

**University of Bristol's Lawyers Without Borders**

**Concept Paper: Exploring Child Labour and Fair  
Trade in the Chocolate Industry**

10th Annual Rule of Law Innovation Challenge Submission



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# From Bean to Bar; Hidden Lives Behind our Favourite Chocolate Industry

A case study on child labour in the chocolate industry

## Introduction:

From bean to bar, the chocolate industry has a bittersweet reality hidden by its enjoyable taste. It's cacao often comes with a human cost to which this chapter unravels and highlights the truth behind the production of popular chocolate bars and its troubling practices like child labour in West Africa. Through examining high profile lawsuits against giants like Nestle and certified suppliers its clear that the connection between slave labour and consumer demand is persistent.

## Child Labour on Cocoa Farms

- With an estimated 1.56 million children working on cocoa productions in Ghana and Cote d'Ivoire<sup>1</sup>
- Some africa-based initiatives believe cocoa products must stay in within Africa for the industry to be clean of exploitation and abuse
  - "Africa needs to put an end to these colonial trade practices where it exports raw materials at low prices and imports finished goods at exorbitant prices."<sup>2</sup>
- With the recent rescue of 68 trafficked children from Burkina Faso in 2022, practices of child labour in leading cocoa exporter nations such as Cote d'Ivoire and Ghana have come under serious scrutiny.<sup>3</sup>
- Nevertheless, despite the flourishing \$100 billion chocolate industry<sup>4</sup>, it brings suffering to farmers and the economies of the top two cocoa producers.
- The West African cocoa industry is notorious for numerous human rights violations, such as severe poverty, dangerous child labour, and coerced labor.

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<sup>1</sup><https://www.fairplanet.org/editors-pick/west-africa-cocoa-pricing-model-should-inspire-an-end-to-child-labour/>

<sup>2</sup> <https://www.fairplanet.org/story/towards-ethically-sourced-chocolate/>

<sup>3</sup> <https://www.africanews.com/2021/05/12/ivorian-police-rescue-68-children-being-used-on-cocoa-farms/>

<sup>4</sup><https://www.globenewswire.com/news-release/2018/10/22/1624439/0/en/Global-Chocolate-Market-Expected-to-Reach-USD-161-56-Billion-By-2024-Zion-Market-Research.html>

- Farmers, constituting the majority of cocoa producers in both countries, earn a meagre income.
  - In Côte d'Ivoire, farmers make an average of USD 0.78 per day, while their Ghanaian counterparts earn \$1 per day.<sup>5</sup>
    - Less than what consumers typically pay for a bar of chocolate.

### Kind of work undertaken by children

- Children have to work with hazardous tools undertaking tasks that put them in danger of both short-term and long-term harm
  - Hazardous tools included: <sup>6</sup>
    - Long and short cutlasses
    - Sosa (long bamboo poles with attached cutting knives)
    - Chainsaws
    - Pesticide backpack spray devices.
- The most hazardous activities that children and young people engaged in were the following: <sup>7</sup>
  - Clearing virgin forests and weeds using chainsaws
  - Pruning trees while climbing heights greater than nine feet
  - Mixing, loading, and applying pesticides
  - Harvesting pods using short and long cutlasses
  - Opening pods using short cutlasses
  - Transporting heavy baskets and/or bags of pods and beans for long distances.
- Non-hazardous activities, although associated with repetition and force, included gathering individual pods from the ground, extracting beans by hand from open pods, and spreading and sorting beans on the drying mats.<sup>8</sup>

### Different dimension

- Children from surrounding countries – Burkina Faso, Mali – trafficked, sometimes under false pretences of access to schooling.<sup>9</sup>
- Executives from large companies cannot assure reporters that their supply chain is free of child labour.<sup>10</sup>

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<sup>5</sup> <https://www.wur.nl/en/newsarticle/living-income-in-cocoa.htm>

<sup>6</sup> L Diane Mull, 'Child Labor in Ghana Cocoa Production: Focus upon Agricultural Tasks, Ergonomic Exposures, and Associated Injuries and Illnesses' [2005], Public Health Rep 649.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Peter Whoriskey and Rachel Siegel, 'Cocoa's child laborers' *The Washington Post* (Guiglo Ivory Coast, June 5 2019) <<https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/>>.

<sup>10</sup> Ibid.

- In all, the industry, which collects an estimated \$103 billion in sales annually, has spent more than \$150 million over 18 years to address the issue.<sup>11</sup>

Children from surrounding countries – Burkina Faso, Mali – trafficked, sometimes under false pretences of access to schooling.<sup>12</sup>

## Actions of Multinational chocolate manufacturers and suppliers

- In all, the industry, which collects an estimated \$103 billion in sales annually, has spent more than \$150 million over 18 years to address the issue.<sup>13</sup>
  - Executives from large companies cannot assure reporters that their supply chain is free of child labour.<sup>14</sup>
- Over the years large corporations have rolled out initiatives to counteract the exploitation in the manufacturing of cocoa such as:
  - Nestlé’s Child Labor Monitoring and Remediation System<sup>15</sup>
  - Mars’ Protecting Children Action Plan<sup>16</sup>
  - Hershey’s Cocoa for Good<sup>17</sup>
  - Mondelez’s Cocoa Life<sup>18</sup>
- In 2001 the 4 massive corporations signed The Harkin-Engel Protocol<sup>19</sup> committing to eradicate child labour by 70 percent in West Africa
  - However the last 20 years have seen little change<sup>20</sup> as they have repeatedly pushed their commitment deadlines now currently set for 2025
  - Indeed, many have even argued the amount of child labour in west africa has even increased<sup>21</sup>
    - From 2000 to 2016, there was a decrease in the worldwide child labour percentage. However, since 2016, this decline has halted, leading to an increase of 8 million child workers—the first rise recorded since the inception of data collection by the ILO.<sup>22</sup>

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<sup>11</sup> Ibid.

<sup>12</sup> Peter Whoriskey and Rachel Siegel, ‘Cocoa’s child laborers’ *The Washington Post* (Guiglo Ivory Coast, June 5 2019) <<https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/>>.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> <https://www.nestle.com/ask-nestle/human-rights/answers/nestle-child-labour-supply-chains>

<sup>16</sup> <https://www.mars.com/about/policies-and-practices/protecting-children-action-plan>

<sup>17</sup> [https://www.thehersheycompany.com/en\\_us/sustainability/shared-business/cocoa-for-good.html](https://www.thehersheycompany.com/en_us/sustainability/shared-business/cocoa-for-good.html)

<sup>18</sup> <https://www.cocoalife.org/>

<sup>19</sup> [https://www.ilo.org/africa/technical-cooperation/accel-africa/WCMS\\_159486](https://www.ilo.org/africa/technical-cooperation/accel-africa/WCMS_159486)

<sup>20</sup> <https://www.forbes.com/sites/ewelinaochab/2021/01/25/what-is-the-sweet-solution-to-the-issue-of-child-labor-in-cocoa-trade/?sh=ccbcbb2e747d1>

<sup>21</sup> <https://www.cacultured.com/chocolate-crisis/20-years-after-harkin-engel-protocol-amount-of-child-laborers-in-west-africa-increases>

<sup>22</sup> [https://www.economist.com/graphic-detail/2021/08/23/the-number-of-child-labourers-has-increased-for-the-first-time-in-20-years?utm\\_medium=cpc.adword.pd&utm\\_source=google&ppccampaignID=18156330227&ppcadID=&utm\\_campaign=](https://www.economist.com/graphic-detail/2021/08/23/the-number-of-child-labourers-has-increased-for-the-first-time-in-20-years?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=18156330227&ppcadID=&utm_campaign=)

## Harkin–Engel Protocol 2001<sup>23</sup>

- In 2001, Congressman Eliot Engel introduced a legislative amendment aimed at funding the development of a "No child slavery" label for chocolate products sold in the U.S.
  - Tom Harkin became involved, leading to the amendment being modified to create 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 labour" and adult forced labour on cocoa farms in West Africa.<sup>24</sup>
- Signed by major stakeholders including companies, senators, congressmen, ambassadors, NGOs, and industry alliance representatives, the Harkin–Engel Protocol aimed to eliminate the worst forms of child labour in cocoa production in Côte d'Ivoire and Ghana.
- Industry groups committed to developing and implementing voluntary standards to certify cocoa produced without the "worst forms of child labour" by July 2005.
- The Protocol outlined a series of actions, including public statements, formation of advisory groups, cooperation memorandums, establishment of joint foundations, and building credible standards.
  - However: The protocol didn't commit the industry to ending all child labour in cocoa production, only the worst forms of it
- Despite being a non-binding agreement for the cocoa industry to self-regulate, Congressman Engel threatened to reintroduce legislation if deadlines were not met.
- The success of the Protocol has been questioned, with data from watchdog reports suggesting minimal progress. The fourth and final report, crucial for assessing progress, highlights shortcomings in funding compared to initial commitments made in 2001 by the U.S. Department of Labor and the International Chocolate and Cocoa Industry, as well as the governments of Côte d'Ivoire and Ghana.

## Nestle Case Study (concentrated on Ivory Coast)

### 2005 Lawsuit

- In 2005, a group of agricultural workers from Mali brought a child labour lawsuit against Nestlé food corporation.<sup>25</sup>
  - The workers alleged that they had been captured in Mali and then sent to work in the Ivory Coast.

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[aign=a.22brand\\_pmax&utm\\_content=conversion.direct-response.anonymous&gad\\_source=1&gclid=CjwKCAiA0PuuBhBsEiwAS7fsNXFV9RzslYuS7y\\_F2zO0K3JzSHoVBbgvrdTMlC-S\\_K8suKCgABinsBoCHUIQAvD\\_BwE&gclsrc=aw.ds](https://www.slavefreechocolate.org/harkin-engel-protocol)

<sup>23</sup> <https://www.slavefreechocolate.org/harkin-engel-protocol>

<sup>24</sup> [Harkin Engel Protocol | ICI Cocoa Initiative.](#)

<sup>25</sup> Jor McCarthy, 'What to Know About The Child Labor Lawsuit Against Nestlé' *Global Citizen* (January 25 2016) <<https://www.globalcitizen.org/es/content/the-child-labor-lawsuit-against-nestle-what-you-ne/>>.

- They say that they were held against their will, beaten, and forced to work long hours for no pay on farms where Nestlé sourced its cocoa.
- Nestlé has claimed that it had no idea child labour, and such flagrant abuse of workers was taking place.
- But the lawsuit alleges that the company did in fact know and even paid farmers to do whatever needed to be done to reduce costs.<sup>26</sup>

## 2021 Lawsuit

- Eight children who claim they were used as slave labour on cocoa plantations in Ivory Coast have launched legal action against the world's biggest chocolate companies.<sup>27</sup>
- They accuse the corporations of aiding and abetting the illegal enslavement of “thousands” of children on cocoa farms in their supply chains.
- It is the first time that a class action of this kind has been filed against the cocoa industry in a US court.
- Citing research by the US state department, the International Labour Organization and UNICEF, among others, the court documents allege that the plaintiffs' experience of child slavery is mirrored by that of thousands of other minors.

## Nestlé's role

- A central allegation of the lawsuit is that the defendants, despite not owning the cocoa farms in question, “*knowingly profited*” from the illegal work of children.<sup>28</sup>
- According to the submissions, the defendants' contracted suppliers were able to provide lower prices than if they had employed adult workers with proper protective equipment.
- The lawsuit also accuses the companies – whose industry body is the World Cocoa Foundation – of *actively misleading the public* in the voluntary 2001 Harkin-Engel Protocol, characterised by the complainants as promising to phase out some child labour (“the worst forms”, in the protocol's words).
- The original deadline for achieving certain standards was 2005.
  - In 2010, a follow-up framework of action for Ivory Coast and Ghana spoke of aiming for “a significant reduction” in the worst forms by 2020.

## Specifics

- In the legal claim, all eight plaintiffs describe being recruited in Mali through trickery and deception, before being trafficked across the border to cocoa farms in Ivory Coast.<sup>29</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> Oliver Bach, ‘Mars, Nestlé and Hershey to face child slavery lawsuit in US’ *The Guardian* (February 12 2021) <<https://www.theguardian.com/global-development/2021/feb/12/mars-nestle-and-hershey-to-face-landmark-child-slavery-lawsuit-in-us>>.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

- There, they were forced to work – often for several years or more – with no pay, no travel documents, and no clear idea of where they were or how to get back to their families.
- The court papers allege that the plaintiffs, all of whom were under 16 years old at the time of their recruitment, worked on farms in major cocoa-producing areas of the country.
- The defendants’ apparent influence in these markets is described as “dominant” by the plaintiffs’ counsel.

## Cadbury (concentrated on Ghana)

### Channel 4 Dispatched Documentary

- Cadbury’s parent company is Mondelez
  - Mondelez, which made global profits last year of more than £3.3bn, has a sustainability programme, Cocoa Life.
    - Its logo is marked on its products, including Cadbury Dairy Milk, and its website states: “No amount of child labour in the cocoa supply chain should be acceptable.”
- Under the Cocoa Life programme, Mondelez had, by the end of 2020, mapped about 167,800 cocoa farms that supply its businesses in Ghana, Côte d’Ivoire, Indonesia, the Dominican Republic, and Brazil.

### What children were made to do:<sup>30</sup>

- On one of the farms alleged to be supplying Mondelēz, two children with machetes were filmed by the documentary team weeding the plantations.
- Children were also filmed using sharp knives to open cocoa pods and swinging long sticks with blades tied to them to harvest the pods from the cocoa trees.
- None of the children were wearing protective clothing. The daughter of one farmer, claimed to be supplying Mondelēz, said she had sliced her foot open while using a long machete.
- On one of the smallholdings, a niece of the farmer said she thought she was going to her uncle’s farm to help with childcare but claims she was being forced to work long hours on the farm and not allowed to go to school.
- When asked why she did not speak out, she said she was “afraid”.

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<sup>30</sup> ‘Cadbury Exposed: Dispatches’ (Channel 4, April 4 2022)  
 <<https://www.channel4.com/programmes/cadbury-exposed-dispatches>>.



## Certifications

- Their most prominent effort — buying cocoa that has been “certified” for ethical business practices by third-party groups such as Fairtrade and Rainforest Alliance, has been weakened by a lack of rigorous enforcement of child labour rules.<sup>31</sup>
- Typically, the third-party inspectors are required to visit fewer than 10 percent of cocoa farms.
- Certifications are optional

### Certifications failing

- Evidence found of child labour on Rainforest Alliance Certified Farms.<sup>32</sup>
- Utz discovered significant problems at four auditing firms responsible for approving a large portion of the world’s certified chocolate.<sup>33</sup>
  - The auditing firms cited for problems had conducted audits for most of the farms in Ivory Coast, the world’s largest single source of certified cocoa.
- Fair trade certified plantations too, have been found to have child labour on their farms.<sup>34</sup>

# Unwrapping the Truth: Empowering Consumer Awareness

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<sup>31</sup> Whoriskey, n4.

<sup>32</sup> ‘CAL Finds Evidence of Child Labor on Rainforest Alliance Certified Farms’, *Corporate Accountability Lab* (October 25 2021)  
<<https://corpaccountabilitylab.org/calblog/2021/10/25/cal-finds-evidence-of-child-labor-on-rainforest-alliance-certified-farms>>.

<sup>33</sup> Peter Whoriskey, ‘Chocolate companies sell ‘certified cocoa.’ But some of those farms use child labor, harm forests’ *The Washington Post* (October 23, 2019)  
<<https://www.washingtonpost.com/business/2019/10/23/chocolate-companies-say-their-cocoa-is-certified-some-farms-use-child-labor-thousands-are-protected-forests/>>.

<sup>34</sup> Louise Voller, ‘Child labour found in Fairtrade cocoa plantations’ *Danwatch* (July 30, 2020)  
<<https://danwatch.dk/en/undersogelse/child-labour-found-in-fairtrade-cocoa-plantations/>>.

Suggesting ways for consumers to be more cognisant of where their purchases come from

## Introduction

With consumer awareness regarding ethical chocolate purchasing rising globally, it has become increasingly important to ensure consumers are equipped with the correct information to make informed choices and ensure they contribute to a positive change in the cocoa industry, all the while ensuring companies are held accountable and forced labour is reduced.

## Top Suggestions

1. Research Brands
  - Prioritise purchasing chocolate from companies that are committed to ethical sourcing and have transparent supply chains.
  - Resources like fairtrade.net Fairtrade checker or flocert.net can be helpful in deciphering which brands and traders follow the guidelines.
  - If unsure, look for the Fairtrade symbol.
  - Use major supermarkets Fairtrade own label ranges.
2. Look for Transparency
  - Seek out brands that provide detailed information about their sourcing practices, including where their cocoa beans come from and the steps they are taking to combat forced and child labour. Transparency is key to holding companies accountable for their supply chain practices.
3. Reduce Consumption
  - Consider reducing your overall consumption of chocolate or opting for higher quality, ethically sourced chocolate less frequently. This can help decrease demand for products that may contribute to forced and child labour practices.
  - Ensure when possible and feasible you consider the huge range of around 6,000 fair trade certified products.
4. Educate Yourself and Others
  - Learn more about the issues of forced and child labour in the chocolate industry and share this information with friends, family, and communities. Increased awareness can lead to more informed consumer choices and put pressure on companies to improve their practices.
  - Know the difference between self regulated Fair Trade claims and the independent approval of the Fairtrade foundation, membered brands of the WFTO (World Fair Trade Organisation) and BAFTS (British Association for Fair Trade Shops)
    - Be aware there are no officially recognised standards for ‘ethical’ products!
5. Advocate for Change

- Use your voice as a consumer to advocate for stronger regulations and policies to address forced and child labour in the chocolate industry. Support organisations and campaigns working to improve labour conditions and empower cocoa farming communities.
- Put pressure on chocolate companies to report where they source their cocoa as well as the working conditions and wages of their workers.
  - Initiatives to improve these conditions should at all times be scrutinised to produce meaningful results
- Expressions of concern about forced labour should not be regarded as a replacement for concrete action
- 6. Support Alternative Models
  - Look for chocolate brands that are part of alternative business models, such as farmer-owned cooperatives or direct trade partnerships, which can help ensure that cocoa farmers receive a fair share of the profits and have more control over their livelihoods.

## Look for Transparency

- Transparency is a defining aspect of the craft chocolate industry.
  - However, due to the absence of benchmarks or regulations, transparency is interpreted and applied differently by entrepreneurs and stakeholders.
- Key communication channels consumers should keep a look out for transparency information include packaging, websites, social media, and word of mouth.
- The motivation behind transparency seems to be improving environmental and social outcomes in cacao origins.
  - Yet, the lack of scientific evidence linking transparency to these outcomes makes it unclear how much society benefits from industry transparency.
- Findings by the Journal of Agriculture and Food Research suggest that ethical cacao sourcing is a significant driver of transparency.<sup>35</sup>
  - Makers prioritise sharing information they believe resonates with consumers and drives purchases.
    - This challenges the assumption that these companies are solely driven by non-market goals

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<sup>35</sup> <https://www.sciencedirect.com/science/article/pii/S2666154323002466>

## Educate yourself on initiatives and organisations campaigning for a better industry

### Initiatives and Organisations to Support

- International Cocoa Initiative (ICI)<sup>36</sup>
  - Implements various initiatives to address forced and child labour in the cocoa industry.
  - Collaborates with farmers, governments, and companies in the cocoa value chain.
  - Interventions include identifying households using child labour and providing direct income support through mobile money.
- Mighty Earth<sup>37</sup>
  - Civil society organisation running the annual Easter Egg Scorecard campaign.
  - Awards "rotten and good eggs" to companies based on their approach to child labour and sustainability practices.
  - Contributes to holding multinationals accountable and encourages improvements in their practices.
- National and Domestic Initiatives in Côte d'Ivoire<sup>38</sup>
  - Beyond Chocolate (Belgium)<sup>39</sup>
    - Advocates for a sustainable cocoa supply chain.
    - Aims to tackle child labour and improve conditions for farmers and deforestation.
  - DISCO (The Netherlands)<sup>40</sup>
    - Works towards a sustainable cocoa supply chain.
    - Focuses on addressing child labour and improving conditions for farmers.
  - GISCO (Germany)
    - Advocates for a sustainable cocoa supply chain and improved conditions for farmers.
  - SWISSCO (Switzerland)
    - Focuses on promoting a sustainable cocoa supply chain and addressing child labour issues.
- Oxfam<sup>41</sup>
  - Frequently shares news and resources on the chocolate industry
- The No Project
  - Has created lesson plans for teachers on the tricky-to-teach topics of human trafficking and modern slavery.<sup>42</sup>

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<sup>36</sup> <https://www.cocoainitiative.org/>

<sup>37</sup> <https://mightyearth.org/>

<sup>38</sup> <https://www.fairplanet.org/story/towards-ethically-sourced-chocolate/>

<sup>39</sup> <https://www.cocoainitiative.org/about-us/our-members/beyond-chocolate>

<sup>40</sup> <https://www.idhsustainabletrade.com/initiative/beyondchocolate/>

<sup>41</sup> <https://politicsofpoverty.oxfamamerica.org/search/?q=chocolate>

<sup>42</sup> <https://www.thenoproject.org/lesson-plans/>

- Corporate Accountability Lab<sup>43</sup>
  - The group has been collecting evidence on forced child labour in cocoa farms, child trafficking and govt corruption<sup>44</sup>
  - Involved in a series of campaigns incl the petitioning of US customs and Border protection to stop chocolate manufactures from importing cocoa until it has been checked for any use of child labour
  - Sued chocolate companies such as Hershey and Rainforest Alliance for false advertising on chocolate products<sup>45</sup>

## Researching Brands

- A recent poll conducted by a rights group in the United Kingdom indicates that the majority of shoppers are inclined to switch brands or pay higher prices to avoid supporting products made with slave labour.
- Findings show that two-thirds of consumers would cease purchasing a product if they discovered it was manufactured through worker exploitation. Additionally, over half of the respondents expressed willingness to pay up to 10 percent more for goods certified as slavery-free.<sup>46</sup>
- “Consumers, through their purchasing decisions, have the power to change how companies act,” said Peter Nicholls, CEO of Global Business Authentication, a Walk Free programme that helps companies to combat slavery in their supply chains.
- Organisations like Slave Free Chocolate<sup>47</sup> and Fairtrade<sup>48</sup> highlight manufacturers and sellers committed to ethically sourced cocoa.
  - Providing info to help consumers make informed choices about supporting ethical practices in the chocolate industry is one of the easiest ways for consumers to ensure they aren’t complicit in

## Tony’s Choclonely’s Sweet Solution to the Issue of Child Labor<sup>49</sup>

- Launched on January 25, 2021, these bars aim to raise awareness of child labour within the chocolate industry.
- Four ‘look-alike’ chocolate bars expose the harsh reality of the industry while demonstrating the viability of fairer chocolate production.

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<sup>43</sup> <https://corpaccountabilitylab.org/>

<sup>44</sup> [https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/5d321076f1125e0001ac51ab/1563562117949/Empoty\\_Promises\\_2019.pdf](https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/5d321076f1125e0001ac51ab/1563562117949/Empoty_Promises_2019.pdf)

<sup>45</sup> <https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/6181623e5f967e246dd8c416/1635869247075/REA+and+Hershey+Press+Release+FINAL+no+logo.docx.pdf>

<sup>46</sup> Walk Free Foundation in <https://www.weforum.org/agenda/2015/03/can-consumers-help-tackle-forced-labour/>

<sup>47</sup> <https://www.slavefreechocolate.org/ethical-chocolate-companies>

<sup>48</sup> <https://www.fairtrade.org.uk/buying-fairtrade/chocolate/>

<sup>49</sup> <https://www.forbes.com/sites/ewelinaochab/2021/01/25/what-is-the-sweet-solution-to-the-issue-of-child-labor-in-cocoa-trade/?sh=ccbc2e747d1>

- The bars are made following Tony's Five Sourcing Principles:
  - “using 100 percent traceable cocoa beans
  - paying a higher price,
  - supporting strong farmers,
  - engaging in long-term partnerships, and
  - focusing on quality and productivity.”<sup>50</sup>
- Tony's Open Chain provides an open-source sourcing platform for all chocolate makers to adopt similar practices.
- Despite past failures by the cocoa industry to combat child labour, NGOs raise concerns about its prevalence, suggesting the reported figures underestimate the issue.
- Tony's Chocolonely, along with other chocolate makers, has campaigned for legislation to hold companies accountable for human rights violations in their supply chains since 2017.
- Momentum for change is growing globally, with initiatives like the International Year for the Elimination of Child Labor and legal battles urging corporate responsibility.
- While initiatives like Sweet Solution are promising, wider adoption by chocolatiers and conscious consumer choices are necessary to truly address the issue of child labour in the cocoa trade.

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<sup>50</sup> <https://tonyschocolonely.com/nl/en/our-mission/serious-statements/tonys-5-sourcing-principles>

# The Children's Book;

Suggesting ways for consumers to be more cognisant of where their purchases come from

## Logic of the Children's Book:

The issues of child labour in the chocolate industry are multifaceted and deeply ingrained in the industry. With leading chocolate brands facing scrutiny for 'inadequate' ethical standards, independent regulatory bodies like Fairtrade are needed more than ever. The children's book is to introduce young readers to the complexity of the chocolate industry in a sensitive and age-appropriate manner using an appropriate non-threatening format through the language used. We tackled these complex issues by ensuring the narrative engaging whilst ending on a positive note. Illustrations were added to ensure the journey and struggles of the farmers stuck to memory and helped give the message staying power to emphasise emotionally and intellectually. We chose to address our message to a younger audience as it builds habits young, helping nurture social awareness and responsible consumer habits that will hopefully persist into adulthood. Our choice for Jack to be ill was deliberate as it would hopefully shine a light on the parallel of Jack missing education out of necessity whilst others miss it due to exploitation.

### The Story:

The book begins with the story of Jack feeling unwell and unable to go to school, leading to him recognising school's importance in his enrichment. This provides a relatable story for the younger audiences to be able to connect to as although taking time off school might be fun temporarily, without it students might feel isolated. It also introduces the idea that although education should be a right as seen as so where Jack lives, yet elsewhere is treated as a privilege; this is expressed through the children's boredom at home and longing to be back to school and understanding that eventually he will return

Following that, the dad brings him a chocolate to lift his spirits which sets the stage for understanding the global aspect of the chocolate industry. The dad then goes on to gently introduce the concept of child labour in the chocolate industry after Jack's inquiry about its origins, using child-friendly language to explain that companies exploit children like Jack to make their chocolate. Through this explanation, the children begin to explore the positive alternatives to exploitative labour practised whilst recognising that this disparity is wrong.

Jack expresses his desire to support fair trade chocolate as they recognize their ability to make a positive change in the industry through their purchasing choices. This is reinforced in the prologue which clarifies the issue of fair trade and exploitation of children in a more proactive tone, whilst still maintaining the accessible language in its explanation.

Throughout the book there is an emphasis on empathy and compassion globally and locally, shown through the children's learning of the importance of caring for others and making ethical decisions.

Overall, the logic of the book is to educate children about the issues of child labour in the chocolate industry while instilling values of empathy, fairness and social responsibility. (Add the importance of educating children)

Placement and format of the book:

Chocolate brands such as Nestle target mid-income families. Recognizing this, the book will be in a leaflet format and will be complimentary in grocery stores near the chocolate section. The goal is to ensure that these are distributed throughout grocery stores such as Tesco and Sainsbury across the United Kingdom.



## Objective of the Children's Book:

With consumer awareness regarding ethical chocolate purchasing rising globally, it has become increasingly important to ensure consumers are equipped with the correct information to make informed choices and ensure they contribute to a positive change in the cocoa industry, all the while ensuring companies are held accountable and forced labour is reduced.

## Top Suggestions

1. Research Brands
  - Prioritise purchasing chocolate from companies that are committed to ethical sourcing and have transparent supply chains.
  - Resources like fairtrade.net Fairtrade checker or flocert.net can be helpful in deciphering which brands and traders follow the guidelines.
  - If unsure, look for the Fairtrade symbol.
  - Use major supermarkets Fairtrade own label ranges.
2. Look for Transparency
  - Seek out brands that provide detailed information about their sourcing practices, including where their cocoa beans come from and the steps they are taking to combat forced and child labour. Transparency is key to holding companies accountable for their supply chain practices.
3. Reduce Consumption
  - Consider reducing your overall consumption of chocolate or opting for higher quality, ethically sourced chocolate less frequently. This can help decrease demand for products that may contribute to forced and child labour practices.
  - Ensure when possible and feasible you consider the huge range of around 6,000 fair trade certified products.
4. Educate Yourself and Others
  - Learn more about the issues of forced and child labour in the chocolate industry and share this information with friends, family, and communities. Increased awareness can lead to more informed consumer choices and put pressure on companies to improve their practices.
  - Know the difference between self regulated Fair Trade claims and the independent approval of the Fairtrade foundation, membered brands of the WFTO (World Fair Trade Organisation) and BAFTS (British Association for Fair Trade Shops)
    - Be aware there are no officially recognised standards for 'ethical' products!
5. Advocate for Change

- Use your voice as a consumer to advocate for stronger regulations and policies to address forced and child labour in the chocolate industry. Support organisations and campaigns working to improve labour conditions and empower cocoa farming communities.
- Put pressure on chocolate companies to report where they source their cocoa as well as the working conditions and wages of their workers.
  - Initiatives to improve these conditions should at all times be scrutinised to produce meaningful results
- Expressions of concern about forced labour should not be regarded as a replacement for concrete action
- 6. Support Alternative Models
  - Look for chocolate brands that are part of alternative business models, such as farmer-owned cooperatives or direct trade partnerships, which can help ensure that cocoa farmers receive a fair share of the profits and have more control over their livelihoods.

## Look for Transparency

- Transparency is a defining aspect of the craft chocolate industry.
  - However, due to the absence of benchmarks or regulations, transparency is interpreted and applied differently by entrepreneurs and stakeholders.
- Key communication channels consumers should keep a look out for transparency information include packaging, websites, social media, and word of mouth.
- The motivation behind transparency seems to be improving environmental and social outcomes in cacao origins.
  - Yet, the lack of scientific evidence linking transparency to these outcomes makes it unclear how much society benefits from industry transparency.
- Findings by the Journal of Agriculture and Food Research suggest that ethical cacao sourcing is a significant driver of transparency.<sup>51</sup>
  - Makers prioritise sharing information they believe resonates with consumers and drives purchases.
    - This challenges the assumption that these companies are solely driven by non-market goals

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<sup>51</sup> <https://www.sciencedirect.com/science/article/pii/S2666154323002466>

## Educate yourself on initiatives and organisations campaigning for a better industry

### Initiatives and Organisations to Support

- International Cocoa Initiative (ICI)<sup>52</sup>
  - Implements various initiatives to address forced and child labour in the cocoa industry.
  - Collaborates with farmers, governments, and companies in the cocoa value chain.
  - Interventions include identifying households using child labour and providing direct income support through mobile money.
- Mighty Earth<sup>53</sup>
  - Civil society organisation running the annual Easter Egg Scorecard campaign.
  - Awards "rotten and good eggs" to companies based on their approach to child labour and sustainability practices.
  - Contributes to holding multinationals accountable and encourages improvements in their practices.
- National and Domestic Initiatives in Côte d'Ivoire<sup>54</sup>
  - Beyond Chocolate (Belgium)<sup>55</sup>
    - Advocates for a sustainable cocoa supply chain.
    - Aims to tackle child labour and improve conditions for farmers and deforestation.
  - DISCO (The Netherlands)<sup>56</sup>
    - Works towards a sustainable cocoa supply chain.
    - Focuses on addressing child labour and improving conditions for farmers.
  - GISCO (Germany)
    - Advocates for a sustainable cocoa supply chain and improved conditions for farmers.
  - SWISSCO (Switzerland)
    - Focuses on promoting a sustainable cocoa supply chain and addressing child labour issues.
- Oxfam<sup>57</sup>
  - Frequently shares news and resources on the chocolate industry
- The No Project
  - Has created lesson plans for teachers on the tricky-to-teach topics of human trafficking and modern slavery.<sup>58</sup>

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<sup>52</sup> <https://www.cocoainitiative.org/>

<sup>53</sup> <https://mightyearth.org/>

<sup>54</sup> <https://www.fairplanet.org/story/towards-ethically-sourced-chocolate/>

<sup>55</sup> <https://www.cocoainitiative.org/about-us/our-members/beyond-chocolate>

<sup>56</sup> <https://www.idhsustainabletrade.com/initiative/beyondchocolate/>

<sup>57</sup> <https://politicsofpoverty.oxfamamerica.org/search/?q=chocolate>

<sup>58</sup> <https://www.thenoproject.org/lesson-plans/>

- Corporate Accountability Lab<sup>59</sup>
  - The group has been collecting evidence on forced child labour in cocoa farms, child trafficking and govt corruption<sup>60</sup>
  - Involved in a series of campaigns incl the petitioning of US customs and Border protection to stop chocolate manufactures from importing cocoa until it has been checked for any use of child labour
  - Sued chocolate companies such as Hershey and Rainforest Alliance for false advertising on chocolate products<sup>61</sup>

## Researching Brands

- A recent poll conducted by a rights group in the United Kingdom indicates that the majority of shoppers are inclined to switch brands or pay higher prices to avoid supporting products made with slave labour.
- Findings show that two-thirds of consumers would cease purchasing a product if they discovered it was manufactured through worker exploitation. Additionally, over half of the respondents expressed willingness to pay up to 10 percent more for goods certified as slavery-free.<sup>62</sup>
- “Consumers, through their purchasing decisions, have the power to change how companies act,” said Peter Nicholls, CEO of Global Business Authentication, a Walk Free programme that helps companies to combat slavery in their supply chains.
- Organisations like Slave Free Chocolate<sup>63</sup> and Fairtrade<sup>64</sup> highlight manufacturers and sellers committed to ethically sourced cocoa.
  - Providing info to help consumers make informed choices about supporting ethical practices in the chocolate industry is one of the easiest ways for consumers to ensure they aren’t complicit in

## Tony’s Choclonely’s Sweet Solution to the Issue of Child Labor<sup>65</sup>

- Launched on January 25, 2021, these bars aim to raise awareness of child labour within the chocolate industry.
- Four ‘look-alike’ chocolate bars expose the harsh reality of the industry while demonstrating the viability of fairer chocolate production.

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<sup>59</sup> <https://corpaccountabilitylab.org/>

<sup>60</sup> [https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/5d321076f1125e0001ac51ab/1563562117949/Emply\\_Promises\\_2019.pdf](https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/5d321076f1125e0001ac51ab/1563562117949/Emply_Promises_2019.pdf)

<sup>61</sup> <https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/6181623e5f967e246dd8c416/1635869247075/REA+and+Hershey+Press+Release+FINAL+no+logo.docx.pdf>

<sup>62</sup> Walk Free Foundation in <https://www.weforum.org/agenda/2015/03/can-consumers-help-tackle-forced-labour/>

<sup>63</sup> <https://www.slavefreechocolate.org/ethical-chocolate-companies>

<sup>64</sup> <https://www.fairtrade.org.uk/buying-fairtrade/chocolate/>

<sup>65</sup> <https://www.forbes.com/sites/ewelinaochab/2021/01/25/what-is-the-sweet-solution-to-the-issue-of-child-labor-in-cocoa-trade/?sh=ccbc2e747d1>

- The bars are made following Tony's Five Sourcing Principles:
  - “using 100 percent traceable cocoa beans
  - paying a higher price,
  - supporting strong farmers,
  - engaging in long-term partnerships, and
  - focusing on quality and productivity.”<sup>66</sup>
- Tony's Open Chain provides an open-source sourcing platform for all chocolate makers to adopt similar practices.
- Despite past failures by the cocoa industry to combat child labour, NGOs raise concerns about its prevalence, suggesting the reported figures underestimate the issue.
- Tony's Chocolonely, along with other chocolate makers, has campaigned for legislation to hold companies accountable for human rights violations in their supply chains since 2017.
- Momentum for change is growing globally, with initiatives like the International Year for the Elimination of Child Labor and legal battles urging corporate responsibility.
- While initiatives like Sweet Solution are promising, wider adoption by chocolatiers and conscious consumer choices are necessary to truly address the issue of child labour in the cocoa trade.

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<sup>66</sup> <https://tonyschocolonely.com/nl/en/our-mission/serious-statements/tonys-5-sourcing-principles>

## Legal Issues Taught in the Book:

The book discusses the child labour issues of the chocolate industry to a young audience, with an additional leaflet for the parents to discuss the legal and

### Children's Rights:

This story subtly implies the rights of children according to the UN Convention on the Rights of Children. As per Article 28 and 29, "State Parties recognise the right of children to education" and should take appropriate measures to ensure such.<sup>67</sup> This is expressed in the book Jack and Julia are saddened to be ill and not be able to go to school while others never go and labour in cocoa farms. Article 32 states that children should not be able to work until they reach a certain age, under UK law that is until age 13.<sup>68</sup> The Convention has states such as the United Kingdom, Ghana and Cote D'Ivoire that have signed on to it to ensure these rights are protected. However, these rights are not necessarily protected. These are mentioned to the parents in the leaflet so that they are able to make the legal connection regarding the violated rights and understand the legal issues behind child labour in the chocolate industry.

### Legal Avenues to Hold Corporations Accountable:

The leaflet also provides the parents ways to hold these chocolate industry corporations accountable and ensure transparency.

The United Kingdom has business and supply chains that operate around the globe which are connected to children labouring.<sup>69</sup> A notable example of this is to produce cocoa in Cote D'Ivoire. There is a legal requirement for the UK to conduct human rights and environmental due diligence in line with international obligations on human rights.<sup>70</sup> The UN Committee on the Rights of the Child urged the UK to establish regulations to ensure businesses undertake child-rights due diligence.

The UK has ratified the UNCRC Optional protocols one and two, which include the protocol on the sale of children, child prostitution and child pornography, and the involvement of children in armed conflict. However, they have not ratified the Third Optional Protocol that provided the individuals to file complaints before the

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<sup>67</sup> UNGA Res 44/25 (20th November, 1989)

<sup>68</sup> Ibid

<sup>69</sup> "Preventing Corporate Abuse and Realising Child Rights; The Case For UK Legislation on Human Rights and Environmental Due Diligence," *UNICEF UK* (2020)  
[/https://www.unicef.org.uk/wp-content/uploads/2020/12/UnicefUKPreventingCorporateAbuseRealisingChildRights\\_Report2020-2.pdf](https://www.unicef.org.uk/wp-content/uploads/2020/12/UnicefUKPreventingCorporateAbuseRealisingChildRights_Report2020-2.pdf)

<sup>70</sup> Ibid

UNCRC. Judges are however allowed to interpret such laws but not apply them. Therefore, cases of constitutional rights against large corporations can be an avenue to hold them accountable under these ratified laws.

The Modern Slavery Act 2015 in sections 54 requires commercial organisations with a turnover of over £36 million must release a statement on slavery on their websites, to include the steps taken to ensure no slavery occurs in their supply chain or business.<sup>71</sup> Ultimately, providing transparency is the policy the UK has implemented to hold corporations accountable and ensure that they continue their human rights due diligence.

The Ghanaian constitution provides a broad framework to define the fundamental human rights, although statutory law provides in depth laws.<sup>72</sup> The Children's Act 1998 (Act 560) was passed pursuant to Article 28 of the Constitution, to permit children to engage in labour but provides strict conditions for such.<sup>73</sup>

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<sup>71</sup> Modern Slavery Act 2015

<sup>72</sup> "Child Labor Laws and Policies in Ghana with Specific Emphasis on the Cocoa," *Forest Policy Trade and Finance Initiative* [ March, 2020]

[https://www.forest-trends.org/wp-content/uploads/2020/06/Ghana\\_Cocoa\\_Child\\_Labor\\_web\\_REV.pdf](https://www.forest-trends.org/wp-content/uploads/2020/06/Ghana_Cocoa_Child_Labor_web_REV.pdf)

<sup>73</sup> Ibid

## More Articles

- [Harkin Engel Protocol | ICI Cocoa Initiative.](#)
- [Addressing consumer awareness and \(in\)action towards modern slavery](#)
- [Africa: Child Labor in Cocoa Fields/ Harkin-Engel Protocol](#)
- [20 Years After Harkin-Engel Protocol, Amount of Child Laborers in West Africa Increases](#)
- [The number of child labourers has increased for the first time in 20 years](#)



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