



RECOGNISING
LIVED
REALITIES



Policy-making on
child labour in cocoa
farming in Ghana and
the Dominican Republic



The project 'Clothes, Chocolate and Children: Realising the Transparency Dividend', led by University of Liverpool in partnership with Focus on Labour Exploitation (FLEX) and funded by the British Academy with the Department for International Development, assessed how transparency in supply chains for chocolate and clothes can help to protect human rights, including children's rights, and the wellbeing of workers in low and middle-income countries.

This briefing examines the findings from research into the cocoa sector in Ghana and the Dominican Republic to provide key policy recommendations for businesses and governments. The two cases represent established and emerging sources of cocoa production and have been subject to a number of initiatives to tackle exploitation, particularly of children.

When considering the impact of the UK Modern Slavery Act 2015's Section 54 requirement for large companies to report on steps taken to tackle modern slavery in their supply chains, it is essential to understand labour exploitation in the context of a continuum from decent work, through poor working conditions and labour abuses, to forced labour and slavery. Labour abuses are breaches of national or international labour law (e.g. failure to pay minimum wage, unpaid overtime, unfair dismissal) that do not prima facie constitute labour exploitation. However, particularly serious labour abuses or an accumulation of labour abuses may be severe enough to constitute labour exploitation, or may create the conditions in which labour exploitation occurs. Transparency reporting thus requires a full review of how businesses are faring in preventing labour abuses across the 'abuse to exploitation' continuum.

This project, rather than looking solely for victims of the crimes of modern slavery, therefore assesses the treatment of workers in supply chains more broadly, the risks of exploitation that exist and the mechanisms for preventing exploitation available.

Key Findings and Recommendations

The research identified some key misconceptions in how 'child labour' is framed and understood in this setting. Government policy-making and business initiatives aimed at eradicating 'child labour', as defined by United Nations/International Labour Organisation (ILO), in both countries often lacked the nuance provided by an examination of the factors influencing the risks facing child workers within the cocoa supply chain. These risks include: sustainability of cocoa farming in the context of an ageing farmer population; intergenerational livelihood training and land ownership; safety of children; economic needs for children aged 16 and 17; and a livelihood model that does not include the hiring of paid labourers outside the family unit.

Responses which fail to address the economic imperative – that farmers lack sufficient funds to pay hired labourers in lieu of child assistance – will not address the systemic labour market drivers of 'child labour' and only serve as a sticking plaster solution at best.

The ultimate goal of efforts to prevent child labour and exploitation of child workers from taking place must be centred on the rights of the child, including the voices and views of children, recognition of their presence in farming, and should enhance and promote the livelihoods of cocoa workers (farmers and labourers) and their families. Above all, initiatives should do no harm to those they seek to protect.



¹This research project ran from November 2017 – March 2019.

²The full research report is available at:

<https://www.liverpool.ac.uk/politics/research/research-projects/ccc/>

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Key issues identified in the research

Need to distinguish between child labour, child workers and child 'helpers'

Respondents clearly distinguished between the concept of 'child labour' and children of farmers 'helping out' on the farms or children working legally on farms. The former was understood as work which may be non-optional, hazardous and detrimental to children's development. The latter are both understood as optional, often (but not always) undertaken outside school hours and consisting of lighter work only. For example, this response from the Dominican Republic was common:

"It's part of our culture. We learn to work and we don't understand why a child can't be involved in some form of light labour. Or why a child can't be on a farm helping out."

Under 18s are not allowed to work on cocoa plantations in both countries, reported as a requirement of buyers. Whilst this may protect some children from problematic forms of labour, it prevents in particular 16 and 17 year olds who may not be in education from earning a vital income and preparing for adult working life.

Where farmers' children were understood as 'helping out' on the farm, often during weekends or holidays, respondents in both countries described this as crucial for them to learn vocational skills in the family business and to ensure that the next generation would be able to continue this work as the primary source of income.

Programmes to tackle child labour need to take account of these distinctions. This is particularly important given the shifting demographics of cocoa farming in both countries; farmers are ageing and if children do not follow them into farming, there will be both a production and livelihood problem.

Farmers need to be paid higher prices for their cocoa produce

Farmers in both Ghana and the Dominican Republic report a lack of income and suggest that value is not being distributed fairly throughout the cocoa supply chain to enable them to earn a sufficient livelihood or to enable them to pay hired labourers. A farmer in the Dominican Republic said:

"It's [cocoa farming] not worth it because we work and work but it's not enough. Cocoa does not give us enough. We have to work in other things. We're working really hard at the moment. The children are off at school and we are left here on our own working. There is not enough money to go around. We don't have food, we don't have anything."



In Ghana, one farmer describes the government ban on child labour:

"affecting production negatively...to say I should not engage my children to support or learn cocoa production means I have to spend so much to hire labourers which can affect yield when I am unable to do so."

Restrictions or prohibitions on child labour were broadly welcomed but also noted as having a negative impact on the farms economically, suggesting that farmers used their children for labour as an economic necessity. Furthermore, in Ghana researchers were told that children were left at greater risk of exploitation due to company demands and state interventions to remove them from cocoa work, which led them to work in 'galamsay' (small scale and potentially hazardous mining) or street work. Poverty therefore must be addressed as a key driver of modern slavery and human trafficking.

'Abuse of a position of vulnerability' is identified as a means of human trafficking in the international definition of human trafficking as articulated in the United Nations Human Trafficking Protocol. Poverty is considered one such vulnerability and can be abused by traffickers in order to deceive, coerce or threaten people into human trafficking and forced labour. To date, most corporate initiatives relating to modern slavery have viewed general labour and structural conditions, including wage rates and pricing of commodities, as separate from modern slavery concerns. This view must be reoriented to ensure the systemic factors which facilitate modern slavery are addressed.



³United Nations. 2003. 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.'

Certification schemes or other buyer requirements need to provide financial subsidies to farmers

Cocoa which has been certified by a standard-setting body, such as the Rainforest Alliance or Fairtrade, is increasingly popular in the global market. Farmers in both contexts described being motivated by how certification could attract a premium for their produce. However, in the Dominican Republic, stakeholders explicitly noted that adhering to the requirements of certification schemes was costly and promises of benefits were not always kept. For this to be economically viable, farmers needed to be subsidised or to receive a higher share of the value in a trustworthy system:

“The producers are making sacrifices because they are not allowed to use chemicals or pesticides and this has a direct influence on how much they can produce. We have to compensate this. The market needs to understand this. What people need is more money. They need a bigger slice of the pie. Chocolate needs to share more.”

Cocoa certification schemes should look to the example of the Fair Food Program in the USA. This scheme ensures various standards on participant tomato plantations but, crucial here, is that the buyers involved in the scheme pay farmers a premium which helps them to meet the required standards.

Recommendations:

- Governments must distinguish between ‘child labour’, ‘child work’ and children’s presence on plantations as part of family and social norms before making policy decisions which may do harm.
- Governments, businesses, or standard-setting bodies which seek to prohibit or restrict child labour must ensure children are not invisible in the way such measures are devised by engaging with the lived experiences of children and their carers.
- Local child labour norms should be reflected by brands – work that is not hazardous should be regulated rather than prohibited.
- If children are restricted or prohibited from being present on cocoa farms then alternative arrangements must be made to enable them to learn crucial livelihood skills and ensure long-term sustainability of local economic models.
- Adequate cocoa prices must be ensured for farms where restrictions or prohibitions on child labour are introduced, through support or subsidies that farmers can trust.
- Governments of the countries in which multinational companies are based and of those where companies have supply chains should undertake analysis of the impact of the behaviours of those multinational companies on worker livelihoods and the resultant risk of exploitation.
- Businesses should price genuine living incomes for farmers into contract prices and ensure a living wage is being received by workers.
- Businesses should undertake detailed time/effort analysis to understand and measure reasonable rates of productivity and price contracts accordingly.
- Certification schemes should require buyers to subsidise cocoa plantations and the extra costs they may incur from meeting standards required and they should communicate the way these premiums operate in a transparent way.



*Fair Food Program. <http://www.fairfoodprogram.org>



Clothes,
Chocolate &
Children

realising the transparency dividend

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