly asked to address to dean of Agronomy faculty.

For more information:

³⁹ <http://atv.az/news/social/78118-pambiqciligin-inkisafina-dair-respublika-musaviresi-yenilenib-fotolar>

022-256-81-15
050-324-77-15
055-464-67-65”

This fact has been publicized in the Facebook pages of several economists, and they have evaluated involvement of students into cotton harvesting as violation of human rights, and forced labour. It has been revealed after the studies of monitoring group that in fact the engagement of students into cotton harvesting are not carried out on voluntary basis. They have been using certain incentive and administrative methods. Initially, students were pledged to be exempted from academic liabilities (exams, etc) in return of cotton harvesting. Those who rejected these offered were harassed with expulsions from the University.

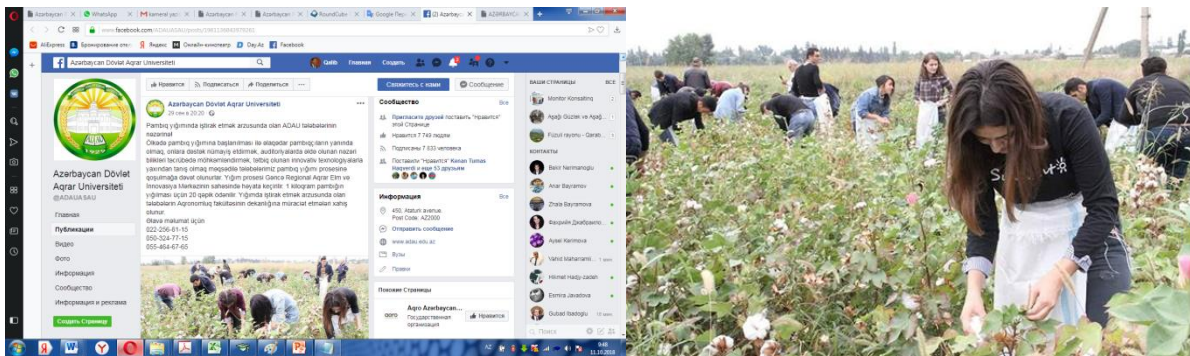


Photo 7. Official message from ASAU on cotton harvesting Photo 8. ASAU students in cotton fields

It should be emphasized that after public censure campaigns related to involvement of students in cotton collection covered at the website of leading local media outlets relevant governmental agencies had to express their reactions, and ASAU has suspended engaging over 100 students in cotton fields. Interestingly, the message shown under Photo 8 has been removed from its official Facebook page.

Furthermore, up to 10 media outlets have published articles on illegal employment of ASAU students in Azerbaijani, English and Russian.⁴⁰

⁴⁰ <https://d9mc3ts4czbpr.cloudfront.net/az/site/opinion/30860/>

<http://www.contact.az/ext/news/2018/10/free/Social/en/75731.htm>

<http://www.contact.az/ext/news/2018/10/free/Social/ru/75731.htm>

<http://www.contact.az/ext/news/2018/10/free/Social/az/75731.htm>

<https://d9mc3ts4czbpr.cloudfront.net/az/site/opinion/30860/>

<http://azedu.az/az/news/7207>

<http://www.cumhuriyyet.net/cemiyet/123636-adau-t%C9%99%C9%99b%C9%99%C9%99rinin-bu-goruntusu-t%C9%99nqid-olundu-foto.html>

<https://axar.az/news/toplum/314960.html>

<https://zerkalo.az/studentov-na-hlopok/>

4. Facts concerning violations of labour rights in cotton fields

The producers involved in agricultural investments are exempt from paying all other taxes except the land taxes in the Republic of Azerbaijan in the last 20 years. According to the requirements of Tax Code, exemption policy is in force until 01 January of 2024. Furthermore, farmers and villagers believe that they do not need to be registered at the Ministry of Taxes (MoT) as taxpayers or as Family Rural Farms (FRF) in municipalities. Similarly, they are avoiding to implement accounting policy, sign contracts with worker, and secure workers with compulsory insurance from loss of professional working capacity as a result of labour accidents and occupational diseases. However, all these beliefs are totally ill-founded.

The requirements outlined in the Law of the Republic of Azerbaijan on Family Rural Farming (2005) enable families running farm to unite and establish associations. They can be registered in two forms - either as FRFs in municipalities or as legal and physical taxpayers at the Ministry of Taxes of the Republic of Azerbaijan. Whereas family farms are not required to be registered, they can still open a bank account and receive support from donors. However, family farms cannot engage in 'entrepreneurial' activity.

The aim of this Law on family farms in rural areas is to support the development of family labour and rural employment, increase productivity, expanding alternative sources of income and accelerating rural development. This Law states that family farming covers all economic activities in rural areas such as production, processing, storage, transportation and sale, which are not prohibited or limited by law. Family farms may consist of a member of family, family members or real persons related to the family. This Law does not cover legal entities, real persons engaged in business and horticulture farming in rural areas. Family farming is done officially with the registration form. The upper limit of the family farm's annual return is determined by the relevant executive authority and periodically changed⁴¹.

The registration of FRFs are executed by municipalities⁴². The certificates of FRF members are produced, and numbered by the Ministry of Agriculture of the Republic of Azerbaijan. In later stages, these certificates are being delivered to relevant municipalities.⁴³ The legislation sets the upper limit of the family farm's annual return as 5000 manat per each member of farm⁴⁴.

It should be noted that FRFs should be registered at the State Social Protection Foundation under the Ministry of Labour and Social Protection. In line with the Law of the Republic of Azerbaijan "About Social Insurance", the 6 percent of minimum monthly salary should be transferred to compulsory insurance for each family member (this includes personal assistances and other farming at the expense of purchased property and land share) of physical persons that utilize arable lands. Additionally, this scheme also concerns to family members of FRFs that are

⁴¹ The Law of the Republic of Azerbaijan on Family Rural Farming <http://www.e-qanun.az/framework/10861>

⁴² "Rules and procedures on registration of family rural farming". It was approved with #22 decree of Cabinet of Minister of the Republic of Azerbaijan dating back to 26 January of 2006 <http://www.e-qanun.az/framework/13124>

⁴³ "Rules and procedures on presentation and format of certificates approving status, labour relations and employment experience of family rural farming". It was approved with #59 decree of the Cabinet of Ministers of the Republic of Azerbaijan dating back to 27 February of 2006. http://www.e-qanun.az/alpdata/framework/data/12/f_12177.htm

⁴⁴ "About determination of upper limit of the family farm's annual return". It was approved with #11 decree of the Cabinet of the Republic of Azerbaijan dating back to 16 January of 2006 http://e-qanun.gov.az/alpdata/framework/data/11/c_f_11843.htm

capable to work (individuals from 15 years old up to a certain age determined under Article 7 of Law on " Labour Pensions" of the Republic of Azerbaijan. The exceptions include: I and II group disabled persons, children with mobility difficulties)⁴⁵.

Finally, employment at individual peasant (farming) or family enterprises shall generally be regulated by a written employment contract as described herein. In such businesses, employment contracts may be concluded verbally as well. If this is the case, employment may be documented at the request of one of the parties. Employment may be documented by an order or directive of the leader (employer) of the individual peasant (fanning) or family business or by an entry in the family book (journal). As it can be seen, there is no need to publish employment contracts in electronic system for FRFs.⁴⁶

Employment at individual peasant (farming) or family enterprises shall be regulated by the rules hereof, by the methods described in those rules, or on their basis.

According to the Code, the issuing and regulation of employment agreements in agriculture and other agrarian sectors shall be based exclusively on regulations defined by law, by statutes of the enterprise, by the present code and by other regulations. The procedures on entering into employment contracts as established in this Code shall apply as a whole to the aforesaid enterprises as well. In agriculture and other agrarian sectors, the bylaws and regulations of peasant (individual) farms, individual (family) enterprises, corporations and other legally established organizations or entities may not limit the Labour rights of employees hereunder. Employment at individual peasant (farming) or family enterprises shall be regulated by the rules hereof, by the methods described in those rules, or on their basis. However, the Labour relations of said enterprises' members shall not be determined in a manner at variance with applicable legislation. At the same time, the registration of these taxpayers for social insurance purposes and presentation of reports to MoT, State Social Protection Foundation, and State Statistical Committee are requirements.

The surveys conducted among farmers and villagers who planted cotton as well as workers employed on voluntary basis and victims of forced labour, including audio recordings and video interviews have revealed serious violations of labour rights in cotton fields. The video interviews are available in "Youtube" and "Facebook" pages dubbed "Cotton-growing in Azerbaijan"⁴⁷.

The survey was conducted among cotton harvesters employed on voluntary basis (in total 140 cotton harvesters and 20 respondents per region) and victims of forced labour based in 7 regions(Saatli, Hajigabul, Sabirabad, Beylagan, Imishli, Fuzuli, and Salyan) of the Republic of Azerbaijan specialized in cotton growing fields. The results of interviews conducted with 140 cotton harvester have revealed that, in contradiction with requirements of Labour Code, employment of workers in cotton collection are not documented by farmers and rural farms.

Initially, let's review the results of survey carried out across 70 voluntary cotton harvester respondents. The monitoring team has asked the question on "Are you aware of the fact that you will be deprived from social protection privileges (SSPF payments, pensions, and others) by working without labour contract?" and 13 of them (18,7%) said they are aware of these risks. Moreover, 57 respondents (81,3%) confirmed they are not informed about this. The respondents

⁴⁵ Law of the Republic of Azerbaijan "About Social Insurance". Article 14.5.6. <http://www.e-qanun.az/framework/3813>

⁴⁶Labour Code. Article 258.3.

⁴⁷ https://www.facebook.com/Az%C9%99rbaycan-pamb%C4%B1q%C3%A7%C4%B1%C4%B1%C4%9F%C4%B1-336468150447495/?modal=admin_todo_tour,
<https://www.youtube.com/channel/UCekt9ItCagORtsC9pbH6ATQ>

from the following regions stated they are unaware of such risks: Saatli and Salyan 90%, Hajigabul 50%, Sabirabad 100%, Beylaqan 80%, Imishli 90% and Fuzuli 70%.

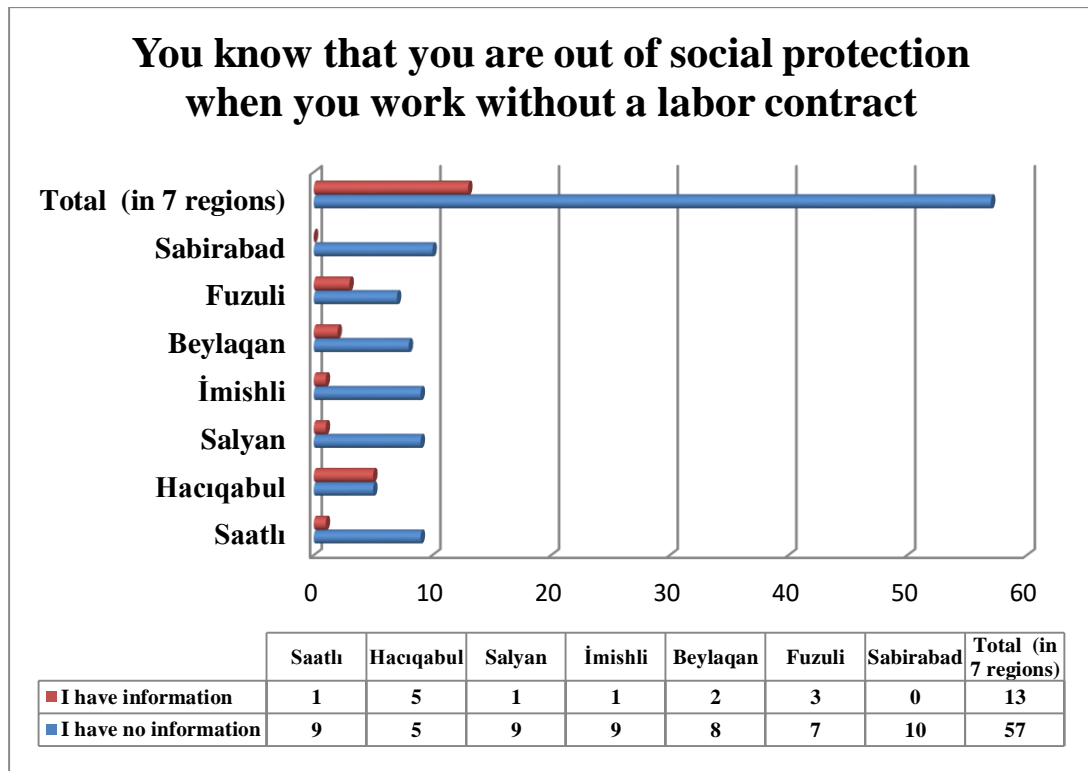


Figure 14. You know that you are out of social protection when you work without a labor contract

The legislation of the Republic of Azerbaijan recognizes compulsory insurance from loss of professional working capacity as a result of labour accidents and occupational diseases.⁴⁸ However, the monitoring results carried out during cotton collection period have revealed that workers are deprived from such insurance privileges. The monitoring team asked the question on " Are you aware of your right to receive compensation (insurance payment) in case you lose your professional working capacity as a result of labor accidents while working in cotton fields?", and 55 respondents (78,6%) said they are not aware of such rights, while 15 persons (21,4%) knew their rights, but did not demand them.

It should be mentioned that 60% of respondents involved in the survey from Saatli (10% of respondents suffered from heat strokes, while 20 % of them witnessed the loss of working capacity due to labour accidents in cotton fields) and Hajigabul (respondents involved in the survey did not personally experience labour accidents, while the 40% of them witnessed such accidents) said they were not aware of their rights to compensation on loss of professional working capacity as a result of labour accidents. The following regions had same responses with different percentages: 1) 100 % of respondents from Sabirabad (respondents involved in the survey has neither personally experienced any loss of professional working capacity as a result of labour accidents nor witnessed any) and Beylaqan (30% of respondents faced with labour

⁴⁸ "Law of the Azerbaijan Republic about compulsory insurance from loss of professional working capacity as a result of labor accidents and occupational diseases

accidents, whereas 90% of them witnessed heat strokes, snake bites, and poisoning); 2) 90% in Imishli (20 % of respondents have experienced labour accidents in workplaces, whereas 80% have observed similar incidents); 3) 70% in Fuzuli region (19% of respondents personally fell victim to labour incidents, while the remaining 40% witnessed them in the fields)

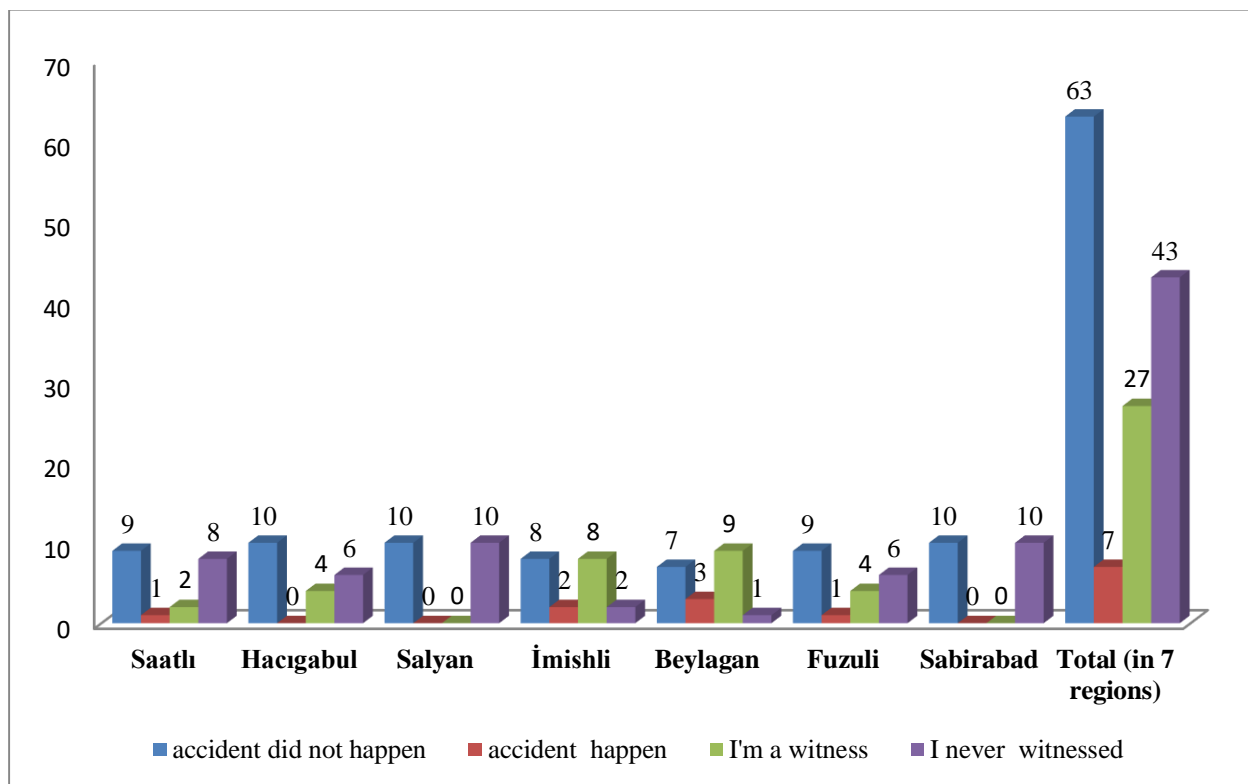


Figure 15. Do you face accidents during the cotton harvest season?

One of the cotton pickers involved in survey from Imishli region witnessed poisoning of approximately 100 workers in the field.

It is also worth look at the results of surveys conducted across workers from budgetary organizations (in total 70 respondents) engaged in forced labour in 7 regions. Thus, 62 respondents (88,6%) said "No" to the question posed on "Did you personally experience any labour accidents in cotton fields?". Moreover, 8 respondents from 7 surveyed regions had personally experienced labour accidents in the fields, and 5 of them (7,1% of respondents) confirmed cases regarding heat strokes, 2 from poisoning (2,9%), and the remaining 1 from an injury (2,4%). Note that none of these 8 respondents were provided with any kind of compensation.

Moreover, the monitoring team also asked the question on " Have you ever witnessed anyone suffering from labour accidents in cotton fields?", and 85,7% of them (60 persons) replied "No", while the 24,3% (10 persons) said "Yes". Thus, 5 of saw heat strokes, 4 witnessed poisoning, and 1 of them observed snake bite.

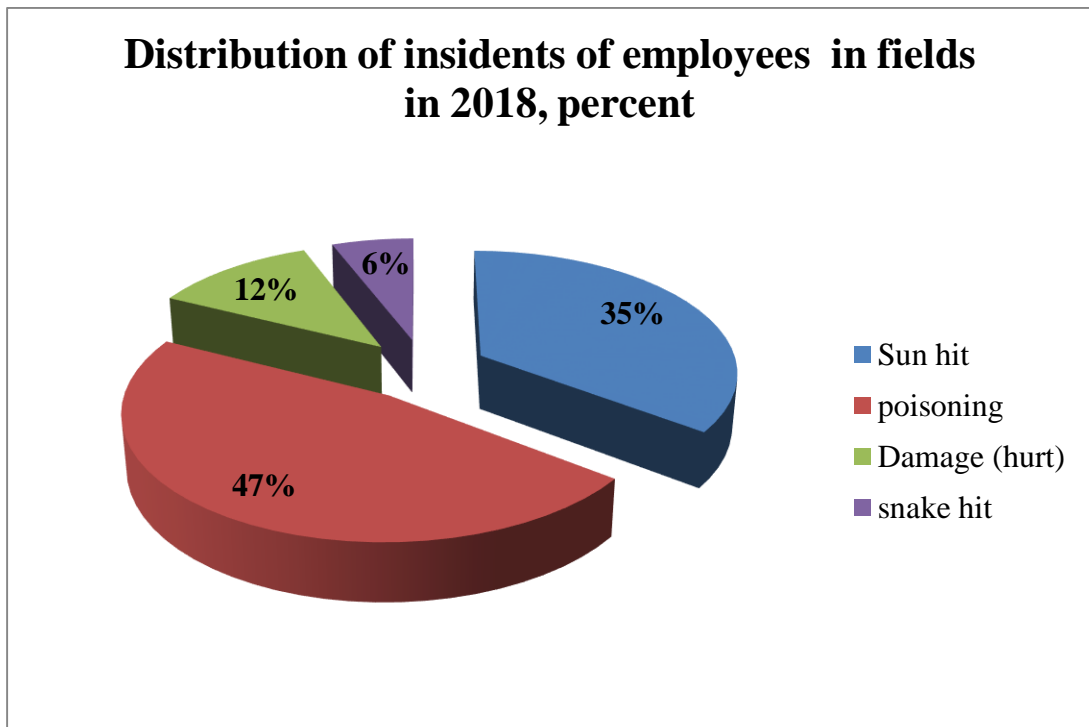


Figure 16. Distribution of incidents of employees in fields in 2018, percent

It should be noted that despite the fact that there has not been any official cases in regard to poisoning recorded during cotton collection period in 2018, however, there were multiple poisoning cases registered in cotton fields in June of the same year⁴⁹.

Another form of violation of labour rights is prevalence of discrimination cases against workers. Azerbaijan has adopted 57 Conventions of ILO, and of them is dubbed "Discrimination in Respect of Employment and Occupation"⁵⁰. Azerbaijan has taken the following commitments by ratifying the Convention:

- to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;

⁴⁹There have been mass poisoning cases in Simadakand village of Saatli region on June 10, 2018. Thus, 24 workers engaged in cotton fields tat belong to farmer Latif Khalilov were diagnosed with "chemical drug poisoning" and taken to Saatli region Central Hospital. Moreover, 14 workers employed at the cotton field located in Seydimli village of Tartar region had addressed to a local hospital on June 17. Additionally, there was mass poisoning facts registered in Imishli region on 19 June. Although the number of poisoned people had officially registered at about 80, however, unofficial sources confirm more than 140 workers visited to a local hospital. Later on June 20, 25 workers employed in the cotton field of Hajimahmudli village (Yevlakh region) were poisoned. Among poisoned victims there was one under the age of 13, the other one was 14 years old, and the other two was in their 15s. Their full names and details are as following: 1) Amil Allahverdiyev (born in 2005), Aykhan Huseynli (born in 2004), Samir Gasimov (born in 2003), Munis Huseynli (born in 2003), and Aysel Agakhishiyeva (born in 2004). In general, up to 500 people with poisoning diagnosis have addressed to dispensaries and local medical hospitals throughout the country in 2018.

⁵⁰Adopted at the General Conference of the ILO on June 25, 1958.

- to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- to pursue the policy in respect of employment under the direct control of a national authority;
- to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

The Constitution of the Republic of Azerbaijan guarantees that everyone has the right to work in safe and healthy conditions, to get remuneration for his/her work without any discrimination, not less than minimum wages rate established by the state.⁵¹ It should be noted that article 16 of Labour Code underlines unacceptability of discrimination in labour relations.⁵²

Furthermore, 17 (24,3%) out of 70 respondents employed on voluntary basis confirmed facing cases related to discrimination in cotton fields. For example, some complained that they were forced to work for second stage of cotton collection following the first phase, in most cases they have received low wages per kilogram of harvested cotton compared to others, and they had quite short time offs, and even were forced to work during day-offs.

Additionally, respondents from Hajigabul and Salyan (100% of voluntarily employed cotton harvesters), including Beylagan (90%), Sabirabad (80%), Fuzuli (70%), and Saatli (50%) have encountered with discriminatory cases. Only those working in Imishli confirmed they did not face any such actions.

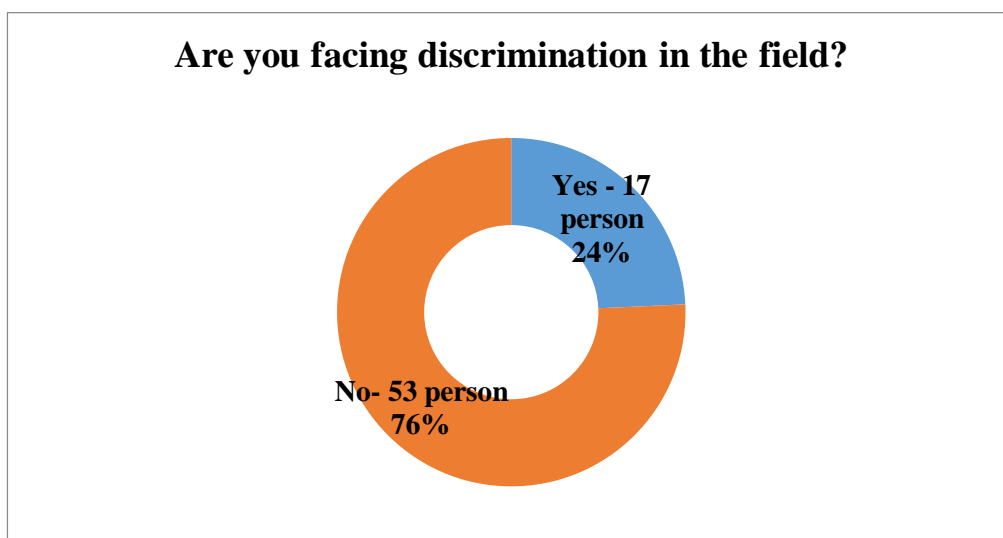


Figure 17. Are you facing discrimination in the field?

⁵¹ The Constitution of the Republic of Azerbaijan. Article 35. Right to work

⁵²Article 16. Unacceptability of Discrimination in Labor Relations

1. During hiring or a change in or termination of employment no discrimination among employees shall be permitted on the basis of citizenship, sex, race, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing, beliefs, or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, nor shall it be permitted to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors.

One of the most common violations of labour right cases was overtime employment. The Republic of Azerbaijan has joined to international convention on "Reduction of Hours of Work to Forty a Week" and thus, it has declared its approval of the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence. According to Labour Code of the Republic of Azerbaijan⁵³, daily working hours may not exceed eight hours, and normal weekly working hours corresponding to normal daily working hours may not exceed 40 hours.

However, the monitoring team has faced with facts of which workers were forced to cotton harvesting exceeding normally set 8 hours standards, and in some cases, it has exceeded weekly working hours. Thus, 2 respondents (2.9%) have answered to the question on "How many hours do you work on daily basis?" as "6 hours", 14 persons (20%) replied "7 hours", 30 (42,9%) said "8 hours", and the remaining 24 (32,2%) said "more than 8 hours". Besides Beylagan region, the facts on working more than 8 hours have been recorded in other 6 regions as well.

According to the results of survey conducted among 70 respondents employed on voluntary basis in cotton fields, 59 respondents (84,3%) have confirmed they were involved on cotton harvesting in 6-7 days of a week. As coming to the other regions, 80% of respondents in Saatli, Beylagan and Hajigabul stated they are collecting cotton at least in 6 days of a week, whereas this figure constitute 90% in Sabirabad, Salyan and Fuzuli regions.

Given to the fact that cotton harvesting coincided with hot weather temperatures, monitoring team has studied whether workers were employed in accordance with requirements of legislation. According to the requirement of relevant legislation⁵⁴, all types of work performed outdoors when the temperature is above 41 Celsius or in closed premises, rooms or other indoor workplaces where air conditioning facilities are not installed shall be stopped and employees should be given breaks to cool down.

Thus, 20 (28,6%) out of 70 respondents who are involved in cotton harvesting on voluntary basis said they had worked under harsh weather conditions in cotton fields. Moreover, 20 of them (28,6%) responded they did not attend to workplaces during bad weather conditions, while the remaining 30 respondents (42,8%) said they were given breaks to cool down during working hours.

It should be noted that none of the 140 respondents employed on voluntary basis and those engaged to forced labour were equipped with complimentary special protective cloths during cotton harvesting. As coming to maintenance of medications and equipments during first aid in workplaces, 6 respondents (8,6%) employed on voluntary basis mentioned availability of such medications and equipments, while 54 of them (77,1%) confirmed an absence of these means, and the remaining 10 persons (14,3%) were unaware of existence of medications in workplaces. The respondents only from Beylagan and Imishli have confirmed availability of medications in workplaces.

Furthermore, 64 (91,4%) out of 70 respondents mentioned absence of required first aid medications and equipments in cotton fields, whereas the remaining 6 persons (8,6%) were unaware of such medications and equipments.

⁵³Labour Code of the Republic of Azerbaijan. Article 89. Working Hours and Rules for its Regulation

⁵⁴Appendix 2 to the Labor Code of the Republic of Azerbaijan. Terms for Stopping Work or Granting Breaks to Employees Working Outside or in Unheated Indoor Areas During Cold.

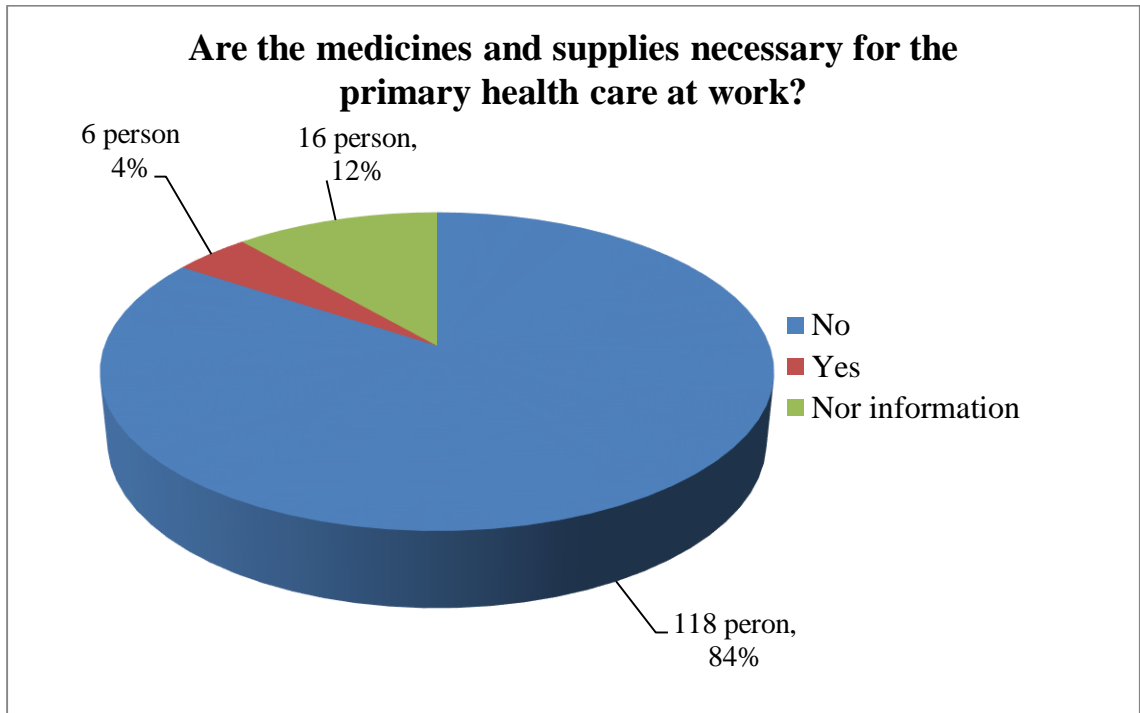


Figure 17. Are the medicines and supplies necessary for the primary health care at work?

One of the most commonly faced violations of labour rights violations was the transportation of workers using trucks. During the monitoring period, similar cases have been recorded in Imishli, Beylagan, Sabirabad and Salyan regions. Thus, these facts were documented through video footages and photos. It is worth mentioning that video footages taken during transportation of workers on the back of trucks were used for production of video films.⁵⁵

The monitoring team is presenting the following photos:



Photo 9. Sabirabad region, 29 October 2018.



Photo 10. Sabirabad region, 04 November 2018.

⁵⁵ <https://www.youtube.com/channel/UCekt9ItCagORtsC9pbH6ATQ>



Photo 11. Imishli region, 06 November 2018.



Photo 12. Beylagaan region, 31 October 2018.



Photo 13. Salyan region, 12 November 2018

The monitoring team has witnessed the facts among both forced labour victims representing budgetary organizations and those employed on voluntary basis where they were transported to cotton field on the back of trucks. Thus, a huge majority of respondents - 23 persons (32,9%) involved in cotton harvesting on voluntary basis said they have transported to cotton fields either using private vehicles or trucks that belong to their relatives. Moreover, 21 of respondents (30%) transported with tractors, 15 of them (21,4%) walked, and the remaining 11 (15,7%) used buses. According to the survey results, trucks were used to transport workers in each of 7 regions involved in the survey.

Additionally, 33 respondents (47,1%) involved in forced labour (employees of budgetary organizations) used buses, 17 of them (24,3%) utilized either private or friend's vehicle, 15 (21,4%) walked, and the remaining 5 respondents (7,2%) used tractors in order to get to the cotton fields.

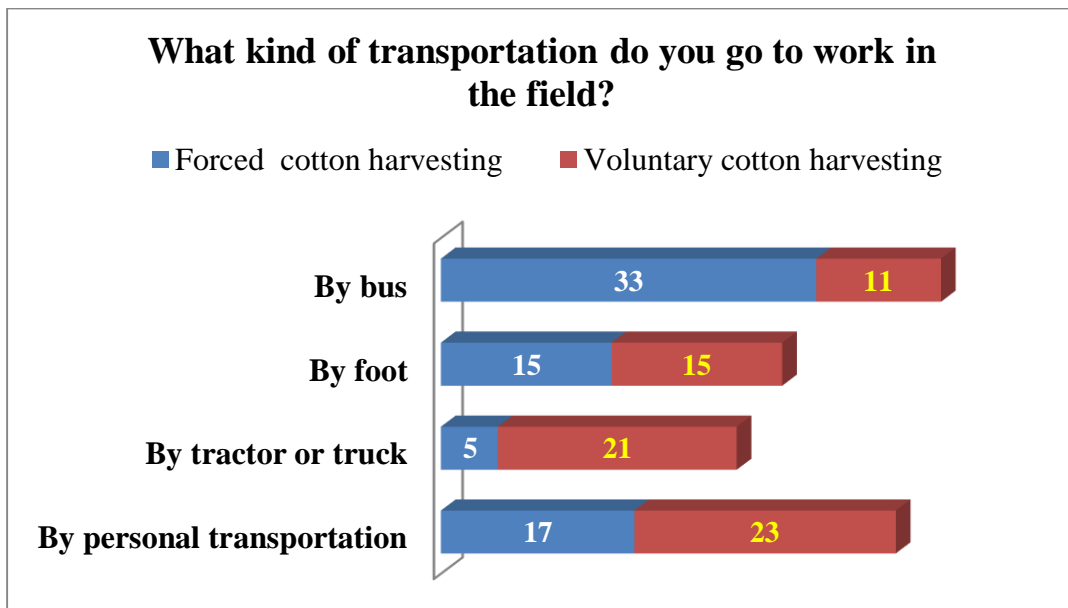


Figure 17. Are the medicines and supplies necessary for the primary health care at work?

It should be stressed that the results of survey on labour conditions conducted among both forced labour victims and those employed in cotton harvesting on voluntary basis are not satisfactory.

Moreover, the Constitution of the Republic of Azerbaijan recognizes the right to work in safe and healthy conditions, to get remuneration for his/her work without any discrimination, not less than minimum wages rate established by the state.⁵⁶ In addition to this, according to the requirements of Labour Code, each employer should guarantee the establishment of workplace and working condition that meet public health and hygiene requirements; and should comply with occupational safety and security engineering requirements.⁵⁷

Thus, 32 respondents (45,7%) employed on voluntary basis in cotton harvesting have stated that lunch breaks last only 30 minutes, while 38 respondents (54,3%) mentioned it was an hour. Moreover, 63 respondents (90%) employed on voluntary basis have responded to the question asked on " Do you have relevant working conditions in cotton fields that enable you to have time off and rest?" as "No", and only 7 respondents (10%) mentioned they have "attics or awnings". As coming to respondents in Saatli, Hajigabul and Fuzuli regions, the monitoring team was told they did not have any relevant infrastructure to rest during time off. Additionally, 60 respondents (85,7%) representing budgetary organizations who were forcefully employed in cotton harvesting have stated they did not specially designated areas for time offs, while 6 persons (8,6%) said they have awnings in workplaces, and 4 of them (5,7%) confirmed to have attics nearby cotton fields. All of respondents from budgetary institutions in Saatli, Imishli and Fuzuli regions involved in the survey said they do not have specially designated areas nearby cotton plantations.

⁵⁶The Constitution of the Republic of Azerbaijan. Article 35. Right to work

⁵⁷Labour Code of the Republic of Azerbaijan. Article 54. Working conditions

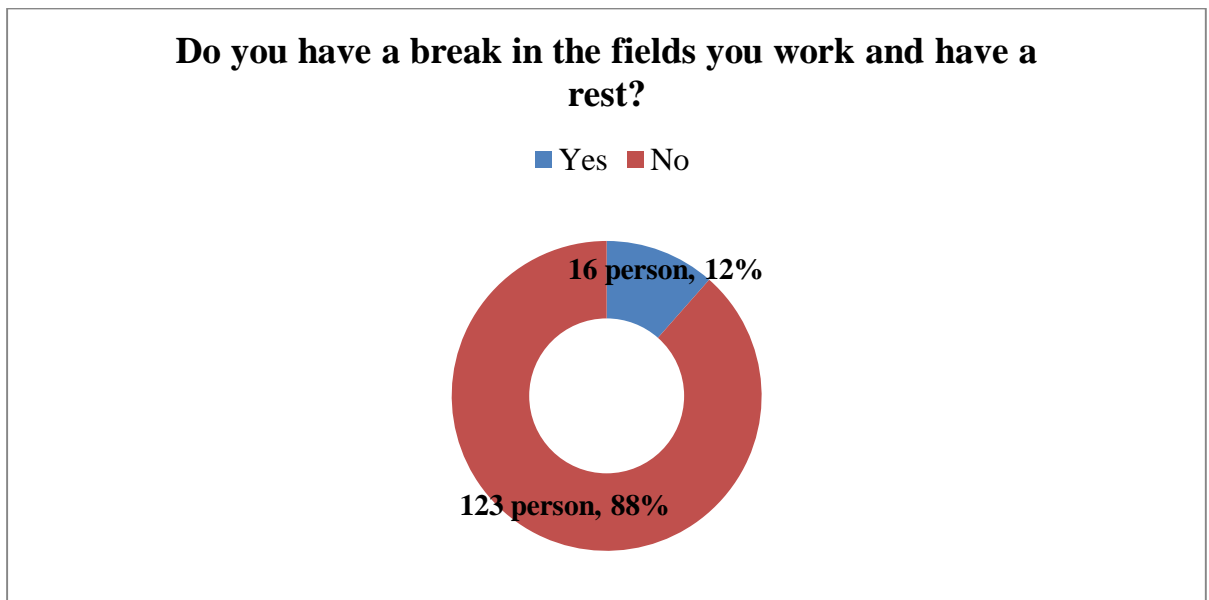


Figure 18. Do you have a break in the fields you work and have a rest?

Moreover, the monitoring team has also posed the question to workers employed on voluntary basis on " Have you ever witnessed employees from budgetary organizations (kindergarten, school, hospital, dispensaries, sanitary-epidemiological stations, and others) engaged in forced labour during working hours?". Thus, 36 respondents (51,4%) have mentioned they have observed employees from budgetary institutions engaged in cotton harvesting. Similarly, 15 of them witnessed healthcare staff, 14 respondents saw education employees, 4 have observed kindergarten and 3 have seen sanitary-epidemiological employees working in cotton fields. Moreover, 34 respondents (48,6%) said they have never witnessed employees from budgetary institutions who are engaged in forced labour in cotton fields.

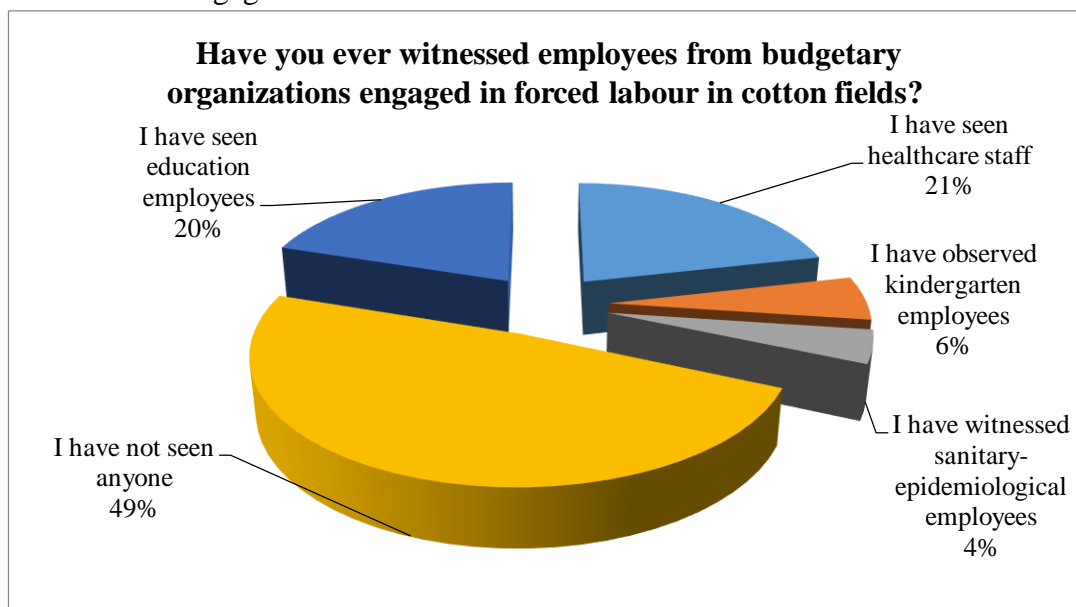


Figure 19. Do you have a break in the fields you work and have a rest?

The results of the survey have disclosed that daily norms were imposed over some cotton pickers. It should be mentioned that this indicator is even higher across employees representing budgetary organizations who are engaged in forced labour. Moreover, 57 respondents

(81,4%) employed on voluntary basis stated they have not encountered any imposed daily cotton harvesting norms, while 13 of them (18,6%) confirmed witnessing routine norms by farmers.

Furthermore, 53 respondents (75,7%) involved in forced labour mentioned they did not receive any daily norm requirements from farmers, whereas 17 respondents (24,3%) confirmed they were instructed with 45-55 kg norms. These indicators are changing by regions. For example, those involved in forced labour in Saatli, Beylagan, Fuzuli and Salyan regions said they are not aware of any set daily norms, while daily sanctions were witnessed in other regions.

Given to the significance of accurate calculations of salaries as well as weight of harvested cotton, the question on "Do you think the weight of harvested cotton accurately calculated?" was posed to cotton pickers who are employed on voluntary basis. Thus, 19 respondents (27,1%) was satisfied with weight calculations, while the remaining 10 respondents (14,3%) were in a belief that they were deceived.

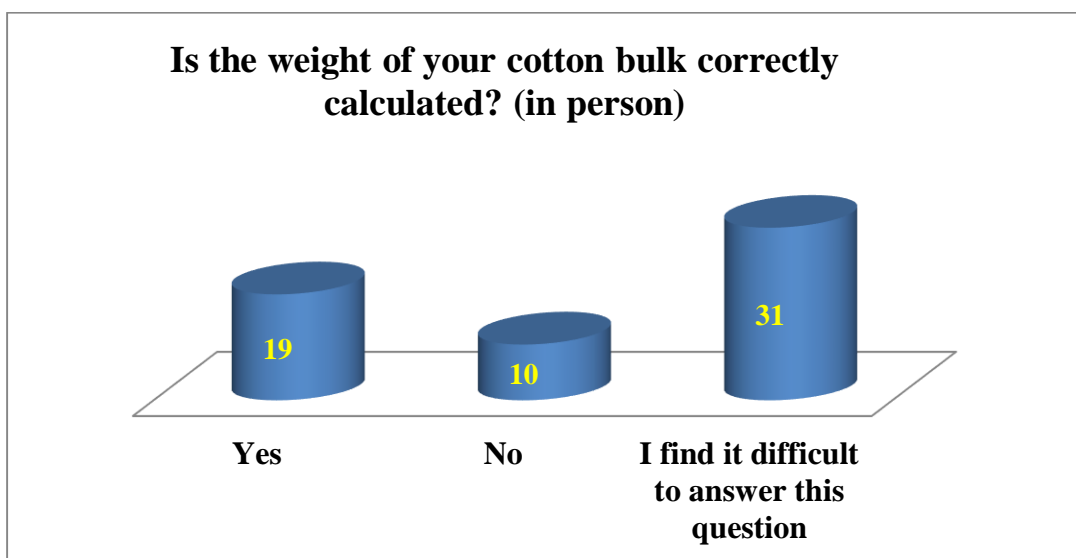


Figure 20. Do you have a break in the fields you work and have a rest?

Interestingly, 49 respondents (58,6%) who are involved in the survey had difficulties answering the question on weight calculations of harvested cotton. Implicitly, these facts confirm manipulations carried out over unclean cotton products stored in the cotton recipient check points which resulted appropriation of some portion of salaries of cotton pickers. This problem could be acutely observed in majority of regions. For instance, 100% of respondents participated in the survey in Saatli, including 80% in Saatli, 70% in Fuzuli, 50% in Salyan, 40% in Imishli and Hajigabul and 30% in Beylagan had difficulties answering the question on weight calculation of cotton based on fairness.

It should be noted that a huge majority - 59 respondents (84,3%) of cotton pickers have voluntarily answered to the question on **“When are you able to acquire your payment for harvested cotton”** as " within a week", whereas 10 respondents (14,3) replied "within a month". Only 1 respondent (1,4%) stated he could not receive his payment yet. Additionally, 100% of respondents in Beylagan, Saatli and Salyan, including 90% in Fuzuli, 80% in Sabirabad, and 20% in Hajigabul have mentioned receiving payments on a weekly basis.

Besides, the monitoring team has posed following questions to respondents who are voluntarily engaged in cotton collection: " How much are they paid per kilogram of harvested

cotton?", " Do payments match with your hardships?", and at the same time, " How much do you earn in a season?". Thus, 49 respondents (70%) replied they have received 14-15 qapiks per kilogram, 20 (28,6%) said earned 12-13 qapiks, whereas only 1 cotton harvester confirmed acquiring 17 qapik (1,4%). The percentage of responses from the remaining regions were as following: 1) Saatli - 60% said earning 12-13 ,and 40% received 14-14 qapisk per kilogram 2) Hajigabul - 20% gained 12-13 qapiks, and 60% got 14-15 qapiks 3) Sabirabad and Salyan received 14-15 qapiks 4) Beylagan - 90% acquired 14-15 qapiks, 10% earned 17 qapiks, 80% 12-13 qapiks, 20% 14-15 qapiks, 40% 12-13 qapiks, and 60% 14-15 qapiks.

As it can be observed, there are not any dramatic differences in payments made per kilogram by regions

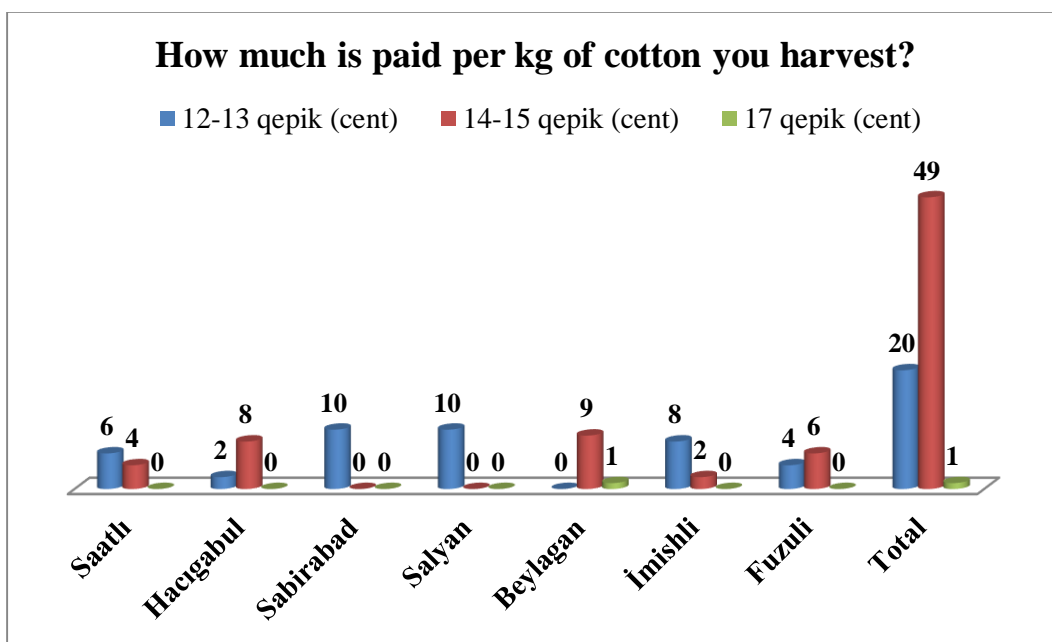


Figure 21. How much is paid per kg of cotton you harvest?

Additionally, the question on " In your opinion, how much money would have been fair to pay in return for your labour per kilogram of harvested cotton?" was asked to cotton pickers who were volunteered to respond in order to find out their expectations in return for labour. Half of the respondents (35) said it would have been fair to receive 30 qapiks per kilogram for harvested cotton. Moreover, 18 (25,7%) replied as 20 qapik, and the remaining 17 respondents (24,3%) thought 25 qapik should be enough. It can be clearly implied that expectations of cotton pickers from farmers and villagers are not that higher

As coming to the earnings of cotton pickers during the season, 30 respondents (42,9%) said gaining between 250-500 manat in a season, while 30 persons (42,9%) confirmed receiving 500-1000 manat. The remaining 10 respondents (14,2 %) had difficulties expressing an exact amount.

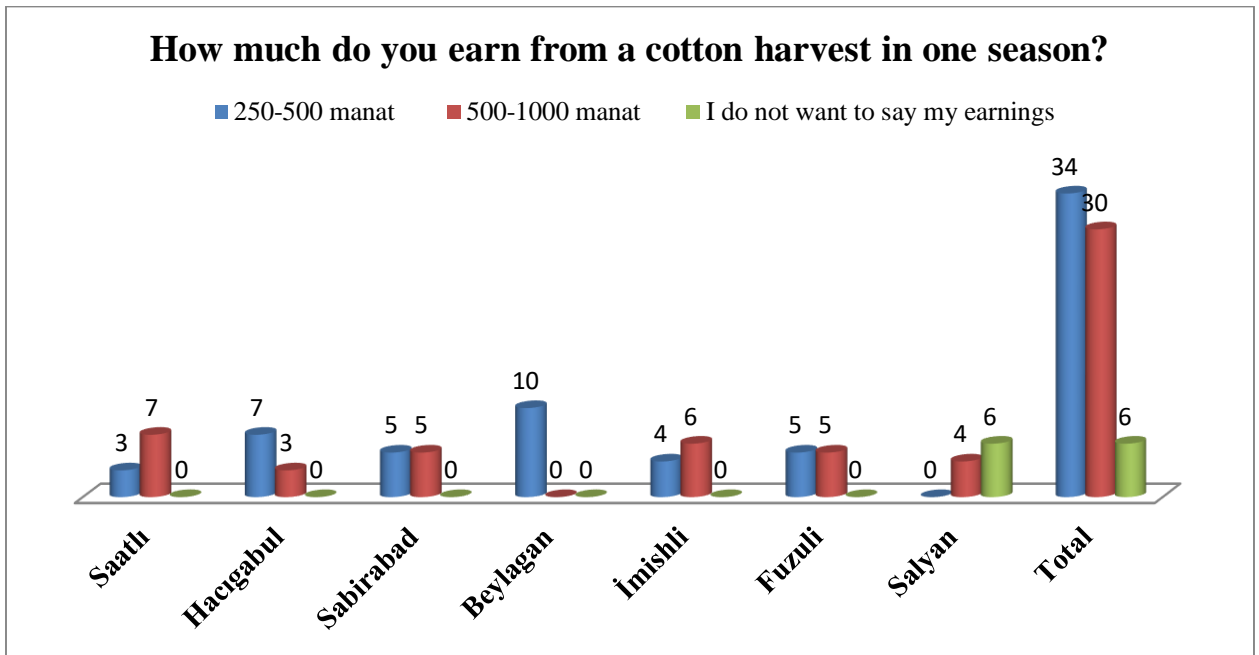


Figure 22. How much is paid for 1kg of cotton you harvest?

Furthermore, survey questionnaires were used in order to find out reasons why some cotton-pickers were engaged in cotton harvesting on voluntary basis, whether they had full time jobs, and when unemployed persons has left job places. The main aim was to better understand financial situations and social status of those employed in cotton fields regardless of dire and severe labour conditions.

Thus, 69 respondents (98,6%) replied they did not have any alternatives other than meeting their minimal needs, and therefore, they had to work in cotton plantations due to unemployment. Only one cotton-picker (1,4%) saw this job as an additional source of income. The same trend has been observed in Beylagan region as well. So, 2 (2,8%) cotton pickers mentioned they have full time jobs. The remaining 97,2% respondent (68 persons) were unemployed by the time the survey was conducted.

Interestingly, 49 respondents (70%) said they have never worked anywhere before, and 6 respondents (8,6) confirmed working as full time employees back in 1996-2000 years. However, 13 respondents (18,6%) left their full time jobs in 2000-2017.

All respondents from Saatli region confirmed they did not have full time jobs. It should be mentioned that 70% of respondents involved in the survey said they have never worked anywhere before. Additionally, 20% respondents have resigned from their full time jobs in 1996-2000. And 10% left their full time jobs back in 2013. Similarly, respondents from Sabirabad region mentioned they did not have full time jobs, and none of them have worked in any full time jobs yet.

As coming to respondents from Hajigabul, 90% of did not have full time jobs, and 10% confirmed working at state enterprises. Also, 70% of respondents participated in the survey said they have never worked anywhere. 20% respondents have mentioned working as full time employees back in 2000-2001, whereas 10% left their permanent jobs in 2010.

Moreover, 90% of respondents in Beylagan did not have permanent jobs. Also, 70% of respondents participated in the survey said they have never worked anywhere, but 20% has left their permanent jobs back in 2015. The remaining 10% left full time positions in 2016.

The 100% of respondents in Imisli region did have not permanent jobs, and 40% of them never worked anywhere in their lifetime. Furthermore, 30% left their full time jobs in 1996, and 30% resigned back in 2010-2014 years.

It should be mentioned that none of the respondents had full time jobs in Fuzuli region either. Thus, 40% of respondents involved in the survey have never had permanent job places. The 40% left their jobs back in 2006-2011, whereas 20% resigned in 2016-2017.

As coming to Salyan region, none of the respondents had full time jobs, and they have never worked anywhere in their lifetime.

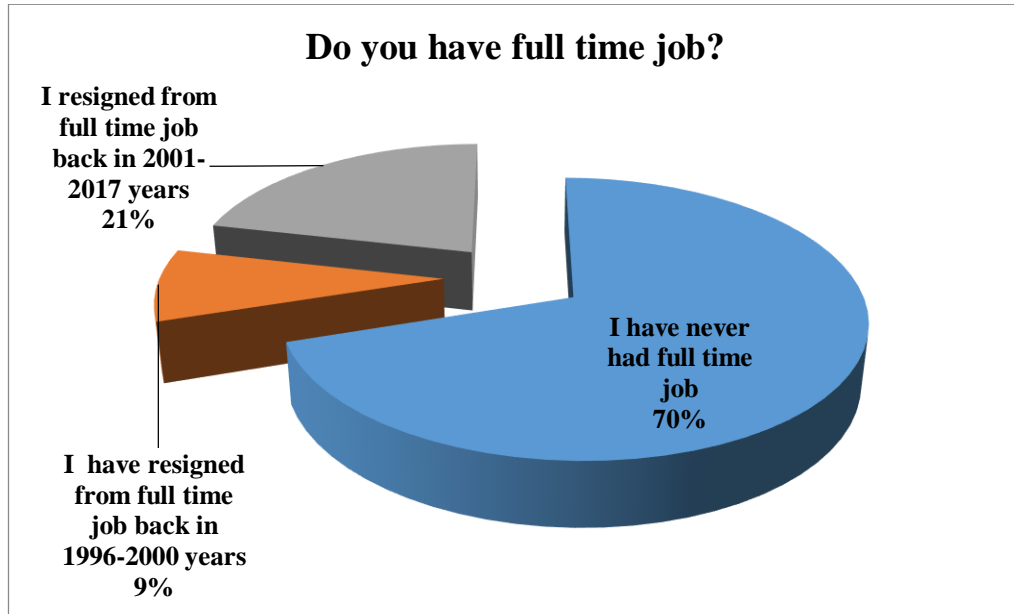


Figure 23. Do you have full time job?

These facts confirm there are serious employment problems in the regions and the unemployment could be considered as a major social problem. It is worth highlighting that concentration of about 50% of the economically active population in agriculture could be interpreted as one of the problems existing in economic sector.

Thus, 43 of respondents (61,4%) employed in cotton collection on voluntary basis are also engaged in cultivation along with harvesting, whereas 3 respondents (4,3%) are involved in irrigation as well. It should be mentioned that 24 respondents (34,3%) confirmed working only in cotton harvesting processes.

5. Exploitation of child labour in cotton fields

The Republic of Azerbaijan has joined to the UN Convention on the Rights of the Child, including World Declaration on the Survival, Protection and Development of Children, and driven from these documents it has formulated its national legislation based progressive international norms. Furthermore, Azerbaijan Parliament has ratified the Conventions of International Labour Organization on "Minimum Age for Admission to Employment" and "Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour".

The main principles of above mentioned conventions were embodied in national legislation. The legislation stipulates that it is prohibited to engage children in activities endangering their life, health or morality. Children under the age of 15 may not be employed. The legislation further outlines labour conditions on engaging employees under 18 years old as well as the timeline of their work and vacations, duration, and other concessions.

During the monitoring period, there have been facts on exploitation of child labour in cotton fields in Azerbaijan. It should be noted that Azerbaijan legislation prohibits children under the age of 15 to be employed. In general, the legislation further imposes responsibilities for engaging children in activities endangering their life, health or morality.⁵⁸

Moreover, The Code about Administrative Offences imposes concrete penalties to employers who exploit child labour:

192.8. For employment of children under the age of 15 by an employer- imposition of penalty on officials in the amount from thousand manats to thousand and five hundred manats, and for legal persons from three thousand to five thousand manats

192.9. For employment of children in activities endangering their life, health or morality - imposition of penalty on official in the amount of three thousand manats up to four thousands manats, and for legal persons from ten thousand manats to thirteen thousand manats.

During the monitoring period, an exploitation of child labour in cotton fields by farmers and parents has been documented through photo shootings and video footages. Moreover, video footages were used to produce video films.⁵⁹ We are presenting below the photos related to exploitation of child labour in Sabirabad, Hajigabul, Salyan and Imishli.



Photo 14. Hajigabul region, Meyniman village, 15.12.2018 Photo 15. Sabirabad region, Hajubabir village, 16.12.2108

⁵⁸Labour Code. Article 12.Main responsibilities and liabilities of employers

⁵⁹ <https://www.youtube.com/watch?v=-DwV0ManQgA&t=29s>



Photo 16. Imishli region, 06.11.2108



Photo 17. Salyan region, 12.11.2018

It should be noted that the facts related to the exploitation of child labour in cotton fields were confirmed from the results of surveys conducted among 70 cotton pickers in 7 regions of Azerbaijan. Moreover, respondents had received two following questions with an aim to determine whether there have been facts on exploitation of child labour in cotton fields or not::

- *Do you take your children below 15 years old to work in cotton fields?*
- *Have you seen children below 15 years old working in cotton fields?*

Interestingly, 28 respondents (40%) admitted that they are taking their children below 15 years old to work in cotton fields. However, the remaining 60% (40 persons) of respondents mentioned they do not take their children below 15 years old to the fields.

Even more interesting, 61 respondents (87,1%) while answering to the second question had underlined that they have witnessed children below 15 years old working in cotton fields. However, 12,9% of respondents (9 persons) did not see any small children working in cotton fields.

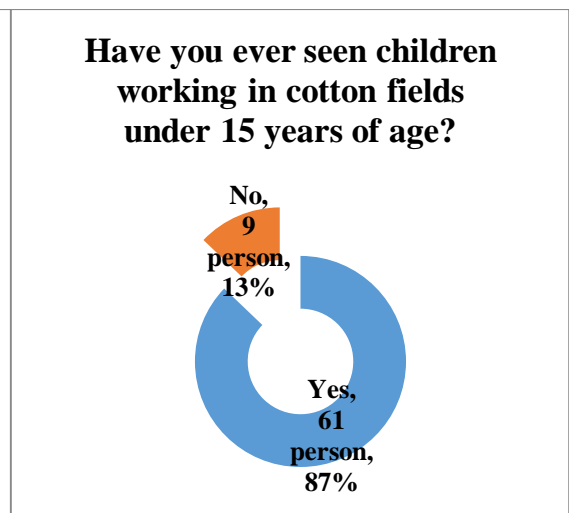
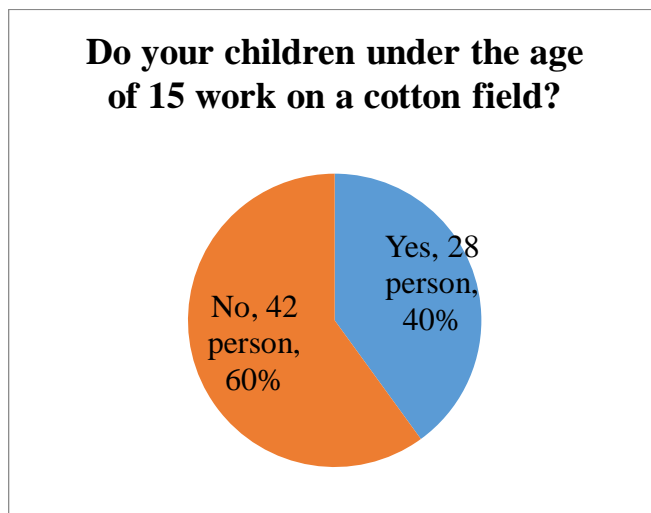


Figure 24. Do your children under the age of 15 work on a cotton field?

Figure 25. Have you ever seen children working in cotton fields under 15 years of age?

The results by regions could be seen below:

It should be noted that 60% of respondents surveyed in Saatli region have admitted taking their under 15 years old children to cotton fields. Furthermore, all respondents in this region has mentioned they have seen children under 15 years old working in cotton fields.

As coming to the results in Hajigabul region, 70% of respondents said they have taken their children under 15 years old to the fields. Interestingly, all respondents in Hajigabul have stated they have witnessed under 15 years old children collecting cotton in the fields, too.

20 % of respondents in Sabirabad said they have exploited child labour. Additionally, 90% of them underlined they have seen children working in cotton fields.

All cotton-pickers in Beylagan have responded that they take children to cotton fields, and all of them have confirmed seeing children collecting cotton in the fields.

Furthermore, 90% of respondents in Imishli stated they use child labour in cotton fields, and all of them responded witnessing child labour exploitation in the fields.

As coming to Fuzuli region, 30% of cotton-pickers have admitted exploiting child labour in cotton fields, while 40% of respondents stressed observing small children working in the fields.

Finally, 50% of respondents in Salyan region confirmed using child labour, and the remaining 50% candidly responded witnessing small children working in cotton fields.

6. Outcomes

The following outcomes have been formulated after revelation of violations of human rights in cotton production and stock-up mechanisms between 01 October 2018- 31 January 2019. All these have been achieved thanks to the monitoring report which reflects itself surveys, interviews, photo-video footages, and video-recordings in cotton fields in 7 major regions specialized in cotton-growing:

- Heads of local executive committee structures have established illegal administrative control mechanisms in the fields of cotton planting, cultivation and collection. Regrettably, municipalities have been acting as subordinate bodies on realizing illegal instructions from local executive committee authorities in these processes.;
- Farmers and villagers are encountering with pressures to plant cotton, and their rights to independently make choices are being restricted;
- Heads of budgetary organizations (education, healthcare, culture, sports, and others) in each region were imposed certain cotton liabilities/quotas, and those who are not capable to comply with these requirements are sacked from their positions. In some instances, they were intimidated with criminal cases;
- Employees from budgetary organizations (mainly technical staff, and specialist employees in some regions) are forced into cutting of cotton weeds and collection processes. Those who are protesting against these measures are threatened with redundancies or demotions and reduction in salaries;
- The level of uncleanness and moisture of cotton submitted by farmers to recipient check points that belong to oligarchs has been artificially exaggerated, and consequently, this negatively effects to efforts of farmers and cotton-pickers. More importantly, it brings about appropriation of some part of cotton by officials;
- Although some farmers have planted cotton with pressures from local executive committee authorities and municipalities, they did not comply with agro-technical requirements due to low productivity of cotton. Moreover, farmers also did not attempt to clean weeds, irrigate on timely manner and collect products;
- Leasers were pressured to plant cotton only in state and municipality lands;
- Farmers did not sign labour contracts with workers, and in return, this brings about the following consequences: 1) Abstaining to make payments for social payments which ensures rights for pensions 2) Avoiding to pay unemployment insurance fee that ensures protection from unemployment; 3) Abstaining to make transfers to the state budget;
- Farmers do not provide on compulsory insurance from loss of professional working capacity as a result of labour accidents and occupational diseases. Therefore, this creates additional risks to the life and health conditions of workers such as snake bites, food poisoning, and heat strokes due to the fact that they are not insured from compulsory insurances;
- Labour conditions that require a set of minimum standards for the efficient usage of labour functions of cotton workers are not provided by the employer;
- Cotton-pickers are facing various discrimination cases in cotton fields;
- The shuttle field transportation of workers are carried out with outdated vehicles, and this poses greater risks to their lives and health conditions;

- Despite the fact that cotton pickers are working in a dire and harmful fields, employers do not supply them with special protective gears/clothes, and food;
- Workers are transported into cotton fields with tractors and irrelevant trucks;
- There are cases where workers are exploited more hours than identified in labour code - maximum 8 hours per day and 40 hours in a week;
- Employer do not recognize day offs of workers;
- Students are illegally forced into labour
- Child labour are exploited in cotton fields;
- Workers are being forced to harvest cotton under more than 42 degrees Celsius and other unfavourable weather conditions
- Some portion of salaries of workers are appropriated due to unrealistic calculations of unclean and moisture cotton;
- Workers are paid low wages in relation to their job descriptions.

Recommendations

Based on the results of monitoring report, the expert group propose implementation of the following recommendations:

To Administration of the President of the Republic of Azerbaijan:

- To abolish an administrative control and forced labour mechanism created by executive committee authorities;
- To replace illegal measures aimed at forcefully involving farmers and villagers into cotton-growing activities with incentive and civil economic methods (increasing purchasing price of cotton, raising subsidy amount, creation of mobile technical supply and high quality infrastructure, strengthening of fertilizer supplies, and others)
- To eliminate liability-oriented practices before heads of budgetary institutions
- To put an end to the involvement of employees of budgetary organizations into cotton harvesting and collection;
- To establish an enabling environment for independent civil society organizations so that they can disclose violation of human right cases through conducting monitoring in cotton fields, and eliminate administrative barriers in this sphere

To Ministry of Agriculture of the Republic of Azerbaijan:

- To prepare special incentive packages/mechanisms for farmers and villagers who are founding voluntary cooperations and combining small size farms for cotton cultivation;
- To create an enabling environment for farmers and households who are engaged in cotton planting in order to have capacities to establish associations and get organized. Consequently, these unions will be responsible for collecting, processing of facts related to problems in cotton sector, and submitting them to relevant state agencies in charge of implementation of an agrarian policy.

To Ministry of Taxes of the Republic of Azerbaijan and Ministry of Labour and Social Protection:

- To realize accounting and accountability issues of farmers in line with set of rules and regulations set in the tax legislation;
- To develop and implement joint awareness raising campaigns/measures by two state agencies addressing to tax registrations of farmers, including their tax and social liabilities, and seasonal labour contracts with employees;
- To ensure signing of labour contracts with workers involved in cotton fields with support of relevant state agency;
- To improve control mechanisms over implementation of compulsory insurance from loss of professional working capacity as a result of labor accidents and occupational diseases while working in cotton fields.

To municipalities:

- To ensure disclosure of Family Rural Farming (FRF) and their registration in line with requirements of local legislations;

- To enact relevant measures with an aim to improve accountability issues of FRFs before municipalities and statistical agencies ;
- To put an end to practices/cases on imposing pressures purely for cotton cultivation in municipality lands leased by farmers and FRFs

To Ministry of Education of the Republic of Azerbaijan, and State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan:

- To conduct regular monitoring in cotton fields with an aim to prevent child labour in fields ;
- To organize meetings with low income families in order to pre-empt children who avoid attending schools, and develop set of measures jointly with state agencies to resolve their social problems

State Labour Inspection Service under the Ministry of Labour and Social Protection:

- To ensure compliance with security requirements in regard to transportation of workers to cotton fields, and arrange their labour conditions in accordance with relevant standards
- To impose administrative penalties over farmers and FRFs who exploit child labour and violate labour rights of workers through applying relevant provisions of the Code of Administrative Offenses of the Republic of Azerbaijan