The implementation of the YESS standard relies on the determination of those countries that are and are not at risk of having forced labor involved in their cotton production. The YESS Standard addresses private forms of forced labor as well as state-sponsored forced labor. It designates countries into one of two categories: “high-risk” countries and “low-risk” countries based on the International Labour Organization’s (ILO’s) forced labor conventions, and supported by research and reports from numerous NGOs, government agencies, and news organizations. To make this determination, the YESS Standard utilizes the two foundational ILO conventions on forced labor: C029: Forced Labour Convention, 1930 and the C105: Abolition of Forced Labour Convention, 1957. Both are part of the ILO’s eight fundamental conventions, which all countries are expected to uphold, regardless of the country’s level of economic development.

**Convention 29** defines forced labor as, "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."

This definition consists of three elements defined in The Forced Labour Protocol (Article 1(3)):

- “All work or service” refers to all types of work, service and employment, occurring in any activity, industry or sector, including in the informal economy. Forced labor can occur in both the public and private sectors.
- “The menace of penalty” refers to a wide range of penalties used to compel someone to perform work or service, including penal sanctions and various forms of direct or indirect coercion, such as physical violence, psychological threats or the non-payment of wages. The “penalty” may also consist of a loss of rights or privileges (such as a promotion, transfer, or access to new employment).
- “Offered voluntarily” refers to the free and informed consent of a worker to enter into an employment relationship and his or her freedom to leave the employment at any time. For example, an employer or recruiter could interfere with this freedom by making false promises to induce a worker to take a job that he or she would not otherwise have accepted.

**Convention 105** prohibits state-sponsored forced labor. Specifically, it prohibits the use of forced labor:

- As punishment for the expression of political views,
- For the purposes of economic development,
- As a means of labor discipline,
- As a punishment for participation in strikes,
- As a means of racial, religious, or other discrimination.

Based on C029, the ILO created a list of strong and medium forced labor indicators that provide a clear and common criterion for assessing forced labor. In Table 9 below are the ILO’s indicators that pertain to forced labor in cotton production. It should be acknowledged that while forced child labor is mentioned
where applicable in the Bibliography, child labor by itself is not an indicator used to determine a high-risk of forced labor.

Additionally, several countries have noted what are considered to be “special circumstances.” In these countries, the U.S. State Department has reported occurrences such as migrant labor trafficking and abuse of migrant workers. This information is noted to understand the full context of forced labor issues within these countries, however they do not factor into the determination of high-risk.

Table 9: ILO C029 strong and medium indicators of forced labor evident in the cotton sector
From the ILO report *Hard to see, harder to count – Survey guidelines to estimate forced labour of adults and children*, p. 23-25.

<table>
<thead>
<tr>
<th>Indicator Categories</th>
<th>Strong Indicators</th>
<th>Medium Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfree recruitment</td>
<td>1. Deception about the nature of the work</td>
<td>6. Deceptive recruitment (regarding working conditions or legality of an employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer wage/earnings)</td>
</tr>
<tr>
<td></td>
<td>2. Tradition, birth (birth/descent into “slave” or bonded status)</td>
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<tr>
<td></td>
<td>3. Coercive recruitment</td>
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<td></td>
<td>4. Sale of the worker</td>
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<tr>
<td></td>
<td>5. Recruitment linked to debt</td>
<td></td>
</tr>
<tr>
<td>Work and life under duress</td>
<td>1. Forced overtime</td>
<td>4. Multiple dependencies on employer (jobs for relatives, housing etc.)</td>
</tr>
<tr>
<td></td>
<td>2. Limited freedom of movement and communication</td>
<td>5. Pre-existence of a dependency relationship on employer</td>
</tr>
<tr>
<td></td>
<td>3. Degrading living conditions</td>
<td></td>
</tr>
<tr>
<td>Impossibility of leaving employer</td>
<td>1. No freedom to resign in accordance with legal requirements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Forced to work for indeterminate period in order to pay off outstanding debt or wage advance</td>
<td></td>
</tr>
<tr>
<td>Menace of penalty</td>
<td>1. Sexual violence</td>
<td>13. Exclusion from future employment or overtime</td>
</tr>
<tr>
<td></td>
<td>2. Physical violence</td>
<td>14. Dismissal</td>
</tr>
<tr>
<td></td>
<td>3. Threats against family members</td>
<td>15. Extra work for breaching labor discipline</td>
</tr>
<tr>
<td></td>
<td>4. Other forms of punishment (deprivation - of food, water, sleep)</td>
<td>16. Exclusion from community and social life</td>
</tr>
<tr>
<td></td>
<td>5. Imposition of worse/further deterioration of working conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Withholding of wages</td>
<td></td>
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<tr>
<td></td>
<td>7. Denunciation to authorities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Confiscation of identity papers or travel documents</td>
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<tr>
<td></td>
<td>9. Isolation</td>
<td></td>
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<tr>
<td></td>
<td>10. Locked in workplace or living quarters</td>
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<tr>
<td></td>
<td>11. Constant surveillance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Removing rights or benefits</td>
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</tr>
</tbody>
</table>
**Review Period**

YESS will review the evidence for risk-level determination periodically to decide if the list of countries in the high-risk category needs to be updated based on new research and findings. Evidence for the indicators must have been published within the past three years of the date the risk-determination occurred. Resources used to determine high-risk for the update of this Annex have been published between January 2017 and October 2020.

There are several countries that YESS has determined to have an “emerging-risk” where sources identified forced labor, but did not reference at least three of the specific ILO indicators listed in Table 9. These countries will be particularly scrutinized during the review process, due to their relatively higher potential for the involvement of forced labor in their cotton production.

**Risk-level Determination**

Evidence of forced labor was compiled from various sources and evaluated against ILO Conventions C029 and C105 to justify each country’s determination in its respective category in the YESS Standard. The documented evidence was provided by the following key sources and supplemented by additional reports, publications, and articles by civil society and media companies: International Labour Organization, International Organization for Migration, U.S. Department of Labor, U.S. State Department, and Verité.1 Table 11 includes an overview of indicator-evidence by category of risk that were identified for each country. A detailed bibliography follows the methodology, which includes a summary for each country and links to the evidence.

**Low-Risk Countries**

YESS considers all cotton-producing countries not in the high-risk category to be in the low-risk category.

**High-Risk Countries**

If forced labor evidence for a country was documented for three or more of the medium or strong indicators listed in Table 9, it is included in the high-risk category. This category includes countries with state-sponsored forced labor and/or private sector forced labor. There is evidence of practices in China, Tajikistan, Turkmenistan, and Uzbekistan that are not in accordance with C105; government officials in these countries systematically force citizens to work in the cotton fields, which is deemed to be state-sponsored forced labor.

High-risk countries:

- Benin
- Burkina Faso
- China
- Kazakhstan
- India
- Pakistan
- Tajikistan
- Turkmenistan
- Uzbekistan

1 Refer to the YESS methodology webpage for an explanation and list of emerging-risk countries.
2 Organizations’ reports are referenced in the individual bibliographies for each high-risk country.
Table 10: Overview of quantity of forced labor indicator evidence\(^3\) for each high-risk category

<table>
<thead>
<tr>
<th>High-Risk Category</th>
<th>C105</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Statesponsored</td>
<td>Unfree Recruitment</td>
<td>Work and Life Under Duress</td>
<td>Impossibility of Leaving Employer</td>
<td>Menace of Penalty</td>
</tr>
<tr>
<td>Maximum Number of Indicators per Category</td>
<td>N/A</td>
<td>6</td>
<td>5</td>
<td>2</td>
<td>16</td>
</tr>
<tr>
<td>Benin</td>
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<td></td>
<td></td>
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<tr>
<td>Burkina Faso</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>India</td>
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<tr>
<td>Kazakhstan</td>
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<tr>
<td>Pakistan</td>
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<td></td>
</tr>
<tr>
<td>Tajikistan</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkmenistan</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^3\) The forced labor indicator evidence is provided in the bibliographies of each high-risk country and linked in Annex IV Endnotes.
Bibliography of Evidence for Risk Determination

The below high-risk countries have recent and/or current evidence of forced labor in the production of their cotton per the ILO indicators listed in this Annex. Although further research is required to assess in greater detail the prevalence of the problem, the conclusive evidence of forced labor in each of the below countries’ cotton sectors warrants a high-risk country determination. Below are the nine high-risk countries, the specific forced labor indicators determined for each country, and the sources that cited evidence for those indicators (links are available in the Endnotes).

Benin

- Deceptive recruitment
- Degrading living conditions
- Sexual violence
- Physical violence
- Other forms of punishment (deprivation of food, water, sleep)
- Special Circumstance: Trafficking across borders

ILAB, U.S. Department of State, and ILO found evidence of unfree recruitment, work and life under duress, and menace of penalty occurring during cotton production in Benin. This includes deceptive recruitment degrading living conditions, as well as physical, sexual, and psychological violence, specifically of children. For its 2020 Trafficking in Persons Report, the U.S. State Department listed Benin in Tier 2, which means that “the government demonstrated overall increasing efforts compared to the previous reporting period, however, they did not meet the minimum standards in several key areas.” The U.S. State Department highlighted the trafficking and forced labor of children on cotton farms, often migrating to other parts of the country, or other countries in West Africa. Additionally, the government is weak in implementing country-wide enforcement of a legal framework preventing forced labor and holding perpetrators accountable.

Sources:
- ILAB, Goods Made with Forced or Child Labor Report, 2020.⁴
- Environmental Justice Foundation. The Children Behind Our Cotton. 2007.⁶

Burkina Faso

- Deceptive Recruitment
- Degrading Living Conditions
- Special Circumstance: Trafficking across borders

Several reports have linked Burkina Faso to deceptive recruitment and degrading living conditions for children in the cotton sector. These reports however seem to be the tip of the iceberg. A 2011 investigation by Bloomberg markets reports that child laborers faced physical violence and withholding of food if they did not comply or meet quotas. In 2007, Environmental Justice Foundation found
withholding wages and workers forced to provide unpaid labor for the following season when quotas are not met. The 2020 *Trafficking in Persons Report* released by the U.S. State Department listed Burkina Faso in Tier 2, meaning they “did not meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.” Due to terrorism threats, the justice sector was overburdened with cases, meaning that they did not report, investigate, prosecute, or convict an trafficking cases not related to terrorism.

**Sources:**

**China**
- Forced overtime
- Degrading living conditions
- Threats against family members
- Imposition of worse/further deterioration of working conditions
- Constant surveillance
- Special Circumstances: Cultural genocide, trafficking across borders, arbitrary detention, forced prison labor

The Chinese government, as part of its defined efforts to minimize terrorism, address poverty, and increase textile exports, has forcibly detained and mandates work of an estimated one million Uyghur and Turkik Muslims in northern China. These individuals have been sent to what the government calls “reeducation camps” within the region, where they are tortured, brainwashed, forcibly sterilized, and vocationally trained. They have also been sent as part of “labor transfer schemes” to textile factories throughout China. Human rights activists have pushed for the international community to recognize these actions as “crimes against humanity.” Attached to many of the Xinjiang detention camps are factories and cotton fields, where detainees work in brutal conditions while being heavily surveilled. Furthermore, since many of the men are now detained, children and women, including pregnant mothers, are threatened with placement in the re-education camps if they do not tend the farms. The Xinjiang Production and Construction Corps (XPCC) carries out much of the forced labor and labor transfer schemes, and manages about 33.5% of China’s cotton output. In November, 2020 the U.S. government issued a Withhold Release Order against cotton and cotton products produced by the XPCC or one of its subsidiaries.

**Sources:**
- CSIS. *Connecting the Dots in Xinjiang.* 2019.18
- ICIJ. *Exposed: China’s Operating Manuals for Mass Internment and Arrest by Algorithm,* International Consortium of Investigative Journalists. 2019.20
- CBP.gov. Detention Orders (Withhold Release Orders) - China. 2020.22
- OCHCR. UN Committee on the Rights of the Child. 2010.25

**India**

- Tradition, birth (birth/descent into “slave” or “bonded labor” status)
- Forced to work for indeterminate period in order to pay off outstanding debt or wage advance
- Physical violence
- Withholding of wages

Several organizations found evidence of adults and children subjected to work, life under duress, and generational debt-bondage occurring in India’s cotton production. Research found that menace of penalty abuses - including physical abuse and withholding of wages - are prevalent in India’s cotton fields. Children face work-related hazards including exposure to pesticides and handling of tools, while being deprived of education and proper healthcare. They are often exposed to dangerous machinery, are made to carry heavy loads, and work extremely long hours, which constitute “worst forms of child labor.” Children are also made to pay debts incurred by parents or guardians.

**Sources:**

- U.S. State Department. *TIP Report.* 2020.28
- Srivastava, Rajendra, N. *Children at Work, Child Labor and Modern Slavery in India: An Overview.* 2019.29
- Equal Times. *Child labour and exploitation in India’s cotton fields.* 2015.31
- BBC. *India’s Exploited Child Cotton Workers.* 2012.33

**Kazakhstan**

- Abuse of migrant workers
- Deception about the nature of work
- Deceptive recruitment
- Forced overtime
- Limited freedom of movement and communication
- Degrading living conditions
- Forced to work for indeterminate period in order to pay off outstanding debt or wage advance
- Withholding of wages
- Denunciation to authorities
- Confiscation of identity papers or travel documents

The most prevalent labor rights abuses against workers in Kazakhstan are of migrant workers, both children and adults. Individuals are coerced or forced to work in agriculture with misrepresentation concerning the nature of work, withholding of wages, and debt bondage. Their identification documents are taken from them, and they are forced to work excessive hours in hazardous working conditions. They often suffer from intimidation and threats. In addition, special concern has been raised for incidence of child labor in the cotton sector involving the lifting or carrying of heavy loads, poor working conditions, and health risks related to fertilizers and pesticides, which constitute “worst forms of child labor.” The International Labor Organization has brought these concerns to the government of Kazakhstan, which has expressed a repeated unwillingness to comment.

Sources:
- U.S. State Department. TIP Report. 2020. 36
- ILO. Application of International Labor Standards. 2017. 37
- ILO. Application of International Labor Standards. 2019. 38
- FIDH. Invisible and exploited in Kazakhstan. 2018. 39
- ILO, Child Labour in Rural Kazakhstan: Baseline survey results in Almaty and South Kazakhstan Oblasts. 2013. 41
- ILO. Child Labor in Tobacco and Cotton Growing in Kazakhstan. 2006. 42

Pakistan
- Abuse of migrant workers
- Deception about the nature of work
- Limited freedom of movement and communication
- Forced to work for indeterminate period in order to pay off outstanding debt or wage advance

In Pakistan, traffickers exploit Pakistani people who either work within the country or voluntarily go abroad - or send their children - with the promise of decent work. According to the U.S. Department of State, “the country’s largest human trafficking problem is bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the terms of employment and ultimately entraps other family members, sometimes for generations.” Cotton pickers are subject to this, and often have their movement restricted. Children are bought, sold, rented, or kidnapped into working as bonded laborers in agriculture, including cotton picking. Traffickers include but are not limited to local government officials. Contracts are rare, and minimum wage laws do not cover significant sectors of the labor force, including cotton pickers.

Sources:
- U.S. State Department. TIP Report. 2020. 43
Labor traffickers exploit Tajikistani men and women in agriculture around the world, specifically in the Middle East, and in neighboring Central Asian countries. Men are also exploited domestically for work in agriculture, including cotton picking. Authorities use tactics including threats and pleading to coerce teachers to abandon classrooms to work in cotton fields, while children are threatened with academic penalties and expulsion. Schools may keep some or all of a child’s wages. Some doctors who are unwilling to do the work pay others to take their place in the harvest.

Sources:

In Turkmenistan, the Turkmen government mobilizes citizens every year, threatening them with reduced work hours, salary deductions, or termination. Recruited individuals are primarily soldiers and public-sector workers, including teachers, doctors, nurses, and others. Some private-sector institutions are asked to provide labor for the cotton harvest as well. Turkmen citizens who do not go to the fields are required to pay a fee for replacement pickers. Farmers are threatened with loss of land if they don’t meet harvest quotas, despite recent environmental barriers to achieve the yields necessary for meeting these quotas. Reports state that cotton pickers sleep in fields. Other public sector workers are required to contribute by driving workers to the fields. Though child labor was once heavily state-mobilized, it has been massively reduced. However, children still end up in cotton fields, either replacing their parents who are public sector workers, or they go in order to make extra money. In May, 2018 the U.S. government issued a Withhold Release Order against cotton and cotton products produced in Turkmenistan.

Sources:
There have been laudable commitments and action by the Government of Uzbekistan to address forced labor in its cotton sector. However, the government continues to maintain control over ownership of the land, some of the cotton inputs, prices, and minimum wages. It has started to privatize most aspects of cotton production and processing by distributing the management of the land to “clusters” with the intention of decoupling the government from its cotton industry. In 2019, there was documented evidence of: involuntary mobilization of public and private sector workers, manipulation and extortion by local officials, workers having to pay for their replacement pickers, and no mechanism for citizens to refuse participating in Uzbekistan’s cotton harvest. The ILO estimated that 102,000 forced laborers picked cotton during the 2019 harvest. In 2020, there is initial evidence of a wide variation of prevalence of forced labor on the farms affiliated with the different privatized clusters. An early report on the 2020 harvest indicates a notable number of children working in some of the fields, especially compared to the last few years.

Sources:
- Uzbek German Forum. Interim Findings on Uzbekistan’s Cotton Harvest. 2020.
- Uzbek German Forum. We Pick Cotton Out of Fear. 2018.
Endnotes

5. https://www.verite.org/project/cotton/
12. https://www.verite.org/project/cotton/
16. https://www.refworld.org/country,RFA,CHN,5a9427b4a,0.html
34. https://www.verite.org/project/cotton/
40. https://www.verite.org/project/cotton/
46. https://www.verite.org/project/cotton/
49. https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods?tid=5629&field_exp_good_target_id =All&field_exp_exploitation_type_target_id_1=All&items_per_page=10
58. https://habartm.org/archives/8496
59. https://www.verite.org/project/cotton/
60. https://www.rferl.org/a/cotton-child-labor-turkmenistan/25141281.html
64. https://www.uzbekforum.org/interim-findings-on-uzbekistan-s-cotton-harvest-2020/
66. https://www.verite.org/project/cotton/