





HUMAN RIGHTS DUE DILIGENCE IN SUPPLY CHAINS

Business roundtable on the latest developments in supply chain legislation, policy, and practice

6 October 2022 International Hotel, Samarkand Hall TASHKENT

Background:

The international debate around business and human rights is evolving. In 2011, the Human Rights Council adopted the UN Guiding Principles (UNGPs) framework that laid out the roles and responsibilities of governments and enterprises to protect, respect and remediate adverse impacts on human rights. The international community is targeting the issue with a "SMART Mix" of voluntary and mandatory requirements.

On 5 October 2022 the Organization for Security and Co-operation in Europe (OSCE) and the Senate and National Commission for Combating Trafficking in Persons and Forced Labour of the Republic of Uzbekistan hosted a forum in Tashkent on "Combating Trafficking in Human Beings and Labour Exploitation in Supply Chains". This was complemented by a "Business Roundtable" on 6 October 2022, co-hosted by the OSCE, the German Helpdesk on Business & Human Rights as well as the Delegation of German Economy for Central Asia in Uzbekistan. The event aimed at bringing together companies from various sectors in Uzbekistan to discuss the increasingly demanding requirements and explore strategies on how to address the subject matter.

Summary of the event:

The Business Roundtable focused on the role of private sector in Uzbekistan to address sustainability issues in the context of global supply chains. Participants got an overview of current global political and regulatory developments around human rights due diligence and its implications for exporting goods and services to the European market. A special emphasis was put on strategies to address the most salient social and environmental risks at sectoral level. Case studies and good practices were presented from textile and finance sector. Practitioners and experts from the OSCE, Development Agencies, and private sector discussed main challenges and success factors how to address the subject matter. The results may inform the political process and foster peer learning among Uzbek companies and their customers abroad.







Key Takeaways:

1. What are the sustainability requirements when exporting goods or services?

- New regulatory frameworks: Uzbek companies are being confronted with a variety of laws and regulations when exporting goods and services. Depending on the market different technical standards must be fulfilled. A participant mentioned that 15 licenses are needed to export an air conditioner to Turkey. In terms of sustainability, Uzbek companies also have several standards to adhere with. In 2021, Uzbekistan has joined the EU's Generalised Scheme of Preferences Plus (GSP+), a framework that requires adherence with human rights as well as social and environmental standards. Besides, there are several national and international laws and regulations that set indirect requirements for exporting goods and services. The German Due Diligence Act, for example, will enter into force on 1 January 2023. The law obliges larger German companies to assess risks in global supply chains and implement measures to mitigate such adverse impacts. Similar laws have been adopted in other European countries and are also being debated at EU level. Such requirements are often not legally binding for Uzbek suppliers but put a certain pressure on the export market as the standards still need to be fulfilled as a prerequisite to enter the European market.
- Requirements from buying companies: Export-oriented companies are facing specific requirements already today. European buyers, for instance, often demand evidence for decent working conditions and adherence with environmental standards. Social audits and certification schemes such as amfori/BSCI, Oekotex or BCI are common in the textile industry. Local companies often have to sign certain policies (e.g. code of conduct). A participant even mentioned that he has adapted the way of doing business by shifting from conventional to organic cotton due to customer requirements. Overall, suppliers will need to adjust business operations to fulfill such requests passed on from buying companies.

2. What are the main challenges for Uzbek suppliers?

- Return on invest: Several participants complained that exporting goods and services has becoming more and more challenging. Different markets demand different requirements. While the requests for social audits or investments in modern machinery have gone up, prices did not. Suppliers are facing difficulties to fulfill these standards since higher investments are needed. On top of it, the economy is also struggling at large due to COVID or the war in Ukraine that has negative effects on global supply chains.
- <u>Sectoral risks</u>: Each sector faces specific environmental and social risks. For instance, textile companies must cope with various issues at production and processing level. Environmental issues such as water, soil or chemical







management were mentioned but also issues such as low wages or difficult working conditions. It was also mentioned that certain risks have been reduced extensively. For instance, systemic forced labour and child labour is not an issue any more in the Uzbek cotton industry.

- <u>Supply chain management:</u> Participants also highlighted several challenges related to the complexity of global supply chains. Transparency and traceability are huge issues. For instance, a participant mentioned that ii has been very hard to get information on working conditions of steel production in China or Russia. Direct suppliers are often well-known, but it is a real challenge to get insights into lower tiers of the supply chain. For larger companies a challenge also relates to the lack of internal management procedures that sometimes make it difficult to gather existing information from within the company.

3. Success factors: What works at factory or farm level in Uzbekistan with regards to sustainability?

- <u>Buy-in from management:</u> Overall, several participants underlined the importance to have a management that is fully committed to address social and environmental risks. The tone from the top is crucial. This must also be accompanied with sufficient financial means to put the standards into practice.
- <u>Proactive approach:</u> An effective factor from the financial sector is conducting proactive screening of suspicious transactions reports (STRs) for trafficking indicators. Such an approach can be done through verifying the background and reliability of their customers, known as Know Your Customer (KYC), by monitoring transactions and/or showing due diligence to behaviour of a customer. These indicators can serve as red flags and should steer attention to identifying potential trafficking victims and perpetrators through financial transactions.
- Avoiding risks: Another strategy mentioned focusses on avoiding risks in the first place. For example, the Uzbek textile industry is following a quite unique cluster approach. Several steps of the complex textile supply chain are being clustered. Such "vertical integration" enables companies to better manage risks in all steps of the supply chain since the same company is being responsible for cotton production, dying or knitting processes. A participant pointed out that his company was avoiding certain risks related to unsafe working conditions by using modern machinery instead of handpicking cotton. It was mentioned that shifting to organic cotton could be a chance to avoid certain environmental risks too.
- <u>Listen to workers' voice:</u> Finally, several participants underlined the importance of grievance mechanisms or effective feedback loops to enable companies get insights from the workforce. A participant mentioned that her company was currently rolling out a whistle blowing system using "complaints bots".







Annex I: Agenda Business Roundtable

Moderator: Malte Drewes, Adviser, German Helpdesk on Business & Human Rights

(German Federal Government)

09:30 – 10:00 Registration and welcoming coffee

10:00 – 10:30 Opening Remarks

- Hans-Ullrich Ihm, Acting Head of Mission, OSCE Project Coordinator in Uzbekistan
- Atabek Alimdjanov, General Director, Delegation of German Economy for Central Asia in Uzbekistan
- Julia Schellhaas, Senior Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

10:30 – 10:45 Warm-up session, round of introduction

10:45 – 11:15 Human rights due diligence in theory:

Global legal and political development - From the UN Guiding Principles on Business and Human Rights to mandatory human rights due diligence in Germany and the EU

 Malte Drewes, Adviser, German Helpdesk on Business & Human Rights (German Federal Government)

11:15 - 11:30 Discussion, Q&A

11:30 - 11:45 Coffee break

11:45 – 12:30 Human rights due diligence in practice:

What works at sectoral level?

- Mobilizing business and finance against human trafficking (Julia Schellhaas, Senior Adviser, OSCE; Tarana Baghirova, Associate Officer, OSCE)
- Promoting sustainable methods in the textile sector in Uzbekistan (Oydin Sattarov, Project Lead of Global Programme "Sustainability and Value Added in the Cotton Economy in Uzbekistan", German Development Agency (GIZ))







12:30 -	13:00	Discu	ssion,	Q&A
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13:00 – 14:00 Lunch break

14:00 – 14:15 How to set up a robust management system:

Tools and lessons learned

• Malte Drewes, Adviser, German Helpdesk on Business & Human Rights (German Federal Government)

14:15 – 14:45 Moderated Discussion: Applying human rights due diligence

- What are the sustainability requirements when exporting goods or services?
- What are the main challenges for Uzbek suppliers?
- What works at factory or farm level in Uzbekistan with regards to sustainability?

14:45 - 15:00 Summary and closing remarks

 Malte Drewes, Adviser, German Helpdesk on Business & Human Rights (German Federal Government)







Annex II: List of participants

	Name	Company
1 Mr. Malte Drewes		German Helpdesk on Business & Human
		Rights (German Federal Government)
2	Ms. Julia Schellhaas	OSCE Office of the Special Representative and Co-
		ordinator for Combating Trafficking in Human
		Beings
3	Ms. Asel Duishekeeva	OSCE Office of the Special Representative and Co-
		ordinator for Combating Trafficking in Human
		Beings
4	Mr. Hans-Ullrich Ihm	OSCE Project Coordinator in Uzbekistan
5	Ms. Lola Maksudova	OSCE Project Coordinator in Uzbekistan
6	Mr. Atabek Alimdjanov	Delegation of German Economy for Central Asia in
		Uzbekistan
7	Ms. Yuliya Rakhmatova	Delegation of German Economy for Central Asia in
		Uzbekistan
8	Ms. Elizaveta Sokolova	Textile and Garment Association "Uztextileprom"
9	Mr. Urinboev Azamat	Cotton-Textile Cluster Association
10	Ms. Khakimova Mila	Cotton-Textile Cluster Association
11	Mr. Utkir Ruziev	Khantex Group
12	Mr. Rasul Kodirov	Global Textile Group
13	Ms. Eleanor Kramers	ARTEL Electronics
14	Ms. Vera Bell	CROWE TAC
15	Ms. Yulia Yakovleva	Person Hunters
16	Ms. Umida Khikmatilaeva	ABM TECHNIK
17	Mr. Oydin Sattarov	GIZ
18	Mr. Faridun Vahidov	GIZ
19	Mr. Nikolay Yarmov	USAID FGI
20	Mr. Dr Tilo Klinner	Embassy of Germany
21	Mr. Diyorbek Kimsanov	Tashkent Mediation Center
22	Mr. Alisher	Global Exim Trade
	Dadamukhamedov	

Registered, but not attending:

23	Mr. Chandra Kataria	TTG Cluster
24	Mr. Akhmad Rakhmatov	BCT Cluster
25	Mr. Nukri Tetrashvili	TBC Bank
26	Ms. Damira Amanova	KapitalBank
27	Mr. Anvar Ikramov	Roedl and Partner







Annex III: Group photo



Annex IV: Presentations





Business Roundtable: Welcoming remarks

- Hans-Ullrich Ihm, Acting Head of Mission, OSCE Project Co-ordinator in Uzbekistan
- Atabek Alimdjanov, General Director, Delegation of German Economy for Central Asia in Uzbekistan
- Julia Schellhaas, Senior Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings







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German Helpdesk on Business & Human Rights

Tailor-made and free of charge advisory for companies and business associations around human rights due diligence







Our portfolio of services





Confidential advice

- Individual, practical advice on implementing human rights due diligence
- For companies and business associations



Training programs

- Customised training programs for companies
- Support in developing own training programs



Events

- Fostering dialogue between business, politics and civil society.
- · Webinars



Online services

- SME Compass: Free tool to support human rights due diligence
- <u>CSR Risik Check</u>: Free global risk analysis tool (<u>in English</u>)
- Business & Human Rights Navigator: Knowledge resource on key human rights issues
- E-learning: Introduction to business and human rights

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Warm up session, round of introduction





Who are you and what do you expect from this Business Roundtable today?



HUMAN RIGHTS DUE DILIGENCE IN THEORY

GLOBAL LEGAL AND POLITICAL DEVELOPMENTS – FROM THE UN GUIDING PRINCIPLES TO MANDATORY HRDD IN GERMANY AND THE EU



Agency for Business & Economic Development

Helpdesk &

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Growing expectations for companies

European Union Moves Towards Mandatory Supply Chain Due Diligence: Start Gearing up For New Directive

Thursday, April 29, 2021

INTRODUCTION

There has been a proliferation of new laws concerning ethical sourcing and due diligence in supply chains in various territories in recent years. This trend is being taken to the next level in the European Union with a proposed new law that will introduce far-reaching supply chain due diligence obligations for certain businesses.

On 10 March 2021, the European Parliament considered and adopted an outline proposal for the "EU Directive on Mandatory Human Rights, Environmental and Good Governance Due Diligence" (the Directive). The European Commission has now been tasked with drafting a formal legislative proposal for the Directive, to be presented to the European Parliament in summer 2021. Whilst the Directive is not expected to come into force until late 2022 or early 2023, companies falling within its scope will need to start gearing up to ensure they're ready when the new requirements kick in.

Source: National Law Review



New human rights laws in 2021, promises EU justice chief

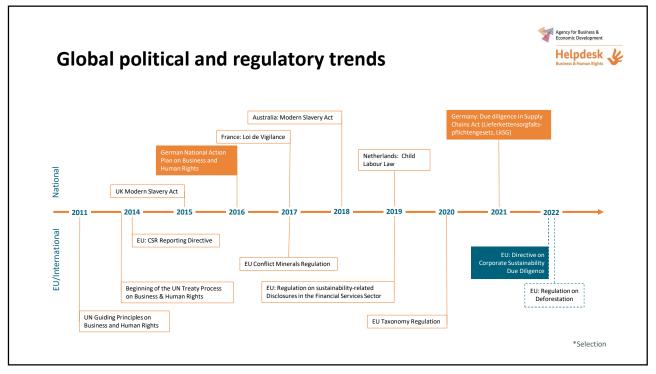
Quelle: EURACTIV

ESG investing now accounts for one-third of total U.S. assets under management

Climate change is the issue money managers care about m

Quelle: MarketWatch











Key Points of German Supply Chain Due Diligence Act

Due diligence obligations

Due diligence management system

policy statement, risk analysis, preventive and remedial measures, complaints procedure and reporting own operations and towards direct suppliers - towards indirect suppliers only in case of actual indications that suggest a

violation;

duty of effort - no obligation to guarantee

Affected companies

2023: Companies with at least ab 3.000 employees in Germany 2024: Companies with at least ab 1.000 employees in Germany (including temporary workers)

Material scope of the due diligence obligations

Human rights and certain environmental obligations

Civil liability

existing bases for civil liability remain unchanged

law clarifies that it does not create additional bases for liability

Control and sanctions

competent authority: BAFA (Federal Office of Economics and Export Control) is equipped with strong interventive powers

Possible sanctions: Fines and the exclusion of public procurement

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Affectedness of SMEs and if applicable suppliers abroad

No own affectedness according to the supply chain due diligence act

- · No reporting obligations to the public and authorities
- · No risk of fines or rejection of award procedures

Indirect affectedness

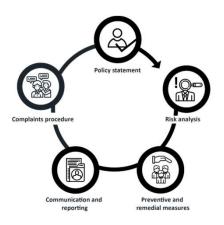
- Participation in risk analysis
 - In particular, request for information
- · Participation in preventive and/or remedial measures:
 - · Consideration in supplier selection
 - · Requirements in contract clauses
 - · Training and education
 - · Plans for the correction of possible grievances
 - · Appropriate control mechanisms
- Support for the implementation of the complaints mechanism



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General requirements for the risk management system, section 4





Appropriate and effective risk management system

- · must be embedded in all relevant business processes
- clear responsibilities for risk management (for example by appointing a human rights officer)
- management shall be informed on a regular basis, at least once a year
- due consideration of the interests of those who may otherwise be affected

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Risk AnalysisPractical Examples





Working conditions in the mines (child labor; occupational health and safety)

Land rights

PRODUCTION

Working conditions in production (occupational health and safety; wages; trade union rights; non-discrimination, etc.)



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HABITAT DESTRUCTION

Deforestation

Resettlement of communities

Expropriation of land

Minimize Risks Measures



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TRAINING

- Own employees
- External companies/contractors
- Suppliers



CERTIFICATION/AUDITS

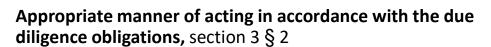
- · Factory audits
- · On-site visits
- Dialogue with suppliers



DOCUMENTATION

- · Set up action plan
- Determine key performance indicators (KPIs)
- Merge data from different departments

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Appropriate manner, section 3 § 2 is determined by:

- nature and extent of the company's activities
- ability to influence the party directly responsible for the violation
- the typically expected severity, reversibility, probability of the occurrence of a violation
- the nature of the causal contribution



Relevant for all due diligence obligations:

Law requires appropriate risk analysis, appropriate measures and appropriate complaints procedure



Supply chain, section 2 § 6

Indirect supplier

- no direct contractual relationship
- · deeper supply chain

Direct supplier

 direct contractual relationship

Own operations

- activities of the company itself
- subsidiaries in Germany and abroad if the parent company exercises decisive influence



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Obligations in relation to indirect suppliers in case of substantiated knowledge, section 9 § 3



Substantiated knowledge

- Legal definition: actual indication that suggests a violation of a human or environmental rights relation violation
- verifiable and serious information about a possible human rights or environmental violation

Examples

- reports on the poor human rights situation in the production region
- supplier belongs to a sector with particular human rights or environmental risks
- · previous incidents at the indirect supplier
- through own findings, through the competent authority or through other sources of information



Qualification before withdrawal

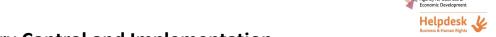


TERMINATION OF THE BUSINESS RELATIONSHIP AS ULTIMA RATIO REQUIRED IF....

There is <u>no obligation</u> to break off the business relationship if the listed conventions are not ratified

- 1 Very serious violation
- 2 No other mitigating means available
- 3 Increase in influence does not seem promising
- No remedy through the implementation of the measures within the time specified

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Regulatory Control and Implementation

Federal Office for Economic Affairs and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle - BAFA)

- Authority checks if the report was submitted and fulfils required standards
- · Controls based on a random basis and risk-based approach
- Persons claiming to be violated in a protected legal position as a result of a non-fulfillment of the due diligence obligations can request the BAFA to take action
- Sanctions:
 - Fines for non-compliance with certain obligations
 - Exclusion from the award of public contracts of the enterprise was fined at least 175,000 euros or 0.35% of the average annual turnover



EU-Directive on

Sustainability Corporate Due Diligence

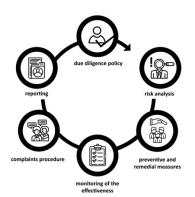
Key Points and Requirements



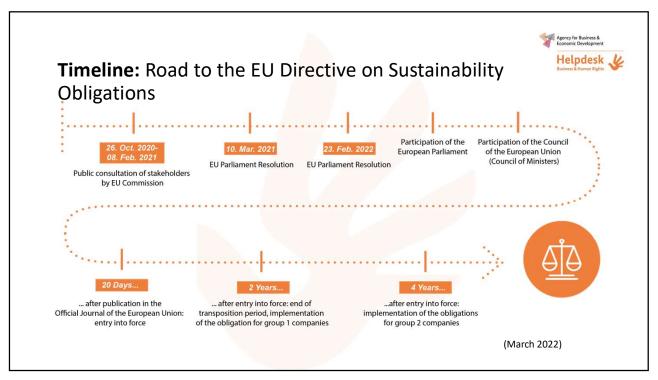
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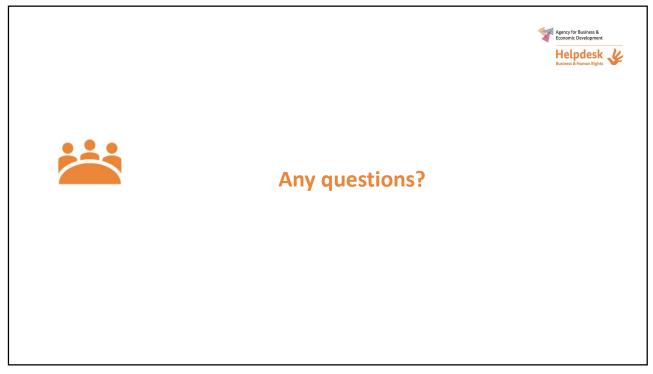
Key Points of the Commission's Directive

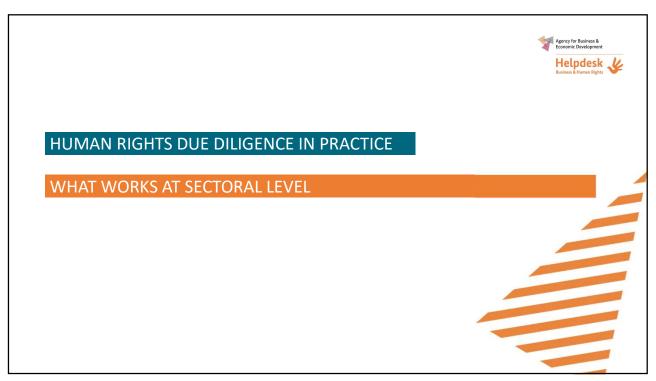


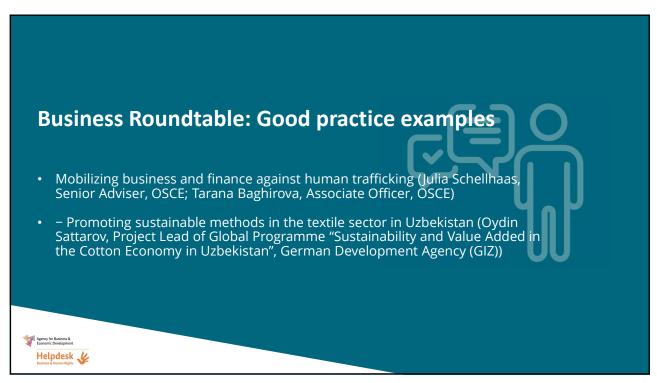


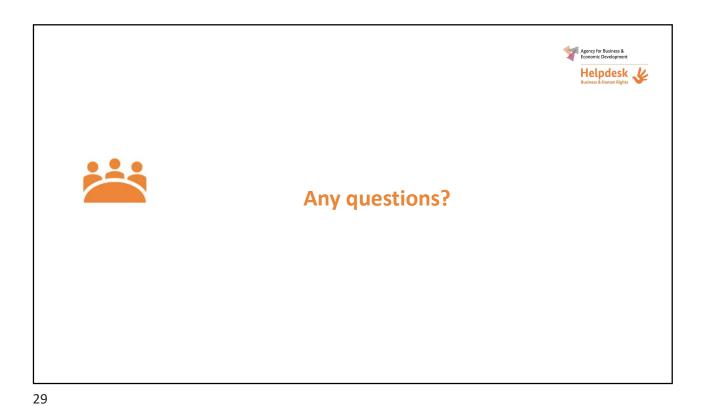
- Obligation of means no guarantee obligation
- Principle of appropriateness
- Due diligence obligations apply in the whole value chain (upstream and downstream): own operations, all subsidiaries and business relationships (direct and indirect)
- Due diligence obligations apply with respect to human rights and environmental obligations
- Companies in Group 1: climate change mitigation plan
- Support provided to affected companies, SMEs and other stakeholders
- Liability for damage caused by failure to take preventive or remedial action











HOW TO SET UP A ROBUST MANAGEMENT SYSTEM

TOOLS AND LESSONS LEARNED

Understanding the risk profile (ex. Textile sector)





COTTON PRODUCTION

- Pestizids
- Working conditions (e.g. child labour)



CUT, MAKE AND TRIM

- Working conditions (e.g. OSH, collective bargaining, working hours, etc.)
- · Living wages



CHEMICAL AND WASTE MANAGEMENT

- Sludge, wastewater
- Groundwater pollution
- Water consumption

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Taking action towards minimizing the risks





TRAINING

- Own employees
- External companies/contractors
- Suppliers



CERTIFICATION/AUDITS

- Factory audits
- · On-site visits
- · Dialogue with suppliers



DOCUMENTATION

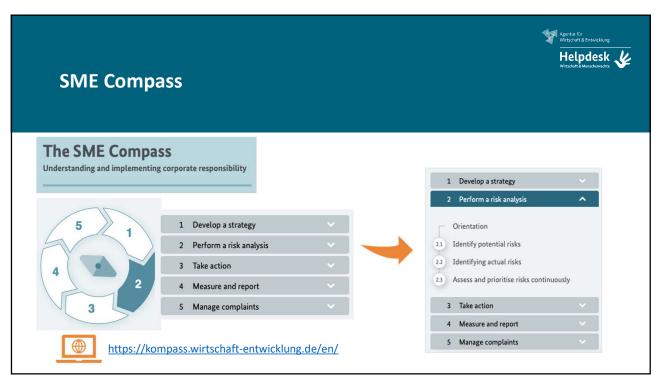
- Set up action plan
- Determine key performance indicators (KPIs)
- Merge data from different departments

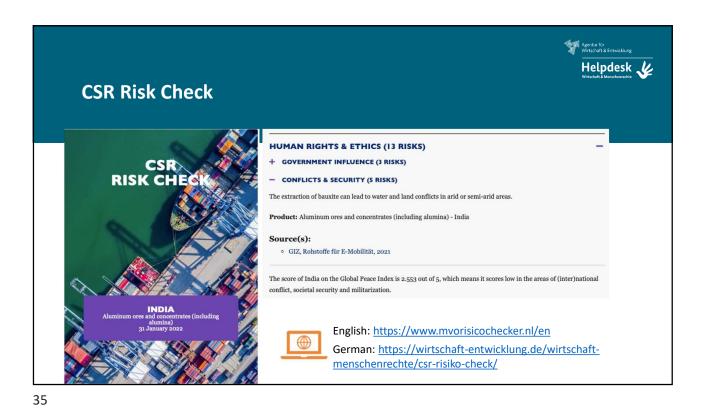


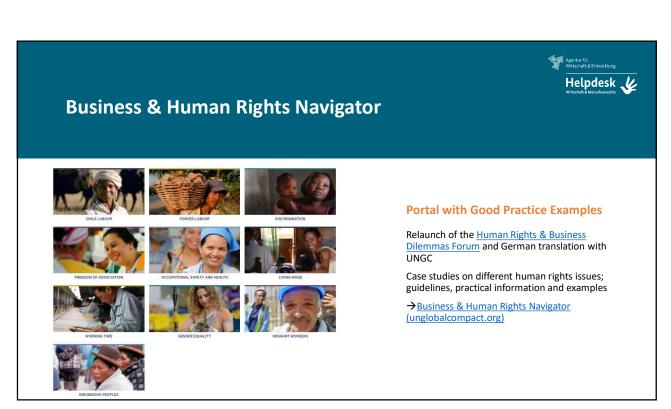


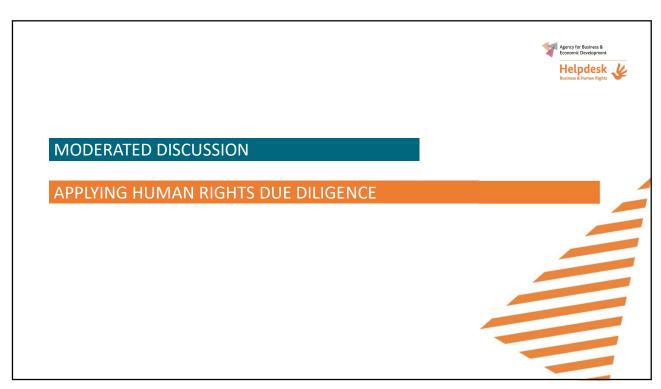
What's important?

- Risks = **Risks to people**, <u>not</u> risks to the company
- Entire value chain
- All human rights not just labour rights
- Continuous improvement
- No off-setting
- Role of grievance mechanisms and access to remedy

















Discussion



- 1. What are the sustainability requirements when exporting goods and services?
- 2. What are the main challenges for Uzbek suppliers?
- 3. What works at factory/farm level in Uzbekistan with regards to sustainabiliy?









Summary and closing remarks

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Thank you for your Attention!



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Website: https://wirtschaft-entwicklung.de/wirtschaft-menschenrechte



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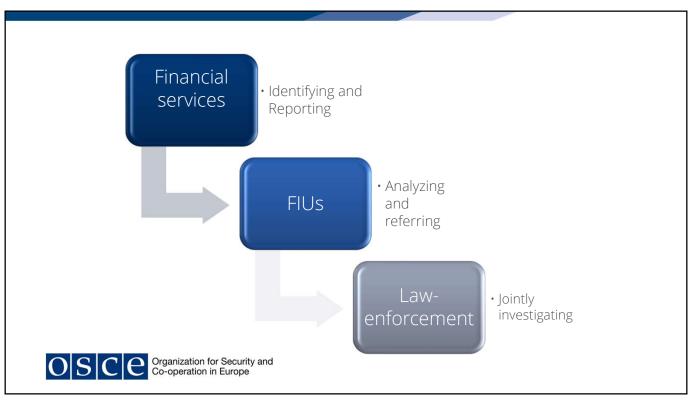
The role of the financial sector in combating trafficking in human beings

Tarana Baghirova, Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

osce.org

OSR/CTHB

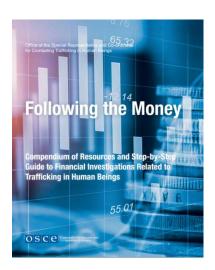
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Primary Objective

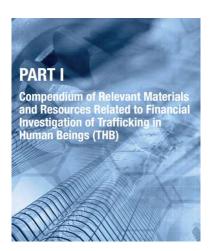
- Create awareness among practitioners and policy makers about the value of financial investigations and the need to incorporate them into anti-THB response systems;
- Summarize and analyze many of the most prominent publications (reports, studies, etc.) on financial transaction indicators of THB;
- Synthesize and condense the most common financial transaction indicators into one document for financial investigators and institutions to enhance their efforts in this arena;
- Provide guidance for financial intelligence units (FIUs), law enforcement agencies (LEAs), financial institutions, as well as public and private entities, which will assist in enhancing their abilities to follow, track and report financial flows related to THB.





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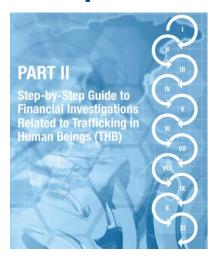
Compendium





- First compendium to focus on financial investigations relating to Trafficking in Human Beings (THB.)
- Publishers captured include;
 - Intergovernmental Organizations and
 - Agencies;
 - Independent National Financial Intelligence
 - Units (FIUs) and;
 - Civil Society, Non-Governmental Organizations (NGOs.)
- By the numbers (Section 4.1)
 - o Publishers from five continents.
 - o Publication dates ranging from 2005 to 2019.
 - Approximately <u>68 percent</u> of all indicators identified were deemed to be <u>duplicates</u>.
 - The majority of indicators focused on <u>sexual exploitation</u>.

11 Steps







Foundational

Step 1: Centralize Oversight

Step 2: Define Roles and Responsibilities

Step 3: Access Appropriate Investigatory Resources



Operational

Step 4: Evaluate the Investigation for THB Activity

Step 5: Scope the Investigation and Iden-

tify Target Subjects Step 6: Identify and Leverage Indicators

and Red Flags Step 7: Report Suspicious Behaviour

Step 8: De-Risk Relationships

Step 9: Extract Intelligence from Completed (and Proven) THB Investigations



Communal

Step 10: Coordinate with External Partners (Public/Private Partnerships)

Step 11: Financial Access - Banking Survivors of THB

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Financial Institutions

Operational Steps



Step 4: **Evaluate the investigation** for THB activity



Scope the investigation and identify target subjects





Step 1: Centralize Oversight

Resources

Step 2: Define Roles and Responsibilities Step 3: Access Appropriate Investigatory



Step 4: Evaluate the Investigation for THB Activity Step 5: Scope the Investigation and Iden-

tify Target Subjects
Step 6: Identify and Leverage Indicators

and Red Flags Step 7: Report Suspicious Behaviour Step 8: De-Risk Relationships

Step 9: Extract Intelligence from

Completed (and Proven) THB Investigations



Step 10: Coordinate with External Partners (Public/Private Partnerships) **Step 11:** Financial Access — Banking Sur-

vivors of THB

Financial Institutions





b. Historical adverse media (negative news) searches

The easiest way to identify if a suspected trafficker has an account at a financial institution is to leverage media publications that identify individuals arrested or charged with THB offences. In reviewing these types of publications one may be able to detect connected financial activity, as well as connected parties, by simply conducting an internal search for accounts or wire transfer activity associated to those named in the article. Additionally, from an internal perspective, the intelligence gathered from these accounts in terms of typologies or red flags observed will prove extremely valuable. As stated above, although simplistic in approach, this strategy could yield very high quality cases and intelligence given the added benefit of suspected THB being confirmed by a third party, typically law enforcement.

Red-flag Indicators

Behavioral

Know your Customer (KYC

Transactional



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Act Now and Initiate Buy-in of senior executives Exchange Take and share proactive data approach Public - private partnerships Capacity National Risk Building Assessments Survivors OSCO Organization for Security and Co-operation in Europe

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Thank you! Tarana.Baghirova@osce.org



osce.org/secretariat/trafficking



@osce_cthb



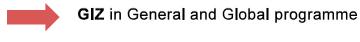


in Uzbekistan

GIZ Project 'Sustainability and Value Added in the Cotton Economy in Uzbekistan' Tashkent, 6st of October 2022



Presentation objectives









GIZ in General



Areas we work in:

Security, Rural development, Environment and climate, Global Health and Social Development, Governance, Economic development, etc.

Sustainability is at the heart of our actions...

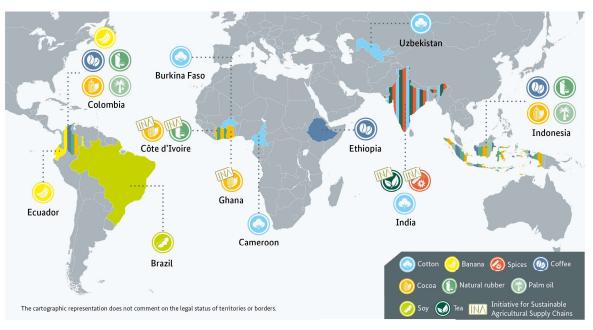
- Social responsibility
- **>>> Ecological balance**
- Economic capability

06.10.2022

Sustainability and Value Added in the Cotton Economy

giz

Global Programme "Sustainability and Value Added in Agricultural Supply Chains"



"Sustainability and Value Added in the Cotton Economy in Uzbekistan"



Commissioned by

German Federal Ministry for Economic Cooperation and Development (BMZ)

Duration:

04/2019 - 03/2024

Main Partners in Uzbekistan:

- Ministry of Agriculture of the Republic of Uzbekistan
- Textile Association UzTextileprom

06.10.2022

Sustainability and Value Added in the Cotton Economy





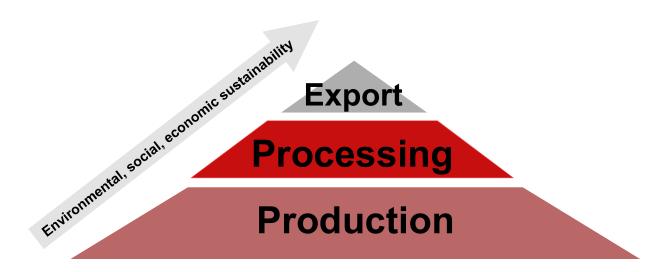
Objectives



Increasing sustainability in the cotton supply chain in Uzbekistan by

- Promoting sustainable farming methods
- Strengthening sustainable capacities for local value addition
- Fostering global knowledge exchange

Areas of Action



06.10.2022

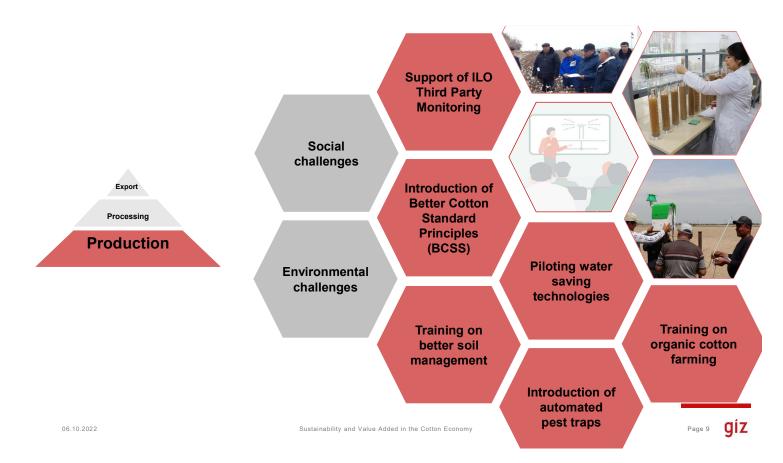
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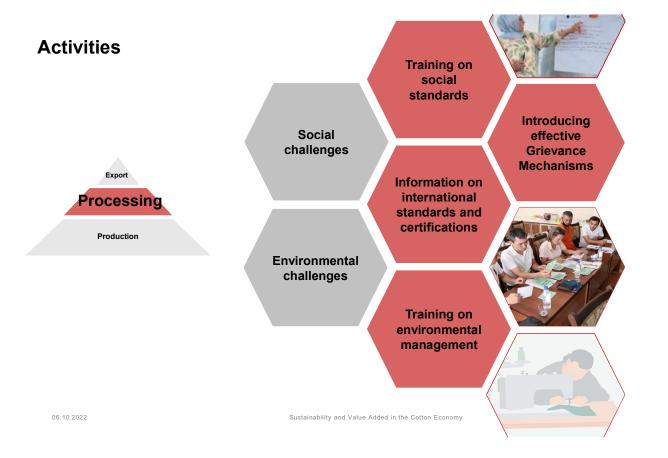


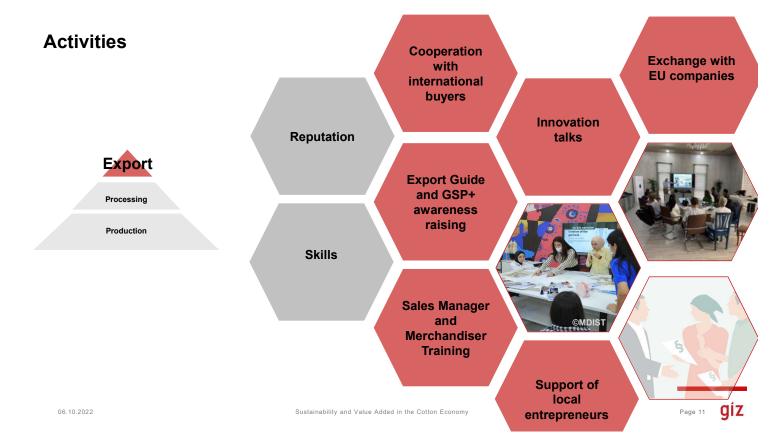
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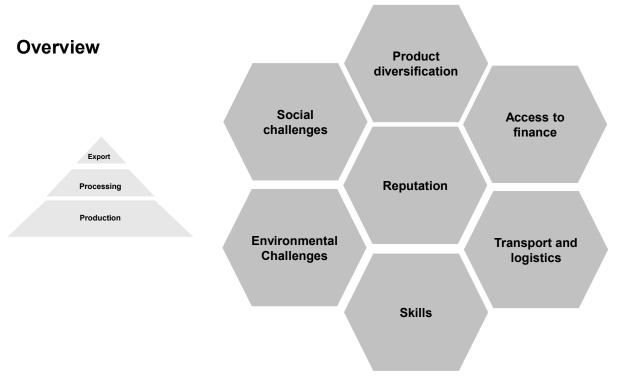
Project Areas in Uzbekistan











Reference Report



To be launched: 12th of October 2022

- Labor and environmental legislation
- Industrial infrastructure
- Investment climate
- Logistics
- Extensive trade and market statistics
- Outlook

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Project Team "Sustainability and Value Added in the Cotton Economy in Uzbekistan"



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