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**Oversight of Public and Private Initiatives to Eliminate the  
Worst Forms of Child Labor in the Cocoa Sector  
in Côte d'Ivoire and Ghana**

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**Payson Center for International Development and Technology Transfer  
Tulane University**

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## List of Acronyms

ACRONYM	NAME
AITI-KACE	Ghana-India Kofi Annan Centre of Excellence in ICT
CAP	Community Action Plan
CCE	Certification Capacity Enhancement
CCLM	Community-based Child Labor Monitoring
CCPC	Community Child Protection Committee
CERSGIS	Centre for Remote Sensing and Geographic Information Services
CLICS	Child Labor In the Cocoa Sector
CLCCG	Child Labor Cocoa Coordinating Group
CLM	Child Labor Monitoring
CLMS	Child Labor Monitoring System
CLU	Child Labor Unit
CMA	Chocolate Manufacturers Association
CoC	Chain-of-Custody
COCOBOD	Ghana Cocoa Board
CP	Contract Production
CSPro	Census and Survey Processing System
DAP	District Action Plan
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
EID	Enquête Initial de Diagnostic
ENSEA	Ecole Nationale Supérieure de Statistique et d'Economie Appliquée
EO	Executive Order
FAL	Forced Adult Labor
FCUBE	Free and Compulsory Universal Basic Education
FDA	Food and Drug Administration
FEMAD	Femme Action Developpment
FLO	Fairtrade Labelling Organizations International
GCLMS	Ghana Child Labour Monitoring System
GIS	Geographic Information System
GLORI	Global Responses Initiative
GOG	Government of Ghana
GPS	Global Positioning System
HL	Hired Labor
ICI	International Cocoa Initiative
ICT	Information and Communication Technology
ICVB	International Cocoa Verification Board
ID	Intervention Database
IEC	International Electrotechnical Commission
ILO	International Labor Organization
IPEC	International Programme on the Elimination of Child Labour
ISO	International Organization for Standardization

ISSER	Institute of Statistical, Social And Economic Research
JWG	Joint Working Group
LOI	Letter of Intent
M&E	Monitoring and Evaluation
MESW	Ministry of Employment and Social Welfare
MINAGRA	Ministère de l'Agriculture et des Ressources Animales
MMYE	Ministry of Manpower, Youth and Employment
MOC	Memorandum of Cooperation
MOFEP	Ministry of Finance and Economic Planning
NGO	Non-Governmental Organization
NPA	National Plan of Action
NPECLC	Ghana National Program for the Elimination of Worst Forms of Child Labor in Cocoa
OCHA	Office for the Coordination of Humanitarian Affairs
PDA	Personal Digital Assistant
PPP	Public-Private Partnership
SALTE	Service Autonome de Lutte contre le Travail des Enfants
SAN	Sustainable Agriculture Network
SCREAM	Supporting Children's Rights through Education, the Arts and the Media
SEC	Securities and Exchange Commission
SLF	Save Life for All Foundation
SPO	Small Producer Organization
SPSS	Statistical Package for the Social Sciences
SSTE	Système de Suivi du Travail des Enfants
TIP	Trafficking in Persons
TOR	Terms of Reference
TVPRA	Trafficking Victims Protection Reauthorization Act
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
US	United States
USDA	United States Department of Agriculture
USDOL	United States Department of Labor
WACAP	West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor
WAHO	West African Health Organisation
WFCL	Worst Forms of Child Labor
YDK	Yen Daakye

## Executive Summary

The Harkin-Engel Protocol, an innovative public-private agreement working towards the goal of Ghanaian and Ivorian cocoa being produced in line with ILO Convention 182 concerning the Worst Forms of Child Labor (WFCL), has served as catalyst for action over the last decade and there is significant evidence of impact. In response to Protocol Article 5, the International Cocoa Initiative (ICI) was created in 2002 and to date has stimulated remediation activities in a total of 290 communities in both countries, reaching an estimated population of 650,000 individuals. Other positive developments that followed the Protocol include that both Governments of Ghana and Côte d'Ivoire have established specialized agencies to deal with the issue of WFCL in the cocoa sector, developed hazardous child labor frameworks, each issued National Action Plans that comprehensively addresses child labor across various economic sectors, and conducted population-based surveys to determine the nature and extent of WFCL in the production of cocoa. The Government of Ghana in particular has gained considerable momentum on the issue. Significant progress has been made with a reported 1,380 communities being reached in the cocoa growing regions of the country with Community Action Plan (CAP) development. The present political crisis in Côte d'Ivoire is overshadowing previous national efforts, including a wide-sweeping law passed in 2010 countering WFCL and child trafficking. On September 13, 2010, USDOL, Senator Harkin, Representative Engel, the Governments of Côte d'Ivoire and Ghana, and representatives of the international Cocoa/Chocolate Industry released the *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol* as well as a *Framework of Action to Support Implementation of the Harkin-Engel Protocol* expressing their continued commitment to support the implementation of the Protocol.

### Summary of Findings

Tulane's 2007 and 2008/9 representative household surveys, as well as survey research carried out by the Governments of Côte d'Ivoire and Ghana with Industry support in 2007 have confirmed the prevalence of child labor in the cocoa sector. Tulane's two surveys show that more than 50% of the children in agricultural households in the cocoa-growing areas in Côte d'Ivoire and Ghana work in agriculture, with 25-50% working in cocoa. A projected total of 819,921 children in Côte d'Ivoire and 997,357 children in Ghana worked on cocoa-related activities in the 12 months previous to the 2008/09 survey data collection (weighted data). In addition, the vast majority of children perform household work, and some perform economic activities other than work in agriculture. About 5% of children in agricultural households in the cocoa-growing areas in Côte d'Ivoire and more than 10% in Ghana work for pay. Children working in cocoa agriculture are frequently involved in hazardous child labor and there is evidence of individual cases of children exposed to WFCL other than hazardous work (child trafficking, forced labor, etc.). At the same time, only a very small percentage of children and their caregivers (<5%) report exposure to project activities carried out by government agencies, industry and/or civil society organizations, including educational and vocational training activities, and remediation efforts, at any point in their lives.

Based on Tulane's research, between 2001 and 2009, public and private stakeholders in Côte d'Ivoire and Ghana reached several thousand children in the cocoa-growing areas with remediation interventions, including withdrawal, rehabilitation, reinsertion, education, and

vocational training services. The tables below, Table 1 for Ghana and Table 2 for Côte d'Ivoire, tabulate the aggregate cases of children that were reportedly reached with these services, the majority of stakeholders in both countries attributing the financing of these interventions to the Harkin-Engel Protocol.

**Table 1: Total Cases of Children Reached, 2001-2009, Ghana**

<i>Intervention Type</i>	<i>Cases of Children Reached</i>
Withdrawal	1,387
Rehabilitation	1,211
Reinsertion	17
Education	3,079
Vocational Training	549

Source: Tulane Intervention Database Research

**Table 2: Total Cases of Children Reached, 2001-2009, Côte d'Ivoire**

<i>Intervention Type</i>	<i>Cases of Children Reached</i>
Withdrawal	2,297
Rehabilitation	8,187
Reinsertion	641
Education	13,146
Vocational Training	8,243

Source: Tulane Intervention Database Research

However, Industry's and other funding of ICI and other initiatives has not been sufficient in light of its commitment to eliminate WFCL in the cocoa sectors of Ghana and Côte d'Ivoire as per Article 1 of the Protocol. In addition, other important provisions of the Protocol have not yet been realized. For example, in Article 6, a key tenet of the Protocol with a 2005 deadline, Industry agreed to "*develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification...that cocoa beans and their derivative products have been grown and/or processed without any of the [WFCL]*" (Harkin-Engel Protocol 2001). Yet to date, Industry has only partly developed and not enforced industry-wide standards upholding ILO Convention 182 in the cocoa sectors of Côte d'Ivoire and Ghana. Tulane's Fourth Annual Report featured an in-depth examination of Industry's "certification" model, comparing and contrasting it to existing, credible certification methodologies and internationally accepted norms guiding the certification domain. Based on our analysis, we conclude that Industry's "certification" model does not yet conform with ISO 65 standards of certification. Industry has only partly established bodies with the appropriate mandate, and has not finalized the required processes to develop a "credible" certification system. While recent individual cocoa/chocolate company commitments to select product certifiers – which have developed and are monitoring production standards of producers providing *credible assurance* that ILO Convention 182 is



being upheld – is a large step in the right direction, the present level of Industry engagement of product certifiers allows these certifiers to cover only a small fraction of cocoa producing regions in each country. Table 3 summarizes the documented status of the Harkin-Engel Protocol implementation per its six articles to date.

**Table 3: Summary Status of the Harkin-Engel Protocol Implementation to Date**

<i>Article #</i>	<i>Harkin-Engel Protocol Deliverables</i>	<i>Status</i>
1	a. Commit significant resources b. Acknowledge problem	a. Insufficient b. Yes
2	Form Multi-Sectoral Advisory Group to: a. Research labor practices b. Formulate appropriate remedies	a. Yes, in part b. No
3	Issue Joint Statement recognizing the need to: a. End WFCL, and b. Identify positive developmental alternatives for children removed from WFCL in the cocoa sector	a. Yes b. No
4	Sign binding Memorandum of Cooperation (MOC) among major stakeholders a. Research b. Information exchange c. Action to enforce the internationally-recognized and mutually agreed standards d. Independent means of monitoring and public reporting on compliance with those standards	a. Yes b. Yes c. No d. No
5	Establish joint foundation to execute: a. Field projects b. Clearinghouse on best practices to eliminate WFCL	a. Yes b. No
6	Develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification	No

*Source: Harkin-Engel Protocol 2001*

Furthermore, Industry has yet to achieve its Joint Statement 2005 commitment to cover “50 percent of the two countries’ cocoa-producing areas by July 2008” (Joint Statement 2005) and has yet to accomplish the goals of the Joint Statement 2008 commitment of reaching 100% the cocoa growing regions of both countries with remediation activities by the end of 2010 (Joint Statement 2008). To date, Industry and the Government of Ghana would still have to reach an estimated 3,463 (69.26%) cocoa growing communities with remediation activities in Ghana. In Côte d’Ivoire, Industry and the government would still have to reach an estimated 3,608 communities (96.21%) with remediation activities. Sadly, current events in Côte d’Ivoire make this second element impossible to implement at this time.

## **Discussion**

These mixed results seen over the past decade of Industry self-regulation leave unanswered the question of “is Industry able to self-regulate in the absence of enforceable legal repercussions.” The concerned companies operate in a competitive environment, which may make it impossible to effectively self-regulate and ultimately overcome the human rights issue of child labor at the root of their supply chain. In light of its findings, Tulane notes that other options

for ensuring compliance exist including legislative options, such as those exercised in the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires mandatory company disclosure of minerals procured from the conflict-ridden Democratic Republic of the Congo (DRC). This type of regulation applied to the cocoa sector would have the potential to increase transparency vis-à-vis human rights concerns in the cocoa supply chain and would permit day-to-day business practices to also become part of the solution.

Another progressive model has emerged from The Netherlands where the Dutch government initiated a public-private agreement in which 25 retailers, chocolate producers and non-governmental organizations (NGOs) commit themselves to “achieve 100% guaranteed sustainable cocoa consumption by 2025” in the country. “Guaranteed sustainable cocoa” is specified to mean product certified chocolate. The agreement sets milestones towards achievement of the goal to import only product certified cocoa in The Netherlands by 2025.

Additionally, stakeholders should explore synergies that could evolve between tested solutions, which include CAP development and implementation, Child Labor Monitoring Systems (CLMS), farmer field schools, and product certification. For example, communities may be encouraged to incorporate child labor monitoring into their CAP strategies in order to chart the progress on the issue at the community level. With incentivized regulatory environments both in the producing and consuming countries, sustainability-minded companies, in partnership with the governments, may seek to revitalize cocoa production in West Africa and pave the way for its WFCL-free future. The most important goal is and continues to be that children are protected from WFCL in cocoa production, an issue around which stakeholders will continue to rally.

While perfection is always an elusive goal, Tulane notes that none of these efforts including the current interventions in the two target countries have had appropriate evaluations, defined as methodologically sound impact evaluations, of their results to be able to conclusively say which method works the best. This lack of evaluation sophistication at all levels of the child labor issue is a major concern and requires attention from the respective governments, Industry and other concerned national and international NGOs.

## Key Recommendations

- **Implementation of Certification System:** As product certification provides *credible assurance* that cocoa is being produced in line with ILO Convention 182, Industry should continue to scale up its consumption – and publically commit to new procurement targets – of product certified cocoa specifically in the U.S. market.

Practicing traceability and/or Chain-of-Custody, which enables the enforcement of standards at the producer level and throughout the supply-chain, should be mainstreamed “industry-wide” as per Protocol Article 6. It is furthermore a requirement of product certification.

Industry should contribute greater financial support to ICI as well as to operational child labor units in national governments in order to reach stated targets in the 1<sup>st</sup> and 2<sup>nd</sup> Protocol extensions.

There should be a major effort to link ICI’s CAP implementation with Child Labor Monitoring (CLM) to provide a credible baseline to enable a more precise impact evaluation of ICI’s actions at the community level.

In order to demonstrate that its remediation activities have reached 50% or 100% of cocoa growing areas of Ghana and Côte d'Ivoire, it is advisable for Industry – in partnership with the governments – to continue and expand the current Tulane prototype of the Intervention Database.

- **Implementation of Verification System: Industry should increase support for laudable *product certification* efforts** as its 4<sup>th</sup>-party farm audits provides location-specific, independent verification of the absence of WFCL and FAL in the certified cocoa farms and plantations of Côte d'Ivoire and Ghana.

Direct support of CLMS in both countries and scale-up to sector-wide level will enable Industry and governments to verify the impact of remediation activities at the community-level.

- **Implementation of Child Labor Monitoring Systems:** Build on the current relationship with ILO on the development of a CLM model given their extensive experience in this domain.

In Côte d'Ivoire, embed any technical effort to pilot and roll out a CLMS in the newly mandated *Service Autonome de Lutte Contre le Travail des Enfants*, whose personnel have WACAP experience.

The Government of Ghana's vision and current efforts to roll out a CLMS across all cocoa growing districts deserves direct support from government and Industry beyond the technical assistance offered by ILO. Some specific suggestions from Tulane's field work experience would include:

- a. Standardize indicators and monitoring procedure,
  - b. Enhance district-level engagement of target communities with regard to training, supervision and data quality control,
  - c. Link the data aggregated at the district level to the national level,
  - d. Triangulate GCLMS and school attendance data,
  - e. Introduce information technology to community-based data collection and reporting,
  - f. Sufficiently Motivate Data Collectors,
  - g. Add periphery indicators to the set of core indicators on WFCL and FAL, and
  - h. Explore potential synergies between CLMS, agricultural extension services, CAPs and product certification.
- **Remediation Activities Addressing the WFCL in the Cocoa Sector:** Aggressively scale up support for ICI and country level child labor units enabling fulfillment of commitments made in the first and second extensions of the Protocol in order to reach the entire cocoa sector with sensitization and remediation activities in both countries as per the Joint Statement of 2008.

Increasingly base remedial action on CAPs and CLMS, tailoring the type of remediation to the specific needs of the community and children on a case-by-case basis.

Perform independent audits – recently executed on the national program in Ghana – on the national program of Côte d'Ivoire (SSTE-Certification). Support the new Service

Autonome de Lutte Contre le Travail des Enfants in Côte d'Ivoire in its mission. Hold stakeholder meetings in Côte d'Ivoire on a quarterly basis. Target regions, districts (départements in Côte d'Ivoire) and communities based on high prevalence of WFCL and FAL.

Perform independent, methodologically sound, external evaluations of national programs to determine impact.

Effectively document and coordinate stakeholder activities building upon methodologies similar to those Tulane applied in its Intervention Database.

# 1. Introduction

In 2000, the West African cocoa sector came under increased scrutiny after media reports revealed incidences of child “slavery,” including trafficking, in cocoa farming. While this was not the first time the chocolate industry had been targeted, the reports attracted the attention of the U.S. Congress, and by a margin of 291-115, the House of Representatives passed a rider to an agricultural appropriations bill in July 2001 that would have put US\$ 250,000 aside for the Food and Drug Administration (FDA) to create ‘slave free’ labeling requirements for cocoa products. The bill appeared certain to pass the Senate by a similar margin, when the International cocoa/chocolate industry (hereafter referred to as “Industry”), which had strongly opposed the initiative, settled to address the problem without legislation.

After several months of negotiations, on September 19, 2001, Industry signed the Harkin-Engel Protocol<sup>1</sup> (hereafter the “Protocol”). Signing this agreement as witnesses were U.S. Senator Tom Harkin (D-IA) and U.S. Representative Eliot Engel (D-NY), the Government of Côte d’Ivoire, the International Labor Organization (ILO), and representatives of civil society. Based on ILO Convention 182, the Protocol’s principal goal was “to eliminate the worst forms of child labor (WFCL) in the cocoa sectors of Ghana and Côte d’Ivoire.” While in the end the U.S. Government and Industry settled on a negotiated compromise without legal implications, Congressman Engel warned that if the companies fail to comply with the deadlines and commitments set out in the Protocol, the legislation may be reintroduced (Engel 2005). The Protocol thus serves as a guiding principle for Industry and for all other stakeholders by outlining action steps in its six articles that Industry would take in order to eliminate WFCL. As such, the Protocol serves as a framework for accountability.

The process of a formal but non-binding protocol, that Industry signed as a group to regulate itself in conjunction with nations and international non-profit organizations, represents one of the first agreements to self-regulate an industry in American history and one of the first times this strategy has been used to address an international human rights problem outside the rule of law. As a protocol, the Harkin-Engel Protocol is ambitious and far-reaching asking for the complete eradication of the WFCL in a sector of agriculture, an outcome that would have been difficult to achieve even in the United States.

The first few years after the Protocol was signed resulted in a number of international conferences and some NGO funding but little that could be cited as objective progress towards the stated goal. Whether due to deliberate inaction or challenges related to Protocol implementation, a lack of tangible results on the ground was evident. Dissatisfied by Industry’s implementation of commitments made under the Harkin-Engel Protocol, the U.S. Congress charged the U.S. Department of Labor (USDOL) with soliciting a qualified university-based contractor to oversee the public and private efforts to eliminate the WFCL in the cocoa sectors in Côte d’Ivoire and Ghana. After a competitive bidding process, in September 2006, USDOL awarded a three-year, US\$ 4.3 million contract to the Payson Center for International Development at Tulane University in New Orleans. In September 2009, a second US\$ 1.2

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<sup>1</sup> Full name: Protocol for the Growing and Processing of Cocoa Beans and Their Derivative Products In a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor

million contract was awarded to Tulane by USDOL, which tasked the Payson Center with continuing its oversight activities with an expanded scope through March 2011.

Headquartered at the Payson Center for International Development, the Oversight team was headed by William E. Bertrand, Ph.D., the Principal Investigator and overall architect of the project. Elke de Buhr, Ph.D., served as the project's Monitoring and Data Collection Specialist throughout the duration of the contract. Mr. Chris Bayer supported the project as the principal consultant based in West Africa from 2007 to 2010 and in New Orleans in 2011. In 2009 and 2010, Ms. Sarah Grossman-Greene provided editorial and research assistant support from Ghana and Côte d'Ivoire. Administrative staff activities at Tulane were distributed amongst Ms. Jonathan Johnson, Ms. Joanna Baisier, and Ms. Kady Weingart. Ms. Joy Jones and Ms. Marlene Vera provided specific support in report development and documentation.

As the project concerned an international issue involving two countries in West Africa, Tulane initially partnered with the *West African Health Organisation* (WAHO), a sub-regional organization mandated by the Presidents of the Economic Community of West African States (ECOWAS). In Côte d'Ivoire and Ghana, our two major partners were the premier research institutions for social and economic research in their respective countries. In Côte d'Ivoire, Tulane partnered with the *Ecole Nationale Supérieure de Statistique et d'Economie Appliquée* (ENSEA). In Ghana, Tulane partnered with the *Institute of Statistical, Social and Economic Research* (ISSER). ENSEA and ISSER carried out survey research and assisted with training activities on the ground.

The following report is Tulane University's final report summarizing 4.5 years of overseeing the implementation of the Harkin-Engel Protocol on behalf of the U.S. Congress and the efforts of public and private stakeholders to address the complex problem of child labor in the cocoa sector in Côte d'Ivoire and Ghana.

## 2. Recent Developments

The second half of 2010 saw several important developments relevant to the implementation of the Harkin-Engel Protocol including a new *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol* as well as a new *Framework of Action to Support Implementation of the Harkin-Engel-Protocol* signed by Industry and partners in September 2010. In late 2010, the security situation in Côte d'Ivoire deteriorated following the country's first free elections in a decade. Other recent developments include new laws and regulations addressing the WFCL and FAL in Côte d'Ivoire and Ghana as well as other regional and international developments, which are discussed in the following chapter.

### 2.1. The 2010 Joint Declaration and Framework

On September 13, 2010, USDOL, Senator Harkin, Representative Engel, the Governments of Côte d'Ivoire and Ghana, and representatives of the international Cocoa/Chocolate Industry released a *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol* as well as a *Framework of Action to Support Implementation of the Harkin-Engel Protocol*. By signing the Joint Declaration, the undersigned declared that they "will work with each other and the other major stakeholders to successfully execute projects in the spirit of the Declaration." They also expressed their commitment to "[r]ecall the pledge made to achieve the goals of the Protocol" and reaffirmed their commitment to financially support these efforts, including a USDOL commitment of US\$ 10 million in FY 2010 appropriated funds and the commitment by Industry to spend US\$ 7 million in new funding over 5 years (Joint Declaration 2010).

The 2010 Declaration and Framework, therefore, represent a new opportunity in that the responses by stakeholders are not only coordinated but are conceptualized and applied as a concerted effort, all sharing the same objective of *reducing "the worst forms of child labor as defined by ILO Convention 182 in the cocoa sectors of Côte d'Ivoire and Ghana" "by 70 percent in aggregate through joint efforts by key stakeholders."* With this overarching goal, the Framework highlights certain actions and clearly defines roles and responsibilities of all stakeholders, encouraging the importance and value of each stakeholder's contributions and provides a platform for synergies between stakeholders to emerge. For example, based on recent exchanges with Industry representatives, Industry has patterned its US\$ 2 million Public-Private Partnership (PPP) with ILO-IPEC after the USDOL-IPEC Cooperative Agreement and accompanying project document.

The parties to the Declaration continue to work together to outline concrete steps to implement agreements under the Declaration and the Protocol and to establish agreed benchmarks to determine progress. Bi-weekly coordination meetings are held represented by parties to the Declaration, namely USDOL, Industry, Senator Harkin's Office, and the Government of Ghana. Such coordination efforts for Côte d'Ivoire have been hampered by the country's current political crisis.

Tulane applauds the 2010 Joint Declaration and Framework as a conceptually coherent and collaborative initiative with defined goals. The goal to reduce WFCL by 70 percent in aggregate through joint efforts by key stakeholders is ambitious yet, from Tulane's perspective, feasible.

However, while the Framework stipulates that this target will be accomplished “*through joint efforts by key stakeholders*” and delineates each stakeholder's role and responsibility, it is unclear how exactly the specific initiatives will lead to a WFCL reduction of 70% by 2020. In other words, what empirical ground is there that the envisioned action will actually have the hypothesized effect on reducing WFCL?

Furthermore, aside from specifying when the next nationally-representative surveys will take place, the Framework lacks intermediary targets and timeframes, such as the number of children removed from WFCL, how many children would be prevented from WFCL and be granted access to educational and vocational opportunities, how many cocoa producing families would be reached with sustainable livelihood initiatives, etc. Based on WFCL prevalence data published by Tulane, intermediate targets could have been assigned to each intervention activity, which, on the aggregate, would hypothetically lead up to accomplishing the 70% reduction target.

The 2010 Joint Framework also states that Industry will “strive to ensure their cocoa supply chains use safe and responsible labor practices, including combating the worst forms of child labor.” Informing “their employees who buy or sell cocoa and its derivative products of the relevant ILO Conventions, the International Cocoa Agreement, relevant labor legislation in the two countries, the Harkin-Engel Protocol and the Framework of Action,” while an important sensitization initiative in line with the Protocol’s Article 6, however in-and-of-itself it does not reinforce these standards nor preclude the possibility of WFCL tainted cocoa from being procured.

According to ILO’s Chief Technical Advisor in Accra, Ghana, field implementation of the new USDOL-ILO collaboration in the cocoa sector has not yet started and the project is in the planning stage. Representatives from Ghana’s National Programme for the Elimination of the Worst Forms of Child Labor in Cocoa (NPECLC) indicate that a meeting of the coordinating group that works on the implementation of the new Framework took place in November 2010 but the most recent meetings have been postponed due to the crisis in Côte d’Ivoire. According to the ILO, an initial impact assessment meeting is being planned for April 13-14, 2011, which will involve meetings and discussions between the key implementation partners: ILO, the Government of Ghana, and the social partners. The Government of Côte d’Ivoire will not attend the meeting and no similar meeting is planned in Abidjan, until the political situation in Côte d’Ivoire improves. ILO also indicates that the US\$ 2 million PPP between ILO and Industry has not yet begun as the project document is still in the drafting stage. The PPP project will support ILO’s coordination role in West Africa and will involve some CLMS work and capacity building in the cocoa sector.

Recently the ILO, in collaboration with the Ministry of Employment and Social Welfare (MESW), launched two new projects in Ghana to combat WFCL in the country’s cocoa and fishing sectors in support of the National Plan of Action for the Elimination of the Worst Forms of Child labor (2009-2015). The first project, named “Support for the Elimination of Worst Forms of Child Labor in the Coca Sector in 15 communities of the Bia, Juaboso and Aowin/Suaman Districts” was launched in Juaboso in the Western Region on the 21<sup>st</sup> of January 2011. This activity targets 500 children working in cocoa with social programming, community awareness raising, and pilot CLMS activities. The second project named “Support to the National Plan of Action (NPA) for the Elimination of Worst Forms of Child Labor (WFCL) in the Fishing Industry in Ghana” was launched in Kpando, Volta Region, on the 28<sup>th</sup> of January 2011. However, all of these activities are carried out as part of USDOL-ILO’s ECOWAS collaboration and are not part of the new initiative.



## 2.2. Changes in the Implementing Environment

### Implementing Environment in Côte d'Ivoire

From the time that the issue of child slavery and WFCL in the cocoa sector first emerged in 2000, the Government of Côte d'Ivoire has accorded the issue a high political importance. The then Ivorian Ambassador to the United States, Ambassador Youssoufou Bamba, signed the Harkin-Engel Protocol as a witness on behalf of the government. The July 27, 2005 signing of the multilateral child trafficking accord to cooperate with eight other West African countries (Benin, Burkina Faso, Guinea, Liberia, Niger, Mali, Nigeria, and Togo) with respect to child trafficking marked a sub-regional initiative to stem the international trafficking of minors.

From the beginning to the end of Tulane's project implementation stage – 2007 until November 2010 – Côte d'Ivoire's implementing environment was increasingly enabling of the various awareness raising and remedial actions concerning WFCL. ENSEA, our implementing partner in Côte d'Ivoire, played a vital role at the early stages of the project to obtain the necessary permissions to proceed with the planned surveys. While initially there was much lively discussion surrounding Tulane's mandate and research, especially during the in-country Consultative Meetings in 2007 and 2008, the Ivorian government increasingly took a public role in awareness creation and sensitization of the general public.

In 2007 the government formed the Child Labor Monitoring System (*Système de Suivi du Travail des Enfants*, SSTE), which directly reported to the Prime Minister's Office. This governmental agency is charged with the implementation of the certification mechanism in line with the Protocol and is directed by a steering committee (*Committee de pilotage*), which is comprised of the Prime Minister's Office (*Premier Ministre*) and 10 ministries. An international conference was held in Abidjan from June 10 to 12, 2008 with the theme "Certification du cacao, facteur de développement en milieu rural" (Cocoa Certification, a factor for development in the rural sector). This well-attended conference contributed to increased public and transparent treatment of the issue by the Ivorian Government. The Ivorian Ambassador to the United States, Koffi Charles, attended Tulane's Data Collection Conference from April 27-29, 2010 along with two other Ivorian representatives.

On the 3rd of June, 2010, the Ministère de la Fonction Publique et de l'Emploi took the existing Deputy Directorate for the Fight against Child Labor (*Sous Direction de la Lutte contre le Travail des Enfants*) and created by Decree No. 2010-181 of 03 the Service Autonome de Lutte Contre le Travail des Enfants (SALTE). SALTE reports directly to the Cabinet of the Ministère de la Fonction Publique et de l'Emploi. Appointed by decree by the Council of Ministers, the new agency is led by a Director of Central Administration and is charged with the following actions:

1. To develop, monitor and implement the national policies concerning the fight against the worst forms of child labor;
2. To coordinate all activities implemented in response to WFCL; and
3. To represent Côte d'Ivoire in national and international meetings and conferences that address the WFCL.

The unanimous passing of the "Projet de loi" by the Ivorian government comprised an important milestone in the legislative environment of the country concerning the elimination of WFCL. On

September 28, 2010, the 22 Commission members present unanimously voted in support of the proposed law to declare child trafficking and WFCL illegal. Presented by the *Ministre de la Fonction Publique et de l'Emploi*, Emile Guiriéoulou, the law more specifically seeks to “identify, prevent, suppress trafficking and hazardous child labor as well as to support victims. The provisions of this Act apply to all children, whatever their race, nationality, gender and religion, living or staying in the territory of the Republic of Côte d'Ivoire.” Shortly thereafter, the bill was signed in to law by President Gbagbo (Fraternité Matin 2010).

On the 28<sup>th</sup> of November 2010, the run-off elections were held between the incumbent Laurent Gbagbo and the opposition candidate Alassane Ouattara with 81.12% of eligible voters voting on that day. The *Commission Electorale Indépendante* (CEI), which is legally based on the law n°2004-642 of December 14, 2004 stipulating the composition, organization, attributions and function of the Commission, oversaw the implementation of the election (CEICI 2010). United Nations Operation in Côte d'Ivoire (UNOCI) provided technical, logistical and security support to the Government of Côte d'Ivoire and to the CEI of Côte d'Ivoire (UN 2010).

On December 2, 2010, four days after the election, the CEI announced that Ouattara had won the presidential run-off with 54.10% of the votes, with Gbagbo receiving 45.90%, results that were certified by Y. J. Choi, Special Representative of the Secretary-General in Côte d'Ivoire and head of UNOCI, in accordance with his mandate (UN 2010 #2). However, in December 3, 2010, the Constitutional Council declared Gbagbo winner and announced that results in seven northern regions – comprising roughly half a million votes – were cancelled, thereby swinging the outcome narrowly in favor of Gbagbo. The following day Gbagbo proceeded with a swearing-in ceremony for another five-year presidential term. Also on December 4, Ouattara was sworn in as President in a separate ceremony.

With the elections resulting in a political stalemate, a humanitarian crisis continues to unfold with the UN Security Council warning of “civil war” in Côte d'Ivoire. A surge of violence has been witnessed in Abidjan with at least 315 deaths documented since mid-December 2010. The toll of Internally Displaced Persons (IDP) has reached the 200,000 mark, and an estimated 41,000 Ivorian refugees have fled to neighboring countries, primarily Liberia. The country's health sector is severely constrained, with essential drugs such as anti-malaria drugs and insulin running low. Yellow fever has killed 25 people and a cholera outbreak was declared in Abidjan (UN-OCHA 2011).

Consequently, “the current crisis in Côte d'Ivoire has created a human rights black hole in the country,” commented Gaëtan Mootoo, a human rights inspector with Amnesty International (Joyonline 2011). Given the absence of rule of law and the general state of anarchy, the phenomenon of WFCL and FAL can be expected to worsen as the crisis deepens, a marked set back to progress on the issue over the years.

Given the current security situation in Côte d'Ivoire, the U.S. Department of State has limited travel to the country for U.S. Government personnel and contractors, and Tulane has been instructed to not interact with either of the two conflicting parties. As a result, Tulane was not able to continue to implement activities scheduled under the contract with USDOL in Côte d'Ivoire. In fact, representatives of the U.S. Government, the Government of Ghana, and the Industry have temporarily suspended interactions with their Ivorian counterparts under the CLCCG. Under these circumstances, implementation of program activities in the Ivorian cocoa sector is on hold and may be not feasible at all until the conflict in Côte d'Ivoire is resolved.

## **Implementing Environment in Ghana**

Throughout the life of the Tulane-USDOL project, the Ghanaian government has fostered an enabling implementing environment. Explaining the government's basic position on the issue, the Honorable E.T. Mensah, Minister of Employment and Social Welfare, addressing the participants at Tulane's 2<sup>nd</sup> training workshop in Accra, Ghana on the 27<sup>th</sup> of May 2010, stated:

*Cocoa is the lifeblood of our economy, bringing in about 60% of our foreign exchange, and must be protected against any threat. The times the returns from cocoa have plummeted, it affected the budget of any governing power and quite often led to change in government. Between 1998, 1999 to 2000, the price of cocoa, which was US\$ 1,800 per ton, plummeted to US\$ 800 per ton. All of us are aware what it brought. There were austerity measures, salaries could not be increased and we could not finance the various social interventions in this country. It happened to Nkrumah in 1965, the price went rock bottom and it affected the budget at the time. Cocoa is too important an industry – nobody should toy with it. For the last 8 years, the price has been so high up there, constant, and because of it we have seen more in terms of development in this country. The cocoa issue is important. When the issue that has brought us together came up, it is something our government did not take lightly at all. This explains the Ghana Government's resolve to join any partner in the elimination of the Worst Forms of Child Labor in the cocoa industry.*

Demonstrating a strong commitment to respond to international concerns about child labor in the cocoa sector of Ghana and to implement ILO Convention 182 on WFCL, in 2006 the Government of Ghana established the National Programme for the Elimination of the Worst Forms of Child Labor in Cocoa (NPECLC) as a public program under the Ministry of Employment and Social Welfare (MESW)<sup>2</sup> in collaboration with Ghana Cocoa Board (COCOBOD) and the Ministry of Finance and Economic Planning (MOFEP).

Ghana has furthermore formulated a *National Plan of Action (NPA) for the elimination of WFCL by 2015*, a plan which was endorsed by the Cabinet on October 20, 2010. The Honorable E.T. Mensah, who on the 18<sup>th</sup> of August 2010 announced the submission of the NPA to the Cabinet, said the NPA is in conformity with Ghana's 1992 Constitution, the Human Trafficking Act of 2005, the country's Medium Term National Development Policy Framework, as well as ILO Convention 182 (GNA 2010) indicating that the elimination of WFCL is a visible issue in Ghana, which is high on the government's agenda. Ghana is one of the few countries in the sub-region that is taking action to attain the goal of elimination of the WFCL by 2015.

Ghana continues to make progress on the issue of WFCL. However, in 2010 the NPECLC underwent a change in leadership, which, according to stakeholders, halted some of the momentum of the remediation progress. Industry also points to the unclear division of institutional responsibilities between the Child Labor Unit (CLU) and NPECLC, and calls for improved "structural integrity" (Industry 2011).

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<sup>2</sup> The MESW was formerly the known as the Ministry of Manpower, Youth and Employment (MMYE).

## 2.3. Laws and Regulations

### Legislative Context and Developments in Côte d'Ivoire

In 1960, the same year Côte d'Ivoire gained independence, its government signed ILO Convention 29 setting provisions for forced or compulsory labor. In 1990, Côte d'Ivoire signed the United Nations Convention on the Rights of the Child.

Child Labor and forced labor are addressed in the Ivorian Constitution of 2000. Article 3 of the Constitution prohibits slavery, forced labor, inhuman and cruel, degrading and humiliating treatment, physical or moral torture, physical violence and mutilation and all forms of debasement of the human being. Article 6 of Côte d'Ivoire ensures the protection of children, and Article 8 assures protection of youth against moral exploitation and abandonment. In 2000 Côte d'Ivoire also signed a bilaterally accord with Mali working towards preventing child trafficking between the two countries' borders (Government of Côte d'Ivoire 2000).

Since the signing of the Harkin-Engel Protocol on September 19, 2001, the Government of Côte d'Ivoire has signaled its commitment in the fight against child labor on cocoa farms in passing multiple laws and signing agreements for the prevention of WFCL and FAL:

- In 2002, Côte d'Ivoire signed the African Charter on the Rights and Welfare of the Child, which makes provisions against exploitative labor, hazardous work, and work that interferes “with the child’s physical, mental, spiritual, moral, or social development” (OAU 1999).
- In 2002, Côte d'Ivoire ratified both the ILO Convention 182 on WFCL and the ILO Convention 138 on minimum age for laborers. Additionally, Côte d'Ivoire signed a Memorandum with the ILO-IPEC agreeing to participate in the IPEC program for strengthening the legal framework in the country relative to ILO Convention 182.
- In 2005, Côte d'Ivoire also signed an important multilateral agreement with eight other West African countries agreeing to combat the trafficking of children in West Africa and setting a framework for children’s rights and child labor prevention.
- A ministerial degree issued in 2005 by the Ministry of Public Service and Employment (Arreté No. 2250 of March 15, 2005) identified and forbade the following dangerous types of work to be performed under the age of 18 in agriculture:
  1. Cutting of trees;
  2. Burning of fields;
  3. Application of chemicals (insecticides, herbicides, fungicides, etc.);
  4. Application of chemical fertilizer;
  5. Chemical treatment of fields/plants; and
  6. Carrying of heavy loads.
- On May 4, 2005, Côte d'Ivoire also adopted a National Plan of Action Against Child Labor, an inter-ministerial plan that featured a five pronged approach: research, regulation, capacity reinforcement, prevention, and withdrawal/reinsertion/repatriation

concerning child labor found in multiple sectors of the country's economy. To date, only the research component of the plan has been funded by the government.

- On September 30, 2010, Côte d'Ivoire passed a comprehensive law pertaining to WFCL – the “Projet de Loi” (LOI No. 2010-272 du Septembre 2010 Portant Interdiction de la Traite et des Pires Formes de Travail des Enfants) - *Law concerning the Prohibition of Child Trafficking and the Worst forms of Child Labor*. This law strengthens the regulatory framework against WFCL. The Act prohibits trafficking of children of any nationality, race, or country of origin, outlaws certain practices including child pornography, and provides a stronger legal framework against hazardous labor. This Act also strengthens Côte d'Ivoire's commitment to the 2005 multilateral agreement signed with the eight other West African countries (Benin, Burkina Faso, Guinea, Liberia, Niger, Mali, Nigeria, and Togo) regarding child trafficking prevention. The law sets the minimum age for apprenticeships at 14 but allows children as young as 12 to do light work with the permission of a parent or guardian. Notably, this law received overwhelming support from the legislature (Assemblée Nationale), the Council of Ministers (Conseil des Ministres) as well as from President Gbagbo who signed it into law by decree (Government of Côte d'Ivoire 2010).

One legal gap in Ivorian law that should be noted is the absence of law pertaining to education requirements. Ivorian law does not require children to attend school or set a compulsory age for education, although several of the measures passed do ensure the “right” for children to receive an education. Requiring children to attend school, or at least banning child labor, is considered by many economists to be based on sound supply and demand theory. If children and adults are substitutes in production, which in agricultural settings they commonly are, the practice of child labor increases the labor supply and depresses the value of labor (wages) in the overall labor market. Thus, were a policy enforced that prohibited child labor, the supply of labor would decrease and the value of wages would increase. In the resulting labor equilibrium, labor demand is sufficiently high so that there is no need for child labor in the economy (Basu 1998).

### **Legislative Context and Developments in Ghana**

Ghana's constitution contains measures against WFCL and FAL and the country has also taken recent legislative steps to prohibit such practices. Section 16 of the constitution protects against slavery and forced labor and Section 28 covers children's rights, including the right to protection against exposure to physical and moral hazards. Also enshrined in Ghana's constitution is the Free Compulsory Universal Basic Education (FCUBE) policy, launched in 1996. The main policy goal of the FCUBE program is to provide the opportunity for every school-age child in Ghana to receive basic education essentially free of charge.

The Children's Act, No. 560 of 1998 defines a child as a person below the age of eighteen years. It prohibits exploitative labor, labor that “deprives the child of its health, education or development,” and prohibits night work. The Children's Act also sets age limits for work permitting “light work” at the age of thirteen, employment at the age of fifteen, and hazardous work at the age of eighteen. Light work under this Act is defined as work that is not harmful to a child's health or development and does not interfere with school. Hazardous labor under the Children's Act is defined as work that “poses a danger to the health, safety, or morals of a person.” Employers under this act are required to keep registration of employees including children. The act also reaffirms Ghana's commitment to promote the physical, mental, and social well-being of children.

After 2001, the following laws were passed:

- Ghana's Labor Act No 651 of 2003 consolidates and updates the various pieces of former legislation, and introduces provisions to reflect ratified ILO Conventions. The Labor Act prohibits employing young persons in hazardous activities. The minimum legal age of entering the labor market is 16 years. Sections 58 to 61 of the Labor Act prohibit the employment of young persons in hazardous work, which is defined to include work likely to expose the person to physical or moral hazard. Registers of young persons employed must also be maintained. A "young person" is defined as of or above 18 years of age but below 21 years. The Act also allows the Minister to determine the types of labor considered to be hazardous and issue legislative measures.
- Ghana's Human Trafficking Act was passed in 2005 prohibiting the trafficking of persons or use of trafficked persons and prohibiting hazardous or forced labor. The Act defines trafficking as: "the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or giving or receiving payments and benefits to achieve consent." The Human Trafficking Act also asserts that human trafficking may include the "exploitation of the vulnerable" and forced labor. Sections 14 to 33 cover rescue, rehabilitation and reintegration of trafficked persons, including the creation of a Fund whose money shall be applied towards the basic support of victims of trafficking, tracing their families and providing skills and training, as well as training for the persons connected with rescue operations. Sanctions for persons convicted of trafficking include imprisonment for not less than 5 years. (Government of Ghana 2005)
- Ghana's Domestic Violence Act of 2007 provides protection for women and children from domestic violence (Government of Ghana 2007).
- Ghana's detailed "Hazardous Child Labor Activity Framework" defines hazardous child labor for the cocoa sector and was published by the Ministry of Manpower, Youth and Employment in June 2008.

Ghana furthermore formulated a National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor 2008-2015, with the goal of reducing incidence of child labor to the "bare minimum" by 2015. Ghana's NPA identifies 9 activities as constituting the worst forms of child labour, including agricultural work in the cocoa sector, which it seeks to eliminate within the shortest possible time. Overseeing the coordination of the national plan is a 35-member National Steering Committee on Child Labour. Another feature of the NPA is its decentralized approach: ministries, departments and agencies, as well as metropolitan, municipal, district assemblies and civil society organizations are charged with preparing and carrying out their own action plans within the framework offered by the national plan. While this decentralized approach does hold promise, incentives and financial means must match the responsibilities bestowed upon the lower administrative levels in order for action to be sustained.

Ghana joined the *International Labor Organisation* (ILO) in 1957 and immediately the government ratified many of the ILO conventions including Convention 29 concerning the abolition of forced labor and ILO Convention 182 on the elimination of WFCL. Ghana was also the first country to ratify the UN Convention on the Rights of a Child. It should be noted, however, that Ghana has not currently ratified ILO Convention 138 and it is not clear whether or when it plans to ratify this convention.

## **2.4. Domestic and International Developments**

The following discussion around three promising developments, the Dutch public-private agreement, the U.S. Farm Bill, and measures that require mandatory company disclosure, may inspire future progress on the issue at hand.

### **Dutch Public-Private Agreement on Product Certified Cocoa**

On March 5, 2010 The Netherlands, along with more than 25 retailers, chocolate producers and NGOs, signed a Letter of Intent (LOI) committing that by 2025, 100 percent of cocoa consumed in the Dutch market would be “guaranteed sustainable” (with mid-term milestones in 2012, 2015, and 2020), therein proscribing WFCL (Letter of Intent 2010). A government-led public-private agreement, the Dutch model relies on proven and tested certification schemes including Rainforest Alliance, UTZ Certified, and FLO and requires the importation of only product certified cocoa by 2025.

While the Harkin-Engel Protocol, signed in the U.S., seeks to address a human rights issue on foreign soil, the LOI obliges companies operating in the Dutch market to engage product certifiers, which in turn comply with important production standards. The Dutch initiative targets companies that operate within its domestic market - the confines of its own jurisdiction - and due to its enforceability promises to be an effective approach. Conversely, the Protocol’s multilateral design, targeting reform of companies operating abroad, hampers the U.S. government’s ability to enforce it. If the Dutch method is successful, we can expect that The Netherlands – which processes more than 20 percent of the world’s cocoa beans (Dutch 2010) – will contribute to a significant reduction in the WFCL on cocoa farms in West Africa.

### **U.S. Farm Bill**

Section 3205 (b) of the *Food, Conservation, and Energy Act* of June 18, 2008 (“Farm Bill”) established the *Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products*. This Consultative Group, which is composed of 13 members representing the main stakeholder perspectives and chaired by the U.S. Department of Agriculture (USDA), has the specific mandate to “develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor” (USDOL Web site 2010 #2).

On January 31, 2011, the Consultative Group published its recommendations on USDA’s website. In order to meet the Farm Bill’s objective to reduce the likelihood that imported agricultural products are produced with the use of child labor or forced labor, the Consultative Group recommends a set of program elements for companies implementing the guidelines:

- “Setting standards on child labor and forced labor that meet or exceed relevant International Labor Organization standards or national law, whichever is more stringent;
- Mapping supply chains, beginning with the producers of each agricultural product or commodity, and identifying areas of child labor/forced labor risk along these chains;

- Communicating the company’s standards, rights, expectations, monitoring and verification programs, remediation policies, and complaint process to suppliers (managers, supervisors, staff) throughout its supply chain as appropriate, including to workers, unions, producers, civil society groups and other relevant stakeholders;
- Ensuring that a safe and accessible channel is available to workers and other stakeholders to lodge complaints, including through independent monitors or verifiers;
- Monitoring of company supply chains through periodic auditing by competent and qualified auditors, with a special emphasis on identified areas of risk;
- Developing and implementing a remediation policy/plan that addresses remediation for individual victims as well as remediation of company and/or suppliers’ systems and processes;
- Periodically conducting internal reviews to check the company’s results against its own program goals;
- Making available to the public information on the company’s monitoring program and its process to remediate/improve performance; and
- In addition, the Group recommends that companies adopting the Guidelines should seek independent, third- party review as outlined in Section 5.3” (Consultative Group 2010).

Tulane agrees with these recommendations, which are specific, implementable, and build upon the goals envisioned in the Harkin-Engel Protocol. Also, the recommendation point 5.3.2. stating that “verifiers should be accredited certification bodies, complying with either ISO/IEC 17021:2006 or ISO/IEC Guide 65:1996” is laudable as it would comprise a credible perspective on the status of enforcement and compliance with standards in the field. Tulane however wishes to point out that Industry first committed to the development and enforcement of “industry-wide standards” to ensure that cocoa was grown without WFCL in the Harkin-Engel Protocol back in 2001. Aside from publication of the verifier’s findings, would there be any legal repercussions or other disincentives for non-compliance with the standards, or with the guidelines in general?

### **Mandatory Company Disclosure**

At its Consultative Meetings in 2010, Tulane stated that in order “*to enforce the internationally-recognized and mutually agreed standards*” – as called for by Article 6 of the Protocol – more direct company action with regard to *ethical sourcing* and supply chain management is necessary. What would serve as an incentive for companies to practice ethical sourcing is for them to be required to publically disclose the country of origin and under what conditions the cocoa was produced.

A fresh U.S. legislative approach has emerged that seeks increase the symmetry of information on companies operating in sectors where human rights issues persist. In the Dodd-Frank Wall Street Reform and Consumer Protection Act, signed into law on July 21, 2010, a clause referred to as the U.S. Conflict Minerals Law, requires “companies to disclose whether they use minerals from Congo or an adjoining country, and if they do use them, to reveal how the minerals were acquired” (Kristof 2010). *Conflict Minerals* targeted by the law include tantalum and columbite-tantalite (coltan), tin and cassiterite, tungsten, wolframite and gold.

An article authored by *The Elm Consulting Group International* further explains that “fundamentally, the U.S. Conflict Minerals Law contains two closely connected requirements: (1) independent third-party supply chain traceability audits, and (2) reporting of audit information to the public and the Securities and Exchange Commission (SEC).” The authority for



implementation, oversight, enforcement and Congressional reporting of the law is bestowed on the Secretary of Commerce – and by extension, the SEC. “Companies regulated by the SEC must disclose *annually* whether conflict minerals they procured originated from the DRC/adjoining country and, where that is the case, submit a report conducted by an independent private-sector auditor that includes:

- a description of due diligence/audit process conducted,
- the name of the auditor,
- the facilities used to process the conflict minerals,
- country or countries of origin of the conflict minerals, and
- efforts undertaken to determine the mine or location of origin with the greatest possible specificity.” (MetalMiner 2011)

As these requirements encourage ethical sourcing, mainstreaming *Chain of Custody* (CoC) and/or traceability systems in the supply chain starting at the source, and reinforcing these practices by legally requiring disclosure, this type of regulation has the potential to tangibly address human rights concerns surrounding conflict minerals and invites the business community to become part of the solution. In light of the protracted human rights issues that also persist in the cocoa sectors of Côte d’Ivoire and Ghana, this type of approach may be considered appropriate for the cocoa/chocolate industry as well.

## **2.5. Recommendations**

### **Implementation of the 2010 Joint Declaration and Framework**

While it is too early to know if the 2010 Declaration and Framework will prove effective in guiding the implementation of the Harkin-Engel Protocol, the two documents, and the associated financial commitments by the U.S. Government and the cocoa/chocolate industry, indicate continuing commitment by the major stakeholder groups. The most recent Industry contribution of US\$ 2 million, however, has been criticized as too small by some of the civil society representatives involved in the implementation of the Harkin-Engel Protocol. It is questionable whether action on this scale would result in a measureable impact on the ground. In general, activities must be drastically expanded to achieve the elimination of the WFCL in cocoa production.

### **Implementation of Existing Laws and Law Enforcement**

Both Côte d’Ivoire and Ghana have strong laws guiding the fight against the WFCL and FAL in the cocoa growing areas, but the effective implementation of existing legislation has long been a problem. It must remain a priority in both countries to strengthen the rule of law and the enforcement of current regulations protecting children.

### **New Partnerships and Legal Mechanisms**

As is now practiced under the U.S. Conflict Minerals Law, companies must disclose whether they use minerals from the DRC or an adjoining country, and if they do use them, to track how the minerals were acquired. Such mandated disclosure, if applied to the cocoa industry, would have the potential to encourage more due diligence and transparent sourcing on the part of companies operating in the cocoa market.

Furthermore, if implemented, the recommendations made by the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products as per the Farm Bill have the potential to internally reform the cocoa/chocolate industry. Yet in light of the mixed results seen with industry self-regulation over the past decade a legal framework may be more effective in holding companies accountable to enforce the guidelines.

In addition, the stakeholders involved in implementing the Harkin-Engel Protocol might also explore other available opportunities and examples for public-private agreement and partnership as exemplified in The Netherlands.

### **3. Data Collection on Child Labor in the Cocoa Sector**

As part of the USDOL-Tulane contract, Tulane University was tasked with conducting annual, nationally representative surveys of child labor in the cocoa growing areas of Côte d'Ivoire and Ghana that yield information on household demographics and socioeconomic status; estimated number of children working in the cocoa sector; working conditions of children on cocoa farms; origin and mode of recruitment of hired child labor; as well as school attendance of children in the cocoa growing areas. Tulane's first survey of child labor in the cocoa growing areas was implemented during the cocoa harvest season in 2007 in Côte d'Ivoire and Ghana (Nov 2007-Dec 2007). A second follow-up survey followed in the 2008/09 harvest period (Nov 2008-Jan 2009). In the last quarter of 2009, Tulane carried out an additional survey of child migration and trafficking for work in cocoa agriculture with data collection in Burkina Faso and Mali.

#### **3.1. Summary of Survey Research Findings**

The methodology and findings of Tulane's survey research have been described in detail in our Second, Third and Fourth Annual Reports to the U.S. Congress. A summary of key findings is presented in the following sections.

##### **Surveys of Child Labor in the Cocoa-Growing Areas**

Tulane's 2007 and 2008/09 representative household surveys have confirmed the prevalence of child labor in the cocoa sector.<sup>3</sup> The two surveys show that more than 50% of the children in agricultural households in the cocoa-growing areas in Côte d'Ivoire and Ghana work in agriculture, with 25-50% working in cocoa. A projected total of 819,921 children in Côte d'Ivoire and 997,357 children in Ghana worked on cocoa-related activities in the 12 months prior to the 2008/09 survey data collection. In addition, the vast majority of children performed household work and some performed economic activities other than work in agriculture. About 5% of children in agricultural households in the cocoa-growing areas in Côte d'Ivoire and more than 10% in Ghana worked for pay.

The average number of working hours performed by children working in cocoa is estimated to be close to 20 hours per week in Côte d'Ivoire and approximately 10 hours per week in Ghana. Children in agricultural households in the cocoa-growing areas often start working before the legal minimum age of employment and some of the older children exceed the maximum number of allowable working hours for their age group.

Children working in the cocoa sector are frequently exposed to activities defined as hazardous by the Governments of Côte d'Ivoire and Ghana, including involvement in land clearing and carrying heavy loads. The activities in cocoa agriculture most often performed by children include weeding, cocoa harvest activities, and carrying cocoa on the farm and to the cocoa shed. While few children in cocoa producing households are directly involved in the application

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<sup>3</sup> All survey results presented in this section are weighted and projected to the total population.

of pesticides, approximately 10% of children working in cocoa report having carried water for spraying in the 12 months previous to reporting.

Children forced to work in the WFCL due to debt incurred and the need to work to pay off debt is very rare. While some children report having been forced to perform work against their will in the previous year, the orders generally were given by a caregiver or relative. Fewer than 0.5% of children in agricultural households, as well as children working in cocoa, report having been forced to perform work by a non-relative.

Despite the fact that the majority of children in the cocoa-growing areas are involved in economic activities, approximately 60% of the children in Côte d'Ivoire and 90% of the children in Ghana are enrolled in school, including a large number of working children. Reading and writing skills appear to be increasing throughout the region.

In both Côte d'Ivoire and Ghana, children and caregivers continue to report low rates of child participation in project activities carried out by government agencies, Industry and/or civil society organizations including educational and vocational training activities and remediation efforts. Based upon our national sample data, we estimate that fewer than 5% of children in the cocoa-growing areas have knowingly participated in any intervention project at any point in their lives.

### **Survey of Migration and Child Trafficking to the Cocoa Sector**

Tulane University's representative household surveys of child labor in the cocoa growing areas identified Burkina Faso and Mali as the two most important countries of origin for cross-border migrant labor in the cocoa sector. At the same time, both countries have been cited as source countries for children trafficked to cocoa farms according to, among other accounts, the U.S. Department of State's Trafficking in Persons (TIP) Report 2009 and 2010 (U.S. Department of State 2009, U.S. Department of State 2010).

In the last quarter of 2009, Tulane University conducted survey research in Burkina Faso and Mali examining the migration and trafficking of children for work in cocoa production. Research activities included a representative household survey of children and caregivers living in agricultural households in Burkina Faso and Mali, a non-probability snowball sample of children and adults in Burkina Faso and Mali who have worked in the cocoa sector when they were between 5 and 17 years old, and supplementary interviews with border guards, police in border areas, and community leaders.

The survey research indicates that child trafficking for work in cocoa agriculture continues to be a problem in Burkina Faso and Mali. The snowball sample, while not representative, documents respondents with childhood work experience in cocoa that have been trafficked. As described in detail in Tulane's Fourth Annual Report, a majority of respondents in the snowball sample were identified as former victims of child trafficking.

The respondents with work experience in cocoa interviewed as part of the snowball sample overwhelmingly worked in Côte d'Ivoire (>95%) including all respondents identified as victims of child trafficking. This population was most often male (>80%), had left as teenagers (average age: 15 years) and stayed on the cocoa farm for several years (average length of stay: 3-5 years). Respondents with child trafficking experience were slightly more often male, started working in cocoa at a slightly older age, and their overall stay on the cocoa farm was slightly shorter compared to migrant children without trafficking experience. Children with trafficking

experience also were more likely to report having searched for work at the time of recruitment and they were more frequently promised payment for working on the cocoa farm compared to the overall sample. Trafficked children were less likely to attend school prior to leaving for the cocoa-growing areas.

The household survey findings indicate that child trafficking for work in cocoa agriculture is uncommon in the overall population in Burkina Faso and Mali. However, in the household sample 16 children reported work experience in cocoa agriculture. Two of these children were identified as former victims of child trafficking, one child in each the Burkinabe and the Malian sample. If projected to the total population, this suggests that a minority of respondents with child trafficking experience to the cocoa growing areas lives in both Burkina Faso and Mali, as evidenced by Tulane's household survey (and the snowball sampling survey).

Based on research findings, police and border guards in Burkina Faso and Mali are not currently in a position to respond effectively to the problem of child trafficking and victims of child trafficking are not reached by interventions. The majority of respondents with experience of child trafficking – 75% of respondents in Burkina Faso and more than 80% in Mali – had not interacted with the police at any point of time. At the same time, most respondents reported no outside assistance with returning from the cocoa farm, and only 2 out of 413 respondents with trafficking experience report any contact with NGOs, government agencies and/or other institutions that provide social services.

## **3.2. Recommendations**

### **Interval of Full Population-Based Household Surveys**

Surveys are important in that they can provide population estimates describing a specific problem. Surveys are also useful for developing remediation strategies and project designs that are based on evidence. In the cocoa sector, there is not enough change annually to merit yearly surveys but there is a significant amount of activity on the ground and the context of child labor and WFCL in the cocoa growing areas is constantly evolving. At the 2010 Conference on Data Collection in the Cocoa Sector in New Orleans, several conference participants suggested 3-5 year intervals for representative survey research, with the emerging consensus, endorsed by Tulane, that 5 years was the optimal interval for conducting representative survey research in this environment.

This emerging consensus was formalized in the Joint Framework of 2010, point 1.e., in which stakeholders agreed that nationally representative child labor surveys would recur at least every 5 years. "Nationally representative baseline data is established as the most recent data coming out of the 2008-2009 Tulane field surveys. The next nationally representative surveys in both countries will be in the field during the 2013-2014 harvest season, with a report made in 2014, and again in the field in 2018-2019, with a report in 2019" (Joint Framework 2010).

### **Measurement of Hazardous Child Labor**

The hazardous child labor frameworks developed by the Governments of Côte d'Ivoire and Ghana have been challenging to implement in a survey research environment. The Ivorian framework is narrow with only six distinct activities listed, which only partially cover ILO Recommendation 190. The Ghanaian framework, on the other hand, is very broad and if applied rigorously the vast majority of children working in cocoa have to be classified as exposed to

hazardous activities in one form or another. Both country frameworks could be further developed and revised from an applied research perspective taking into account Tulane's survey research experience and other recently collected data.

### **Measurement of WFCL Other Than Hazardous Work**

The measurement of the WFCL other than hazardous work - including child trafficking, forced labor and debt bondage - also remains a challenge from a data collection perspective. There still is no agreed upon methodology how data on these exposures can and should be collected as part of a household-based population survey. Tulane's survey data can help to assess and improve questionnaires and data collection strategies targeted at these rare and hidden forms of child abuse, however, a broader agreement on how to measure child trafficking, forced labor and debt bondage will require international consensus within the ILO or a similar forum.

## 4. Status of Implementation of the Harkin-Engel Protocol

This chapter assesses the status of the implementation of the Harkin-Engel Protocol as per the end of the USDOL-Tulane contract covering progress made on developing certification and verification systems that ensure that cocoa has been produced without the WFCL. We also discuss ongoing efforts to design and implement a Child Labor Monitoring System (CLMS) in each country and the role and effectiveness of remediation of the WFCL and FAL in the cocoa growing areas.

### 4.1. Status of Certification System

Article 6 of the Harkin-Engel Protocol states:

*Industry in partnership with other major stakeholders will develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification, consistent with applicable federal law that cocoa beans and their derivative products have been grown and/or processed without any of the [WFCL] (The Protocol 2001).*

Thus, according to the Protocol, the standards must be (1) *credible*, (2) *mutually-acceptable*, (3) *voluntary*, and (4) *industry-wide*, which together would comprise “*public certification*.”

Industry’s “Sector Wide, Country Certification Model” “implemented In Conjunction with National Government Programs” consists of four main actions that would lead to “A Unified, Continuous Improvement Process”:

1. Data collection
2. Reporting
3. Remediation/Response
4. Independent Verification (Industry 2008)

Tulane’s Fourth Annual Report featured an in-depth examination of Industry’s “certification” model, comparing and contrasting it to existing, credible certification methodologies and internationally accepted norms guiding the certification industry. Based on our analysis, we conclude that Industry’s “certification” model does not yet conform with ISO 65 standards of certification. Industry has only partly established bodies with the appropriate mandate, and has not finalized the required processes to develop an operational international certification system. As such, Industry must be questioned as to whether its actions have, in fact, supported the development of a “credible” international certification system. As this section will show, Industry has carried out a number of actions and, from our perspective, has been collaborative and generally forthcoming in our efforts to document its activities. Our assessment however is that for the Protocol to become a reality, with structures for self-assessment and monitoring, considerable change and improvement must take place.

With respect to activities under its “certification” framework, in partnership with the Governments of Côte d’Ivoire and Ghana, Industry has worked – to varying degrees – to achieve the main

elements of its model. The completion of the Governments' surveys addresses the "Data Collection" and "Reporting" components of Industry's "certification" model. The independent verification process concerning "Data Collection" and "Reporting" was completed in January 2010, nearly four and a half years after the original Protocol deadline. Industry has yet to independently verify its "Remediation/Response" action, itself an incomplete process.

Industry fell short of attaining its stated targets pertaining to the "Remediation" component of its certification model a topic this chapter will treat in more detail. In light of the commitments Industry made in the Harkin-Engel Protocol, specifically the charge for its *joint international foundation to oversee and sustain efforts to eliminate* WFCL in the cocoa sector, which would feature the implementation of "field projects," Tulane monitored stakeholder action throughout the contract period.

In compliance with the Protocol's Article 5, calling for Industry to *"establish a joint international foundation to oversee and sustain efforts to eliminate"* WFCL in the cocoa sector by July 1, 2002, the International Cocoa Initiative (ICI) was established. As stipulated by the Protocol, the foundation's purposes included the implementation of "field projects" and to serve as a "clearinghouse on best practices to eliminate [WFCL]."

In collaboration with other stakeholders, ICI Industry / ICI's remediation strategy targets the cocoa-growing community as a unit. The reason for engaging the community as a whole is consistent with the old African adage that it takes "a village to raise a child." Yet it also elicits a community-driven response to the issue of WFCL, effectively transferring the ownership of the problem and solutions into the hands of the community itself. It is evident that lacking a large and sophisticated child labor enforcement mechanism, it is the community that will have to identify, police, mitigate and prevent further WFCL in its midst. If the community does not act and maintain that action, it is highly unlikely that any system can be made to function. As the most local administrative level, the community may pass by-laws, mobilize the community to engage in or abolish certain practices as well as enforce new norms. Each target community is engaged through a four-step process:

- Stage 1: sensitization and community dialogue on WFCL
- Stage 2: development of Community Action Plans (CAPs)
- Stage 3: implementation of CAP
- Stage 4: monitoring and evaluation

Since its founding in 2002, the ICI has enlarged its programmatic reach in Ghana and Côte d'Ivoire. Its implementing partners have assisted, or are in the process of assisting, 133 communities in Côte d'Ivoire and 157 in Ghana to develop Community Action Plans (CAPs) – encompassing a total of 290 communities and a population of more than 650,000. To date, 86 CAPs have been developed in Côte d'Ivoire, 150 CAPs have been developed in Ghana, with 47 CAPs currently being developed in Côte d'Ivoire and 7 CAPs in Ghana.

At the end of 2010, working through its implementing partners, ICI also reports having:

- Active programmes in 290 cocoa growing communities, including 133 in Côte d'Ivoire and 157 in Ghana;
- Organized 10,177 meetings and directly sensitized 331,430 persons on child labor in cocoa;
- Supported the actual implementation of 236 Community Action Plans (CAPs), and the development of 54 new CAPs;



- Approved and sponsored a total of 61 micro-projects to date. 4 new micro projects in 2010 are being supported and implemented, mainly related to education provision. In addition, in collaboration with Nestlé UK, ICI has provided 2,783 tables and benches to pupils in Côte d'Ivoire. This project has directly benefited more than 5,500 primary school pupils in cocoa growing districts;
- Benefitted 165 communities with new or rehabilitated classrooms and schools (399 classrooms), directly reaching more than 19,950 primary school pupils;
- Initiated 626 activities in Ghana to reduce vulnerability of children to engage in child labor, with local authorities supporting communities regarding their CAP implementation, with a focus on education (provision of construction material for new schools, qualified teachers posted, and provision of school kits), or local communities themselves implementing initiatives to reduce the vulnerability of their children vis-à-vis child labor (by-laws, school rehabilitation, recruitment of teachers, etc.). In Côte d'Ivoire, 315 initiatives are being implemented;
- Trained more than 1,640 key people from civil society, the public and private sectors by ICI's master trainers at 71 training events since 2004. This training not only contributes to changing the perception of child labor, but also provides practical skills to help combat the problem on the ground;
- Contributed funding and provided technical input for the national action plans of Côte d'Ivoire and Ghana; and
- Supported radio programs on 13 local stations in Ghana in collaboration with Ghana Cocoa Board (COCOBOD) and Cadbury reaching an estimated combined audience of 16 million (ICI 2010).

In order to measure the relative extent of stakeholder progress on the ground, Tulane utilized country-reported estimates of the number of cocoa-growing communities in each country as a denominator against which to measure Industry/ICI's remediation coverage. The conservative estimate of communities as reported by the Ministère de l'Agriculture et des Ressources Animales (MINAGRA) was approximately 3,750 villages in Côte d'Ivoire (MINAGRA 2009). In Ghana, the Centre for Remote Sensing and Geographic Information Services (CERSGIS) reported the conservative estimate of 5,000 cocoa producing communities (CERSGIS 2010). Using these figures Tulane was thus able to chart Industry's progress in light of its commitment to eliminate WFCL from the cocoa sector of Côte d'Ivoire and Ghana. As featured in the 4<sup>th</sup> Annual Report, as of September 2010, Tulane estimated the extent of WFCL remediation coverage in the cocoa growing regions as being 2.53% in Côte d'Ivoire and 13.7% in Ghana.

Since the release of those figures in September of 2010, much headway has been reported from the Government of Ghana (GOG). NPECLC's 2011 Action Plan charged 69 districts with each devising a District Action Plan (DAP), who in turn work with their communities to develop CAPs. With NPECLC's ramping up its collaboration from 47 to 69 district assemblies, by the end of March 2011 it plans to have reached a total of 1,380 communities with a community-based remediation strategy and action (NPECLC 2011).

Adding the 157 communities being reached through ICI-led efforts with NPECLC's 1,380 communities, the number of communities remediating WFCL comes to 1,537. In terms of percentage of remediation coverage, Industry and GOG would have reached approximately 30.74% of the country's entire cocoa growing area.

In Côte d'Ivoire, the 133 communities being reached by ICI's implementing partners, in addition to the 9 villages the Ivorian government's program *SSTE-Certification* reached with remediation

activities, comes to 142 communities undergoing remediation activities – 3.78% of the total number of cocoa growing communities in Côte d'Ivoire.

To date, Industry and the Government of Ghana would still have to reach an estimated 3,463 (69.26%) cocoa growing communities with remediation activities in Ghana. In Côte d'Ivoire, Industry and the government would still have to reach an estimated 3,608 communities (96.21%) with remediation activities.

Thus, Industry was not able to achieve its Joint Statement 2005 commitment to cover “50 percent of the two countries' cocoa-producing areas by July 2008” (Joint Statement 2005) and was unable to accomplish the goals of the Joint Statement 2008 commitment of reaching 100% the cocoa growing regions of both countries with remediation activities by the end of 2010. That being said, the summary figures suggest that much work is being done in Ghana to realize the aims of the Harkin-Engel Protocol; progress which would likely be reflected in the 2013-2014 population-based survey.

We are however also cognizant of the fact that intervention coverage is not the same as intervention impact or how well the interventions are doing where they are carried out. According to an independent evaluation<sup>4</sup> of its program in Ghana, ICI's interventions have enhanced awareness on the subject and improved school enrollment and attendance.

Regarding the impact of ICI's work to reduce children's exposure to hazardous activities, as an illustration, ICI's implementing partner GLORI in Ghana implements the ICI Yen Daakye (YDK) program in 15 communities in Ghana. Out of these 15 communities, GLORI conducted an evaluation of the program in 9 communities (ICI 2011). Their results confirm the key findings of ICI's evaluation:

- The number of children using machetes has been reduced by almost 94%,
- The number of children involved directly or indirectly (fetching water and being present while spraying) in spraying activities (pesticides and fertilizers) has been reduced by 97%, and
- The number of children carrying heavy loads has been reduced by almost 88% (ICI 2011).

To illustrate the key findings of the evaluation regarding school enrollment rates, ICI's implementing partner Save Life Foundation (SLF), collected the enrollment data for the 31 communities where they implement ICI's YDK program. The enrollment rates in their communities have increased by 7% between the 2008/2009 and the 2009/2010 school years.

In Côte d'Ivoire, similar progress is reported. ICI's Ivorian implementing partner FEMAD reviewed the impact of their project in 22 communities. In these communities, where ICI has present since January 2008, 989 children were interviewed at the end of the first phase of the project. While school enrollment remains a challenge in these communities, with regard to hazardous activities:

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<sup>4</sup> An independent evaluation of ICI's program in Ghana was conducted between May and June of 2009. The findings of this evaluation, performed by Sue Upton and Samuel Asuming-Brempong, Ph.D., are presented in the report entitled “*Making Progress Learning Lessons*” (Upton & Asuming-Brempong 2009). To assess the program in Ghana, the evaluators performed a program evaluation by conducting a literature review and utilizing key informant interviews in conjunction with participative discussion groups.

- After 18 months of sensitization, the number of children using machetes has been reduced by 63%,
- The number of children involved directly in spraying activities (pesticides and fertilizers) has been reduced by 97%, and
- The number of children carrying heavy loads has been reduced by almost 84%.

While these reports represent important anecdotal information, randomized, case-control evaluations would be necessary to demonstrate the magnitude of impact Industry/ICI's activities have had on the elimination of WFCL and FAL. In addition, successive population-based surveys representative of the cocoa growing regions of Côte d'Ivoire and Ghana and other kinds of documentation will be necessary to demonstrate what impact Industry/ICI's activities have had and to which projects the elimination of WFCL and FAL per community can be attributed.

Given its stated commitment to "fully" cover the cocoa growing regions of the country with its "certification" activities which includes "Remediation/Response," has Industry's spending been "significant" per Article 1 of the Protocol? In 2008, the global confectionery market was valued at US\$ 127.9 billion, of which chocolate sales accounted for 48.6% – US\$ 62.1 billion (Datamonitor 2009). As reported by ICI, Industry, first jointly through the GIG and then as individual companies, funded ICI with US\$ 18 million from 2002 to 2010. Based on ICI's remediation progress in both countries, in its 4<sup>th</sup> Annual Report Tulane calculated that Industry would have to spend US\$ 46 million in Côte d'Ivoire and US\$ 26 million in Ghana – a total of US\$ 75.6 million – in order to cover non-remediated villages to meet Industry's 2010 commitment of reaching 100% of cocoa growing areas with remediation action.

In light of these findings, Tulane's 4<sup>th</sup> Annual Report of 2010 concludes that while Industry/ICI is employing a sound method for bringing about the desired remediation outcomes and is in line with current development theory, funding for ICI has only incrementally increased from year to year, and only a fraction of all cocoa growing regions of the two countries – 2.54% in Côte d'Ivoire and 13.7% in Ghana as of September 30, 2010 – were reached by the end of 2010. Thus, funding for the Protocol implementation has been insufficient.

While Industry/ICI is living up the Article 5 commitment to implement "field projects," ICI has yet to serve as a "clearinghouse on best practices to eliminate [WFCL]." ICI does however inform us that it is currently developing a guidebook "on emerging best practices" which is expected to be released during the first quarter of 2011.

Industry has not been able to achieve Article 6 of the Protocol, which spells out that "*industry in partnership with other major stakeholders will develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification.*" The model, definitions and subsequent action of Industry's "certification" to date fall short of the Protocol's vision of implementing "credible" and "mutually acceptable" certification standards. Finally, standards for cocoa production, while developed by the respective Governments of Côte d'Ivoire and Ghana, and the product certifiers UTZ Certified, the Rainforest Alliance and FLO, they have yet to be enforced on an "*industry-wide*" basis. In short, concerning certification and Industry's operationalization of the Protocol, Industry has yet to live up to Protocol Articles 1 and 6, as well as the Protocol's 2<sup>nd</sup> extension through the *Joint Statement of 2008*. Furthermore, Industry has yet to issue and implement standards on an "*industry-wide*" basis.

There are arguments that the original wording in the Protocol was overly optimistic and lacked achievable targets. From our perspective, we can only observe that there is much work left to be done to achieve what the original Protocol and successive extensions promise. We believe that

future agreements should have as expected and achievable objectives the percentage of covered population with known to be successful interventions.

Recent discussions with Industry suggest that the current position is that any “certification” or Child Labor Cocoa Coordinating Group (CLCCG) activity would be placed within the context of the recent September 2010 Joint Declaration and Framework. This leads us to the necessary distinction between aligning future action with the September 2010 Declaration and Framework and viewing the 2010 Joint Declaration and Framework as a new precedent that overrides earlier commitments. The September 13, 2010 statement is itself entitled “Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol,” and in the second paragraph recalls “the pledge made to achieve the goals of the Protocol [...] and the related Joint Statements of 2005 and 2008” (Joint Declaration 2010). The *Framework of Action to Support Implementation of the Harkin-Engel Protocol*, which accompanies the *Declaration of Joint Action*, furthermore addresses the International Chocolate and Cocoa Industry in section 4. *Roles, Responsibilities and Commitments under this Framework*. It reads:

*The Harkin-Engel Protocol and accompanying Joint Statements of 2005 and 2008 serve as a commitment by the representatives of the International Chocolate and Cocoa Industry to carry out the industry’s responsibilities to ensure that cocoa beans and their derivative products are grown and processed in a manner compliant with internationally-recognized standards on child labor. Specifically, in the Joint Statement of 2008, the International Chocolate and Cocoa Industry committed itself to “continue to support efforts to eliminate the worst forms of child labor and forced adult labor on cocoa farms and to help cocoa farmers, their families and communities by continuing to work with the national governments to ensure that the certification process, including remediation and verification are fully implemented.” It is further noted in the Joint Statement of 2008 that the International Chocolate and Cocoa Industry will work with the governments of Côte d’Ivoire and Ghana to have a sector-wide certification process “fully in place across each country’s cocoa-growing sector.”*

Thus, Tulane’s understanding is that with the signing of the 2010 Joint Declaration and Framework, Industry reaffirmed its commitment to work towards the full implementation of the Harkin-Engel Protocol, the successive Joint Statements of 2005 and 2008, as well as the new commitments made under the September 13, 2010 Joint Declaration and Framework. In short, stakeholders would expect that Industry’s future actions would seek alignment with this complete set of policies.

## **4.2. Status of Verification System**

Article 4 of the Protocol calls for the establishment of a joint action program that includes “independent means of monitoring and public reporting on compliance with those standards.” In 2008, U.S. Senator Harkin, Representative Engel and the cocoa/chocolate Industry agreed to extend the Protocol and issued their second joint statement stipulating that: “Industry will work with the governments of Côte d’Ivoire and Ghana to have a sector-wide independently verified certification process fully in place across each country’s cocoa-growing sector by the end of 2010” (Joint Statement 2008).

As per the Oversight contract with the US Department of Labor for the United States Congress, since 2006 Tulane examined Industry’s definition and application of independent verification. In

sum, Tulane observes that Industry should be credited for having established a verification mechanism that indeed permits independent verification, which in turn did facilitate “accurate reporting of the worst forms of child labor and forced adult labor and strengthen remediation efforts” (Joint Statement 2008). However, the Protocol’s unit of measurement is the child. By correcting and validating nationally representative surveys, Industry only effected an independent verification of the extent of WFCL prevalence. This mechanism however does not permit verification that children exposed to WFCL have been withdrawn and are no longer at risk. The two currently credible and viable approaches for verifying such action on the ground are: (1) CLMS – which monitors each child in the community, and/or (2) Product Certification – which focuses inter alia on farm practices and working conditions at the farm level. CLMS, a type of surveillance and reporting system at the cocoa farm level assuring that cases have been withdrawn and are no longer at risk, is the next step for in Ghana and Côte d’Ivoire.

With respect to the work of independent verifiers, FAFO and Khulisa may be credited for their conscientious scrutiny of the government surveys. However, one important methodological issue with Côte d’Ivoire government’s “*Enquête Initial de Diagnostic (EID)*” survey was not treated by the independent verifiers. As described in the 4<sup>th</sup> Annual Report of 2010, Tulane notes a methodological issue related to sampling was apparently not detected by the Independent Verification. Instead of using the survey standard *district de recensement* (enumeration area) or *district agricole* (agricultural enumeration area), the Ivorian government’s sample frame rather consisted of “villages.” Nowhere does the government survey report mention the inclusion of *campements* (hamlets) in the survey and when probed, government representatives admitted that *campements* were not included in the sample frame. Thus, village hamlets were apparently not listed and consequently not surveyed. This use of larger population conglomerates as the sampling frame probably underestimated the actual numbers encountered.

Both the Ghanaian and Ivorian governments should be credited for having cooperated with the independent verification process and furthermore for testing CLMS systems with the goal of covering the entire growing regions. After multiple revisions based on feedback and weighting advice from the independent verifiers, the surveys were completed and their findings published. However, Tulane notes that Ghana’s final “*Report on Weighted Data on Cocoa Labor Survey in Ghana (Scale-up Study, 2007/2008)*” (MESW Dec 2009) did not present a discussion of findings concerning FAL, cited as a weakness by the verifiers.

Since Tulane’s 4<sup>th</sup> Annual Report was published, Industry has not reported any new action on behalf of the Joint Working Group (JWG) and the International Cocoa Verification Board (ICVB) apart from the meetings and activities, and as of October 2010, the ICVB was dissolved as a formalized multi-stakeholder body. It is furthermore uncertain whether Industry will have its remediation activities independently verified as per its own “certification” model and definitions.

### **4.3. Status of Child Labor Monitoring System (CLMS)**

#### **Industry**

In the 2010 Framework of Action, Industry committed itself to:

- “Continue to support data collection and monitoring at the community and national level through a credible community-based CLMS.

- Through relevant local institutions and stakeholders, support the provision of appropriate remediation services for children based on the CLMS data, national survey data, and other credible sources of information, with the goal of protecting children from the worst forms of child labor in the cocoa growing areas of Ghana and Cote d'Ivoire."

In January 2011, Industry reportedly initiated detailed discussions with ILO-IPEC about developing a joint program of action. More specifically, the areas Industry reported as their focus on in collaboration with ILO-IPEC are:

1. Capacity building of national institutions,
2. CLMS, and
3. Providing support for enhanced national coordination.

On February 23, 2011, Industry and IPEC signed a US\$ 2 million PPP, which Industry patterned after the USDOL project document that was finalized in December 2010.

Tulane wishes to emphasize at this stage the importance of allowing the data obtained through a CLMS to directly inform child-specific remediation actions on a case-by-case basis. In order to do so, support mechanisms would need to be established allowing for the data on a child's situation to translate into an appropriate response – if necessary.

### **Côte d'Ivoire**

As reported in our 4<sup>th</sup> Annual Report, on June 3, 2010, the *Ministère de la Fonction Publique et de l'Emploi* took the existing Deputy Directorate for the Fight against Child Labor (*Sous Direction de la Lutte contre le Travail des Enfants*) and created by Decree No. 2010-181-03 the *Service Autonome de Lutte Contre le Travail des Enfants* (SALTE). SALTE reports directly to the Cabinet of the *Ministère de la Fonction Publique et de l'Emploi* (Ministry of Public Affairs and Employment). Appointed by decree by the Council of Ministers, the new agency is led by a Director of Central Administration and is charged with the following actions:

1. Develop, monitor and implement the national policies concerning the fight against the worst forms of child labor;
2. Coordinate all activities implemented in response to WFCL; and
3. Represent Côte d'Ivoire in national and international meetings and conferences that address the WFCL.

As an initial activity, SALTE has established a 4-tiered committee system that flows from the national level down to the *départemental*, *sous-préfectoral* and then to the village level. These four tiers are:

1. Comité Directeur National de Lutte Contre le Travail des Enfants
2. Comité Départemental de Lutte Contre le Travail des Enfants
3. Comité Sous-préfectoral de Lutte Contre le Travail des Enfants
4. Comité Villageois de Lutte Contre le Travail des Enfants

In late 2009 and in 2010, with support from UNICEF, the *Sous Direction de la Lutte contre le Travail des Enfants* (now SALTE) was able to revive the activities of 78 CLM village committees in 8 *départements* of the country (see Table 4 below). The committees were equipped with megaphones, leaflets and T-shirts (printed with awareness-raising messages) to better carry out their assigned function. In addition to the creation of the CLM, SALTE also holds a mass

sensitization campaign in the target villages, which thus far have been executed in 66 of the 78 target CLM villages.

**Table 4: CLM Village Committees in Côte d'Ivoire**

	Département	Sous –Préfecture	Village
Aboisso	1	2	11
Abengourou	1	3	14
Daoukro	1	2	16
Oume	1	2	16
Soubre	1	2	13
Daloa	1	2	4
Adzopé	1	2	4
San Pedro	1	2	4
Total	8	17	78

Tulane notes that the integral acts of establishing village committees and sensitizing community members comprise only first steps in setting up a full-cycle CLMS featuring data flow on each individual child and tailored responses to the affected child's particular needs in the community. Such a system, as pioneered by WACAP, has yet to be revived in Côte d'Ivoire. It should furthermore be noted that due to the difficulties in installing a new president in Côte d'Ivoire after the November 2010 elections, the country's CLMS-related activities are on hold.

## **Ghana**

Ghana, specifically the NPECLC, has made notable progress in the design and operationalization of its CLMS. On August 19, 2010, a two-day workshop was held on the *Review and Harmonisation of the Ghana Integrated Child Labor Monitoring System* at Dodowa in the Dangbe West District of the Greater Accra Region. The workshop, which was sponsored by the United States government, aimed at providing technical support to the Ministry of Employment and Social Welfare (MESW) by reviewing previous and current work in Child Labor Monitoring (CLM) and harmonizing their efforts in a manner that would yield optimum synergy in the development, implementation and sustainability of a credible and efficient CLMS in Ghana. With the CLMS, the database-driven approach to child labor will facilitate effective child labor interventions by identifying child laborers and linking them to satisfactory and sustainable alternatives such as schooling and skills training.

Since August 2010, NPECLC has prepared the *Ghana Child Labor Monitoring System* (GCLMS) Programme Indicators for the national, district and community levels. An 8-member team of experts has developed a "Framework for Determining WFCL in the Cocoa Sector" featuring definitions and indicators for WFCL (including hazardous agricultural activities) and FAL. NPECLC has furthermore developed the following questionnaires, which were recently revised:

1. Community Register Questionnaire,
2. Working Child/Child at Risk Questionnaire,
3. Workplace Questionnaire,
4. Children Receiving Support Questionnaire,
5. School/Training Institution Questionnaire, and
6. Stakeholder Institution Questionnaire.

Indicators featured in the GCLMS Community Register Questionnaire No. 1, implemented at the household level, are the following:

1. Number of child
2. Name of the Household Members
3. Relationship to head of Household
4. Sex
5. Date of Birth
6. Age
7. Birth Registration Number
8. Occupation (type of work)
9. Is child in school (Yes/No)
  - a. If Yes, name of school;
  - b. if No, name of last school attended
10. Level of Education
11. Type of work by child
12. Name and Location of workplace
13. NHI ID number
14. NI ID number
15. How long have you been here/in the household?
  - a. 0-3m
  - b. 4-6m
  - c. Above 6m

Ghana's CLMS Questionnaire No. 2 is administered to working children or children at risk. This questionnaire captures the context and nature of the work in which the child engages, is sufficiently detailed, and if properly administered will capture the information necessary to properly classify a child according to his/her vulnerability, working conditions, exposure to hazards, etc.

In sum, a review of Ghana's WFCL framework and questionnaires indicates that the understanding and tool operationalization is based on ILO precepts and appears to be conceptually sound. The subject is captured from multiple perspectives: from that of the child, family/household, service provider, workplace, and stakeholders. Therefore, if properly administered, the instruments do have the potential to capture the necessary data on the child's condition and inform the amelioration of the individualized responses.

Based on interviews with NPECLC staff in January 2011, the Ghana CLMS continues to be NPECLC's top priority and NPECLC is currently preparing an ILO-coordinated pre-test, which will be followed by a larger pilot research activity. Pre-test and pilot surveys will be implemented in six districts with ten communities each, all located in the cocoa growing areas, which have been selected based on their "readiness" (i.e. minimum knowledge on the issue and local capacity). The pre-test is scheduled for March 2011 and will take one month. The piloting will commence in the second quarter of 2011 and will take the rest of the year. Data will be collected



in every quarter and on every household, and every child, in the selected communities. In addition, sensitization campaigns will be carried out on an ongoing basis. Each community will work through a Community Child Protection Committee (CCPC), which will form a sub-committee for the purpose of data collection. The CCPC consists of village leaders, including women representatives, and will be trained by the Government of Ghana in collaboration with ILO. The CCPC members will receive allowances for their work. The data will be entered at the district level, and then transmitted to NPECLC's remediation unit in Accra, which will work on remediation and the withdrawal of children from the WFCL in cooperation with the district and the community informed by the specific issues revealed by the monitoring data.

NPECLC plans to scale up the GCLMS in 2011, ideally to an estimated 1,380 communities that grow cocoa in the country. However, the NPECLC staff acknowledges that the GCLMS scale-up will involve considerable costs, for which funding is not available at this point. In fact, currently 90% of the funding for this activity comes from the Government of Ghana, via COCOBOD. The Ministry of Employment and Social Welfare has indicated to us that, in March 2011, NPECLC received GHS 1.9 million from COCOBOD. In addition, UNICEF is providing GHS 100,000 for data collection and monitoring of the CLMS. While ILO support is currently limited to an advisory role, it may provide funding to the NPECLC for the GCLMS through Action Programs developed the USDOL-funded project and the Industry PPP.

The ILO Chief Technical Advisor expressed the view that funding for a functioning GCLMS should not be the problem if Industry and others were to support such an effort. However, he cautioned that an effective coordination role of the Government of Ghana would be critical. If the GCLMS were not managed well on the central level, it would likely not be sustainable. In this context, he also mentioned current efforts by the Minister of Employment to restructure the child labor section at the Ministry of Employment and Social Welfare, creating a new body, whose final form is uncertain at this point of time.

#### **4.4. Interventions Directly Targeting Children**

Over the course of the Oversight's tenure, Tulane observed an interesting organizational conflict at work in the relationship between several prominent international NGO's and Industry. Organizations can be characterized as having the tendency to sustain themselves, and since many of the NGOs, as well as the United Nations, are project funded, they will not be sustained if there is not a recognized problem as well as some entity with resources to put towards solving that problem. Accordingly, there is a tendency to overstate the problem in order to assure funding on the part of these entities for their own survival. On the contrary, Industry with their stated profit objective would have more to put in the profit category if they did not invest in WFCL interventions. With these background forces in mind, it is Tulane's observation that all parties have been genuinely interested in taking positive action in the defense of children suffering from the WFCL. There is agreement as to the basic issue that must be rectified. How that issue is defined and who is responsible for paying for its remediation are topics about which there is less agreement.

#### **Methodology**

As described in the 3<sup>rd</sup> Annual Report, Tulane's obligation was to assess "the impact of the Harkin-Engel Protocol on School Enrollment and Retention" as well as "the impact of the Harkin-Engel Protocol in promoting efforts to offer rehabilitation services to children withdrawn from

exploitative child labor in the cocoa sector” according to Task 6 and 7 of its contract with USDOL. Tulane did so using a “process” evaluation, which seeks to validate and verify the existence of activities proven or hypothesized to be part of the solution to a problem. This descriptive assessment is however not an impact evaluation, process referring to the number of times something is done or encountered. As there was no prior benchmark against which to measure progress to date, this assessment intended to provide a baseline against which future progress can be measured.

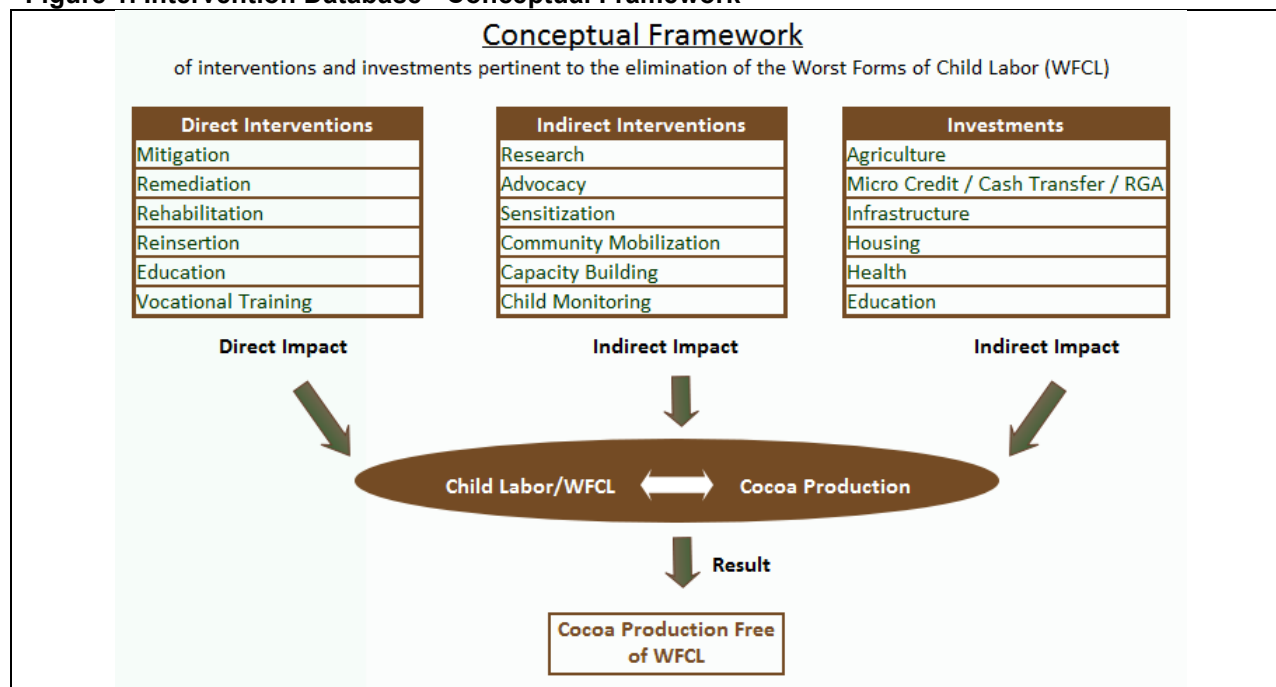
The principal objective of the assessment was to provide a comprehensive baseline overview, classification, description and analysis of the various interventions that aim to have an immediate impact on the lives of children at risk, who are, or who were child laborers in the cocoa sectors of Côte d’Ivoire and Ghana. The data obtained from the surveyed stakeholders were compiled into an Intervention Database (ID) for each country, which provide stakeholders with baseline data on all projects and also serve as a tool to decision-makers and stakeholders.

The following ten (10) steps were followed to obtain the relevant data and to develop the Intervention Database:

1. Conceptualized methodology and scope of research;
2. Collated information on relevant interventions based on the available literature and on Industry submissions to Tulane;
3. Devised conceptual framework and operationalized definitions to classify various interventions and investments initiated by stakeholders;
4. Developed Terms of Reference (TOR) and survey instruments;
5. Obtained authorization from the national governments to conduct research;
6. Hired and oriented four (4) research assistants – two (2) in Côte d’Ivoire and two (2) in Ghana;
7. Obtained critique and validation of TOR and survey instruments from the Government of Ghana;
8. Carried out data collection in Côte d’Ivoire and Ghana;
  - a. Established initial contact with stakeholders to determine eligibility through set criteria;
  - b. Invited participation in Intervention Database and identified appropriate respondent(s);
  - c. Requested appointments;
  - d. Conducted interviews;
  - e. Entered (transcribed) and cleaned data;
  - f. Returned questionnaires to the respondent(s) for revision and validation
9. Analyzed data and drafted summary report; and
10. Developed html-based database including search functions and geographic information system (GIS).

Tulane developed a conceptual framework to classify the multitude and diverse interventions that have been launched to address WFCL in cocoa production. In both countries, the same conceptual framework was applied, with its components illustrated below in Figure 1. Under the framework, the surveyed interventions and investments were classified according to the specific goods and services provided to affected children, a framework that has since been adopted and adapted by Ghana’s NPECLC. These terms are operationally defined in Tulane’s 3<sup>rd</sup> Annual Report.

**Figure 1. Intervention Database - Conceptual Framework**



Source: Tulane Intervention Database Surveys. Dec. 2008

Stakeholders were invited to participate in the Intervention Database according to the following criteria:

- They (1) directly funded, (2) themselves implemented, or (3) received funding from Industry to implement interventions;
- The interventions directly targeted children in the cocoa growing regions of Côte d'Ivoire or Ghana; and
- The interventions occurred since 2001.

A total of 43 eligible stakeholders in Ghana and 40 eligible stakeholders in Côte d'Ivoire were surveyed between December 2008 and August 2009. Tulane established and maintained good working relationships with these numerous stakeholders throughout the data collection and follow-up process, and praises the broad-based participation and transparency on the part of the surveyed actors.

All data that were provided by the participating stakeholders, both from the organizational survey instrument and the intervention survey instrument, were also developed into public databases that are posted online at:

Côte d'Ivoire: <http://cidb.childlabor-payson.org/>

Ghana: <http://ghanadb.childlabor-payson.org/>

The analysis featured in the Intervention Databases includes a tree of financial flows, GIS maps, recommendations based on stakeholder input and good practice, an organizational directory, etc. Both databases are also fully Google searchable. The Intervention Databases' Google Analytics tool indicates that to date Ghana's Intervention Database has received 716 visits with

2,885 pageviews. Côte d'Ivoire's Intervention Database has thus far received 549 visits, with 1,844 pageviews.

Based on Tulane's research, between 2001 and 2009, public and private stakeholders in Côte d'Ivoire and Ghana have reached several thousand children in the cocoa-growing areas with remediation interventions, including withdrawal, rehabilitation, reinsertion, education, and vocational training services. The tables below, Table 5 for Ghana and Table 6 for Côte d'Ivoire, tabulate the aggregate cases of children that were reportedly reached with these services, the majority of stakeholders in both countries attributing the financing of these interventions to the Harkin-Engel Protocol.

**Table 5. Total Cases of Children Reached, 2001-2009, Ghana**

<i>Intervention Type</i>	<i>Cases of Children Reached</i>
Withdrawal	1,387
Rehabilitation	1,211
Reinsertion	17
Education	3,079
Vocational Training	549

Source: Tulane Intervention Database Research

**Table 6. Total Cases of Children Reached, 2001-2009, Côte d'Ivoire**

<i>Intervention Type</i>	<i>Cases of Children Reached</i>
Withdrawal	2,297
Rehabilitation	8,187
Reinsertion	641
Education	13,146
Vocational Training	8,243

Source: Tulane Intervention Database Research

Tulane's 3<sup>rd</sup> Annual Report discusses detailed findings of the Intervention Database research that survey most, pertinent interventions between 2001 and 2009 (see pages 95-151). The 3<sup>rd</sup> Annual Report also provides a summary analysis of services rendered to children including school enrollment, retention, vocational training programs, withdrawal, rehabilitation and reinsertion services extended to children in Côte d'Ivoire and Ghana from 2001 to 2009.

#### **4.5. Summary of Status of Implementation of the Harkin-Engel Protocol**

As observed by Tulane on previously occasions, the Protocol has indeed served as a catalyst for action. As the summary below will demonstrate, while the Protocol has had a major positive

impact, much work remains to be accomplished to achieve the Protocol's ambitious goal of eliminating the WFCL in the cocoa sector.

### **Summary of Industry/Government Accomplishments**

Since the signing of the Harkin-Engel Protocol on September 19, 2001 – a significant first step committing to concerted action on WFCL in the cocoa sector – there are important milestones that Industry has accomplished. The creation of ICI in 2002, and guiding and financing ICI's work to date, must be recognized. Both international and local stakeholders praise the work of ICI and there are numerous accounts how ICI programs are changing lives and communities for the better in both Côte d'Ivoire and Ghana.

The Governments of Côte d'Ivoire and Ghana may take credit, first for creating national institutions with specific mandates to address the issue of WFCL and more importantly for the remediation activities these organizations have carried out. In Ghana, the National Programme for the Elimination of the Worst Forms of Child Labor in Cocoa (NPECLC) was established as a lead agency in 2006 with the overall goal "to eliminate the worst forms of child labor in the cocoa sector by 2011 and to other sectors by 2015" (NPECLC 2009). As of 2011, NPECLC is reportedly reaching 1,380 communities with remediation activities. In 2007, the Government of Côte d'Ivoire created the *Système de Suivi du Travail des Enfants (SSTE-Certification)*, which has reportedly reached 9 villages with remediation and school and health infrastructure. In 2010 the Ivorian government also created the *Sous Direction de la Lutte contre le Travail des Enfants (SALTE)*, which has a special focus on developing, monitoring and implementing national policies concerning WFCL as well as implementing a CLMS in the country.

Another significant milestone is the completed and independently verified government-led surveys. Since 2000, when the controversy first erupted surrounding the subject of child slavery in the cocoa sector, pitting British and American journalists backed by civil society organizations against cocoa and chocolate companies, scientific evidence concerning the nature and extent of the problem was needed to rally stakeholders behind actual figures.<sup>5</sup> Furthermore, a concerted response was needed based on this evidence, from the formulation of public policy to social programs. To prompt necessary research, stakeholders agreed in Article 2 of the Harkin-Engel Protocol that: "*By October 1, 2001, an advisory group will be constituted with particular responsibility for the on-going investigation of labor practices in West Africa.*"

As Tulane's 4<sup>th</sup> Annual Report discussed in detail, both Governments of Côte d'Ivoire and Ghana conducted surveys to investigate the issue. In December of 2009, with the release of revised reports by the Governments of Côte d'Ivoire [entitled the "Supplemental Study on the Initial Diagnostic Survey"] and Ghana [entitled the "Report on Weighted Data on Cocoa Labor Survey in Ghana (Scale-up Study, 2007/2008)]," the surveys had been completed and were independently verified by January 2010, nearly 8 years after the signing of the Protocol, and roughly 4 years after the Protocol's deadline. Both studies contained methodological and statistical flaws, some of which were resolved according to FAFO while others that were not.

Discussing the findings of the *Cocoa Labor Survey in Ghana – 2007/2008* on May 10, 2009, Ghana's Deputy Minister for Employment and Social Welfare, Mr. Antwi Bosiako Sekyere,

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<sup>5</sup> Starting in 2000, journalists documented the incidence of enslavement and maltreatment of adolescent and teenage children on cocoa farms in Côte d'Ivoire, predominantly trafficked from Mali. In turn, the international cocoa and chocolate industry rejected the early media reports as "false and excessive" (ECA, undated).

explained that there was no prevalence of slavery-like practices in the country's cocoa sector. He, however, highlighted that "it is worrying to know that over 50 percent of children in cocoa growing communities engage in at least one hazardous activity which does not auger well for their health and education" (GNA 2009). The Deputy Minister went on to describe the Ministry's efforts including the design of the Hazardous Activity Framework, which features occupational safety and health measures for working children according to their age, the development of communication strategies and messages to facilitate awareness creation and sensitization of farmers and children, and the implementation of remedial actions in 11 districts and 110 communities reaching 1,200 children with support to pursue formal education and vocational skills. This example illustrates how the Government of Ghana used the survey's results to clear up misperceptions, sharpen the debate, focus on the larger issues and prioritize action according to its survey findings.

Furthermore, the Protocol has focused considerable worldwide attention on the subject, placed stakeholders on a constructive path, and prompted the mobilization of financial resources to address the problem. Including ICI's implementing partners, Tulane surveyed 43 stakeholders in Ghana and 40 stakeholders in Côte d'Ivoire who are actively working on the problem. As briefly discussed in the previous section, the Intervention Databases reveal that thousands of children in each country benefitted from interventions between 2001 and 2009 – an outcome which lies at the heart of the Protocol.

The impact of the Harkin-Engel Protocol is perhaps best conveyed by Ghana's current Minister of Employment and Social Welfare, the Honorable Enoch (E.T.) Mensah, who upon signing of the Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol on September 13, 2010 in Washington D.C., stated: "The Harkin-Engel Protocol has achieved something that cannot be quantified in monetary terms. It has raised a consciousness in district assemblies in the areas to rise up to their responsibilities. Building of schools has quadrupled" (VOA 2010).

### **Summary of Industry Commitments Yet to be Fulfilled**

There is still much that remains to be done. Tulane monitoring of stakeholders, with a special focus on Industry action throughout the contract period, suggests that a number of activities, classified as implementing the Harkin-Engel Protocol, can be improved. Table 7 below enumerates the tasks that remain incomplete as per each Article of the Protocol.

**Table 7: Incomplete Industry Deliverable as per the Harkin-Engel Protocol**

Article 1:	While Industry has acknowledged the existence of the issue, it has yet to commit significant resources (or define what significant resources are) in view of the need for sensitization and remediation activities to reach 100% of the cocoa sector in both countries.
Article 2:	While a multi-sectoral advisory group created by Industry has researched labor practices, such a group has yet to scientifically formulate " <i>appropriate remedies for the elimination of [WFCL]</i> " which would need to be validated by stakeholders.
Article 3:	While a Joint Statement on Child Labor was issued by Industry and witnessed by the ILO, it did not identify positive developmental alternatives for children removed from WFCL in the cocoa sector as required by the Protocol or identify mechanism(s) to deliver such services.
Article 4:	While a Memorandum of Cooperation (MOC) among major stakeholders was signed, significant components of Article 4 remain incomplete, being: "Action to enforce the internationally-recognized and mutually agreed standards" and "Independent means of

	monitoring and public reporting on compliance with those standards.”
Article 5:	While the joint international foundation was established – the International Cocoa Initiative (ICI) – it has yet to serve as a “clearinghouse on best practices to eliminate [WFCL],” it has only reached a small percentage of overall cocoa growing area in each country and it has yet to demonstrate the aggregate impact of its efforts.
Article 6:	Industry has yet to “develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification.”

According to the Harkin-Engel – Industry Joint Statement of July 1, 2005, the original Protocol deadline of July 1, 2005 was not met. The statement reads:

*While the July 1, 2005 deadline will not be fully met, industry has assured Sen. Harkin and Rep. Engel that it is fully committed to achieving a certification system, which can be expanded across the cocoa-growing areas of West Africa and will cover 50% of the cocoa growing areas of Côte d’Ivoire and Ghana within three years (Joint Statement 2005).*

The statement further reads:

*Rollout of the certification system – including monitoring, data analysis, reporting and activities to address the worst forms of child labor – as aggressively as possible in Côte d’Ivoire and Ghana, with a goal of covering 50 percent of the two countries’ cocoa-producing areas by July 2008. This is a milestone on the way towards the ultimate goal of 100 percent coverage in the two countries (Joint Statement 2005).*

As of 2008, with the government surveys yet to independently verified and slow progress on remediation coverage, it was apparent that Industry had fallen short of attaining its stated target – announced in 2005 – to cover “50 percent of the two countries’ cocoa-producing areas by July 2008” (Joint Statement 2005). This deadline was not met, with Industry explaining that “independent verification, which is critical to establishing the validity of the results of the government conducted surveys, partially funded by the industry, will not be fully completed until the end of the year.” On June 16, 2008, U.S. Senator Harkin, Representative Engel and the cocoa/chocolate Industry agreed to extend and scale-up the “certification” system and issued another joint statement (hereafter referred to as Joint Statement 2008) stipulating that: “Industry will work with the governments of Côte d’Ivoire and Ghana to have a sector-wide independently verified certification process fully in place across each country’s cocoa-growing sector by the end of 2010” (Joint Statement 2008).

Yet, in order to fulfill the 2010 commitment, Industry and the Ivorian government would still have had to reach an estimated 3,655 cocoa growing communities (97.46%) with remediation activities in Côte d’Ivoire. In Ghana, Industry and the Ghanaian government would still have had to reach an estimated 4,315 communities (86.3%) with remediation activities. As of March 2011, these figures stand at 3,463 (69.26%) cocoa growing communities that remain to be reached in Ghana, and an estimated 3,608 communities (96.21%) that would remain to be reached with remediation activities in Côte d’Ivoire.

In sum, while Industry, in collaboration with the governments, did conduct surveys that were scrutinized and corrected by the independent verifiers in 2010, Industry has yet to accomplish its goal of reaching 100% of the cocoa growing regions of both countries with remediation activities by the end of 2010. While appropriate remediation methods have been pioneered by

the ILO, ICI, and government stakeholders, they remain to be significantly scaled up – i.e. financed – to reach the cocoa growing regions of each country.

## **4.6. Recommendations**

### **Implementation of Certification System**

In order “to enforce the internationally-recognized and mutually agreed standards” – as called for in Article 4 of the Protocol – more direct company action with regard to *ethical sourcing* is necessary. Product certification permits ethical sourcing by providing *credible assurance* that cocoa is being produced in line with ILO Convention 182, and constitutes a vehicle that would allow Industry to live up to its commitment to implement “industry-wide” standards per Article 6 of the Protocol, as well as “establish independent means of monitoring and public reporting on compliance with those standards” per Article 4 of the Protocol. Industry should continue to scale up its consumption – and publically commit to new procurement targets – of product certified cocoa specifically in the U.S. market. Practicing traceability and/or Chain-of-Custody enables the enforcement of standards at the producer level and throughout the supply-chain. It is furthermore a requirement of product certification. These practices should be mainstreamed “industry-wide.”

In addition, Industry and Government should contribute greater financial support to ICI as well as to operational child labor units in national governments in order to reach stated targets in the 1<sup>st</sup> and 2<sup>nd</sup> Protocol extensions. There should be a major effort to link ICI’s CAP implementation with Child Labor Monitoring (CLM) to provide a credible baseline to enable a more precise impact evaluation of ICI’s actions at the community level. ICI-inspired efforts to eliminate WFCL in a community would have an impact on a child’s condition, changes that would be observable through CLM. In order to facilitate the fusion of these distinct activities, a community could be encouraged to incorporate CLM into its CAP strategy. With the development of the Intervention Database, Tulane has demonstrated that it is possible to obtain an aggregated view of the various actions in place. In order to demonstrate that its remediation activities have reached 50% or 100% of cocoa growing areas of Ghana and Côte d’Ivoire, it is advisable that Industry, in partnership with the governments, to continue and expand the current Tulane prototype of the Intervention Database.

### **Implementation of Verification System**

Industry should increase support for laudable *product certification* efforts as its 4<sup>th</sup>-party farm audits provides location-specific, independent verification of the absence of WFCL and FAL in the certified cocoa farms and plantations of Côte d’Ivoire and Ghana.

Direct support o CLMS in both countries and scale-up to sector-wide level will enable Industry and governments to verify the impact of remediation activities at the community-level.



## **Implementation of Child Labor Monitoring Systems**

Build on the current relationship with ILO on the development of a CLM model given their extensive experience in this domain.

In Côte d'Ivoire, embed any technical effort to pilot and roll out a CLMS in the newly mandated *Service Autonome de Lutte Contre le Travail des Enfants*, whose personnel have WACAP experience.

The Government of Ghana's vision and current efforts to roll out a CLMS across all cocoa growing districts deserves direct support from government and industry beyond the technical assistance offered by ILO. Some specific suggestions from Tulane's field work experience would include:

- Standardize indicators and monitoring procedure across target communities,
- Enhance district-level engagement of target communities with regard to training, supervision and data quality control,
- Link the data aggregated at the district level to the national level,
- Triangulate GCLMS and school attendance data,
- Introduce information technology to community-based data collection and reporting,
- Sufficiently motivate data collectors,
- Add periphery indicators to the set of core indicators on WFCL and FAL, and
- Explore potential synergies between CLMS, agricultural extension services, CAPs and product certification.

## **Remediation Activities Addressing the WFCL in the Cocoa Sector**

Aggressively scale up support for ICI and country level child labor units enabling fulfillment of commitments made in the first and second extensions of the Protocol in order to reach the entire cocoa sector with sensitization and remediation activities in both countries. Increasingly base remedial action on CAPs and CLMS, tailoring the type of remediation to the specific needs of the community and children on a case-by-case basis. Perform independent audits – recently executed on the national program in Ghana – on the national program of Côte d'Ivoire (*SSTE-Certification*). Support the new *Service Autonome de Lutte Contre le Travail des Enfants* in Côte d'Ivoire in its mission. Hold stakeholder meetings in Côte d'Ivoire on a quarterly basis as is practiced in Ghana.

Target regions, districts (*départements* in Côte d'Ivoire) and communities based on high prevalence of WFCL and FAL. Perform independent, methodologically sound, external evaluations of national programs to determine impact. Effectively document and coordinate stakeholder activities building upon methodologies similar to those Tulane applied in its Intervention Database.

## 5. Comparison of Product Certifiers

Although not resolutely embraced by Industry, *product certification* does satisfy the certification requirements of the Harkin-Engel Protocol. As Tulane's 4<sup>th</sup> Annual Report demonstrates, *product certification* is the only form of "public certification" that Industry actors have engaged that could be considered to: (1) address requirements of Protocol Article 6 that the certification be "credible," "mutually-acceptable," and "voluntary" and (2) address requirements of Protocol Article 4 calling for: "*action to enforce the internationally-recognized and mutually agreed standards to eliminate WFCL in the cocoa sector*" as well as "*independent means of monitoring and public reporting on compliance with those standards.*" Especially in light of the Protocol agreement that Industry institute "certification" on an "industry-wide" basis, we therefore continue to investigate developments in the product certification arena.

As elaborated in our 4<sup>th</sup> Annual Report, proven and tested certification schemes including Fairtrade Labelling Organizations International (FLO), Rainforest Alliance and UTZ Certified have each established a set of standards, which cooperatives and individual farms must comply with in order to pass an audit and be certified. These standards also address on child labor and child work. Employing field audits and "traceability" procedures, these systems attempt to verify, among other factors, that cocoa production does not involve the WFCL. Despite being relatively more expensive to purchase cocoa that has been checked against standards, a number of individual cocoa/chocolate companies, including Mars, Nestlé, Kraft, and Cargill, have demonstrated the market viability of product certification with their significant commitments to buy certified cocoa.<sup>6</sup> However, product certification is only as effective as the standards followed and the compliance criteria and auditing procedures and practices in place to verify compliance to the standards. It would seem logical to assume that the more thorough a certification process is, the more expensive the certified product will be. In the case of certified cocoa, it is assumed that this expense would be born ultimately by the consumers that purchase the finished product.

With regard to both standards and procedures against which WFCL are checked, the above mentioned organizations certifying cocoa in West Africa differ from each other in some important respects. The comparison of product certifiers in cocoa production presented in this chapter is based on interviews with FLO, Rainforest Alliance and UTZ Certified carried out between December 2010 and March 2011 as well as some supporting background documentation. The chapter discusses the standards and procedures of these organizations; the definitions of child labor, WFCL and FAL used; the field implementation of the standards; the auditing process; as well as any interventions undertaken targeted at eliminating the WFCL and FAL in cocoa production and at the long-term development of the certified communities.

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<sup>6</sup> Rainforest Alliance prefers the term "farm certification" rather than "product certification" since farm practices, and not products, are being certified.

## **5.1. Standards and Procedures**

### **Fairtrade Labelling Organizations International (FLO)**

FLO's standards and procedures are based on the relevant ILO and UN conventions, including ILO 182, which recalls and as such includes the UN Convention on the Rights of the Child. Fairtrade's Small Producer Organization Standard (SPO), Hired Labor Standard (HL) and Contract Production Standard (CP) all include sections on child labor. However, the SPO Standard is applied to cocoa production and includes a general clause specifying that a certified producer organization and its members must produce cocoa without the use of child labor, which is regarded as a minimum requirement and, if found, a major non-compliance on this aspect of the standard. In the forced labor section of the Fairtrade Standard, it is also noted that forced labor, including bonded or involuntary prison labor, cannot occur on FLO certified farms. It is worth mentioning in this context that FLO requires that all additional ingredients used in making Fairtrade certified chocolate must also be certified if certification of a particular ingredient exist and thus be produced in compliance with the same standards.

### **Rainforest Alliance**

Rainforest Alliance certification is based on the Sustainable Agriculture Standard (SAN). This standard is divided into 10 principles, which are further broken down into criteria. The ten principles of certification are: "1. Social and Environmental Management System, 2. Ecosystem Conservation, 3. Wildlife Protection 4. Water Conservation, 5. Fair Treatment and Good Working Conditions for Workers, 6. Occupational Health and Safety, 7. Community Relations, 8. Integrated Crop Management, 9. Soil Management and Conservation, 10. Integrated Waste Management" (Sustainable Agriculture Standard 2010). SAN criteria further distinguish "regular criteria" and "critical criteria." According to its code of conduct "any farm not complying with a critical criterion will not be certified, or certification will be cancelled, even if all other certification requirements have been met." Criteria corresponding to Conventions 29 and 138 are classified as "critical criteria," whereas the criterion corresponding to ILO Convention 182 is classified as "regular criteria." Rainforest Alliance issues a certificate if, based on an audit, a farm complies with at least 80% of the total criteria and with at least 50% of each principle's criteria including 100% compliance with all critical criteria.

### **UTZ Certified**

UTZ certification for cocoa smallholders is based on a seven-chapter code of conduct with which "certificate holders" must comply.<sup>7</sup> Each chapter of the code is broken down into sections, which are further broken down into "control points." In a given year of certification, certificate holders are required to meet all "mandatory control points," as well as a number of "additional control points." The number of "mandatory control points," however, increases each year (i.e. the standards become increasingly stringent). "Control points" 70 through 75 address labor standards. Each of these control points save 74, "the date of birth or age of workers is documented," is a "mandatory control point" starting in year one of certification – in that year, 74 is an "additional control point." Seventy-four, however, becomes a "mandatory control point" starting in year two. Meaning, in the first year of certification, a certificate holder is required to

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<sup>7</sup> There is a separate version for single managed plantations or estates.

pass all control points above except 74. In year two, maintaining the certification status would require passing control points 70 – 75, in addition to others. UTZ Certified products must be comprised of 30% UTZ certified cocoa, a proportion that is set to increase to 40% by 2012, 60% by 2013, and 95% by 2014 (UTZ Certified Chain of Custody for Cocoa 2010). Afterwards, lower percentages are possible but only based on a public commitment to reach 100%, together with public reporting on progress towards this goal.

## **5.2. Operational Definitions of Child Labor, WFCL and FAL**

### **Fairtrade Labelling Organizations International (FLO)**

ILO Convention 182 on the Worst Forms of Child Labor and ILO Convention 138 on Minimum Age make up the core tenants of FLO's SPO Standard. In addition, FLO takes into account local laws and regulations in defining child labor and the WFCL. If local laws and regulations are stricter than FLO standards, they apply. Otherwise, FLO standards apply.

On FLO certified farms, no farmer must employ children below the age of 15 years. If children below the age of 15 years work on family farms, they must be enrolled in school and only work after school or during holidays, their work must be appropriate for their age, they cannot work at night, for long hours and/or under dangerous or exploitative conditions. They also must be supervised and guided by family members. If in the past a producer has employed children under 15 years for any type of work, he/she must make sure that those children do not enter or are at risk of entering into even worse forms of labor after their employment has been discontinued. The certified cooperative also must in the first year develop a remediation policy and program, which includes a clear organizational statement against child labor and relevant projects with partner organizations to ensure children are safely withdrawn and are in school. Additionally, on FLO certified farms, 18 years is the minimum age of admission to any type of work, which by its nature or the circumstances under which it is carried out, is likely to jeopardize the health, safety or morals of young people. Hazardous child labor is defined by FLO based on local regulations – the national hazardous child labor frameworks – and covers ILO categories such as work that involves handling or any exposure to toxic chemicals, work at dangerous heights, operation of dangerous equipment, abusive punishment, etc. Work considered to be unacceptable by FLO also includes ILO's "unconditional WFCL" such as slavery-like practices, child trafficking, recruitment into armed conflict, sex work and/or illicit activities. However, FLO staff indicate that it is important to maintain flexibility in applying these concepts and the determination of whether or not a child is engaged in the WFCL is made based on the judgment of trained auditors.

Forced labor is defined by FLO according to ILO's definition. In the guidance note of the Standard, forced labor is understood as work that a person has not offered him or herself voluntarily and is forced to do under the threat of any penalty. It is considered forced labor if producers retain any part of the worker's salary, benefits, property or documents in order to force him/her to remain in employment. If producers require or force a worker to remain in employment against his/her will using any physical or psychological measure, this is also considered forced labor. The term "bonded labor" refers to workers that have received loans from employers, if these loans are subject to unreasonable terms and conditions (such as excessively high interest rates).

## **Rainforest Alliance**

Rainforest Alliance prohibits WFCL and FAL on farms certified by the organization. Child Labor, WFCL and FAL are defined in line with the relevant ILO and UN conventions including ILO Convention 182 on the Worst Forms of Child Labor. The relevant local laws and regulations are also taken into account.

Child labor and WFCL are covered by Criteria 5.8 and 5.9. According to Critical Criterion 5.8: “It is prohibited to directly or indirectly employ full- or part-time workers under the age of 15. In countries where the ILO Conventions have been ratified, the farm must adhere to Convention 138, Recommendation 146 (minimum age). Farms contracting minors between the ages of 15 and 17 must keep a record of the following information for each minor: (a) First and last name. (b) Date of birth (day, month and year). (c) First and last name of parents or legal guardian. (d) Place of origin and permanent residence. (e) Type of work carried out on the farm. (f) Number of hours assigned and worked. (g) Salary received. (h) Written authorization for employment signed by parents or legal guardian.”

Criterion 5.9 further elaborates: “When applicable laws permit, minors between 12 and 14 years old may work part-time on family farms, only if they are family members or neighbors in a community where minors have traditionally helped with agricultural work. The schedule for these minors including school, transportation and work must not exceed ten hours on school days or eight hours on non-school days, and must not interfere with educational opportunities. The following conditions must be fulfilled: (a) These workers must have the right to one rest day for every six days worked and rest breaks during the workday the same as or more frequently than contracted workers. (b) They must not form part of the farm’s contracted workforce. (c) They must not work at night. (d) They must not handle or apply agrochemicals or be in areas where they are being applied. (e) They must not carry heavy loads nor do work that requires physical exertion unsuitable for their age. (f) They must not work on steep slopes (more than 50% incline) or in high places (ladders, trees, roofs, towers or similar places). (g) They must not operate or be near heavy machinery. (h) They must not do any type of work that may affect their health or safety. (i) They must get periodical training for the work they do. (j) They must be under the supervision of a responsible adult in order to guarantee that they understand how to do their work safely. (k) Transportation must be provided to and from home if workers have to travel in the dark or in conditions that put their personal safety at risk.”

Forced labor is defined by Critical Criterion 5.10: “Any type of forced labor is prohibited, including working under the regimen of imprisonment, in agreement with International Labor Organization (ILO) Conventions 29 and 105 and national labor laws. The farm does not withhold any part or all of workers’ salaries, benefits or any rights acquired or stipulated by law, or any of the workers’ documents, in order to force them to work or stay on the farm, or as a disciplinary action. The farm does not use extortion, debt, threats or sexual abuse or harassment, or any other physical or psychological measure to force workers to work or stay on the farm, or as a disciplinary measure.”

## **UTZ Certified**

The UTZ Code of Conduct for cocoa certification was developed in 2009 with input from over 100 stakeholders that included producers, traders, and NGOs (UTZ Certified Annual Report 2009). The Code prohibits child labor and forced labor. UTZ defines child labor as “work done

by a child that is younger than 15 years, unless local legislation has set a higher age. On family farms, children can participate in farming practices (where local laws do not prohibit it), only for light work, for a limited number of hours and if the work does not jeopardize their physical and mental well-being or interfere with their schooling. They do not conduct hazardous work and are always accompanied by an adult relative.” UTZ’s definition of WFCL is based on ILO 182 and “includes slavery and the sale and trafficking of children; debt bondage and serfdom and forced or compulsory labor; the use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances, or for illicit activities; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” Similarly based in the international conventions, UTZ defines forced labor as “all work or service that is extracted from a person under the threat of a penalty and which that person has not offered voluntarily” (UTZ CERTIFIED 2009). Hazardous work in the cocoa sector is further defined by the Government of Ghana’s Hazardous Child Labor Activities Framework, which UTZ, since it is the most detailed report, applies in all of West Africa and worldwide, including the Ivorian and Ghanaian cocoa sectors.

### **5.3. Field Implementation**

#### **Fairtrade Labelling Organizations International (FLO)**

FLO certifies cooperatives, not individual farms, and the organization works directly with the cooperative through a Country Liaison Officer who is supervised by a Regional Coordinator based in West Africa and who in turn is supervised by FLO’s Head of Africa and Middle East, Producer Services and Relations located in Bonn, Germany. FLO also employs a full time Senior Advisor, Social Compliance and Development, to guide, build capacity and support efforts on the elimination of child labor, including establishing child rights approaches in reaching this goal. All of these FLO representatives have received training on child labor and related child rights, including child protection training offered by a recognized NGO. Additional training is offered to the Liaison Officer upon request and is provided by outside experts.

The Liaison Officer assists the cooperative with all aspects of the process of FLO certification and the implementation of FLO standards and procedures in the cocoa sector. This includes FLO-facilitated “training of trainers” sessions. These training programs are designed for the cooperative based on local training needs, and cover FLO’s procedures regarding child protection issues. It is the cooperative’s responsibility to subsequently train the individual farmers that produce the certified cocoa. FLO facilitates partnerships with expert organizations if the producer organizations request support for training individual producer members on child labor. FLO also works with the cooperatives to build a community based internal control system, which includes monitoring on child labor and remediation, and has offered introductory training to some child labor monitors, with additional training supported by partners on a case-by-case basis. Liaison Officers also work with the cooperatives in supporting their decisions in working on company or trader plans and programs on child labor elimination.

Each cooperative undergoes yearly audits. FLO’s model works on a continuous improvement cycle, which attempts to ensure that by setting targets with the producer organization and encouraging community led monitoring and remediation, working conditions improve over time. By the third year of certification with FLO, a cooperative is expected to have developed a child labor policy with child protection procedures implemented at farm level.

## **Rainforest Alliance**

Rainforest Alliance certifies individual farms/plantations as well as cooperatives and other groups. According to the organization, a specific advantage of Rainforest Alliance's approach is that both large as well as small organizations can be certified. A certification contract between the certificate holder and the certification body is signed. Certification does not require a self-managed democratic structure but the internal management system of the certificate holder has to be compliant with Rainforest Alliance's SAN Standard for Groups. Groups interested in certification are exposed to a "training of trainers" program, typically over a period of six months. The training activities cover the SAN Standard including child labor. The program is designed based on local training needs and implemented by one of Rainforest Alliance's local partners. Each cooperative also develops a Group Policy that guides the implementation of the Standard. Certified cooperatives undergo regular audits.

## **UTZ Certified**

Groups of producers, single managed plantations, traders, and processors can become UTZ Certified. However, in the West African cocoa sector, to date no single farms have been certified. A contract between the certificate holder and the certification body is signed. Similar to the other product certifiers, extensive training activities are carried out that UTZ implements in the cocoa-growing areas in collaboration with local partners including Solidaridad and Anader in Côte d'Ivoire and West Africa Fair Fruit, WAFF, in Ghana. Other organizations and consultancy firms also deliver UTZ training. Independent consultants can also deliver the UTZ training, provided they have been trained first by UTZ. For already formed or organized groups, eight months of training are needed for a group to get ready for their first external audit. Certification also requires an internal control system including a "responsible person" for labor conditions, who is selected by the group. Certification is valid for one year, after which another external audit is carried out, which may result in re-certification.

## **5.4. Supervision and Audits**

### **Fairtrade Labelling Organizations International (FLO)**

FLO's audits are implemented by FLO-CERT, a private limited company that operates independently from FLO. FLO-CERT conducts yearly announced and/or unannounced audits by independent auditors trained in child-centered methods. As part of the audit, a sub-sample of farms will be visited and the audit involves farm level interviews with adults and children as well as observation. FLO-CERT's audits identify gaps and the organization works with the cooperative to solve identified problems. The audit reports are shared with the producers only and they are not being made publicly available. FLO-CERT shares audit results with FLO, if the producers agree. If a problem is identified by an audit, FLO-CERT may audit the cooperative in more frequent intervals, up to 12 times per year.

FLO-CERT acknowledges that only a sub-sample of cocoa farms is visited by the auditors and sometimes it can be challenging to identify even which farms belong to the cooperative. In the past, FLO-CERT has identified incidences of the WFCL on cocoa farms. FLO-CERT maintains that a degree of judgment and flexibility is necessary in applying FLO's standards and that compliance tends to improve over time, once the cooperative becomes accustomed to the certification process and training activities are carried out. According to FLO, Fairtrade is the

only product certifier that has actively intervened to withdraw children from the WFCL in the cocoa sector.

### **Rainforest Alliance**

Rainforest Alliance certifications are valid for three years and are subject to annual audits. External audits are carried out once per year, while internal audits are typically carried out twice per year. Both announced and unannounced audits are implemented. The external auditing process is managed by accredited partner organizations, such as AfriCert, and involves visits to the cooperative as well as a small subsample of individual farms. The auditors review records, observe, carry out interviews and crosscheck the different information sources against each other. Internal audits involve visits to all farms, by a trained member of the cooperative, approximately 1-2 times per year. Each auditing report is discussed with the cooperative, which also includes a discussion of steps necessary to address identified problems. All auditing reports are confidential and made available only to members of the cooperative. The cooperative may however share auditing findings with others partners, including local trainers, who may be approached for follow-up training. Since 2006, the Sustainable Agriculture Network, which manages the Standard, has de-certified at least two cooperatives in Côte d'Ivoire. According to Rainforest Alliance, de-certification is not typically related to child labor violations, which are rare, but usually due to problems with the internal management system of the certified group.

### **UTZ Certified**

Auditors approved by UTZ conduct external audits once per year. An annual internal inspection is also necessary to maintain certification. Both announced and unannounced audits are carried out. External audits are implemented by independent, accredited auditors such as Africert, IMO, Bureau Veritas, Control Union and others.<sup>8</sup> They involve site visits to a sub-sample of farms and include interviews with children, adults, and other community members. Internal audits are carried out by the internal "Management System of the Group". They involve inspections of all certified farms. Should a certificate holder organization fail to meet one or more of the "mandatory control points," it is expected to report that non-compliance to its certification body (CB) and take appropriate actions to remedy the problem (additional training activities, etc.). If the organization fails to report a non-compliance, the CB issues a written warning requesting compliance with the respective "control point" within six weeks, at which point the organization will be re-controlled. If the organization still has not corrected the problem by that point, their certificate holder status is suspended for three months, during which time its products cannot be sold as "UTZ CERTIFIED." If, at the end of three months, the organization does not pass a re-audit, the "certificate" is cancelled. In the case of repeat offenses, a CB can decide to immediately suspend the organization from the program. Audit results are confidential but can be shared with consent of the group. Summary statistics without the names of the groups attached are also released. To date, UTZ has not had to de-certify a certificate holder in the cocoa sector; however, auditors have reported non-compliances, associated with the improper use and storage of agro-chemicals, among others.

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<sup>8</sup> For a full list of approved Certification Bodies, please visit [www.utzcertified.org/downloads](http://www.utzcertified.org/downloads).



## **5.5. Remediation and Development**

### **Fairtrade Labelling Organizations International (FLO)**

FLO has distinguished itself in the area of remediation and long-term development. The organization uses a community based development approach and works systematically with the producer organizations to build capacity. Each cooperative receives a premium for the sale of certified cocoa set by FLO. It is invested in development work in the community, including education and health, using a mechanism of internal collective democracy, which is subject to auditing (i.e., premium use has to be democratically decided as stipulated in the SPO Standard and is audited for compliance). Thus, beyond responding to specific problems on individual farms, FLO's approach encourages producer organizations to address the root causes of the underlying development problems in the community and work with members, including children, to resolve them. FLO acknowledges that while FLO certification is not perfect, and WFCL have been reported on selected farms, the organization works towards this goal, often in challenging implementation environments.

### **Rainforest Alliance**

Rainforest Alliance carries out capacity building activities targeted at improving the farming process and sensitization campaigns. The organization works through local partners, including AgroEco in Ghana, to implement these activities. According to the organization, Rainforest Alliance has trained 20,000 farmers in Côte d'Ivoire in 2009 (The Rainforest Alliance's Sustainable Cocoa Program 2010). Rainforest Alliance does not set a minimum floor price for cocoa beans but assumes that through the improvement of production techniques a higher price will be earned: "Successful farmers are those who learn to control costs, increase production, improve crop quality, demand higher prices and negotiate good terms when selling their crops, build up their workforce, foster community cohesion, manage their valuable natural resources and protect the environment" (Sustainable Agriculture Certification 2010). The organization expects that training and the implementation of the Standard will result in improved economic outcomes as well as broader improvements in the quality of life in the certified farming communities (health, education, sustainability, etc.).

### **UTZ Certified**

Similar to the other product certifiers, UTZ is involved in "training of trainers" activities including farmer field schools. Training activities are comprehensive and cover a wide range of topics including good agricultural practices targeted at producing a higher quality crop and increasing productivity and eventually income, good environmental practices, and social issues such as education and health. Producers receive a premium negotiated by the producer and the trader. UTZ does not set premium prices but transparency is required in the management and spending of the premium within the certified group. UTZ actively cooperates with the other product certifiers in some respects, for example, as part of the GTZ-financed Certification Capacity Enhancement (CCE) initiative, which develops training materials for joint use by the different product certifiers in the cocoa sector. This project currently is in a pilot phase.

## 5.6. Recommendations

### Role of Product Certification

Product certification permits ethical sourcing by providing *credible assurance* that cocoa is being produced in line with ILO Convention 182, and constitutes a vehicle that would allow Industry to live up to its commitment to implement “industry-wide” standards per Article 6 of the Protocol as well as “establish independent means of monitoring and public reporting on compliance with those standards” per Article 4 of the Protocol. The Rainforest Alliance, UTZ Certified, and Fairtrade Labelling Organizations International (FLO) each constitute credible certification systems working to uphold labor and other standards in the West African cocoa sector, including operationalizations of ILO Convention 182. In order to allow the industry-wide adoption of these standards, individual Industry companies would have to publically commit to procurement targets of product certified cocoa to the extent that product certifiers could together certify the cocoa growing regions of Ghana and Côte d’Ivoire. Product certification will be all the more effective if it is implemented together with strong CLMS and remediation action, with the governments actively intervening to prevent and remediate cases of child abuse whilst working towards long-term improvement of living conditions in the cocoa producing communities, and product certifier controlling for production-related standards.

## 6. Tulane's Capacity-Building Activities, Development of Key Indicators, and Knowledge Database of Research Findings

This chapter summarizes Tulane's recent capacity building workshops, eight training modules for government experts and civil society representatives that were implemented in Côte d'Ivoire and Ghana over the course of the past year. We also discuss recent efforts to develop listings of key indicators and corresponding questionnaires for the measurement of child labor, WFCL and FAL in the cocoa sector as well as the development of an online knowledge database, which will make Tulane's research findings accessible to a worldwide audience.

### 6.1. Capacity Building Workshops

Task 11 of Tulane's second contract with USDOL stipulates that Tulane "develop local capacity to monitor and verify efforts to eliminate exploitation of children in the cocoa sector." In accordance with this deliverable, over the course of 2010 Tulane carried out a series of workshops in Ghana and Côte d'Ivoire entitled "*Developing Capacity to Monitor and Verify Efforts to Eliminate Exploitation of Children in the Cocoa Sector.*" The training was delivered in 8 modules over a period of March to November 2010 mainly by core Tulane and ENSEA personnel. The participants in both countries reported greatly benefitting from Tulane's training on strategic planning as well as monitoring and evaluation, strengthening their organizational capacity to operate professionally. Yet the program also drew on many local experts in both countries, further contextualizing and operationalizing the training topics.

The main thrust of this activity was to train government officials and implementing partners in Ghana and Côte d'Ivoire to undertake or cooperate with future efforts to monitor and verify progress made toward eliminating exploitive child labor and forced adult labor in the cocoa sector. To this end, Tulane, in consultation with USDOL and the Governments of Côte d'Ivoire and Ghana, developed eight training modules to be delivered in each country over the course of four separate workshops lasting four days each.

Technocrats in key government and civil society institutions charged with protecting children's rights and providing services to children subjected to WFCL were targeted by this training, notably the NPECLC in Ghana and the *SSTE-Certification* in Côte d'Ivoire. In order to determine the participants, Tulane submitted official letters to the Governments of Ghana and Côte d'Ivoire requesting the nomination of participants. In Côte d'Ivoire, 10 government officials and 5 NGO representatives attended the workshops. In Ghana, 13 government officials and 5 NGO representatives attended the workshops.

Four workshops were completed in Ghana and in Côte d'Ivoire, respectively, encompassing a total of 16 training days in each country. In Ghana, the training venue was the Ghana-India Kofi Annan Centre of Excellence in ICT (AITI-KACE) as well as La Palm Royal Beach hotel in Accra. In Côte d'Ivoire, all four training workshops were held at ENSEA.

The training modules were designed to instruct participants on specific skill sets including research, problem analysis, needs assessment, and program design and implementation

pertinent to the remediation of WFCL in the cocoa sector. In addition, the modules exposed participants to innovations in monitoring and verification, GIS methods, database development, and ICT.

Specifically, Tulane University sought to deliver the eight training modules to key public administration and implementing personnel, which are listed in the Module title column in Table 8 below. A survey of the content offered in each of the 8 modules lends itself to categorizing them into three overall themes.

**Table 8: Tulane University Capacity Building Training Modules**

Module number	1.	2.	3.	4.	5.	6.	7.	8.
Module title	Child Labor Certification and Remediation: An Introductory Overview Seminar	Community Needs Assessment and Intervention Planning	Child Labor Monitoring Systems (CLMS)	Information Technology and Personal Productivity Tools for Intervention Management and Monitoring	Survey Technology: Statistical Packages for Survey Data Collection and Analysis	Strategic and Tactical Planning for Impact Monitoring	Intervention Management, Data Collection and GIS System Applications	Impact Evaluation, Positive Deviance and Intervention Attribution Assessment
Topic categories	Concepts and definitions of WFCL and FAL		Survey methodology and information management			Intervention strategies against WFCL and FAL		

PowerPoint presentations were the main medium used to communicate the content to the participants. All presenters, experts in their respective fields, were asked to prepare a presentation to relay the theoretical content. Pedagogically, the presentation’s visual dimension complements the presenter’s message and enhances the participants understanding of the subject matter. Tulane also relied on Ghanaian and Ivorian experts to deliver training content, which were composed of academics and experts in their respective fields.

The mere projection of information by a presenter is not enough. There remain gray areas in the mind of a participant exposed only to this form of pedagogy. In order to reinforce the information delivered by the presenters and to make the training as interactive and engaging as possible, each presentation incorporated a question and answer and discussion session. The discussion was often prompted by a question and lively exchanges were encouraged between the different actors in the training – between participants and presenters, as well as among the participants themselves. This method has the distinct advantage of enabling all stakeholders to increase their knowledge and, in turn, learn from each other.

Tulane provided each government with a sufficient number of laptops for each participant to use during the workshops, each laptop installed with software programs including MS Office, OpenProj, EPI Info, SPSS, CPro and ArcView. Tulane designed modules incorporating these software tools, which covered the topics theoretically as well as through hands-on instruction how to apply the programs.

As a final pedagogical method, each training module featured a comprehensive exercise designed to deepen the participants’ understanding of the subject matter. For example, participants completed an exercise on positive / negative rights stipulated in ILO Convention 182 as they apply to the context of country-specific laws and programs, participants

operationalized hazardous child labor, analyzed Community Action Plans (CAPs), and conducted a SWOT analysis on their organization. The participants worked in groups of two, three or more, and presented their results in plenary session. The laptops were used for the exercises of the tech-assisted modules 4, 5 and 7.

Tulane's training program did more than just enhance the participant's knowledge and skill on subjects critical to the elimination of WFCL and FAL; it effectively intervened to correct misconceptions, methodological flaws and programmatic gaps that were (being) committed on the part of the respective country programs. In Côte d'Ivoire, the *SSTE-Certification* and other government stakeholders were made to understand that a sample frame is based on properly delimited enumeration areas, and cannot simply comprise villages in the cocoa growing areas. In his evaluation questionnaire, an *SSTE-Certification* representative for example noted that: *"[This workshop] allowed me to observe the limits of our sampling methodology that used villages instead of agricultural districts."* The Ivoirian participants were also thoroughly exposed to Ghana's CLMS conceptualization and application at a time when the subject was not well understood due to the *SSTE-Certification's* non-application of this WACAP pioneered community-based monitoring tool. In Ghana, NPECLC adapted Tulane's conceptual framework of interventions and investments targeting children in the cocoa producing regions, making modifications to the framework where deemed necessary, but overall appreciating the framework's usefulness of classifying and managing interventions. Furthermore, many Ghanaian participants were for the first time exposed to ILO's SCREAM methodology, which had at that point not been integrated with NPECLC's program. In both countries the participants were informed about the TVPRA and EO lists and now understand the nature and implications of these lists. In sum, the capacity building program was not just an exercise to elevate the knowledge and skill level of key stakeholders – the training program served as an intervention in its own right.

Based on the responses of the workshop's participants in Ghana and in Côte d'Ivoire, the data used for assessing the results of Tulane's capacity building program, we observe that the participants overwhelmingly affirm that their understanding of the treated subjects was deepened. The workshop's didactic content was delivered employing sound pedagogy, and for the most part the participants demonstrate to have achieved the principal learning objectives. Significant is that even seasoned members of NPECLC reported having acquired knowledge and skills to more effectively engage the issues at hand. For example, a NPECLC officer stated: *"I got to know the other aspects of human trafficking, especially ways of identifying whether a particular case is trafficking or not."* Another NPECLC team member remarked that he was *"able to understand how negative and positive rights are associated with WFCL."* In Côte d'Ivoire, Mr. Quaye's series of nine presentations on Ghana's CLMS were rated as the most important presentations of the second training workshop by many of the Ivoirian participants. Participants commented that Mr. Quaye's presentations deepened their understanding of Ghana's approach to CLMS, which permitted a comparison with their own conceptualization and operationalization of CLMS.

Furthermore, core competencies were transmitted. Tulane for example instructed the participants in both countries on its survey and intervention database methodologies, such that they may be better able to develop sound survey methodologies in the future. Participants also learned how to devise a Conceptual Model and Logical Framework, develop strategic plans, and incorporate key elements of CLMS in the fight against WFCL. With every module incorporating a discussion and an exercise component into its delivery, the training program sought to operationalize the theoretical aspect of each treated topic. The instruction of key statistical software such as CPro, SPSS, and Openproj furthermore transferred highly practical

skills to the participants. The training program thus succeeded in enabling participants to take ownership of the various legal, scientific, and operational instruments that may be leveraged in the prevention and fight against the Worst Forms of Child Labor and Forced Adult Labor. At the end of the workshop, 11 Ivoirian participants and 18 Ghanaian participants received certificates for their participation. In addition, the institutions that the training participants represent received the laptop PCs for continued use by the participants.

The governments of both countries were supportive of Tulane's training program. From the nomination of suitable participants to issuing letters to summon the participants to each workshop, the training initiative enjoyed full governmental support. During the second training workshop on May 27<sup>th</sup>, 2010, the Ghanaian Minister of Employment and Social Welfare, Honorable E. T. Mensah, came to the workshop and addressed the group. His speech focused on the importance of cocoa to the Ghanaian economy, and thus the reason the issue of WFCL is so important to Ghana.

In sum, both countries the workshops were successfully executed and the participants almost unanimously affirmed the value of the training they received. 18 participants in Ghana and 11 participants in Côte d'Ivoire were awarded a certificate for participating in the training. Based on the training program's accomplishments and the overwhelmingly positive feedback received from the participants, Tulane believes that the capacity building component of its contract with USDOL was an important initiative that enjoyed immediate results through the transmission of knowledge and skill, and therefore also promises to have a more long-term effect on the ability of the respective countries to more effectively redress the problem of WFCL and FAL.

To lend a multiplier effect to the capacity building program and permit other interested parties to also access the same content, Tulane will offer a public multi-media learning platform featuring training modules as a part of its Knowledge Database. This multi-media platform, currently being developed by Tulane and to be offered on its project Web site (<http://www.childlabor-payson.org>), will include recordings of the presentations of Tulane and ENSEA and guest speakers, PowerPoint presentations, as well as supporting didactic materials.

## **6.2. Key Questions for the Measurement of Child Labor, WFCL and FAL**

Efforts to measure progress towards the elimination of the WFCL and FAL in the cocoa sector and the implementation of the Harkin-Engel Protocol have long been limited by the lack of agreement on how the international and national definitions of the WFCL and FAL should be operationalized for research and monitoring purposes. Any surveillance system is only as good as the indicators it measures and how closely they fit a defined reality of importance. There are many technical and political complications involved with indicator selection, all of which have been encountered in this project. The gold standard for the selection of WFCL indicators has traditionally been provided by ILO as a result of its scientific and political role, which was the basis of Tulane's original work. In addition, in the last few years, both Ghana and Côte d'Ivoire have encoded into law the official versions of their operational definitions of hazardous child labor, supplementing ILO 182, which have been documented in Tulane's yearly reports. A major complicating issue is that these definitions are not harmonized internationally but are the basis for national action plans. ILO, as a United Nations organization, is obligated to accept the respective national definitions as the reference point for each country.

## **Development of Key Indicators and Draft Questionnaires**

From April 27-29, 2010, Tulane University hosted a Conference on Data Collection in the Cocoa Sector in New Orleans, which convened the main stakeholders and academic researchers to discuss the challenges associated with quantifying the WFCL and FAL in the cocoa sector and approaches to address them. In preparation for the conference, Tulane drafted two sets of key indicators for the measurement of child labor in the cocoa sector; one measuring child labor and WFCL and the other measuring FAL. These two draft indicator sets were intended to provide a basis of discussion, which would ultimately result in listings of agreed upon key indicators and corresponding questionnaires based on stakeholder consensus. During the conference, the initial draft listings were revised. The revised versions were discussed in Côte d'Ivoire and Ghana as part of Tulane's capacity-building workshops with the technical experts being trained, which led to another revision (included in Tulane's Fourth Annual Report) as well as the development of draft questionnaires.

## **Field Test Methodology**

The draft questionnaires were field tested in March 2011. The objective of the field data collection was to examine all indicators for sensitivity and specificity with respect to internal and external validity. The pretest data were collected in a cocoa-growing community, several villages close to Suhum, Ghana.

A complete enumeration of all households in the selected villages was carried out to generate a sampling frame for the selection of adult and child respondents. Three types of interviews were completed:

1. Interviews with children working in cocoa,
2. Interviews with caregivers of children working in cocoa, and
3. Interviews with adult laborers working in cocoa.

All households in the selected villages with at least one child between 10 and 17 years working in cocoa were included in the study. If more than one child had worked in cocoa in a selected household in the previous 12 months, one of these children was randomly selected for the interview. The child's caregiver was interviewed first, followed by the interview with the child. All interviews were conducted one on one, without any third person listening. A total of 123 children and 123 caregivers were interviewed as part of the field test.

In addition to the child and caregiver interviews, the surveyors selected a random sample of adult workers, who had worked in cocoa agriculture in the previous 12 months, from the listing of households involved in the growing of cocoa in the community. As an adult worker was defined any adult, who had worked for pay in cocoa agriculture and/or who had performed regular work in cocoa agriculture for someone who was not a family member. Thirty-three adult workers were interviewed by the surveyors.

## **Field Test Findings**

The child and caregiver interviews each took approximately 10-15 minutes to complete. The adult worker interviews were also completed in approximately 10-15 minutes each by the surveyors. The surveyors described the draft questionnaires as "straightforward" and did not report any major problems with carrying out the field data collection but suggested small

improvements to the forms based on their field experience. The surveyors also reported some discrepancies between child and caregiver reporting, generally considering the information provided by the children to be more reliable. In this context, the surveyors described that the community was sensitive to the question of child labor and that some adults had been reluctant answering questions on the subject and some might have provided inaccurate responses.

As with Tulane's previous surveys, the precise recall of activities performed in cocoa agriculture (number of hours worked, types of activities performed, frequency of exposures to hazardous work, etc.) was difficult for both adult and child respondents, which limits the level of detail that can be accurately recorded. The measurement of child trafficking, forced labor, bonded labor and serfdom based on the international conventions remains challenging as well since these complex concepts are difficult to translate into simple questions and the multiple languages used in the cocoa sector. However, we believe that a survey methodology, and standardized questions such as the listings developed, can be successful in identifying children and adults at risk of labor abuses, which should lead to follow up interviews as part of a local CLMS or similar community-based mechanism.

### **Final Questionnaires for the Measurement of Child Labor, WFCL and FAL in the Cocoa Sector**

The field test data was used to revise and finalize the draft indicator listings and questionnaires. The final Child Labor and WFCL Questionnaire (Child Interview and Caregiver Interview) and the final Forced Adult Labor Questionnaire are attached to this report at appendices and provide our summary of the state of the art as of the end of this contract.

### **6.3. Knowledge Database of Research Findings**

Tulane's Knowledge Database is an interactive, online media project that offers many resources to stakeholders – primarily content based on research conducted and training delivered by the Oversight project. The final Knowledge Database will offer three main components accessible through the project's Web site:

1. Child Labor in the Cocoa Sector Library including Tulane's:
  - Annual reports,
  - Background papers and supporting documentation,
  - Content delivered during the annual consultative meetings, and
  - Other research carried out under the contract.
2. Training and education materials prepared as part of Tulane's Capacity Building workshops.
3. A GIS and data visualization component that maps:
  - Population-based survey data,
  - Remediation data (Intervention Database data), and
  - Cocoa production data.

These three main components will be accessible through Tulane's Oversight project Web site (<http://www.childlabor-payson.org>). The Child Labor in the Cocoa Sector Library is currently being compiled and is in part available on the project Web site. Training and education materials prepared as part of Tulane's Capacity Building of Government Officials will also be available on the project Web site and include the videotaped presentations of Tulane and guest speakers, and PowerPoint presentations as well as supporting didactic materials.



The GIS and data visualization component of the Knowledge Database is the Child Labor In the Cocoa Sector (CLICS) tool, which consists of the multivariate visualization of the project's location-specific data collected mainly between 2007 and 2009. Employing GIS technology, CLICS dynamically maps and overlays indicators according to user-determined combinations in a particular geographical and environmental context.

Web or 'browser' based access to the Tulane CLICS Knowledge Database is enabled via <http://insitega.awhere.com/ClientSites/CLICS/Default.aspx> and will be made publicly accessible at the project's end (March, 2011). The interactive map-based configuration provides a mechanism to visualize, in a map format, aggregate information across the cocoa producing areas of Côte d'Ivoire and Ghana as well as the capability to 'drill into' the individual survey's themselves. Users are able to segment the data by age, gender, hours worked and other variables collected during the interview process. In performing this segmentation, users will be better able to understand the complexity of the challenges involved with child labor in cocoa production as well as the various intervention efforts already underway. Spatial analyses such as identifying variation and anomalies between surfaced variables will allow the user to appreciate the data in ways that may not be apparent through classical statistical analyses. More sophisticated spatial analyses may even identify patterns and develop models to predict behavior, which can thereafter be modified or encouraged to attain desired outcomes.

With a vision of transparency and accountability, exposing the knowledge database to a broader audience brings into focus not only the extent of the challenge but also the possibilities for successful interventions. The purpose of the query-able interface is to enable the user to identify data from the Tulane University survey efforts associated with a specific location. Additional information from a location may include data from the intervention database. Location creates a purposeful means to connect cocoa production, child labor as ascertained from household survey, and intervention efforts aimed to reduce the worst forms of child labor. Over time, cocoa production, inputs to production including labor, fertilizer and other agro-chemicals, market prices and farm-gate prices for cocoa, could all be combined – connected by the location and the date of the 'event'. These data would contribute towards the transparent accounting of the many elements of the cocoa production value-chain.

In order to develop CLICS, Tulane is collaborating with aWhere (<http://awhere.com>) – a company headquartered in Golden, Colorado, which specializes in GIS software applications that visualize complex data and delivers tailored location-based intelligence. The aWhere-hosted GIS platform provides a customized solution specific to client needs including web-based portals, demographic and causal data sets, and extensive data integration services.

Continued monitoring ensures the connection between observations of child labor, interventions, and production of cocoa. Towards this, a preliminary effort is underway to enable location-based (GPS) data collection (monitoring surveys) in mobile handhelds to be added to the Tulane Knowledge Database. The aWhere platform serves then a similar purpose: integrating these short-survey 'monitoring' efforts with the other data in the knowledge database. Short monitoring survey – and the subsequent 'transmission' via cell-based handhelds – brings additional near real-time transparency to the challenge of reducing child labor in cocoa production.

Going forward, this geographical mapping tool specific to child labor in Ghana and Côte d'Ivoire will be publically available and in the future could be managed by the CLCCG, which could also update the tool based on new surveys, intervention data and other unfolding events.

## **6.4. Recommendations**

### **Training Activities for Government Experts Working on Child Labor**

Capacity building among the stakeholders in Ghana and Côte d'Ivoire carries with it a number of challenges for long-term effectiveness. Principal among these is the temporal nature of government employees working in the sector. In both countries, we have experienced a relatively high turnover of personnel at all levels associated with political changes. This of course means that whatever training is undertaken must also include an outreach and training of trainers function to assure that new employees, in all sectors, do not have to repeat the mistakes of their predecessors. While the Tulane capacity building efforts were well attended and well received, there is an ongoing need to establish and ensure an ongoing capacity building function that is legitimized in the country. Tulane has already been approached by participants of the 2010 capacity building activities asking for a continuation of the training. In terms of particular subjects, the participants requested additional training on GIS, electronic data collection through PDAs, M&E, and strategic planning. In light of changing realities in the field and ongoing technological advances, the training participants expressed interest benefiting from regular refresher courses to keep their knowledge and skills current. Furthermore, with the current political crisis in Côte d'Ivoire, and questions surrounding the nature and capacity of the regime that comes to power once order has been established, it is foreseeable that many new technocrats in key government and civil society institutions charged with protecting children's rights and providing services to children subjected to WFCL would benefit from future training.

### **Operational Definitions and Standardized Indicators**

The listings of key indicators and corresponding questionnaires for the measurement of child labor, WFCL and FAL in the cocoa sector (attached to this report as appendices) were developed with input from all of the mayor stakeholder groups involved in the implementation of the Harkin-Engel Protocol to assist future researchers in their measurement of key variables. While the indicator listings and data collection tools could be used for many purposes, including survey research, monitoring and evaluation, etc., our primary focus was to provide better outcome indicators for CLMS. Given that CLMS are to be implemented countrywide in both Côte d'Ivoire and Ghana, there is a critical need for coherent and sensitive methodologies to improve outcomes that should be developed based on the work and the lessons learnt from the research experience of the last few years.

### **Maintenance and Expansion of Knowledge Database**

Like the capacity-building activities, the knowledge database needs to have a sponsor. All such databases require a periodic maintenance function to assure that they are updated and functional. Obviously, this depends on available financial mechanisms and objective support mechanisms. Tulane's online Knowledge Database will be quickly outdated without a way to update and expand on the data presented. Tulane hopes to ensure some degree of sustainability by handing over the Intervention Database to government entities in Côte d'Ivoire and Ghana and by making other information resources available on the Internet. The Tulane team also remains invested in the fight against the WFCL and FAL in the cocoa sector and will make sure to provide some limited support to stakeholders and the interested public beyond the March 31, 2011 deadline.

## **7. Impact of Tulane Oversight – A Few Considerations**

In a situation where a disputed international human rights issue emerges and a complex web of stakeholders seek to overcome the issue while also advancing or defending their interests, the existence of an independent Oversight body with a scientific, neutral mandate is imperative. Cognizant of the fact that the Harkin-Engel Protocol did not make provisions for an enforcement mechanism, and in light of delayed or insufficient progress concerning the implementation of the Protocol, in 2006 USDOL hired Tulane University to act as an independent, scientific body overseeing labor conditions related to the Protocol's implementation.

Throughout the project's implementation phase from October 1, 2006 to December 31, 2010, in its capacity of the Oversight, Tulane successfully researched the phenomenon of – and the response to – WFCL and FAL in the cocoa sector, monitored stakeholders in both countries with regard to action thought to overcome of WFCL and FAL, all while serving as a neutral party. Having a university-based organization mandated as the Oversight, with a nucleus of professionals focused exclusively on the issue and project tasks at hand, a scientific approach and unparalleled focus on the subject matter were made possible. This concerted dedication to the subject, we believe, resulted in a comprehensive understanding and meticulous reporting of the main facts and figures. Tulane thus was able to provide an accurate and internally consistent narrative; evidence which in turn shed much clarity on the issues. In addition, through the careful documentation and publication of stakeholder activities, stakeholders working on the issue were encouraged through the enhanced visibility and constructive critique.

We believe the following deliverables of Tulane's Oversight function have been the most significant (not listed in the order of importance):

### **1. Surveys of Child Labor in the Cocoa Sector**

One of Tulane's principal oversight functions involved the implementation of population-based household surveys that employed a scientifically sound methodology to arrive at its findings. The findings of both surveys in Ghana (2007 and 2008/09) and in Côte d'Ivoire (2007 and 2008/09) largely corroborated each other, further validating the results that were reported in Tulane's 2<sup>nd</sup> and 3<sup>rd</sup> Annual Reports. Tulane carried out additional survey research on the migration and trafficking of children from Burkina Faso and Mali to the cocoa sector in 2009, with findings reported in the 4<sup>th</sup> Annual Report. With representative figures of the entire cocoa sector in each country, Tulane's findings were able to clear up misconceptions and provide valid and representative data on the WFCL in the cocoa sector.

### **2. Indicators that Measure WFCL and FAL**

As an outgrowth of the nationally representative surveys, Tulane developed sets of key indicators that together measure WFCL and FAL. Draft indicators were first released and critiqued at Tulane's Conference on Data Collection in the Cocoa Sector in April 2010, and thereafter critiqued by government actors in Ghana and Côte d'Ivoire. Tulane plans to pre-test these indicators in the field in early 2011. Since all main stakeholders have made input, and with the planned pre-test completed, we believe that this set of WFCL and FAL indicators should

become a standard feature for data collection on the subject, e.g. for future government surveys or CLMS endeavors.

### **3. Intervention Databases of Côte d'Ivoire and Ghana**

Tulane successfully attained its objective to provide a comprehensive baseline overview, classification, description and analysis of the various interventions that aim to have an immediate impact on the lives of children at risk, who are, or who were child laborers in the cocoa sectors of Côte d'Ivoire and Ghana. The data obtained from the surveyed stakeholders were compiled into an Intervention Database (ID) for each country, which provide stakeholders symmetry of information and serve as a tool for decision-makers. By the end of the project, Tulane transferred the methods and contents of the IDs to appropriate stakeholders.

### **4. Data Collection Conference 2010**

Under its contract with USDOL, Tulane University hosted a 3-day Conference on Data Collection in the Cocoa Sector from April 27-29, 2010, convening the main stakeholders and academic researchers to discuss shared experiences of collecting data on child labor in West Africa, the challenges of quantifying WFCL and FAL, and approaches that address them. With 24 institutions represented, the Conference was most constructive insofar as agreement notably took place on the following points:

- The Intervals of population-based surveys would be 5 years,
- Continual monitoring would occur through community-based CLMS,
- Special studies were needed to reach hidden (trafficked) populations, and
- M&E of remediation efforts would occur to measure determine their outcomes.

### **5. Knowledge Database**

Tulane's Knowledge Database is an interactive, online media project that offers many resources to stakeholders – primarily content based on research conducted, reports published, training delivered, and dynamic GIS mapping of the context, phenomenon and response to WFCL in the cocoa sector of Côte d'Ivoire and Ghana. The Knowledge Database will be accessible through Tulane's Oversight project Web site by the end of the contract (<http://www.childlabor-payson.org>).

### **6. Capacity Building Training**

The knowledge and skill Tulane applied and acquired through the life of the project the university sought to transfer through targeted capacity building exercises. A total of 29 government officials and NGO representatives in both countries received training through four four-day workshops in 2010, 16 days in all, which transmitted necessary technical competencies for each government to further the objectives of the Harkin-Engel Protocol. This initiative therefore promises to have a long-term effect on the ability of the respective countries to more effectively redress the problem of WFCL and FAL.

### **7. Annual Consultative Meetings**

Tulane's Annual Consultative Meetings in Accra (Ghana), Abidjan (Côte d'Ivoire) and Washington D.C., held in 2007, 2008, 2009 and 2010 served as a platform for presenting results of Tulane's efforts to monitor and evaluate the public and private initiatives to eliminate the

WFCL in the cocoa sector. These meetings furthermore had the effect of stimulating discourse and action on the subject matter at the national level in the respective countries.

## **8. Annual Reports to USDOL and U.S. Congress**

Each year throughout the life of the Oversight project, Tulane University published annual reports, which were submitted to USDOL and U.S. Congress – a total of four annual reports from 2007 to 2010. Through these reports the Oversight reported to key U.S. decision-makers on the status of events. The reports were also made available to the international community by posting them to our project Web site. In its First Annual Report of 2007, Tulane provided a sweeping review of Industry and government activities concerning certification, verification, research and remediation efforts. Tulane's Second Annual Report of 2008 featured publication of the principle findings related to Tulane's nationally representative surveys of 2007 on WFCL. Tulane's Third Annual Report of 2009 treated in much detail the findings of its 2008/09 nationally representative surveys, as well as an in-depth discussion of its Intervention Database research findings. Tulane's Fourth Annual Report of 2010 juxtaposed Protocol targets with successive action, highlighted Industry engagement of product certification, discussed findings from Tulane's migration and trafficking study in Burkina Faso and Mali, as well as FAL-related interventions in both countries.

Of the four annual reports, Tulane's 4<sup>th</sup> Annual Report reached the widest audience. The project Web site's ([www.childlabor-payson.org](http://www.childlabor-payson.org)) usage statistics results indicate that Tulane's 4<sup>th</sup> Annual Report was downloaded 145,189 times since its release in September 30, 2010, with 71,487 downloads in October 2010 alone.

## 8. Conclusions

During its 4.5 years serving as the Oversight, the Tulane team has had a unique firsthand opportunity to learn about the stakeholders involved in the laudable efforts to eradicate child labor from the growing and processing of one of the most important raw materials for the production of chocolate. We have tried to document both the strengths and the limitations of voluntary Industry commitments and the process of implementing the Harkin-Engel Protocol designed for the cocoa sector. Fueled by the long-term commitments of Senator Harkin, Congressman Engel, and the U.S. Department of Labor as well as a multitude of implementing partners in West Africa, the U.S. and Europe, we found ourselves uniquely enabled by the role that Tulane was playing for the U.S. Congress. For the most part, Tulane was the outside observer, navigating a large and diverse group of stakeholders with often differing and guarded interests. We became part of the process of implementing the Protocol in the fourth contract year when we were tasked with carrying out a conference on data collection in the cocoa sector as well as designing and implementing capacity building activities for government experts in Côte d'Ivoire and Ghana.

Our initial entry into the Oversight process was greeted with skepticism by Industry and the Governments of Côte d'Ivoire and Ghana, who were concerned that “foreign” researchers investigate something as crucial to the economies of the two nations as cocoa production. The refrain heard during these early meetings with Industry was that certification of the cocoa sector was not possible given the large number of small farms. At the same time, we were well aware that Industry paid Washington lobbying firms to lobby on their behalf to prevent legislated controls on the Industry. Since these early days, Industry has adopted a much more favorable view of certification. In fact, several large cocoa/chocolate companies have started collaborating with third-party product certifiers. Mars, for example, has pledged to purchase only “sustainably grown cocoa” by 2020 (Mars 2009). This represents a major shift towards a productive and responsible way of assuring a credible and objectively certifiable child labor free supply chain.

More problematic are the issues involving “the way forward.” There is agreement that a problem exists and has been documented and general agreement on how to continue the surveillance process in the future. Less certain is how the multiple issues of identifying, withdrawing, remediating and preventing future abuses of child labor will take place. It is clear that fairly large resources will be needed to implement national level programs that target the community level capacity building, surveillance, and remediation activities. The one model that seems to have worked in the past, the ILO WACAP initiative, did so for relatively few children at a relatively high price.

It is clear to us that until the problem of child labor takes a higher priority in the national governments (as proven by the funding of national level systems), there will need to exist a creative tension such as we have now between Industry, the governments, and civil society. It is only through the force of the market as reflected by the northern countries and channeled to the relatively cohesive Industry representatives that resources have been directed at this problem. The needed elements for action seemed to be:

1. An increasingly aware consumer base concerned with WFCL in the cocoa sector and inspired by the work of NGOs and media reports,
2. A cohesive and responsive Industry group, which despite their internal competition realized that there was a problem and sought for ways to resolve same, and
3. A government, in this case the U.S. Congress, that was able to intervene and move the issues forward while seeking mediated solutions.

We believe that this entire process deserves greater attention as other issues such as child labor in other tree crops or fishing are addressed. The interaction and positive reinforcement from all stakeholders is an example of local issues helping to define the interests of larger and more powerful actors. Central to the process has been the role of transparently presented, nationally collected and analyzed, and rapidly reported data turned into information that addressed key issues. All actors have been supportive of resolving issues when faced with information that supports their existence. At the risk of seeming self-serving, it is important to have outside legitimate and professional actors undertaking this data provision and visualization process. The evidence-based paradigm is much thrown about in this digital age; however, our assessment is that this is one arena where it has worked and worked well.

## 9. Recommendations

This chapter outlines steps and strategies towards eliminating the WFCL and FAL in the cocoa sector and implementing the Harkin-Engel Protocol including recommendations to improve data collection on child labor issues, recommendations concerning the development of certification, verification and monitoring systems, and recommendations concerning the more effective implementation of remediation activities. We also discuss how some of the work that Tulane has carried out in the last 4.5 years can be preserved and may continue beyond the end of the contract period.

### **Recommendations on Recent Developments**

- **Implementation of the 2010 Joint Declaration and Framework:** While it is too early to know if the 2010 Declaration and Framework will prove effective in guiding the implementation of the Harkin-Engel Protocol, the two documents, and the associated financial commitments by the U.S. Government and the cocoa/chocolate industry, indicate continuing commitment by the major stakeholder groups. The most recent Industry contribution of US\$ 2 million, however, has been criticized as too small by some of the civil society representatives involved in the implementation of the Harkin-Engel Protocol. It is questionable whether action on this scale would result in a measureable impact on the ground. **In general, activities must be drastically expanded to achieve the elimination of the WFCL in cocoa production.**
- **Implementation of Existing Laws and Law Enforcement:** Both Côte d'Ivoire and Ghana have strong laws guiding the fight against the WFCL and FAL in the cocoa growing areas but the effective implementation of existing legislation has long been a problem. **It must remain a priority in both countries to strengthen the rule of law and the enforcement of current regulations protecting children.**
- **New Partnerships and Legal Mechanisms:** As is now practiced under the U.S. Conflict Minerals Law, companies must disclose whether they use minerals from the DRC or an adjoining country, and if they do use them, to track how the minerals were acquired. Such mandated disclosure, if applied to the cocoa industry, would have the potential to encourage more due diligence and transparent sourcing on the part of companies operating in the cocoa market. Furthermore, if implemented, the recommendations made by the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products as per the Farm Bill have the potential to internally reform the cocoa/chocolate industry. Yet in light of the mixed results seen with industry self-regulation over the past decade a **legal framework may be more effective in holding companies accountable to enforce the guidelines.**

In addition, **the stakeholders involved in implementing the Harkin-Engel Protocol might also explore other available opportunities and examples for public-private agreement and partnership as exemplified in The Netherlands.**



## **Recommendations on Data Collection on Child Labor in the Cocoa Sector**

- **Interval of Full Population-Based Household Surveys:** Surveys are important in that they can provide population estimates describing a specific problem. Surveys are also useful for developing remediation strategies and project designs that are based on evidence. In the cocoa sector, there is not enough change annually to merit yearly surveys but there is a significant amount of activity on the ground and the context of child labor and WFCL in the cocoa growing areas is constantly evolving. At the 2010 Conference on Data Collection in the Cocoa Sector in New Orleans, several conference participants suggested 3-5 year intervals for representative survey research, with the **emerging consensus that 5 years was the optimal interval for conducting representative survey research in this environment.**
- **Measurement of Hazardous Child Labor:** The hazardous child labor frameworks developed by the Governments of Côte d'Ivoire and Ghana have been challenging to implement in a survey research environment. The Ivorian framework is narrow with only six distinct activities listed, which only partially cover ILO Recommendation 190. The Ghanaian framework, on the other hand, is very broad and if applied rigorously the vast majority of children working in cocoa have to be classified as exposed to hazardous activities in one form or another. **Both country frameworks could be further developed and revised from an applied research perspective taking into account Tulane's survey research experience and other recently collected data.**
- **Measurement of WFCL Other Than Hazardous Work:** The measurement of the WFCL other than hazardous work - including child trafficking, forced labor and debt bondage - also remains a challenge from a data collection perspective. There still is no agreed upon methodology how data on these exposures can and should be collected as part of a household-based population survey. Tulane's survey data can help to assess and improve questionnaires and data collection strategies targeted at these rare and hidden forms of child abuse, however, **a broader agreement on how to measure child trafficking, forced labor and debt bondage will require international consensus within the ILO or a similar forum.**

## **Recommendations on Status of Implementation of the Harkin-Engel Protocol**

- **Implementation of Certification System:** As product certification provides *credible assurance* that cocoa is being produced in line with ILO Convention 182, Industry should continue to scale up its consumption – and publically commit to new procurement targets – of product certified cocoa specifically in the U.S. market.

Practicing traceability and/or Chain-of-Custody, which enables the enforcement of standards at the producer level and throughout the supply-chain, should be mainstreamed “industry-wide” as per Protocol Article 6. It is furthermore a requirement of product certification.

Industry should contribute greater financial support to ICI as well as to operational child labor units in national governments in order to reach stated targets in the 1<sup>st</sup> and 2<sup>nd</sup> Protocol extensions.

There should be a major effort to link ICI's CAP implementation with Child Labor Monitoring (CLM) to provide a credible baseline to enable a more precise impact evaluation of ICI's actions at the community level.

In order to demonstrate that its remediation activities have reached 50% or 100% of cocoa growing areas of Ghana and Côte d'Ivoire, it is advisable for Industry – in partnership with the governments – to continue and expand the current Tulane prototype of the Intervention Database.

- **Implementation of Verification System: Industry should increase support for laudable *product certification* efforts** as its 4<sup>th</sup>-party farm audits provides location-specific, independent verification of the absence of WFCL and FAL in the certified cocoa farms and plantations of Côte d'Ivoire and Ghana.

Direct support of CLMS in both countries and scale-up to sector-wide level will enable Industry and governments to verify the impact of remediation activities at the community-level.

- **Implementation of Child Labor Monitoring Systems:** Build on the current relationship with ILO on the development of a CLM model given their extensive experience in this domain.

In Côte d'Ivoire, embed any technical effort to pilot and roll out a CLMS in the newly mandated *Service Autonome de Lutte Contre le Travail des Enfants*, whose personnel have WACAP experience.

The Government of Ghana's vision and current efforts to roll out a CLMS across all cocoa growing districts deserves direct support from government and Industry beyond the technical assistance offered by ILO. Some specific suggestions from Tulane's field work experience would include:

- i. Standardize indicators and monitoring procedure,
- j. Enhance district-level engagement of target communities with regard to training, supervision and data quality control,
- k. Link the data aggregated at the district level to the national level,
- l. Triangulate GCLMS and school attendance data,
- m. Introduce information technology to community-based data collection and reporting,
- n. Sufficiently Motivate Data Collectors,
- o. Add periphery indicators to the set of core indicators on WFCL and FAL, and
- p. Explore potential synergies between CLMS, agricultural extension services, CAPs and product certification.

- **Remediation Activities Addressing the WFCL in the Cocoa Sector:** Aggressively scale up support for ICI and country level child labor units enabling fulfillment of commitments made in the first and second extensions of the Protocol in order to reach the entire cocoa sector with sensitization and remediation activities in both countries as per the Joint Statement of 2008.

Increasingly base remedial action on CAPs and CLMS, tailoring the type of remediation to the specific needs of the community and children on a case-by-case basis.

Perform independent audits – recently executed on the national program in Ghana – on the national program of Côte d’Ivoire (*SSTE-Certification*). Support the new *Service Autonome de Lutte Contre le Travail des Enfants* in Côte d’Ivoire in its mission. Hold stakeholder meetings in Côte d’Ivoire on a quarterly basis. Target regions, districts (*départements* in Côte d’Ivoire) and communities based on high prevalence of WFCL and FAL.

Perform independent, methodologically sound, external evaluations of national programs to determine impact.

Effectively document and coordinate stakeholder activities building upon methodologies similar to those Tulane applied in its Intervention Database.

### **Recommendations on Role of Product Certification**

- **Role of Product Certification:** Product certification permits ethical sourcing by providing *credible assurance* that cocoa is being produced in line with ILO Convention 182, and constitutes a vehicle that would allow Industry to live up to its commitment to implement “industry-wide” standards per Article 6 of the Protocol as well as “establish independent means of monitoring and public reporting on compliance with those standards” per Article 4 of the Protocol. The Rainforest Alliance, UTZ Certified, and Fairtrade Labelling Organizations International (FLO) each constitute credible certification systems working to uphold labor and other standards in the West African cocoa sector, including operationalizations of ILO Convention 182. **In order to allow the industry-wide adoption of these standards, individual Industry companies would have to publically commit to procurement targets of product certified cocoa to the extent that product certifiers could together certify the cocoa growing regions of Ghana and Côte d’Ivoire.** Product certification will be all the more effective if it is implemented together with strong CLMS and remediation action, with the governments actively intervening to prevent and remediate cases of child abuse whilst working towards long-term improvement of living conditions in the cocoa producing communities, and product certifier controlling for production-related standards.

### **Recommendations on Tulane’s Capacity-Building Activities, Development of Key Indicators, and Knowledge Database of Research Findings**

- **Training Activities for Government Experts Working on Child Labor:** Capacity building among the stakeholders in Ghana and Côte d’Ivoire carries with it a number of challenges for long-term effectiveness. Principal among them is the temporal nature of government employees working in the sector. In both countries, we have experienced a relatively high turnover of personnel at all levels associated with political changes. This

of course means that whatever training is undertaken must also include an outreach and training of trainers function to assure that new employees, in all sectors, do not have to repeat the mistakes of their predecessors. While the Tulane capacity building efforts were well attended and well received, **there is an ongoing need to establish and ensure an ongoing capacity building function that is legitimized in the country.** Tulane has already been approached by participants of the 2010 capacity building activities asking for a continuation of the training.

- **Operational Definitions and Standardized Indicators:** The listings of key indicators and corresponding questionnaires for the measurement of child labor, WFCL and FAL in the cocoa sector (attached to this report as appendices) were developed with input from all of the mayor stakeholder groups involved in the implementation of the Harkin-Engel Protocol to assist future researchers in their measurement of key variables. While the indicator listings and data collection tools could be used for many purposes, including survey research, monitoring and evaluation, etc., our primary focus was to provide better outcome indicators for CLMS. **Given that CLMS are to be implemented countrywide in both Côte d'Ivoire and Ghana, there is a critical need for coherent and sensitive methodologies to improve outcomes that should be developed based on the work and the lessons learnt from the research experience of the last few years.**
- **Maintenance and Expansion of Knowledge Database:** Like the capacity-building activities, **the knowledge database needs to have a sponsor. All such databases require a periodic maintenance function to assure that they are updated and functional.** Obviously, this depends on available financial mechanisms and objective support mechanisms. Tulane's online Knowledge Database will be quickly outdated without a way to update and expand on the data presented. Tulane hopes to ensure some degree of sustainability by handing over the Intervention Database to government entities in Côte d'Ivoire and Ghana and by making other information resources available on the Internet. The Tulane team also remains invested in the fight against the WFCL and FAL in the cocoa sector and will make sure to provide some limited support to stakeholders and the interested public beyond the March 31, 2011 deadline.

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## **Appendices**

*Appendix 1a: The Harkin-Engel Protocol*

*Appendix 1b: The Joint Statement 2001*

*Appendix 2: The Joint Statement 2005*

*Appendix 3: The Joint Statement 2008*

*Appendix 4: The Joint Declaration 2010 and Framework of Action to Support Implementation of the Harkin-Engel Protocol*

*Appendix 5: Tulane's Final Listings of Key Indicators/Questions*

- a. Child Labor and WFCL Questionnaire (Child Interview)
- b. Child Labor and WFCL Questionnaire (Caregiver Interview)
- c. Forced Adult Labor (FAL) Questionnaire

*Appendix 6: Cocoa/Chocolate Industry Comments on Draft Final Report*

## **Appendix 1a: The Harkin-Engel Protocol**



## Chocolate Manufacturers Association

### PROTOCOL FOR THE GROWING AND PROCESSING OF COCOA BEANS AND THEIR DERIVATIVE PRODUCTS IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR

#### Guiding Principles:

- \* *OBJECTIVE* – Cocoa beans and their derivative products should be grown and processed in a manner that complies with International Labor Organization (ILO) Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. ILO Convention 182 is attached hereto and incorporated herein by reference.
- \* *RESPONSIBILITY* – Achieving this objective is possible only through partnership among the major stakeholders: governments, global industry (comprised of major manufacturers of cocoa and chocolate products as well as other, major cocoa users), cocoa producers, organized labor, non-governmental organizations, and consumers. Each partner has important responsibilities. This protocol evidences industry’s commitment to carry out its responsibilities through continuation and expansion of ongoing programs in cocoa-producing countries and through the other steps described in this document.
- \* *CREDIBLE, EFFECTIVE PROBLEM SOLVING* – In fashioning a long-term solution, the problem-solving process should involve the major stakeholders in order to maximize both the credibility and effectiveness of the problem-solving action plan that is mutually-agreed upon.
- \* *SUSTAINABILITY* – A multi-sectoral infrastructure, including but independent of the industry, should be created to develop the action plan expeditiously.
- \* *ILO EXPERTISE* – Consistent with its support for ILO Convention 182, industry recognizes the ILO’s unique expertise and welcomes its involvement in addressing this serious problem. The ILO must have a “seat at the table” and an active role in assessing, monitoring, reporting on, and remedying the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

## **Key Action Plan and Steps to Eliminate the Worst Forms of Child Labor:**

*(1) Public Statement of Need for and Terms of an Action Plan* – Industry has publicly acknowledged the problem of forced child labor in West Africa and will continue to commit significant resources to address it. West African nations also have acknowledged the problem and have taken steps under their own laws to stop the practice. More is needed because, while the scope of the problem is uncertain, the occurrence of the worst forms of child labor in the growing and processing of cocoa beans and their derivative products is simply unacceptable. Industry will reiterate its acknowledgment of the problem and in a highly-public way will commit itself to this protocol.

*(2) Formation of Multi-Sectoral Advisory Groups* – By October 1, 2001, an advisory group will be constituted with particular responsibility for the on-going investigation of labor practices in West Africa. By December 1, 2001, industry will constitute a broad consultative group with representatives of major stakeholders to advise in the formulation of appropriate remedies for the elimination of the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

*(3) Signed Joint Statement on Child Labor to Be Witnessed at the ILO* – By December 1, 2001, a joint statement made by the major stakeholders will recognize, as a matter of urgency, the need to end the worst forms of child labor in connection with the growing and processing of West African cocoa beans and their derivative products and the need to identify positive developmental alternatives for the children removed from the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

*(4) Memorandum of Cooperation* – By May 1, 2002, there will be a binding memorandum of cooperation among the major stakeholders that establishes a joint action program of research, information exchange, and action to enforce the internationally-recognized and mutually-agreed upon standards to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products and to establish independent means of monitoring and public reporting on compliance with those standards.

*(5) Establishment of Joint Foundation* – By July 1, 2002, industry will establish a joint international foundation to oversee and sustain efforts to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products. This private, not-for-profit foundation will be governed by a Board comprised of industry and other, non-governmental stakeholders. Industry will provide initial and on-going, primary financial support for the foundation. The foundation's purposes will include field projects and a clearinghouse on best practices to eliminate the worst forms of child labor.

*(6) Building Toward Credible Standards* — In conjunction with governmental agencies and other parties, industry is currently conducting baseline-investigative surveys of child labor practices in West Africa to be completed by December 31, 2001. Taking into account those surveys and in accordance with the other deadlines prescribed in this action plan, by July 1, 2005, the industry in partnership with other major stakeholders will develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification, consistent with applicable federal law, that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor.

We, the undersigned, as of September 19, 2001 and henceforth, commit the Chocolate Manufacturers Association, the World Cocoa Foundation, and all of our members wholeheartedly to work with the other major stakeholders, to fulfill the letter and spirit of this Protocol, and to do so in accordance with the deadlines prescribed herein.



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Mr. Larry Graham  
President  
Chocolate Manufacturers Association



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Mr. William Guyton  
President  
World Cocoa Foundation



## Chocolate Manufacturers Association

### WITNESSETH

We hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

\_\_\_\_\_  
Senator Tom Harkin  
US Senate – Iowa

\_\_\_\_\_  
Senator Herbert Kohl  
US Senate – Wisconsin

\_\_\_\_\_  
Congressman Eliot Engel  
US Congress – New York

\_\_\_\_\_  
Ambassador Youssoufou Bamba  
Embassy of the Ivory Coast



## Chocolate Manufacturers Association

### WITNESSETH

I hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

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Mr. Frans Roselaers, Director  
International Programme on the Elimination of Child Labour  
(IPEC)  
International Labor Organization



## Chocolate Manufacturers Association

### WITNESSETH

I hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

**Mr. Ron Orwald**  
**General Secretary**  
**International Union of Food, Agricultural, Hotel, Restaurant,**  
**Catering, Tobacco and Allied Workers' Associations (IUF)**





## Chocolate Manufacturers Association

### WITNESSETH

I hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

Mr. Kevin Bales  
Executive Director  
Free The Slaves



## Chocolate Manufacturers Association

### WITNESSETH

I hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

A handwritten signature in black ink, appearing to read "Linda Golodner", is written over a horizontal line.

Ms. Linda Golodner  
President  
National Consumers League



## Chocolate Manufacturers Association

### WITNESSETH

I hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

Ms. Darlene Adkins  
National Coordinator  
The Child Labor Coalition



## Chocolate Manufacturers Association

**ATTACHMENT TO  
PROTOCOL FOR THE GROWING AND PROCESSING OF  
COCOA BEANS AND THEIR DERIVATIVE PRODUCTS  
IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182  
CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE  
ELIMINATION OF THE WORST FORMS OF CHILD LABOR**

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Convention: C182

Place: Geneva

Session of the Conference: 87

Date of adoption: 17 June 1999

The General Conference of the International Labour Organization:

- Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999.
- Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour.
- Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families.
- Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996.
- Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education.
- Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989.
- Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998.
- Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

- Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session.
- Having determined that these proposals shall take the form of an international Convention adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention.

#### **Article 1**

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

#### **Article 2**

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

#### **Article 3**

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

#### **Article 4**

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

## **Article 5**

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

## **Article 6**

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

## **Article 7**

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - (d) identify and reach out to children at special risk; and
  - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

## **Article 8**

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

## **Article 9**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

## **Article 10**

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

## **Article 11**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

## **Article 12**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

## **Article 13**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

## **Article 14**

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

## **Article 15**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## **Article 16**

The English and French versions of the text of this Convention are equally authoritative.





## Chocolate Manufacturers Association

We personally support the protocol entered into by industry *Protocol for the Growing and Processing of Cocoa Beans and their Derivative products In a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* and look forward to its successful execution which we support wholeheartedly.

**Gary Guittard**  
*President*  
Guittard Chocolate Company

**Paul Michaels**  
*President*  
M&M / Mars, Inc.

**Edmond Opler, Jr.**  
*President*  
World's Finest Chocolate, Inc.

**G. Allen Andreas**  
*Chairman and Chief Executive*  
Archer Daniels Midland Company

**Bradley Alford**  
*President*  
Nestle Chocolate & Confections USA

**Henry Blommer, Jr.**  
*Chairman of the Board*  
Blommer Chocolate Company

**Richard H. Lenny**  
*President and CEO*  
Hershey Food Corporation

**Andreas Schmid**  
*Chairman & CEO*  
Barry Callebaut AG



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*Chairman & CEO*  
Barry Callebaut AG

## **Appendix 1b: The Joint Statement 2001**

## **JOINT STATEMENT**

**November 30, 2001**

The Association of the Chocolate, Biscuit and Confectionery Industries of the EU, the Chocolate Manufacturers Association of the USA, the Confectionery Manufacturers Association of Canada, the Cocoa Association of London and the Federation for Cocoa Commerce, the Cocoa Merchants Association of America, the European Cocoa Association, the International Office of Cocoa, Chocolate and Confectionery, the World Cocoa Foundation, the Child Labor Coalition, Free The Slaves, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations, and the National Consumers League (sometimes hereinafter the “Signatories”) recognize the urgent need to identify and eliminate child labour in violation of International Labour Organization (“ILO”) Convention 182 with respect to the growing and processing of cocoa beans and their derivative products.

The Signatories also recognize the need to identify and eliminate practices in violation of ILO Convention 29 with equal urgency.

The Signatories affirm their support for the International Labour Organization’s (ILO) mission to improve working conditions worldwide, as exemplified in the ILO Declaration on Fundamental Principles and Rights at Work. We also share the view that practices in violation of ILO Conventions 182 (the “worst forms of child labour”) and 29 (“forced labour”) result from poverty and a complex set of social and economic conditions often faced by small family farmers and agricultural workers, and that effective solutions to address these violations must include action by appropriate parties to improve overall labour standards and access to education.

The Signatories support the framework provided in the Protocol signed by the Chocolate Manufacturers Association and the World Cocoa Foundation on September 19, 2001, which provides for cooperation and for credible, effective problem solving in West Africa, where a specific program of research, information exchange, and action is immediately warranted.

This Joint Statement expresses the shared commitment of the Signatories to work collaboratively toward the goal of eliminating the worst forms of child labour and forced labour in cocoa growing.

The strategies developed as part of this process will only be credible to the public and meet the expectations of consumers if there is committed engagement on the part of governments, global industry (comprised of major manufacturers of cocoa and chocolate products as well as other, major cocoa users), cocoa producers, labour representatives, non-governmental organizations, and consumers that have joined this process.

The Signatories recognize the need to work in concert with the ILO because the ILO will play an important role in identifying positive strategies, including developmental alternatives for children engaged in the worst forms of child labour and adults engaged in forced labour in the growing and processing of cocoa beans and their derivative products.

The strategies to be developed will be effective only if they are comprehensive and part of a durable initiative. The steps to be taken to sustain this initiative include:

- (i) execution of a binding memorandum of cooperation among the Signatories that establishes a joint action program of research, information exchange, and action to enforce the internationally-recognized and mutually-agreed upon standards to

eliminate the worst forms of child labour in the growing and processing of cocoa beans and their derivative products;

- (ii) incorporation of this research that will include efforts to determine the most appropriate and practicable independent means of monitoring and public reporting in compliance with those standards; and
- (iii) establishment of a joint foundation to oversee and sustain efforts to eliminate the worst forms of child labour and forced labour in the growing and processing of cocoa beans and their derivative products. The Signatories welcome industry's commitment to provide initial and ongoing, primary financial support for the foundation.

We anticipate that other parties may be able to play a positive role in our important work.

Subject to mutual consent by the Signatories, additional parties may be invited to sign onto this statement in the future.

Witnessed by the International Labour Organization this 30th day of November, 2001.


Geneva, Switzerland

By:



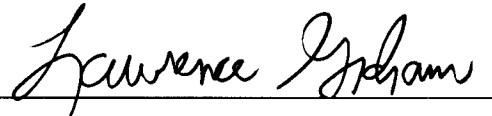
Mr. Frans Roselaers, Director  
International Programme on the Elimination of Child Labour  
(IPEC)  
International Labor Organization

ASSOCIATION OF THE CHOCOLATE, BISCUIT AND CONFECTIONERY INDUSTRIES  
OF THE EU

By:   
\_\_\_\_\_

Mr. David Zimmer  
Secretary General  
CAOBISCO

CHOCOLATE MANUFACTURERS ASSOCIATION OF THE USA

By:   
\_\_\_\_\_

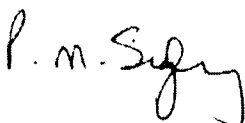
Mr. Lawrence Graham  
President  
Chocolate Manufacturers Association of the USA

CONFECTIONERY MANUFACTURERS ASSOCIATION OF CANADA

By:   
\_\_\_\_\_

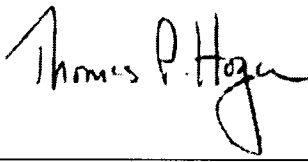
Mr. John Rowsome  
President  
Confectionery Manufacturers Association of Canada

COCOA ASSOCIATION OF LONDON AND FEDERATION FOR COCOA COMMERCE

By:   
\_\_\_\_\_

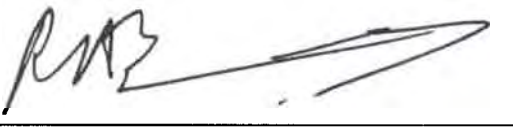
Mr. Phil Sigley  
Chief Executive  
Cocoa Association of London  
Federation for Cocoa Commerce

COCOA MERCHANTS ASSOCIATION OF AMERICA

By:  \_\_\_\_\_


Mr. Thomas P. Hogan  
Chairman, Board of Directors  
Cocoa Merchants Association of America

EUROPEAN COCOA ASSOCIATION

By:  \_\_\_\_\_

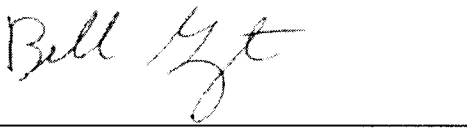
Mr. Robert Zehnder  
Secretary General  
European Cocoa Association

INTERNATIONAL OFFICE OF COCOA, CHOCOLATE AND CONFECTIONERY

By:  \_\_\_\_\_

Mr. Tom Harrison  
President  
International Office of Cocoa, Chocolate and Confectionery

WORLD COCOA FOUNDATION

By:  \_\_\_\_\_

Mr. Bill Guyton  
Executive Director  
World Cocoa Foundation




CHILD LABOR COALITION

By: 

Ms. Darlene Adkins  
National Coordinator  
The Child Labor Coalition

FREE THE SLAVES

By: 

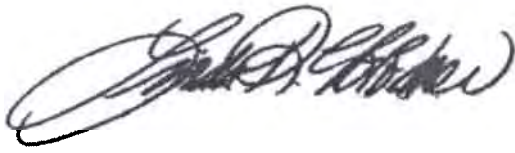
Mr. Kevin Bales  
Executive Director  
Free the Slaves

INTERNATIONAL UNION OF FOOD, AGRICULTURAL, HOTEL, RESTAURANT,  
CATERING, TOBACCO AND ALLIED WORKERS ASSOCIATIONS

By: 

Mr. Ron Oswald  
General Secretary  
International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and  
Allied Workers' Associations (IUF)

NATIONAL CONSUMERS LEAGUE

By: 

Ms. Linda Golodner  
President  
National Consumers League

## **Appendix 2: Joint Statement 2005**

# **Joint Statement from U.S. Senator Tom Harkin, Representative Eliot Engel and the Chocolate/Cocoa Industry on Efforts to Address the Worst Forms of Child Labor in Cocoa Growing**

## **Protocol Work Continues**

WASHINGTON, DC, USA (July 1, 2005) - U.S. Senator Tom Harkin (D-IA), U.S. Representative Eliot Engel (D-NY) and the global chocolate/cocoa industry today issued a joint statement on efforts to address the worst forms of child labor and forced labor in the West African cocoa sector.

### Protocol Establishes Framework for Progress

In September 2001, chocolate and cocoa industry representatives signed an agreement, developed in partnership with Senator Harkin and Representative Engel, to eliminate the worst forms of child labor in the growing of cocoa beans and their derivative products from West Africa.

The agreement, known as the "Harkin-Engel Protocol," laid out a series of date-specific actions, including the development of credible, mutually acceptable, voluntary, industry-wide standards of public certification by July 1, 2005 -- to give a public accounting of labor practices in cocoa farming.

The Harkin-Engel Protocol marked an important first - an entire industry, including companies from the United States, Europe and the United Kingdom, taking responsibility for addressing the worst forms of child labor and forced labor in its supply chain. Today, the Protocol stands as a framework for progress, bringing together industry, West African governments, organized labor, non-governmental organizations (NGOs), farmer groups and experts in a concerted effort to eliminate the worst forms of child labor and forced labor from the growing, processing and supply chain of cocoa in West Africa.

Since the Harkin-Engel Protocol was signed, some positive steps have been taken to address the worst forms of child labor in cocoa growing. These include the creation of the International Cocoa Initiative foundation, which is now beginning to form partnerships with NGOs to provide social protection programs in West Africa. Also, small pilot projects have been initiated, which will be assessed and used to develop a child labor monitoring system. While the July 1, 2005 deadline will not be fully met, industry has assured Sen. Harkin and Rep. Engel that it is fully committed to achieving a certification system, which can be expanded across the cocoa-growing areas of West Africa and will cover 50% of the cocoa growing areas of Cote d'Ivoire and Ghana within three years.

“The Harkin-Engel Protocol established a framework to improve the living and working conditions for families and children who are growing, harvesting, and exporting the cocoa we enjoy here in America,” Sen. Harkin said. “I am disappointed that the July 1 deadline established in the Protocol was not fully met. But I am pleased that they have committed to redouble their efforts to create a certification system and eliminate the worst forms of child labor and forced labor in the cocoa fields and throughout the supply chain. The farmers and children in the cocoa growing countries deserve no less.”

“After meeting with the cocoa industry, I am comfortable that the industry is committed to moving forward even though I am disappointed that the original deadline was not fully met,” Rep. Engel said. “I am committed to working with them, because only with the cooperation of the chocolate industry will we end the worst forms of child labor and forced labor in Ghana and the Cote D'Ivoire. I am assured that progress will be made and deadlines will be met.”

Commenting on efforts to date and the road ahead, Lynn Bragg, President, Chocolate Manufacturers Association (CMA), and David Zimmer, Secretary General of Association of the Chocolate, Biscuit & Confectionery Industries of the EU (CAOBISCO), jointly said:

“The leadership of Senator Harkin and Representative Engel gave us an historic opportunity - when the Protocol was signed – to bring about meaningful, positive change. Today, we remain committed to the Protocol and to a supply chain free of the worst forms of child labor and forced labor.”

“While we would like to be further along than we are in this effort, the building blocks are in place today for the development of a certification system which can be expanded across the cocoa-growing areas of West Africa, and for programs to improve the well-being of farm families. The Harkin-Engel Protocol will continue as the framework for these efforts to get the job done.”

### Next Steps

Going forward, the chocolate and cocoa industry is dedicating more than \$5 million annually to support the full implementation of the certification system for cocoa farming labor practices, and for programs to improve the well-being of the more than 1.5 million farm families growing cocoa in West Africa, including efforts to eliminate the worst forms of child labor and forced labor. Specifically, industry efforts include:

- Rollout of the certification system -- including monitoring, data analysis, reporting and activities to address the worst forms of child labor -- as aggressively as possible in Cote d'Ivoire and Ghana, with a goal of covering 50 percent of the two countries' cocoa-producing areas by July 2008. This is a milestone on the way towards the ultimate goal of 100 percent coverage in the two countries.

- Support for programs to improve conditions in West African cocoa farming communities, and to address the worst forms of child labor and forced labor at the community level, through the International Cocoa Initiative (ICI) foundation, the World Cocoa Foundation (WCF) and the Initiative for African Cocoa Communities (IACC). These programs include, among others, recently announced support for expansion of Winrock International's education efforts in Cote d'Ivoire and for an International Foundation for Education & Self-Help (IFESH) teacher training program that will benefit approximately 40,000 children annually in Ghana and Cote d'Ivoire.

“Four years ago, I embarked on this historic effort with Sen. Harkin and the world's cocoa industry to combat the worst forms of child labor in cocoa fields,” Rep. Engel said. “Some progress has been made, but it is my fervent hope that in four more years Senator Harkin and I will be able to stand with the industry with pride as we see vastly improved conditions on cocoa farms in West Africa.”

“The industry-funded child labor oversight organization—the Cocoa Verification Working Group—recently published a discouraging report on the chocolate industry’s progress to eliminate the worst forms of child labor and forced labor from the cocoa fields. The report made several recommendations, and I hope that industry will take these recommendations seriously as we move forward in the Protocol process,” said Sen. Harkin. “To ensure accountability, positive momentum and transparency, we have agreed to establish an independent oversight entity to monitor the further implementation of the Harkin-Engel protocol.”

## **Appendix 3: The Joint Statement 2008**

For Immediate Release: June 16, 2008

Contact: Jennifer Mullin (Harkin): (202) 224-3254  
Joseph O'Brien (Engel): (718) 796-9700  
Susan Smith (NCA): (703) 790-5750

## **Joint Statement from U.S. Senator Tom Harkin, Representative Eliot Engel and the Chocolate and Cocoa Industry on the Implementation of the Harkin- Engel Protocol**

### *Protocol Drives Number of Achievements; Industry Outlines Next Steps*

WASHINGTON, DC, USA (June 16, 2008) - In September 2001, industry representatives signed an agreement, today known as the "Harkin-Engel Protocol," developed in partnership with U.S. Senator Tom Harkin (D-IA) and U.S. Representative Eliot Engel (D-NY). The agreement laid out a series of steps aimed at eliminating the worst forms of child labor and forced adult labor from cocoa growing in West Africa. An unprecedented effort, the Protocol marked the first time that an entire industry stepped forward and worked with governments, civil society and other stakeholders to address the worst forms of child labor and forced adult labor in its supply chain.

The development of a system of public certification is a key part of the Harkin-Engel Protocol. In an agreement made in 2005, the industry committed that by July 1, 2008, a public certification system would be in place that would cover 50% of the cocoa farming sector of Côte d'Ivoire and Ghana. In fact, the data collection element of the certification process covering an area that produces at least 50% of the cocoa farming output in each country has been completed, and reports detailing the preliminary results of these surveys by the respective governments are expected to be released by July 1. However, independent verification, which is critical to establishing the validity of the results of the government conducted surveys, partially funded by the industry, will not be fully completed until the end of the year. This robust verification process, which is underway, will improve data collection to ensure accurate reporting of the worst forms of child labor and forced adult labor and strengthen remediation efforts.

This certification process has been developed as a cooperative effort between the North American and European chocolate and cocoa industry together with their international affiliates and the governments of Côte d'Ivoire and Ghana. These surveys, as part of the certification process, will eventually be representative of the entire cocoa sector, reporting the incidence of child and adult labor practices that are unacceptable. This is not the same as product certification, whereby internationally recognized certifying organizations attest that particular products and their specific raw materials are produced according to labor practices that are confirmed by third party auditors.

The certification process being implemented will help governments, industry, and the International Cocoa Initiative (ICI), to focus their efforts toward eliminating the worst forms of child labor and forced adult labor in the cocoa supply chain. Ideally, over time, subsequent surveys will indicate an improvement in the status of child and adult labor practices.

Since its signing, the Protocol has been a positive and important catalyst for change, driving a number of important achievements.

Today, both the governments of Côte d'Ivoire and Ghana are working toward implementing detailed national plans of action, focused on child labor issues across all sectors of their economies, with dedicated senior level officials assigned to lead these ongoing efforts. Both countries have invested in the implementation of certification, and will publicly post the results of their surveys. In addition, each country has committed resources to address issues that are identified through the data collection / reporting process. These efforts are to be acknowledged and applauded.

“I had a chance to see, first hand, the progress that is being made in Ghana and Côte d'Ivoire during a trip in January,” **said Senator Tom Harkin**. “After that trip and meeting children who have already been affected by our work, I am more dedicated than ever to seeing through the commitments made by the industry and the national governments under the Protocol. I am hopeful that the industry will redouble its efforts to increase its contributions to the ICI to effectively deal with remediation needs.”

**Representative Eliot Engel** added, “Since 2001, I have been firmly committed to working with the cocoa industry and the governments of Ghana and Cote d'Ivoire to do everything we can to work in partnership to eliminate the worst forms of child labor and forced adult labor. My trip to West Africa in January reaffirmed my commitment to this crucial process.”

“The certification process currently being undertaken is delivering an assessment of cocoa labor practices across ever-larger areas of Côte d'Ivoire and Ghana,” **said Larry Graham, President of the National Confectioners Association (NCA)**. “Today, the ICI foundation is actively engaging communities to address labor issues and help children. And we have an ongoing, action-oriented partnership between industry, civil society and these governments, a partnership that will continue to drive change in the years ahead.”

### **The International Cocoa Initiative**

The International Cocoa Initiative (ICI) was established in 2002, as called for under the Protocol. A partnership among NGOs, trade unions, cocoa processors and major chocolate brands, the ICI is a unique initiative that combats the worst forms of child labor and forced adult labor in cocoa farming. To date, industry and individual companies have provided nearly \$10 million in financial support for the ICI and its programs since its formation and will continue to support the foundation in the future.



In 2008, the ICI is working in 104 communities in Côte d'Ivoire and 119 communities in Ghana. In 2006 – 2007 it organized 23 training sessions in Ghana and 17 in Côte d'Ivoire for government officials, local police, NGOs and media to sensitize participants with respect to child and adult labor practices.

“During my recent trip to Ghana and Cote d'Ivoire, I was impressed by the work being done by the International Cocoa Initiative (ICI). The ICI is not only sensitizing communities about the hazards of child and forced adult labor, but is also working to promote the important role of quality education in childhood development,” **said Representative Engel.**

“But if we are to make real progress in eliminating the worst forms of child labor and forced adult labor in the cocoa industry, I believe that the ICI must now substantially scale up its efforts in both Ghana and Cote d'Ivoire. I look forward to working with all of the stakeholders to ensure that ICI efforts are deepened over the next year.”

### **Future Commitment:**

Going forward, the chocolate and cocoa industry will continue to support efforts to eliminate the worst forms of child labor and forced adult labor on cocoa farms and to help cocoa farmers, their families and communities by continuing to work with the national governments to ensure that the certification process, including remediation and verification are fully implemented.

“As an industry, we see this effort as a long-term commitment, one that reflects a shared responsibility for the cocoa farmers and their families at the start of our supply chain,” **said David Zimmer, Secretary General of Association of the Chocolate, Biscuit & Confectionery Industries of the EU (CAOBISCO).** “It is not a commitment that expires with any one date but rather is an essential, ongoing part of how we conduct business. While we focus on near-term milestones, they are in fact part of a longer, sustained effort that reflects our corporate citizenship in this and other areas.”

In the next 2-3 years, this long-term commitment will include the following:

- Industry will work with the governments of Côte d'Ivoire and Ghana to have a sector-wide independently verified certification process fully in place across each country's cocoa-growing sector by the end of 2010.
- Industry will work closely with and assist the governments of Côte d'Ivoire and Ghana as they target and coordinate remediation efforts, based on the results from the certification data reports.
- Companies will deepen their support for the ICI as the foundation expands to additional communities in Côte d'Ivoire and Ghana; further strengthens

government capacity at the national level, and educates key stakeholders in the cocoa supply chain on safe, responsible labor practices.

“Looking ahead, there is still much work to do and our commitment will remain firm,” **remarked Bill Guyton, president of the World Cocoa Foundation (WCF)**, an industry-supported organization that plays a leadership role in improving economic and social conditions for cocoa farming families. “We will build upon the achievements within the Protocol framework, as well as upon our ongoing support for the economic and social development of cocoa farming communities, to make a better life for children and adults on cocoa farms.”

###

**Appendix 4: The Joint Declaration 2010 and Framework of  
Action to Support Implementation of the Harkin-Engel Protocol**

# THE DECLARATION

## Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol

The United States Department of Labor, Senator Tom Harkin, Representative Eliot Engel, the Government of the Republic of Côte d'Ivoire, the Government of the Republic of Ghana, and representative of the International Chocolate and Cocoa Industry (hereinafter collectively referred to as the "Participants") do hereby:

**RECALL** the pledge made to achieve the goals of the *Protocol for the Growing and Processing of Cocoa Beans and Their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* (hereinafter referred to as the *Harkin-Engel Protocol*) and the related Joint Statements of 2005 and 2008; and

**REAFFIRM** their commitment to financially support efforts and work in a collaborative and transparent manner to eliminate the worst forms of child labor in cocoa growing areas of Côte d'Ivoire and Ghana, including through the collection of data, provision of education and other remediation services for children, and support for sustainable improvements in the livelihoods of the households of such children; and

**DECLARE** that, in order to accelerate work to achieve these goals and outcomes, the United States Department of Labor will commit \$10 million in FY 2010 appropriated funds, the International Chocolate and Cocoa Industry commits \$7 million in new funding over 5 years and further pledges to explore the possibility of committing an additional \$3 million for remediation activities that further these goals, and the Governments of Côte d'Ivoire and Ghana will allocate the necessary human and financial resources to support this effort.

This Joint Declaration, and the accompanying *Framework of Action to Support Implementation of the Harkin-Engel Protocol*, hereby takes effect as of this 13th day of September, 2010.

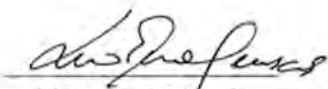
The undersigned support the *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol* and will work with each other and the other major stakeholders to successfully execute projects in the spirit of the *Declaration* and in accordance with the attached *Framework of Action to Support Implementation of the Harkin-Engel Protocol*.



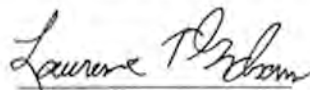
Secretary Hilda L. Solis  
United States



Minister Emile Guireoulou  
Côte d'Ivoire



Minister E.T. Mensah  
Ghana

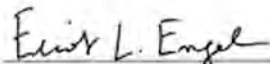


Lawrence T. Graham  
President, National Confectioners Association

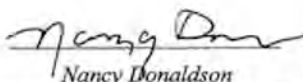
We hereby witness the commitment evidenced on September 13, 2010, through this Declaration and the accompanying *Framework of Action to Support Implementation of the Harkin-Engel Protocol*.



Senator Tom Harkin  
U.S. Senate, Iowa



Congressman Eliot Engel  
U.S. Congress, New York



Nancy Donaldson  
Director, International Labor Organization, Washington Office

## Framework of Action to Support Implementation of the Harkin-Engel Protocol

The following is a Framework of Action for efforts aimed at a significant reduction in the worst forms of child labor in cocoa producing areas of Côte d'Ivoire and Ghana. The Framework is intended to support the further implementation and realization of the goals of the Harkin-Engel Protocol.

1. **Purpose:** The overarching goal of the Framework is:

*By 2020, the worst forms of child labor as defined by ILO Convention 182 in the cocoa sectors of Côte d'Ivoire and Ghana will be reduced by 70 percent in aggregate through joint efforts by key stakeholders to provide and support remediation services for children removed from the worst forms of child labor, including education and vocational training, protective measures to address issues of occupational safety and health related to cocoa production, and livelihood services for the households of children in cocoa growing communities; the establishment and implementation of a credible and transparent sector-wide monitoring system across cocoa growing regions in the two countries; and the promotion of respect for core labor standards.*

To reach this overarching goal, the Framework will support the development of thriving cocoa communities fostering safe, healthy, and productive environments for children and families through coordinated support for new or expanded initiatives in Côte d'Ivoire and Ghana in the following areas:

- a. Removal of children from the worst forms of child labor, including hazardous labor, in cocoa growing areas and provision of appropriate remediation services, including education or vocational training; or in the case of children/youth of legal working age, removal of workplace hazards and other steps necessary to bring labor conditions into conformity with national laws and international labor standards;<sup>i</sup>
- b. Prevention of children's involvement in the worst forms of child labor, including through increased access to schooling and vocational training and improvement in the quality and relevance of education;
- c. Promotion of sustainable livelihoods for the households of children in cocoa growing areas;<sup>ii</sup>
- d. Establishment and implementation of community-based child labor monitoring systems (CLMS) in cocoa growing areas, linked to the provision of remediation for children identified as engaged in the worst forms of child labor; and
- e. Continuation of nationally representative child labor surveys, recurring at least every 5 years. Nationally representative baseline data is established as the most recent data coming out of the 2008-2009 Tulane field surveys. The next nationally representative surveys in both countries will be in the field during the 2013-2014 harvest season, with a report made in 2014, and again in the field in 2018-2019, with a report in 2019. These surveys will provide comparable data for ongoing assessment of child labor prevalence in

cocoa growing areas and a commitment to make publicly available the related survey methodologies, all raw data, and reports based on the findings of such surveys. In addition to such nationally representative surveys, efforts should also be made to incorporate a child labor component into existing national household surveys to support efforts to combat the worst forms of child labor nationally in each country.

2. **Key Stakeholders:** Stakeholders under this Framework are defined as follows:

- a. **Cocoa growing communities:** This group includes children in cocoa growing areas and the households of these children where efforts to promote sustainable livelihoods will address root causes of child labor.
- b. **Producer Governments:** This group includes the national, district, and local government agencies of Côte d'Ivoire and Ghana.
- c. **International Chocolate and Cocoa Industry:** This group includes companies participating in this Framework which are engaged in the growing of cocoa, processing of cocoa, and/or production and sale of its derivative products.
- d. **Foreign Donors:** This group includes the U.S. Government (the U.S. Department of Labor, the U.S. Department of State, the U.S. Agency for International Development, and key Congressional Offices—Senator Tom Harkin and Representative Eliot Engel). Other donor entities, such as the European Union and other international donors, are encouraged to fund projects that will support the goals of this Framework.
- e. **Social Partners and Civil Society:** This group includes employer and worker organizations, non-governmental organizations (NGOs), and community-based organizations in both Côte d'Ivoire and Ghana, as well the international counterparts of these groups.
- f. **Implementing Organizations (including International Organizations and other Non-governmental Organizations):** This group includes among others, the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC), the International Cocoa Initiative, the World Cocoa Foundation, and other organizations possessing expertise related to the initiatives under this Framework and whose projects or other inputs are integrated and supportive of achievement of the Framework's goals.

3. **Financial Partners:** The key stakeholders defined above include a subset of partners, including the U.S. Government and the International Chocolate and Cocoa Industry, that have committed to provide new financial support for new or expanded interventions to achieve a significant and sustainable reduction in the worst forms of child labor in the cocoa sector of Côte d'Ivoire and Ghana and whose actions are supportive of achievement of this Framework's goals. This subset also includes the Governments of Côte d'Ivoire and Ghana, who will transparently communicate their financial and human resource commitments under

this Framework to the Child Labor Cocoa Coordinating Group (CLCCG) and its Principals. (See Section 6.)

It is further noted that the group of financial partners may be expanded over the life of the Framework to include other partners, such as other private sector entities, NGOs or international organizations. In order to ensure that new initiatives are supportive of the Framework's goals, proposals for new partners and their programs will be subject to review by the CLCCG and its Principals.

- 4. Roles, Responsibilities and Commitments under this Framework:** This framework considers the roles, responsibilities and contributions of financial partners as noted below:
- a. **Producer Governments:** The Producer Governments play critical roles in planning, implementing and monitoring progress toward achievement of their respective national plans that are the foundation for reducing the worst forms of child labor. The Producer Governments must ensure coherence between project efforts under this Framework and the national plans for the purposes of national and local ownership and sustainability. Producer Governments also will ensure adequate human, financial, and organizational (e.g., decision making and internal advocacy) resource capacity in appropriate government agencies, as well as working in partnership with financial partners and other key stakeholders, to provide the following services:
    - Data collection and monitoring at the community and national level through supporting a nation-wide, community-based CLMS and by developing, funding and conducting nationally representative surveys as described in this Framework;
    - Remediation for the children removed from the worst forms of child labor through the provision of education, vocational training, and by increased support for programs to improve livelihoods for the households of children in cocoa growing communities;
    - Prevention of other children from involvement in the worst forms of child labor in cocoa growing communities through the provision of education, vocational training, and increased support for programs to improve livelihoods for the households of children in cocoa growing communities;
    - Development of physical and social infrastructure, including roads, wells and schools in cocoa-growing areas; and
    - Enforcement of laws intended to protect children from the worst forms of child labor.
  - b. **International Chocolate and Cocoa Industry:** The Harkin-Engel Protocol and accompanying Joint Statements of 2005 and 2008 serve as a commitment by the representatives of the International Chocolate and Cocoa Industry to carry out the industry's responsibilities to ensure that cocoa beans and their derivative products are grown and processed in a manner compliant with internationally-recognized standards on child labor. Specifically, in the Joint Statement of 2008, the International Chocolate and

Cocoa Industry committed itself to “continue to support efforts to eliminate the worst forms of child labor and forced adult labor on cocoa farms and to help cocoa farmers, their families and communities by continuing to work with the national governments to ensure that the certification process, including remediation and verification are fully implemented.” It is further noted in the Joint Statement of 2008 that the International Chocolate and Cocoa Industry will work with the governments of Cote d’Ivoire and Ghana to have a sector-wide certification process “fully in place across each country’s cocoa-growing sector.”

Within this Framework of Action, the International Chocolate and Cocoa Industry, in partnership with financial partners and other key stakeholders, will:

- Continue to support data collection and monitoring at the community and national level through a credible community-based CLMS.
- Through relevant local institutions and stakeholders, support the provision of appropriate remediation services for children based on the CLMS data, national survey data, and other credible sources of information, with the goal of protecting children from the worst forms of child labor in the cocoa growing areas of Ghana and Cote d’Ivoire.
- Provide sustainable livelihoods for the households of children in cocoa growing communities in order to protect children from the worst forms of child labor and ensure thriving cocoa communities.
- Provide technical advice to assist in the refinement and implementation of the ILO-IPEC project referenced as: “Towards Child Labor Free Cocoa Growing Communities through an Integrated Area Based Approach.”
- Strive to ensure their cocoa supply chains use safe and responsible labor practices, including combating the worst forms of child labor. Individual companies will inform their employees who buy or sell cocoa and its derivative products of the relevant ILO Conventions, the International Cocoa Agreement, relevant labor legislation in the two countries, the Harkin-Engel Protocol and the Framework of Action.

Reflecting their commitment to the production of cocoa and its derivative products without the involvement of the worst forms of child labor, and as an immediate pledge, the International Chocolate and Cocoa Industry is committing \$7 million to further the goals of the Harkin-Engel Protocol and the Framework of Action, of which \$2 million will support an ILO-IPEC Public-Private Partnership and \$5 million that includes the expansion of significant current industry work on cocoa which has demonstrated the value of partnerships of this nature. This funding will be spread out over a five-year period, and the amount and timing of outlays will be discussed during CLCCG consultations. The Industry is making a further pledge to explore the possibility of committing an additional \$3 million for remediation activities that further these goals.



- c. **U.S. Department of Labor:** The U.S. Department of Labor will play an active role as a donor supporting projects that reduce the worst forms of child labor in the cocoa sector in West Africa, committing \$10 million in 2010 for a new, multi-year program to be implemented by ILO-IPEC that supports the efforts described in this Framework. The U.S. Department of Labor will continue to report on progress being made to address the goals of the Harkin-Engel Protocol and the goals and objectives of this Framework, with a specific emphasis on the progress made by the ILO in the program noted here. As a donor, the U.S. Department of Labor will have substantial involvement in the design and development of the project and will work in partnership with financial partners and other key stakeholders.
5. **Benefits:** By promoting improved coordination and more integrated planning, implementation, and assessment of interventions, this Framework offers a number of important benefits:
  - a. For cocoa growing communities, this approach can lead to thriving cocoa communities fostering safe, healthy, and productive environments for children and families.
  - b. For Producer Governments, the approach helps to focus and coordinate assistance on meeting national goals related to the elimination of the worst forms of child labor, provision of universal basic education, poverty reduction, and employment creation. National capacity will be built in data collection, including nationally representative surveys; monitoring, including CLMS; impact assessment; and remediation.
  - c. For Financial Partners, the Framework offers a coordinated approach that will help maximize impact in target areas. Moreover, by demonstrating an effective model of cooperation, the Framework can serve as a platform for attracting increased funding from other donors, including other chocolate and cocoa companies, other manufacturers who purchase or use cocoa, chocolate and their derivative ingredients, and other international agencies with an interest in tackling the worst forms of child labor.
  - d. For the International Chocolate and Cocoa Industry, the Framework provides an integrated approach to enable the sustainable supply of cocoa in a manner consistent with the commitments made under the Harkin-Engel Protocol.
  - e. For social partners and civil society, the Framework provides opportunities for the involvement of social partners and civil society in dialogue on how best to support sustainable change.
  - f. For all stakeholders, the Framework provides mechanisms for promoting greater transparency and accountability for all parties.
6. **Governance:** In order to meet the objectives of this Framework, the participants will operate within a well designed and articulated structure of governance.

- a. Within the context of governance, it is noted that there is a significant difference between “key stakeholders” (those with an interest in the issue) and “financial partners” (those assuming a direct responsibility for the management and ultimate success of the Framework of Action). The development of governance structures will include mechanisms for stakeholders to be informed of and to comment on the governance structures, while reserving direct and strategic decision making to the financial partners.
  - b. The CLCCG will serve as the initial coordination and steering group for the implementation of this Framework. The CLCCG is currently composed of (1) Principals representing the U.S. Department of Labor, the Harkin and Engel offices, the Governments of Ghana and Cote d’Ivoire, and the International Chocolate and Cocoa industry and (2) a larger working group of representatives from these organizations. It is envisaged that the CLCCG could be expanded to a broader group of participants. The CLCCG will consult with technical experts on matters as necessary (e.g., the development of indicators and common monitoring and evaluation frameworks).
  - c. The CLCCG will work in the coming months to define the governance structure under the Framework and the roles and responsibilities of the CLCCG itself.
7. **Coordination:** The Framework will offer a means for improved coordination of interventions under a more holistic approach for significantly reducing the worst forms of child labor in the cocoa growing areas of Côte d’Ivoire and Ghana in support of the National Plans of Action in each country. This will be achieved by the following actions:
- a. Each of the CLCCG members will designate a resource entity and person(s) who will serve as the point of contact for efforts under this Framework, be available to coordinate on matters related to the Framework, and have the capacity to update partners on relevant initiatives;
  - b. The CLCCG will meet on a regular schedule to be determined. The U.S. Department of Labor will help facilitate the convening of the CLCCG.
  - c. The CLCCG will assess progress toward the goals of the Framework on an ongoing basis and engage in consultations on what is needed to achieve these goals.
  - d. Programs funded by the Financial Partners and implemented by the Governments of Ghana and Cote d’Ivoire and implementing organizations will be designed to operate in support of national plans and goals, including those related to the elimination of the worst forms of child labor, provision of universal basic education, poverty reduction, and employment creation;
  - e. Efforts will be made to effectively target communities with a high incidence of the worst forms of child labor in order to maximize the impact of the actions taken;

- f. All stakeholders will be encouraged to share learning and experience, collaborate to pilot new models, and actively explore ways to ensure sustainability and scalability of effective strategies;
- g. Key stakeholders will engage in joint monitoring and evaluation of programs where feasible and beneficial; and
- h. Regular public reports will be issued on progress and lessons learned under the Framework.

**8. Monitoring of Progress:** Progress under the Framework will be monitored as follows:

- a. The nationally-representative surveys on child labor in cocoa will provide standardized information about the situation of the worst forms of child labor in cocoa in each country and be used to measure progress on reducing the number of children in the worst forms of child labor in the cocoa sectors of Côte d'Ivoire and Ghana.
- b. The CLCCG, in consultation with technical experts, will discuss and come to agreement on a monitoring and evaluation design for use by all participants in this Framework.
- c. The CLCCG, in consultation with technical experts, will discuss and come to agreement on a set of common indicators that clearly track interim progress towards the goal of a 70 percent reduction in the worst forms of child labor in Ghana and Côte d'Ivoire, and other key parameters that will be reported on a regular basis.
- d. In the periods between the national surveys, information from the CLMS will provide ongoing information on the child labor situation in specific communities.
- e. Individual projects launched under the Framework will measure progress towards the specific goals of the project, report on an appropriate subset of common indicators, and include transparent impact evaluations. Where feasible, the integration of randomized control trials or other rigorous evaluation methods will be used to identify interventions that are both effective and cost efficient so that they may be promoted for future replication and scaling-up.
- f. A series of milestones, or performance goals, will be developed to assess the progress being made to significantly reduce the worst forms of child labor in the cocoa sector of Côte d'Ivoire and Ghana. The benchmarks will be unique for each country and will be based on the commitments of specific action on an annual basis.
- g. A process evaluation of the Framework itself will be conducted two years after implementation of the Framework begins, and an annual review will be carried out every twelve months subsequently.

**9. Timeline to Launch the Framework**

- a. A Meeting of Principals will be held on September 13 to issue a Declaration of Joint Action, including this Framework, and a joint public and media announcement will be made.
- b. The Principals will deposit copies of key national plans (in the case of the Governments of Côte d'Ivoire and Ghana), identify Framework points of contact, and agree on a schedule of meetings (the next to be held by December 31, 2010) to begin implementing this Framework.
- c. Meetings of the CLCCG will be held in Washington, DC and in Côte d'Ivoire and Ghana on a rotating basis. These meetings will be organized around concrete agendas to address program design, financing, governance, and other matters necessary to fully implement this Framework.

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<sup>i</sup> For the purpose of this document, **remediation services** are defined as removing children from hazardous or exploitative labor through the provision of direct services. This includes education and livelihood services, protective measures to address issues of occupational safety and health related to cocoa production, and social protection services for trafficking victims. Education services may take the form of formal or non-formal education and vocational training. Livelihood services improve the ability of the family to care for the child and protect the child from the worst forms of child labor. By providing protective measures to address issues of occupational safety and health related to cocoa production, youth of legal working age who are engaged in hazardous labor could be withdrawn by transitioning them into safe, acceptable work that is in conformity with both national laws and international labor standards. Children who are victims of trafficking may need to receive social protection services, including rehabilitation and repatriation services.

<sup>ii</sup> For the purpose of this document, **livelihood** is defined as a means of living and the capabilities, assets, and activities required for it. A livelihood encompasses income, as well as social institutions, gender relations, and property rights required to support and sustain a certain standard of living. It also includes access to and benefits derived from social and public services provided by the state, such as education, health services, and other infrastructure. In turn, **sustainable livelihood programs** seek to create long-lasting solutions to poverty by empowering their target population and addressing their overall well-being. ([http://pdf.usaid.gov/pdf\\_docs/PNADR399.pdf](http://pdf.usaid.gov/pdf_docs/PNADR399.pdf))

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## **Appendix 5: Tulane's Final Listing of Key Indicators/Questions**

Appendix 5a.

TULANE UNIVERSITY

**Child Labor and Worst Forms of Child Labor (WFCL) Questionnaire  
Child Interview**

**Key indicators/Questions  
March 31, 2011**

Name of interviewer: \_\_\_\_\_

Date of interview: \_\_\_\_\_

Start of interview: \_\_\_\_\_

End of interview: \_\_\_\_\_

Household ID: \_\_\_\_\_

Respondent ID: \_\_\_\_\_

Demographic Indicators		
1	Age of child (in completed years)	/ ___ / ___ /
2	Gender of child	Male / ___ /      Female / ___ /
3	Where were you born? - Country (name and/or code) - District/Sous-prefecture (name and/or code) - Village/town (name and/or code) - Settlement/campement (name and/or code)	/ _____ / / _____ / / _____ / / _____ /
4	What is your nationality? (name and/or code)	/ _____ /
5	Where is your current place of residence? - Country (name and/or code) - District/Sous-prefecture (name and/or code) - Village/town (name and/or code) - Settlement/campement (name and/or code)	/ _____ / / _____ / / _____ / / _____ /
6	What is your religion? (name and/or code)	/ _____ /
7	What is your ethnic group? (name and/or code)	/ _____ /
8	Height of child (in cm)	/ ___ / ___ /
9	Weight of child (in kg)	/ ___ / ___ /
Minimum Age, Working Hours & Education		
10	Did you work on the following or other agricultural activities in the last 7 days? <i>(Read list and specify. Enter "0" if child did not perform this task.)</i> Land preparation activities - Land clearing	Yes / ___ /      No / ___ /

	<ul style="list-style-type: none"> <li>- Felling and chopping</li> <li>- Burning</li> <li>- Stumping</li> <li>- Pegs cutting</li> <li>- Lining and pegging</li> </ul> <p>Planting activities:</p> <ul style="list-style-type: none"> <li>- Holing/planting of suckers</li> <li>- Preparation of seedlings</li> <li>- Holing/planting of seedlings</li> <li>- Sowing at stake</li> </ul> <p>Farm maintenance activities:</p> <ul style="list-style-type: none"> <li>- Weeding</li> <li>- Spraying insecticide</li> <li>- Applying fertilizer</li> <li>- Applying fungicide/herbicides/other chemicals</li> <li>- Carrying water for spraying</li> <li>- Sanitation and pruning</li> <li>- Mistletoe control</li> </ul> <p>Cocoa harvest activities:</p> <ul style="list-style-type: none"> <li>- Plucking of cocoa pods</li> <li>- Gathering cocoa pods</li> <li>- Heaping cocoa pods</li> <li>- Cocoa pod breaking</li> <li>- Cocoa pod scooping</li> <li>- Cocoa pod fermentation</li> </ul> <p>Drying and transport activities:</p> <ul style="list-style-type: none"> <li>- Carting fermented cocoa beans</li> <li>- Drying cocoa beans</li> <li>- Separation of seeds from pulp</li> <li>- Watching over seeds at night</li> <li>- Carting of dry cocoa beans to shed</li> </ul> <p>Other activities in agriculture:</p> <ul style="list-style-type: none"> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p>
11	<p>Did you work on the following or other non-agricultural economic activities in the last 7 days? (Read list and specify. Enter "0" if child did not perform this task.)</p> <ul style="list-style-type: none"> <li>- Run or do any kind of business, big or small, for himself/herself or with one or more partners</li> <li>- Do any work for a wage, salary, commission or any payment in kind (excluding domestic work)</li> <li>- Do any work as a domestic worker for a wage, salary or any payment in kind</li> </ul>	<p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p>



	<ul style="list-style-type: none"> <li>- Help unpaid in a household business of any kind</li> <li>- Do any construction or major repair work on his/her own home, plot, or business, or those of the household</li> <li>- Catch any fish, prawns, shells, wild animals or other food for sale or household food</li> <li>- Fetch water or collect firewood for household use</li> <li>- Produce any other good for this household use</li> <li>- Other (specify:) / _____ /</li> </ul>	Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ /	No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ /
12	<p>Did you work on the following or other household activities in the last 7 days? (<i>Read list and specify. Enter "0" if child did not perform this task.</i>)</p> <ul style="list-style-type: none"> <li>- Shopping for household</li> <li>- Repairing any household equipment</li> <li>- Cooking</li> <li>- Cleaning utensils/house</li> <li>- Washing clothes</li> <li>- Caring for children/older/sick</li> <li>- Other (specify:) / _____ /</li> </ul>	Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ /	No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ /
13	<p>Approximately how many hours did you spend working on the following activities in the last 7 days? (<i>Read list and specify number of hours. Enter "0" if child did not perform this task.</i>)</p> <ul style="list-style-type: none"> <li>- Work in cocoa agriculture</li> <li>- Work in agriculture other than cocoa</li> <li>- Economic activity other than agriculture</li> <li>- Household work</li> </ul>	/ ___ / ___ / / ___ / ___ / / ___ / ___ / / ___ / ___ /	
14	<p>Were you in formal employment (work with employment contract) at any point during the last 12 months? (specify type of work:) / _____ /</p>	Yes / ___ /	No / ___ /
15	<p>Were you enrolled in any of the following educational activities at any time during the last 12 months? (<i>Read list and specify.</i>)</p> <ul style="list-style-type: none"> <li>- Formal education</li> <li>- Non-formal education</li> <li>- Apprenticeship/training (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ /	No / ___ / No / ___ / No / ___ / No / ___ /
16	Approximately how many hours did you spend in school in the last 7 days?	/ ___ / ___ /	
17	How many school years/grades have you completed at this time?	/ ___ / ___ /	
<b>Hazardous Activities*</b>			
18	How often have you been involved in land clearing (cutting trees, burning, etc.) during the last 12 months? ( <i>Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5</i> )	/ ___ /	
19	How often have you been involved in carrying heavy loads during the last 12 months? ( <i>Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5</i> )	/ ___ /	
	How heavy were these loads (in kg)? ( <i>estimate</i> )	/ ___ / ___ /	

	How far did they have to be carried (in km)? <i>(estimate)</i>	/__/_/
20	How often have you been working with chemicals (pesticides, fertilizers, etc.) as part of the following activities during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i> <ul style="list-style-type: none"> <li>- Purchasing, transport, storage, and/or disposal of chemicals</li> <li>- Loading and/or spraying of chemicals</li> <li>- Washing of containers and/or spraying machine and/or other equipment used as part of spraying activities</li> <li>- Being present during spraying or reentering farm within less than 12 hours of spraying</li> <li>- Consumption of food or water that might have been exposed to chemicals</li> <li>- Other (specify: ) /_____/</li> </ul>	 /__/_/  /__/_/  /__/_/  /__/_/  /__/_/  /__/_/
21	How often have you used any of the following tools or mechanized equipment during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i> <ul style="list-style-type: none"> <li>- Machete</li> <li>- Long cutlass</li> <li>- Bullock</li> <li>- Hoe</li> <li>- Harvesting hook</li> <li>- Axe</li> <li>- Saw</li> <li>- Sprayer</li> <li>- Other (specify: ) /_____/</li> </ul>	 /__/_/  /__/_/  /__/_/  /__/_/  /__/_/  /__/_/  /__/_/  /__/_/
22	How often have you experienced any of the following injuries during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i> <ul style="list-style-type: none"> <li>- Injury due to work with chemicals (specify: ) /_____/</li> <li>- Injury due to improper use of tools/mechanized equipment (specify: ) /_____/</li> <li>- Injury due to insufficient protective foot/body wear (specify: ) /_____/</li> <li>- Others (specify: ) /_____/</li> </ul>	 /__/_/  /__/_/  /__/_/  /__/_/
23	How often have you worked on the farm at night (between 6pm and 6am, including way to/from farm) during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i>	/__/_/
24	How often have you been exposed to the following or other environmental hazards while working on a cocoa farm during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i> <ul style="list-style-type: none"> <li>- High temperatures/work under direct sun (specify: ) /_____/</li> <li>- Slip/trip/fall hazards (specify: ) /_____/</li> <li>- Snakes (specify: ) /_____/</li> </ul>	 /__/_/  /__/_/  /__/_/

	<ul style="list-style-type: none"> <li>- Insects (specify:) / _____ /</li> <li>- Allergic plants (specify:) / _____ /</li> <li>- Others (specify:) / _____ /</li> </ul>	 /___/ /___/ /___/
25	<p>How often have you been exposed to the following or other psycho-social hazards while working on a cocoa farm during the last 12 months? (<i>Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5</i>)</p> <ul style="list-style-type: none"> <li>- Verbal insults (specify:) / _____ /</li> <li>- Physical violence (beatings, etc.) (specify:) / _____ /</li> <li>- Sexual abuse (specify:) / _____ /</li> <li>- Not given sufficient amount of food to eat (specify:) / _____ /</li> <li>- Others (specify:) / _____ /</li> </ul>	 /___/ /___/ /___/ /___/ /___/
<b>Child Trafficking &amp; Forced Labor</b>		
26	<p>Are you currently living in a household without your natural/legal parent(s)?</p> <ul style="list-style-type: none"> <li>- Living without natural/legal father (specify:) / _____ /</li> <li>- Living without natural/legal mother (specify:) / _____ /</li> </ul>	 Yes /___/      No /___/ Yes /___/      No /___/
27	<p>Are you currently performing regular work for someone other than your natural/legal parent(s)?</p> <ul style="list-style-type: none"> <li>- Working without natural/legal father (specify:) / _____ /</li> <li>- Working without natural/legal mother (specify:) / _____ /</li> </ul>	 Yes /___/      No /___/ Yes /___/      No /___/
28	<p>Have you been forced to perform work against your will by someone other than a natural/legal parent as part of any of the following activities during the last 12 months? If yes, how often? (<i>Read list and specify number of times for each.</i>)</p> <ul style="list-style-type: none"> <li>- Work in cocoa agriculture (specify:) / _____ /</li> <li>- Work in agriculture other than cocoa (specify:) / _____ /</li> <li>- Economic activity other than agriculture (specify:) / _____ /</li> <li>- Household work (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	 /___/___/___/ /___/___/___/ /___/___/___/ /___/___/___/ /___/___/___/
29	<p>Were you sent by your natural/legal parent to work for another person at any time during the last 12 months? If yes, was this person a family member?*</p> <ul style="list-style-type: none"> <li>- Sent to work for family member other than a natural/legal parent (specify relationship with child:) / _____ /</li> <li>- Sent to work for another person who is not a family member (specify:) / _____ /</li> </ul>	 Yes /___/      No /___/ Yes /___/      No /___/
30	<p>Have you been hired or employed (recruited, transported, transferred, harbored or received) by a person or group other than your natural/legal parents at any time during the last 12 months?***</p> <p><i>(If no, skip question #31 and #32.)</i></p>	 Yes /___/      No /___/
31	<p>If yes, have you moved within the country or across international borders as part of this process?****</p> <ul style="list-style-type: none"> <li>- Within the country (specify place of origin:) / _____ /</li> </ul>	 Yes /___/      No /___/

	- Across international borders (specify place of origin:) / _____ /	Yes / ___ /	No / ___ /
32	If yes, have you been deceived, threatened or abused at any point of the recruitment or movement?***** (Read list and specify.) - Coercion (specify:) / _____ / - Abduction (specify:) / _____ / - Fraud or deception (specify:) / _____ / - Abuse of power or a position of vulnerability (specify:) / _____ /	Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ /	No / ___ / No / ___ / No / ___ / No / ___ /
33	Have you experienced exploitation while working for a person/group other than a natural/legal parent at any time during the last 12 months?***** (Read list and specify.) - Verbal insults (specify:) / _____ / - Physical violence (beatings, etc.) (specify:) / _____ / - Sexual abuse (specify:) / _____ / - Not given sufficient amount of food to eat (specify:) / _____ / - Denied other basic needs (specify:) / _____ / - Refused payment that was expected or promised (specify:) / _____ / - Refused payment in kind that was expected or promised (specify:) / _____ / - Restriction of freedom of movement (specify:) / _____ / - Restriction of freedom of speech (specify:) / _____ / - Hazardous work - Work below minimum age for admission to employment - Other (specify:) / _____ /	Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ /	No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ / No / ___ /
<b>Remediation &amp; Rehabilitation Activities</b>			
34	Have you participated in and/or benefited from intervention activities targeted at the education or wellbeing of children working in the cocoa growing areas at any time in your life? (Read list and specify.) - Activities targeted at reducing work below minimum working age (specify:) / _____ / - Activities targeted at reducing the number of working hours performed by children (specify:) / _____ / - Activities targeted at reducing hazardous child labor (specify:) / _____ / - Activities targeted at improving access to or the quality of education (specify:) / _____ / - Activities targeted at improving living standards and/or income opportunities for children and their families (specify:) / _____ / - Other (specify:) / _____ /	Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ / Yes / ___ /	No / ___ / No / ___ / No / ___ / No / ___ / No / ___ /

35	<p>Have you participated in and/or benefited from intervention activities against child trafficking or forced child labor at any time in your life? <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Sensitization campaigns informing about child trafficking or forced child labor (specify:) / _____ /</li> <li>- Interventions targeted at interception of child trafficking and/or farm level interventions against child trafficking or forced child labor (specify:) / _____ /</li> <li>- Rehabilitation activities and other social services for victims of child trafficking or forced child labor (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p>
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*\*The section on hazardous work does not attempt to cover all hazards listed in Ghana's and Cote d'Ivoire's country frameworks of hazardous child labor but focuses on a subsample of hazards that are (a) encountered in the cocoa sector with some regularity, and (b) clearly linked to negative health outcomes and/or other negative impacts on the wellbeing of children based on medical literature, survey research findings, and other available evidence. In addition to the hazards listed in the country frameworks, "work for long hours and/or at night" (ILO) has also been included.*

*\*\*Based on UN Supplemental Convention on the Abolition of Slavery's definition of forced child labor: "Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor."*

*\*\*\*Based on the definition of child trafficking in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons: "The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation."*

*\*\*\*\*According to ILO/IPEC, "an element of movement within a country or across borders is needed - even if minimal - in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention 182, and ensure that trafficking victims separated from their families do get needed assistance."*

*\*\*\*\*\*While coercion, abduction, fraud or deception, or the abuse of power or a position of vulnerability "do not need to be present in case of children (other than with adults)", according to ILO they are "nevertheless strong indications of child trafficking" (ILO, Child Trafficking, IPEC, Geneva, 2007).*

*\*\*\*\*\*Here we operationalize "exploitation" for the measurement of forced child labor in the cocoa sector based on UN Supplemental Convention on the Abolition of Slavery, and the measurement of child trafficking based on UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.*

Appendix 5b.

TULANE UNIVERSITY

**Child Labor and Worst Forms of Child Labor (WFCL) Questionnaire  
Caregiver Interview**

**Key indicators/Questions  
March 31, 2011**

Name of interviewer: \_\_\_\_\_ Date of interview: \_\_\_\_\_  
 Start of interview: \_\_\_\_\_ End of interview: \_\_\_\_\_  
 Household ID: \_\_\_\_\_ Respondent ID: \_\_\_\_\_

<b>Caregiver Background</b>		
a	Age of caregiver (in completed years)	/ ___ / ___ /
b	Gender of caregiver	Male / ___ /      Female / ___ /
c	Relationship with child (specify:) / _____ /	Father / ___ / Mother / ___ / Grandfather / ___ / Grandmother / ___ / Uncle / ___ / Aunt / ___ / Other / ___ /
<b>Demographic Indicators</b>		
1	Age of child (in completed years)	/ ___ / ___ /
2	Gender of child	Male / ___ /      Female / ___ /
3	Where was your child born? - Country (name and/or code) - District/Sous-prefecture (name and/or code) - Village/town (name and/or code) - Settlement/campement (name and/or code)	/ _____ / / _____ / / _____ / / _____ /
4	What is the nationality of your child? (name and/or code)	/ _____ /
5	Where is your child's current place of residence? - Country (name and/or code) - District/Sous-prefecture (name and/or code)	/ _____ / / _____ /

	- Village/town (name and/or code)	/ _____ /
	- Settlement/campement (name and/or code)	/ _____ /
6	What is your child's religion? (name and/or code)	/ _____ /
7	What is your child's ethnic group? (name and/or code)	/ _____ /
8	Height of child (in cm)	/ ____ /
9	Weight of child (in kg)	/ ____ /
<b>Minimum Age, Working Hours &amp; Education</b>		
10	<p>Did your child work on the following or other agricultural activities in the last 7 days? <i>(Read list and specify. Enter "0" if child did not perform this task.)</i></p> <p>Land preparation activities</p> <ul style="list-style-type: none"> <li>- Land clearing</li> <li>- Felling and chopping</li> <li>- Burning</li> <li>- Stumping</li> <li>- Pegs cutting</li> <li>- Lining and pegging</li> </ul> <p>Planting activities:</p> <ul style="list-style-type: none"> <li>- Holing/planting of suckers</li> <li>- Preparation of seedlings</li> <li>- Holing/planting of seedlings</li> <li>- Sowing at stake</li> </ul> <p>Farm maintenance activities:</p> <ul style="list-style-type: none"> <li>- Weeding</li> <li>- Spraying insecticide</li> <li>- Applying fertilizer</li> <li>- Applying fungicide/herbicides/other chemicals</li> <li>- Carrying water for spraying</li> <li>- Sanitation and pruning</li> <li>- Mistletoe control</li> </ul> <p>Cocoa harvest activities:</p> <ul style="list-style-type: none"> <li>- Plucking of cocoa pods</li> <li>- Gathering cocoa pods</li> <li>- Heaping cocoa pods</li> <li>- Cocoa pod breaking</li> <li>- Cocoa pod scooping</li> <li>- Cocoa pod fermentation</li> </ul> <p>Drying and transport activities:</p> <ul style="list-style-type: none"> <li>- Carting fermented cocoa beans</li> <li>- Drying cocoa beans</li> <li>- Separation of seeds from pulp</li> </ul>	<p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p> <p>Yes /__ /      No /__ /</p>

	<ul style="list-style-type: none"> <li>- Watching over seeds at night</li> <li>- Carting of dry cocoa beans to shed</li> </ul> <p>Other activities in agriculture:</p> <ul style="list-style-type: none"> <li>- Other (specify:) / _____ /</li> </ul>	Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
11	<p>Did your child work on the following or other non-agricultural economic activities in the last 7 days? <i>(Read list and specify. Enter "0" if child did not perform this task.)</i></p> <ul style="list-style-type: none"> <li>- Run or do any kind of business, big or small, for himself/herself or with one or more partners</li> <li>- Do any work for a wage, salary, commission or any payment in kind (excluding domestic work)</li> <li>- Do any work as a domestic worker for a wage, salary or any payment in kind</li> <li>- Help unpaid in a household business of any kind</li> <li>- Do any construction or major repair work on his/her own home, plot, or business, or those of the household</li> <li>- Catch any fish, prawns, shells, wild animals or other food for sale or household food</li> <li>- Fetch water or collect firewood for household use</li> <li>- Produce any other good for this household use</li> <li>- Other (specify:) / _____ /</li> </ul>	Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
12	<p>Did your child work on the following or other household activities in the last 7 days? <i>(Read list and specify. Enter "0" if child did not perform this task.)</i></p> <ul style="list-style-type: none"> <li>- Shopping for household</li> <li>- Repairing any household equipment</li> <li>- Cooking</li> <li>- Cleaning utensils/house</li> <li>- Washing clothes</li> <li>- Caring for children/older/sick</li> <li>- Other (specify:) / _____ /</li> </ul>	Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
		Yes /___/	No /___/
13	<p>Approximately how many hours did your child spend working on the following activities in the last 7 days? <i>(Read list and specify number of hours. Enter "0" if child did not perform this task.)</i></p> <ul style="list-style-type: none"> <li>- Work in cocoa agriculture</li> <li>- Work in agriculture other than cocoa</li> <li>- Economic activity other than agriculture</li> <li>- Household work</li> </ul>	/___/___/	
		/___/___/	
		/___/___/	
		/___/___/	
14	<p>Was your child in formal employment (work with employment contract) at any point during the last 12 months? (specify type of work:) / _____ /</p>	Yes /___/	No /___/



15	<p>Was your child enrolled in any of the following educational activities at any time during the last 12 months? <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Formal education</li> <li>- Non-formal education</li> <li>- Apprenticeship/training (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p>
16	Approximately how many hours did your child spend in school in the last 7 days?	/ ___ / ___ /
17	How many school years/grades has your child completed at this time?	/ ___ / ___ /
<b>Hazardous Activities*</b>		
18	How often has your child been involved in land clearing (cutting trees, burning, etc.) during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i>	/ ___ /
19	How often has your child been involved in carrying heavy loads during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i>	/ ___ /
	How heavy were these loads (in kg)? <i>(estimate)</i>	/ ___ / ___ /
	How far did they have to be carried (in km)? <i>(estimate)</i>	/ ___ / ___ /
20	<p>How often has your child been working with chemicals (pesticides, fertilizers, etc.) as part of the following activities during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i></p> <ul style="list-style-type: none"> <li>- Purchasing, transport, storage, and/or disposal of chemicals</li> <li>- Loading and/or spraying of chemicals</li> <li>- Washing of containers and/or spraying machine and/or other equipment used as part of spraying activities</li> <li>- Being present during spraying or reentering farm within less than 12 hours of spraying</li> <li>- Consumption of food or water that might have been exposed to chemicals</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p>
21	<p>How often has your child used any of the following tools or mechanized equipment during the last 12 months? <i>(Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</i></p> <ul style="list-style-type: none"> <li>- Machete</li> <li>- Long cutlass</li> <li>- Bullock</li> <li>- Hoe</li> <li>- Harvesting hook</li> <li>- Axe</li> <li>- Saw</li> <li>- Sprayer</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p>

22	<p>How often has your child experienced any of the following injuries during the last 12 months? (Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</p> <ul style="list-style-type: none"> <li>- Injury due to work with chemicals (specify: ) / _____ /</li> <li>- Injury due to improper use of tools/mechanized equipment (specify: ) / _____ /</li> <li>- Injury due to insufficient protective foot/body wear (specify: ) / _____ /</li> <li>- Others (specify: ) / _____ /</li> </ul>	<p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p>
23	<p>How often has your child worked on the farm at night (between 6pm and 6am, including way to/from farm) during the last 12 months? (Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</p>	<p>/ ___ /</p>
24	<p>How often has your child been exposed to the following or other environmental hazards while working on a cocoa farm during the last 12 months? (Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</p> <ul style="list-style-type: none"> <li>- High temperatures/work under direct sun (specify: ) / _____ /</li> <li>- Slip/trip/fall hazards (specify: ) / _____ /</li> <li>- Snakes (specify: ) / _____ /</li> <li>- Insects (specify: ) / _____ /</li> <li>- Allergic plants (specify: ) / _____ /</li> <li>- Others (specify: ) / _____ /</li> </ul>	<p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p>
25	<p>How often has your child been exposed to the following or other psycho-social hazards while working on a cocoa farm during the last 12 months? (Never=1, Rarely=2, Sometimes=3, Very often=4, Always=5)</p> <ul style="list-style-type: none"> <li>- Verbal insults (specify: ) / _____ /</li> <li>- Physical violence (beatings, etc.) (specify: ) / _____ /</li> <li>- Sexual abuse (specify: ) / _____ /</li> <li>- Not given sufficient amount of food to eat (specify: ) / _____ /</li> <li>- Others (specify: ) / _____ /</li> </ul>	<p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p> <p>/ ___ /</p>
<b>Child Trafficking &amp; Forced Labor</b>		
26	<p>Is your child currently living in a household without his/her natural/legal parent(s)?</p> <ul style="list-style-type: none"> <li>- Living without natural/legal father (specify: ) / _____ /</li> <li>- Living without natural/legal mother (specify: ) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p>
27	<p>Is your child currently performing regular work for someone other than his/her natural/legal parent(s)?</p> <ul style="list-style-type: none"> <li>- Working without natural/legal father (specify: ) / _____ /</li> <li>- Working without natural/legal mother (specify: ) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p>
28	<p>Has your child been forced to perform work against his/her will by someone other than a natural/legal parent as part of any of the following activities during the last 12 months? If yes, how often? (Read list and specify number of times for each.)</p> <ul style="list-style-type: none"> <li>- Work in cocoa agriculture (specify: ) / _____ /</li> <li>- Work in agriculture other than cocoa (specify: ) / _____ /</li> </ul>	<p>/ ___ / ___ / ___ /</p> <p>/ ___ / ___ / ___ /</p>

	<ul style="list-style-type: none"> <li>- Economic activity other than agriculture (specify:) / _____ /</li> <li>- Household work (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	 /___/___/___/ /___/___/___/ /___/___/___/
29	<p>Was your child sent by his/her natural/legal parent to work for another person at any time during the last 12 months? If yes, was this person a family member?*</p> <ul style="list-style-type: none"> <li>- Sent to work for family member other than a natural/legal parent (specify relationship with child:) / _____ /</li> <li>- Sent to work for another person who is not a family member (specify:) / _____ /</li> </ul>	<p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p>
30	<p>Has your child been hired or employed (recruited, transported, transferred, harbored or received) by a person or group other than his/her natural/legal parents at any time during the last 12 months?***</p> <p><i>(If no, skip question #31 and #32.)</i></p>	<p>Yes /___/      No /___/</p>
31	<p>If yes, has your child moved within the country or across international borders as part of this process?****</p> <ul style="list-style-type: none"> <li>- Within the country (specify place of origin:) / _____ /</li> <li>- Across international borders (specify place of origin:) / _____ /</li> </ul>	<p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p>
32	<p>If yes, has your child been deceived, threatened or abused at any point of the recruitment or movement?***** <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Coercion (specify:) / _____ /</li> <li>- Abduction (specify:) / _____ /</li> <li>- Fraud or deception (specify:) / _____ /</li> <li>- Abuse of power or a position of vulnerability (specify:) / _____ /</li> </ul>	<p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p>
33	<p>Has your child experienced exploitation while working for a person/group other than a natural/legal parent at any time during the last 12 months?***** <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Verbal insults (specify:) / _____ /</li> <li>- Physical violence (beatings, etc.) (specify:) / _____ /</li> <li>- Sexual abuse (specify:) / _____ /</li> <li>- Not given sufficient amount of food to eat (specify:) / _____ /</li> <li>- Denied other basic needs (specify:) / _____ /</li> <li>- Refused payment that was expected or promised (specify:) / _____ /</li> <li>- Refused payment in kind that was expected or promised (specify:) / _____ /</li> <li>- Restriction of freedom of movement (specify:) / _____ /</li> <li>- Restriction of freedom of speech (specify:) / _____ /</li> <li>- Hazardous work</li> <li>- Work below minimum age for admission to employment</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p> <p>Yes /___/      No /___/</p>

Remediation & Rehabilitation Activities		
34	<p>Has your child participated in and/or benefited from intervention activities targeted at the education or wellbeing of children working in the cocoa growing areas at any time in his/her life? <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Activities targeted at reducing work below minimum working age (specify:) / _____ /</li> <li>- Activities targeted at reducing the number of working hours performed by children (specify:) / _____ /</li> <li>- Activities targeted at reducing hazardous child labor (specify:) / _____ /</li> <li>- Activities targeted at improving access to or the quality of education (specify:) / _____ /</li> <li>- Activities targeted at improving living standards and/or income opportunities for children and their families (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p>
35	<p>Has your child participated in and/or benefited from intervention activities against child trafficking or forced child labor at any time in his/her life? <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Sensitization campaigns informing about child trafficking or forced child labor (specify:) / _____ /</li> <li>- Interventions targeted at interception of child trafficking and/or farm level interventions against child trafficking or forced child labor (specify:) / _____ /</li> <li>- Rehabilitation activities and other social services for victims of child trafficking or forced child labor (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p> <p>Yes / ___ /      No / ___ /</p>

*\*The section on hazardous work does not attempt to cover all hazards listed in Ghana's and Cote d'Ivoire's country frameworks of hazardous child labor but focuses on a subsample of hazards that are (a) encountered in the cocoa sector with some regularity, and (b) clearly linked to negative health outcomes and/or other negative impacts on the wellbeing of children based on medical literature, survey research findings, and other available evidence. In addition to the hazards listed in the country frameworks, "work for long hours and/or at night" (ILO) has also been included.*

*\*\*Based on UN Supplemental Convention on the Abolition of Slavery's definition of forced child labor: "Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor."*

*\*\*\*Based on the definition of child trafficking in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons: "The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation."*

*\*\*\*\*According to ILO/IPEC, "an element of movement within a country or across borders is needed - even if minimal - in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention 182, and ensure that trafficking victims separated from their families do get needed assistance."*

*\*\*\*\*While coercion, abduction, fraud or deception, or the abuse of power or a position of vulnerability “do not need to be present in case of children (other than with adults)”, according to ILO they are “nevertheless strong indications of child trafficking” (ILO, Child Trafficking, IPEC, Geneva, 2007).*

*\*\*\*\*\*Here we operationalize “exploitation” for the measurement of forced child labor in the cocoa sector based on UN Supplemental Convention on the Abolition of Slavery, and the measurement of child trafficking based on UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.*

Appendix 5c.

**TULANE UNIVERSITY**  
**Forced Adult Labor (FAL) Questionnaire**  
**Key indicators/Questions**  
**March 31, 2011**

Name of interviewer: \_\_\_\_\_

Date of interview: \_\_\_\_\_

Start of interview: \_\_\_\_\_

End of interview: \_\_\_\_\_

Household ID: \_\_\_\_\_

Respondent ID: \_\_\_\_\_

<b>Demographic Indicators &amp; Work Performed</b>		
1	Age of respondent (in completed years)	/ ___ / ___ /
2	Gender of respondent	Male / ___ /      Female / ___ /
3	Where were you born? - Country (name and/or code) - District/Sous-prefecture (name and/or code) - Village/town (name and/or code) - Settlement/campement (name and/or code)	/ _____ / / _____ / / _____ / / _____ /
4	What is your nationality?	/ _____ /
5	Where is your current place of residence? - Country (name and/or code) - District/Sous-prefecture (name and/or code) - Village/town (name and/or code) - Settlement/campement (name and/or code)	/ _____ / / _____ / / _____ / / _____ /
6	What is your religion? (name and/or code)	/ _____ /
7	What is your ethnic group? (name and/or code)	/ _____ /
8	What is your relationship to the head of household? (specify: ) / _____ /	Father / ___ / Mother / ___ / Grandfather / ___ / Grandmother / ___ / Other relative / ___ / Non-relative / ___ /

9	What is your relationship to the person(s) you work for? (specify:) / _____ / (Multiple answers allowed.)	Father / ___ / Mother / ___ / Grandfather / ___ / Grandmother / ___ / Other relative / ___ / Non-relative / ___ /
10	Have you been paid for any of the following activities during the last 12 months? (Read list and specify.) - Work in cocoa agriculture - Work in agriculture other than cocoa - Economic activity other than agriculture - Household work	Yes / ___ /      No / ___ / Yes / ___ /      No / ___ / Yes / ___ /      No / ___ / Yes / ___ /      No / ___ /
11	Were you in formal employment (work with employment contract) at any point during the last 12 months? (specify type of work:) / _____ /	Yes / ___ /      No / ___ /
<b>Minimum Age</b>		
12	How old were you when you first started working in the following activities? (Read list and specify age for each. Enter "N/A" if respondent has never performed this task.) - Work in cocoa agriculture - Work in agriculture other than cocoa - Economic activity other than agriculture - Household work	/ ___ / ___ / / ___ / ___ / / ___ / ___ / / ___ / ___ /
<b>Working Hours &amp; Education</b>		
13	Approximately how many hours did you spend working on the following activities in the last 7 days? (Read list and specify number of hours. Enter "0" if respondent did not perform this task.) - Work in cocoa agriculture - Work in agriculture other than cocoa - Economic activity other than agriculture - Household work	/ ___ / ___ / / ___ / ___ / / ___ / ___ / / ___ / ___ /
14	In how many months out of the last 12 months did you perform some work in cocoa agriculture?	/ ___ / ___ /
15	Were you enrolled in any of the following educational activities at any time in your life? (Read list and specify.) - Formal education - Non-formal education - Apprenticeship/training (specify:) / _____ / - Other (specify:) / _____ /	Yes / ___ /      No / ___ / Yes / ___ /      No / ___ / Yes / ___ /      No / ___ / Yes / ___ /      No / ___ /
16	How many school years/grades have you completed in your life?	/ ___ / ___ /
17	Are you able to read a short, simple statement in any language?	Yes / ___ /      No / ___ /

18	Are you able to write a short, simple statement in any language?	Yes / ___ /	No / ___ /
19	Are you able to perform simple calculations?	Yes / ___ /	No / ___ /
<b>Forced Adult Labor &amp; Serfdom</b>			
20	<p>Have you been forced to perform work against your will as part of any of the following activities during the last 12 months? If yes, how often?* <i>(Read list and specify number of times.)</i></p> <ul style="list-style-type: none"> <li>- Work in cocoa / ___ / ___ / ___ /</li> <li>- Work in agriculture other than cocoa / ___ / ___ / ___ /</li> <li>- Economic activity other than agriculture / ___ / ___ / ___ /</li> <li>- Household work / ___ / ___ / ___ /</li> <li>- Other (specify:) / _____ /</li> </ul> <p><i>(If none, skip question #21.)</i></p>		
21	<p>If yes, who forced you to perform this work and what were you forced to do?* <i>(Read list and specify. Multiple answers allowed.)</i></p> <ul style="list-style-type: none"> <li>- Work in cocoa (specify:) / _____ /</li> <li>- Work in agriculture other than cocoa (specify:) / _____ /</li> <li>- Economic activity other than agriculture (specify:) / _____ /</li> <li>- Household work (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	Father / ___ /	Mother / ___ /
		Grandfather / ___ /	Grandmother / ___ /
		Other relative / ___ /	Non-relative / ___ /
22	<p>Have you experienced any of the following punishments for refusing to work at any time during the last 12 months?* <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Verbal insults (specify:) / _____ /</li> <li>- Physical violence (beatings, etc.) (specify:) / _____ /</li> <li>- Sexual exploitation (specify:) / _____ /</li> <li>- Withholding of pay (specify:) / _____ /</li> <li>- Withholding of payment in kind (housing, food, percentage of harvest, etc.) (specify:) / _____ /</li> <li>- Restriction of freedom of movement (specify:) / _____ /</li> <li>- Restriction of freedom of speech (specify:) / _____ /</li> <li>- Other penalty (specify:) / _____ /</li> </ul>	Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
23	<p>Were you required to live and work (by law, custom or agreement) on land belonging to another person at any time during the last 12 months?*** <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- By law (specify:) / _____ /</li> <li>- By custom (specify:) / _____ /</li> <li>- By agreement (specify:) / _____ /</li> </ul> <p><i>(If none, skip question #24 and #25.)</i></p>	Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /
		Yes / ___ /	No / ___ /



24	<p>If yes, what service did you have to provide to this other person during the last 12 months? **  <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Cocoa farming</li> <li>- Other work in agriculture (specify:) / _____ /</li> <li>- Other economic activities (specify:) / _____ /</li> <li>- Household work (specify:) / _____ /</li> <li>- Other (specify:) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /</p>
25	<p>If yes, have you experienced any of the following punishments for challenging or changing your status at any time during the last 12 months? ** <i>(Read list and specify.)</i></p> <ul style="list-style-type: none"> <li>- Verbal insults (specify:) / _____ /</li> <li>- Physical violence (beatings, etc.) (specify:) / _____ /</li> <li>- Sexual exploitation (specify:) / _____ /</li> <li>- Withholding of pay (specify:) / _____ /</li> <li>- Withholding of payment in kind (housing, food, percentage of harvest, etc.) (specify:) / _____ /</li> <li>- Restriction of freedom of movement (specify:) / _____ /</li> <li>- Restriction of freedom of speech (specify:) / _____ /</li> <li>- Other penalty (specify:) / _____ /</li> </ul>	<p>Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /  Yes / ___ /      No / ___ /</p>

\*Measurement of forced adult labor based on ILO Convention 29.

\*\*Measurement of bonded labor/serfdom based on UN Supplemental Convention on the Abolition of Slavery.

## **Appendix 6: Cocoa/Chocolate Industry Comments on Draft Final Report**

March 23, 2011

Dr. William E. Bertrand  
Principal Investigator  
Payson Center for International Development and Technology Transfer  
Tulane University

**Re: Global Issues Group comments on the draft Final Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and Ghana**

Dear Dr. Bertrand:

On behalf of the Global Issues Group<sup>i</sup>, a global coalition of leading chocolate and cocoa companies, trade associations and foundations, I am pleased to provide detailed comments and perspectives on the draft Final Report prepared by Tulane University.

We appreciate the research that Tulane University has performed over the past four and half years of its contract to the U.S. Department of Labor. We recognize Tulane's commitment as it carried out the work stipulated under the contract, and Tulane's dedication to improving the ongoing efforts against the worst forms of child labor in the cocoa sectors of Cote d'Ivoire and Ghana.

While we agree with many of Tulane's findings, we are disappointed with the overall tone of the report, and reject the gratuitous criticisms of industry's commitment and approach to combating the worst forms of child labor in the cocoa sector.

Despite the challenges and complexities of this issue - political, cultural, economic and institutional - we remain committed to finding practical and sustainable solutions that move us towards our shared goal of eliminating the worst forms of child labor in cocoa production in Cote d'Ivoire and Ghana.

At the outset, we want to acknowledge the troubling present situation in Cote d'Ivoire. The cocoa industry shares the international concern for Cote d'Ivoire and its people and we remain hopeful that a peaceful resolution can be found for the political stalemate. Recognizing that the recent situation in Cote d'Ivoire is the second significant interruption of peace since the signing of the Harkin-Engel Protocol in 2001, we look forward to continuing our collective work in Cote d'Ivoire as soon as conditions allow.

Collaboration among key stakeholders, including the governments of Ghana and the Cote d'Ivoire, the United States government, the European Union, the International Labor Organization and other United Nations' agencies, as well as civil society and

industry, is critical to our common success. Because collaboration is a key theme of this report, we take strong exception to a subjective call for “creative tension” as a foundation for success and a characterization of the partners in this process as “antagonistic interests.” These references are inaccurate and moreover, do not serve to further effective and successful collaboration or partnerships. In fact, the sustainable partnerships that have been developed since the 2001 signing of the Protocol were the catalyst for the Framework of Action and its governing body, the Child Labor Cocoa Coordinating Group (CLCCG). These collaborative partnerships are key to lasting change in the social conditions of these sectors.

We are in agreement with a number of observations in the draft Final Report, including:

- The need to build functioning government structures in the producer countries, to carry out key programs and coordinate activities across various ministries and with a broad array of development partners, which is a key to sustainable change.
- The significant steps both countries have taken to strengthen their legal frameworks, though more needs to be done on enforcement.
- The importance of strong and assertive political leadership in both countries, building on increased clarity around roles and responsibilities by all stakeholders engaged in this work.

Industry does note a number of areas where we disagree with the assertions made in the draft Final Report. We are surprised by the final draft: unlike previous Tulane reports, there is scant new data from which to draw conclusions, yet the draft contains numerous subjective and editorial observations that are unsupported by fact and beyond the scope of Tulane’s mandate.

#### **1. Interpretation of key articles of the Harkin-Engel Protocol:**

Industry categorically rejects Tulane’s assessment of our achievements under the Protocol. We have in fact 1) committed significant resources, 2) formed a multi-sectoral advisory group, 3) issued a joint statement on the need to end the Worst Forms of Child Labor, 4) signed a binding memorandum of cooperation, 5) established a joint foundation, the International Cocoa Initiative, and 6) developed a credible public certification system.

Whether Tulane University or any other organization or group would have implemented provisions of the Protocol differently is not relevant. There was – and is - no road map to implement the Protocol. Different stakeholders have different interpretations of the Protocol at different points in the last decade, and discussion around interpretation and approach will no doubt continue. Tulane has had four and a half years to consider how it would have designed and implemented the Protocol. Industry did not have the benefit of those insights in 2001. However,

industry has in good faith carried out that agreement, while acknowledging several setbacks.

We take particular exception to the statement: “Tulane’s supposition is that industry regarded the Protocol as unenforceable and therefore assumed that it would become a statement of good intention that could be referenced as proof of concern.” This statement is inaccurate. Industry would not have worked so hard over the last decade on implementing a “proof of concern,” nor would the producer governments. The offices of Senator Harkin and Representative Engel saw the Protocol as a starting point for engagement and work on a long-term basis, not as a simple “proof of concern.”

## **2. Commentary on Public Certification Model**

The Protocol calls for “the industry, in partnership with other major stakeholders, to develop and implement credible, mutually acceptable, voluntary industry-wide standards of public certification.” At the time the Protocol was signed, there was no roadmap to design “standards of public certification.” The process had to be created to operate within the existing frameworks and capacity of cocoa production and marketing practices for both Ghana and Cote d’Ivoire, and provide coverage of the entire cocoa sectors of both countries. At present, we are not aware of a similar supply chain certification model being utilized in a smallholder agricultural context.

The public certification system developed under the Protocol – a process certification that incorporates a continuous improvement model - includes a four-step process of data collection, public reporting of data collection results, remediation, and independent verification. It is a certification process intended to drive broad scale change that is national in scope. It has seen a number of important successes: the first being the publication of national surveys by the governments of Ghana and Cote d’Ivoire detailing the incidence of child labor and forced labor practices in their respective cocoa sectors. That survey work and those reports have been independently verified through an international verification board as accurate pictures of the incidence of child labor and forced labor in the sector. The surveys have, in turn, served as catalysts for the governments of Ghana and Cote d’Ivoire to create their own National Action Plans and National Partners Forums, and have successfully focused international attention, effort, and resources, to support cocoa families and children. While the process continues to evolve, Senator Harkin and Representative Engel publicly support this four-part model to drive national level change (letter to industry, March 19, 2008).

The ISO standards of certification referenced in your draft Final Report were not developed to address data collection and remediation processes at the national level. Tulane has inappropriately mixed and matched those certification requirements for small cooperatives and private sector certifiers with the decisions made by national governments about how to evaluate and report on their national sectors. There is no other “public” or national certification process that we are aware of, and as far

we can ascertain, no other sector has attempted to publicly certify the social conditions of an entire agricultural sector.

We reiterate a concern we had in 2006 – that Tulane’s research would attempt to evaluate the progress of the implementation of the cocoa certification system developed as part of the Protocol against a product certification model. In the draft Final Report, Tulane has done just that, yielding an “apples to oranges” assessment of the public certification model and product certification models that is confusing, and does not provide a clear analysis of the goals of either model.

### **3. Commentary on Product Certification**

As we noted in our comments to the 3<sup>rd</sup> Tulane Report, we once again are surprised and disappointed by the emphasis by Tulane placed on product certification programs that are currently in the development phase by individual companies.

As Tulane notes, major international certification organizations including Fairtrade, Rainforest Alliance, and Utz Certified are now active in the cocoa sector in West Africa, and all are working to develop capacity, and train and organize farmers to meet a specific code of conduct supported by internal and external assessments. While all of these private certification efforts address labor sensitization and training, they acknowledge that they do not provide day-to-day monitoring of labor practices. Given the absence of farm level monitoring, none of the three major “product certifiers” have claimed to offer a guarantee with respect to labor practices. These private certification efforts face the same daunting facts: millions of farmers and their families are on remote, smallholder farms. There are no walls, auditors, guards or monitors that can track the social conditions on each and every farm. With respect to traceability, while there can be a level of traceability in the beans produced in these projects, it is not full traceability, bean to bar, but traceability from the co-op (or similar organization) one level up.

The industry in fact does not know of any system that currently, or in the near term, can guarantee the absence of child labor, including trafficked labor, in the production of cocoa in West Africa. Like the Harkin-Engel public certification model, the private certification systems are based on a set of minimum requirements and progress requirements – in other words, on a system of continuous improvement.

Unlike public certification, private certification operates as a competitive proposition in which individual companies engage. Companies partner with product certifiers based on their respective needs and in their supply chains where appropriate. For Tulane to call for “mainstreamed, industry wide” product certification, several critical issues are ignored, including achieving proper scale, as well as:

- a common working definition of what full product traceability actually means;

- what assurances product certification offers for social conditions on smallholder farms;
- and the antitrust implications of suggesting that the eight chocolate and cocoa companies currently engaged in this work can come together to “mainstream” highly competitive commercial activity.

Industry also notes that the producer governments have regularly expressed misgivings about product certification across their sectors. Accordingly, we believe their thoughts on product certification should be reflected in this recommendation.

While the scope of the work differs, industry believes that both the system of public certification under the Protocol, as well as private product certification models play an important role in improving conditions in the cocoa sector. Successful lessons shared from both certification systems will enhance efforts on the ground, and ultimately offer consumers a higher level of assurance about the labor conditions associated with the products they consume. Tulane’s suggestion regarding product certification oversimplifies a complex supply chain activity and fails to recognize the pre-competitive nature of the industry coalition’s work.

#### **4. Commentary on Remediation Activities**

We note your focus on the remediation and response element of the public certification model. Industry, too, is focused on how to make remediation coordinated and effective, which is and was the reason for the development of the Framework of Action in Support of the Harkin–Engel Protocol. All key stakeholders recognize that good work is being done at the cocoa community level by a number of different actors.

Still lacking is a well-articulated and executed plan of remediation that is coordinated centrally by the producer government. The critical role of National Steering Committees, to date underutilized and lacking capacity, will be supported through the industry’s public-private partnership with the ILO.

We read with interest the numerous references to the International Cocoa Initiative (ICI), a foundation that industry and civil society both take great pride in. We agree with Tulane’s analysis that “ICI is employing a sound method for bringing about the desired remediation outcomes and is in line with current development theory.” We, too, are encouraged by the significant achievements of the ICI in their work in both Cote d’Ivoire and Ghana at the community level. As referenced, the ICI community action planning process and community awareness programs have become models of effective intervention cited by other international development partners, including the ILO.

Decisions regarding ICI’s future direction and funding will be made by the ICI’s Board of Directors, where decision-making authority is shared by civil society and

industry members. Given the recent resignation of the ICI Executive Director, identifying and hiring a new Executive Director, setting program priorities and determining resource needs form the basis of the organization's 3<sup>rd</sup> Five Year Strategic Plan, which is currently under development and internal consideration.

The draft Final Report appears to imply that ICI's outreach is the only intervention and development work supported by the industry in the cocoa sectors of Ghana and Cote d'Ivoire. On its face, this is erroneous and requires correction. Industry's partners, as acknowledged in earlier Tulane reports, include the Africare, CARE International, CARITAS, Family Health International, the Bill & Melinda Gates Foundation, GTZ, International Fund for Education and Self-Help, the International Institute of Tropical Agriculture, Winrock International, and the World Cocoa Foundation, among many others. The work of these organizations and their contributions go unmentioned in this final report, which is a major oversight given the report's emphasis on multi-stakeholder collaboration.

While Tulane also criticizes industry in the draft Final Report on the level of funding for ICI – currently at over \$18 million – it misses a fundamental point about development in the sector. In most sectors, but especially in cocoa, the successful creation of a broad complement of strong public - private partnerships during the past five years has been a major achievement, especially from the point of view of the governments. At the same time, ICI is a substantial portion of the industry's \$75 million investment in programs supporting communities, families and children in the last decade. No other entity, including the U.S. government, the governments in the U.K. and the E.U., and the governments of Ghana and Cote d'Ivoire themselves, has matched or surpassed industry funding in this effort within these sectors. Industry will continue to work with and fund multiple appropriate partners in both Ghana and the Cote d'Ivoire in support of cocoa communities, families and children.

## **5. Methodologies on beneficiaries**

The draft Final Report restates data collected several years ago regarding the number of children reached by industry-supported programs. We challenged that data collection methodology then and we do so again here. We disagree with the notion that interviewing young children about their knowledge of development interventions is a valid approach to ascertain whether such programs exist or have had impact.

Just as children in the United States could not trace back funding for their youth baseball team to the United Way or beyond that to the corporate contributions to a United Way campaign, a child in Ghana or the Cote d'Ivoire would have no reason to be aware of International Cocoa Initiative efforts to train law enforcement and border guards. Similarly, students would probably not be aware that their teacher has been through an industry-supported IFESH training program to improve the quality of education. Would a young child in Sika Nti, Ghana know and understand that she attends school now because the International Cocoa Initiative has been



working in their community in support of a community action plan - Yen Daakye or Our Future? Would a child in the Cote d'Ivoire know that it is because of the training CARITAS has conducted in his community that he is not present when pesticides are used?

The partial view offered by Tulane does little to further our collective knowledge of what interventions are working. A better approach would be to conduct the same data collection on interventions with community elders and District Assembly representatives as they approve all interventions at the community level before work commences.

One expectation for the Child Labor Monitoring Systems being piloted as part of the Framework of Action activities and the National Plans of Action, and supported by industry through our PPP with the ILO, is that we and other stakeholders will gain a clearer picture in identifying specific needs of children in cocoa communities. This system and its associated referral process will help us collectively to link families to services and infrastructure that will bring about targeted and lasting change.

## **6. Joint Declaration and Framework of Action**

Industry believes the Joint Declaration that was signed on September 13, 2010, and the Framework of Action it supports to be an important step forward in how child labor in the cocoa sector is tackled. This new program brings together key stakeholders including industry, the governments of Ghana and Cote d'Ivoire, the U.S. government, and international development partners. We are pleased that Tulane "applauds the 2010 Joint Declaration and Framework as a conceptually coherent and collaborative initiative with defined goals."

Tulane's concern that "the Framework lacks intermediary targets and timeframes" however is, in our view, unfounded. Within the Framework of Action, the Child Labor Cocoa Coordinating Group (CLCCG) is working to establish key timelines and milestones for progress, common indicators that will measure the impact of various interventions, and a coordination mechanism that supports the producer governments as they take on responsibility for the overall direction of activities within their countries.

Importantly, the CLCCG's interim by-laws call for an annual update to interested stakeholders to outline progress made under the Framework of Action and highlight areas that require greater attention.

The new approach that the Framework of Action provides offers hope for significant and lasting change for the children and families within cocoa communities. The importance of having the ILO as a technical advisor to the process is a key to the success and credibility of this effort, and industry is heartened by the ILO's participation.

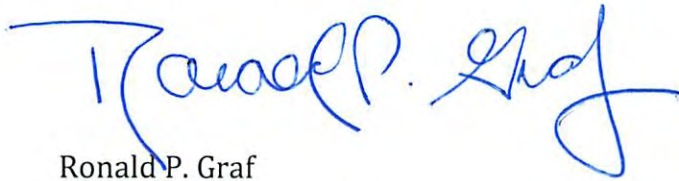
In addition, industry, in partnership with the governments of Cote d'Ivoire and Ghana, is pleased to be working in close collaboration with the staff of the International Labor Affairs Bureau of the United States Department of Labor to address issues involving child labor in the cocoa sectors.

## **Conclusion**

We acknowledge Tulane's contributions in the area of research, analysis, training and reporting. Working with our many partners, our industry will continue to provide significant support for the Framework of Action and our Public Private Partnership with ILO-IPEC. Our mutual goal is to progressively work towards the elimination of the worst forms of child labor in the cocoa sectors of Cote d'Ivoire and Ghana.

As an industry and as individual companies sponsoring related programming in West Africa, we are optimistic that the Framework of Action provides a new and more collaborative way forward. We believe that its successful implementation will have lasting positive impact on the children and adults that live and work in cocoa growing communities.

Sincerely,



Ronald P. Graf  
Chair, Global Issues Group

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<sup>i</sup> The Global Issues Group (GIG) is an ad-hoc group convened in September 2001 by the major chocolate and cocoa industry companies and affiliated trade associations and foundations specifically to address labor challenges in the cocoa sectors of West Africa as articulated in the Harkin-Engel Protocol. Its members are ADM Cocoa, Barry Callebaut, Cargill, Ferrero, The Hershey Company, Kraft Foods, Mars Incorporated, Nestle, with affiliated organizations including the Association of Chocolate, Biscuit, and Confectionery Industries of Europe (Caobisco), International Confectionery Association (ICA), European Cocoa Association (ECA), the National Confectioners Association of the United States (NCA) and the World Cocoa Foundation (WCF).