

CAL and IRAdvocates Provide New Evidence of Forced Child Labor in Major Chocolate Producers' Supply Chain

In the wake of the Nestle v. Doe Supreme Court decision, rights groups submit new evidence documenting human rights violations in cocoa supply chains

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CHICAGO, IL, June 25, 2021 - Today, Corporate Accountability Lab (CAL) and International Rights Advocates (IRAdvocates) submitted new evidence of forced child labor and trafficking in the Ivorian cocoa sector to Customs and Border Protection (CBP) under Section 307 of the Tariff Act of 1930. This evidence was submitted as a supplement to a petition we filed in February 2020. Under Section 307, it is illegal to import any good “produced, or manufactured wholly or in part in any foreign country” with forced labor. In both petitions we request that CBP issue a Withhold Release Order (WRO) to stop the importation of cocoa and chocolate produced with forced child labor from Cote d’Ivoire.

Over the past twenty years, chocolate companies have made many commitments to eradicate child labor and forced labor from their cocoa supply chains. Yet new evidence shows that cocoa and chocolate companies continue to rely on cocoa produced by forced child labor. Children, mostly from Mali and Burkina Faso, are trafficked to cocoa farms where they work long hours using machetes, spraying pesticides and herbicides without protective gear, and carrying loads that are much too heavy for them. These forms of hazardous child labor are held to be the “worst forms of child labor” prohibited by International Labor Organization Convention No. 182.

“These chocolate companies knowingly and systemically rely on forced and trafficked child labor to create cheap chocolate. It’s past time that they address the human rights violations in their supply chains or lose access to the US market. They can no longer rely on child labor to make a profit,” said Allie Brudney, Staff Attorney at Corporate Accountability Lab.

While there is sufficient evidence for CBP to issue a WRO against these companies, we request that the companies be provided the opportunity to take the following remedial steps toward the ultimate goal of ending forced child labor and building a sustainable cocoa industry:

1. *Grant cocoa and chocolate companies and importers 180 days to publicly release information on their cocoa supply chains down to the farm level.*
2. *Require that companies pay the full Living Income Differential (LID) immediately, and move toward the Living Income price over the next 18 months.*
3. *Require that companies establish long-term contracts with cooperatives and farmers in Côte d'Ivoire over the next 18 months to ensure economic stability.*

Terry Collingsworth, Executive Director of IRAdvocates, stated, “I’ve been documenting child slavery in the cocoa sector since 1998. Since then the horrific abuse of child laborers has increased and the companies have continued to profit from child slavery. The immediate remedial action we are demanding should have been taken twenty years ago. We are merely seeking basic steps that will lead to an end to the exploitation of child laborers that the companies promised to do in 2001 when they signed the Harkin-Engel Protocol in 2001.”

New Evidence of Forced Labor

Over the past year, we have collected new evidence of forced child labor. This new information includes trafficking routes used to send children to cocoa farms, government corruption, and information on the impact of COVID-19 pandemic on cocoa farmers and their families.

Trafficking

Trafficking of vulnerable children from Mali and Burkina Faso into forced labor conditions in the Ivorian cocoa sector has been documented and known to local authorities for years. During a trip to Cote d’Ivoire’s northern border region, our investigators found evidence of illegal trafficking across closed borders and of police knowledge and facilitation of illegal child travel suspected to constitute trafficking.

The investigators documented evidence of trafficking patterns from the northern border region down to cocoa-growing regions in Cote d’Ivoire. Even though the borders have been closed due to COVID-19, children continue to be trafficked across the border into Cote d’Ivoire, generally at night. Once across the border, children are trafficked to the cocoa-growing regions on regular

bus routes. Buses run from the border region through some of the main cocoa-growing regions to Abidjan. At each stop, children get off the bus and head to nearby cities or towns.

While the Ivorian government has implemented checkpoints on the bus routes to try to stop trafficking, corruption is rife. Although Ivorian police are aware of ongoing child trafficking, in some cases they appear to facilitate it and profit from it. Foreign citizens traveling in Côte d'Ivoire are required to produce an identity card or birth certificate when requested by the police. Investigators were told that non-Ivorian passengers are required to pay an additional "fee" to the bus company to cover bribes at checkpoints along the bus route if they cannot produce the required documents. Prior to reaching the checkpoints, the bus drivers collect non-Ivorian passengers' identity documents, if any, to present to police and gendarmerie officers. Once on the bus, the police officer asks that all passengers whose money had been collected raise their hands. The police officer then compares the number of people raising their hands with the amount of money collected, takes the corresponding amount of money, and exits the bus without performing other identity checks. This form of corruption allows the clandestine trafficking of children to cocoa-growing regions and cocoa farms in Côte d'Ivoire.

Forced Child Labor

It has been estimated that there are at least 28,900 forced laborers in the cocoa industry in Cote D'Ivoire and Ghana, including 15,600 children who are being forced to work on cocoa farms by people who are not their parents. Because it is notoriously difficult to document forced labor in the cocoa industry, the real number is probably much higher. Even cocoa and chocolate companies have acknowledged that the real number of forced child laborers is unknown. As recently as 2019, Nestlé admitted that the low number of forced labor cases that it has identified on its own farms "does not mean that forced labor does not exist—it may be that we are not good enough at identifying it." Additionally, reports from the Fair Labor Association (FLA) on Nestlé's supply chain found evidence of forced child labor as recently as 2017.

Despite these challenges, our investigators found evidence of forced child labor. They spoke with numerous children and documented indicators of forced labor, such as isolation, abuse of vulnerability, and abusive working conditions. Many children were seen holding and using machetes, a clear sign that they are engaged in hazardous child labor and the worst forms of child labor. Other children were seen carrying very heavy loads. These children often look to be about eleven or twelve years old, with their bodies bending under the weight of cocoa pods they are carrying.

The COVID-19 Pandemic

The COVID-19 pandemic led to decreased farmer income and likely increased farmer indebtedness. The pandemic hit Côte d'Ivoire in mid-March 2020, as the smaller of the two cocoa growing seasons was beginning. With the borders closed, migrant workers who usually travel to Côte d'Ivoire for the season were unable to cross the border; farmers were often unable to transport their cocoa to the ports in Abidjan or San Pedro; and farmers were often unable to receive financing for inputs such as fertilizers. As a result, cocoa farmers generally did not produce as much cocoa during the 2020 small growing season as they had in the previous year. Because the price of cocoa remained the same – at 825 FCFA – many cocoa farmers earned far less income during 2020's small growing season than in previous years.

The decreased production and difficulties in selling and transporting cocoa meant that many farmers reported being in debt. As a result, many reportedly took out loans to maintain their farms, feed their families, or pay other bills. These loans were generally with someone in the village, the cooperative, or a pisteur. During a period in which farmers were already earning less than in other years, cocoa farmers also reported that even banks, which farmers would not typically borrow from, did not have enough liquidity to make loans, leaving farmers with even less access to loans. At the same time, the community-support system that traditionally stepped in to support community members in times of need was not functioning because people were scared of catching COVID-19.