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ASSESSMENT OF
FORCED LABOR RISK
IN THE COCOA SECTOR
OF CÔTE D'IVOIRE

Assessment of Forced Labor Risk in the Cocoa Sector of Côte d'Ivoire

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A. EXECUTIVE SUMMARY

1. INTRODUCTION

Attention to human rights in the cocoa sector in West Africa has historically centered on the problem of child labor, which has long been known to be endemic in the industry. In recent years, however, a combination of increasing public awareness and intensifying international regulatory pressure has led to a heightened focus on the risk of forced labor — often termed “modern day slavery” — in the sector as well. A statistically representative study by Tulane University and Walk Free Foundation in 2018 estimated that 0.42 percent of adults working in cocoa experienced forced labor in Côte d’Ivoire (CDI) between 2013 and 2017.¹ The same study found that 0.17 percent of children working in cocoa agriculture in CDI were forced to work by someone other than a parent.² While percentages are low relative to the overall population, the very large number of people involved in cocoa production in the country mean that victims likely number in the thousands. Given the hidden nature of much human trafficking and forced labor, it is also possible that levels may be significantly higher within isolated pockets in the sector. There is clear need for government, industry, and civil society actors working in the sector in Côte d’Ivoire to better understand the issue of forced labor and take steps to address the root causes of the problem when and where it occurs.

In late 2016, at the request of the International Cocoa Initiative (ICI) and two of its major private sector members, Verité researchers undertook rapid appraisal research to explore the nature of forced labor risk in the cocoa sector in Côte d’Ivoire. The study did not seek to document the overall level of forced labor in the sector, but instead to identify and qualitatively describe the nature of the specific indicators of forced labor that appear to be most relevant in the Ivorian context. Verité based the methodology for this research on the definition of forced labor and methodological guidance on forced labor research provided by the International Labor Organization (ILO).³ Using the ILO’s forced labor indicator framework, the Verité study focused on identifying specific risk factors for forced labor faced by cocoa workers, sharecroppers, and primary producers in the country. The study also explored the root causes and contextual

¹ de Buhr, E & Gordon, E. *Bitter sweets: prevalence of forced labour and child labour in the cocoa sectors of Côte d’Ivoire and Ghana*. Tulane University & Walk Free Foundation. 2018. <https://www.walkfreefoundation.org/news/resource/cocoa-report/>.

² de Buhr, E & Gordon, E. *Bitter sweets: prevalence of forced labour and child labour in the cocoa sectors of Côte d’Ivoire and Ghana*. Tulane University & Walk Free Foundation. 2018. <https://www.walkfreefoundation.org/news/resource/cocoa-report/>.

³ International Labour Organization (ILO), Forced Labour Convention, C29, 28 June 1930, C29, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029. International Labour Organization (ILO), 2012. *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children*. http://ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm.

factors that contribute to forced labor vulnerability in the Ivorian cocoa sector.⁴ Verité then used findings from the study to inform development of a set of recommendations for key stakeholders on potential interventions to combat the forced labor risk identified (see *Recommendations for Addressing Forced Labor Risk in the Cocoa Sector of Côte d'Ivoire*)⁵.

2. METHODOLOGY

The Verité study consisted of desk research (including academic literature, government reports, civil society reports, statistical analysis of previous studies, and a legal review) and two weeks of field research in Côte d'Ivoire in November – December 2016. The field research included expert interviews with government officials, civil society representatives, cooperative representatives, and grassroots/local informants, as well as focus group discussions conducted with producers in the Duékoué and the Soubré regions. Interviews were conducted in French and local dialects by experienced Verité and Ivorian researchers. Findings from the field research were triangulated with previously published research and analyzed using the ILO's forced labor indicator approach. Although ICI provided the funding for the study, Verité conducted the research independently and retained editorial control of the reporting.

3. SUMMARY OF MAIN FINDINGS

The types of actors assessed for forced labor risk included workers, sharecroppers, and primary producers. Overall, the research found that while forced labor risk is present in the cocoa sector in Côte d'Ivoire, it appears to be limited primarily to a narrow group of people: recently arrived migrant workers. The forced labor risk for individual workers depends on a constellation of factors, including their age, ethnicity, migration status, living situation, working conditions, earnings, access to documentation, and process by which they were recruited. In this case, those migrant workers from non-cocoa producing areas of Côte d'Ivoire, Burkina Faso, or Mali (and their children, if also working) who have recruitment-related debt and are relatively early (first two to three years) into their employment tenure appear to have the highest vulnerability for forced labor. Migrant workers in the cocoa sector may be adults or children; both are potentially at risk of forced labor. Forced child labor is a Worst Form of Child Labor under ILO Convention 182.⁶

Researchers found evidence that such migrant workers may experience deception during recruitment about the working conditions they can expect, including the hours they will be

⁴ Verité did not attempt to determine the prevalence of the specific forced labor indicators identified in the rapid appraisal research.

⁵ Verité, 2019. *Recommendations for Addressing Forced Labor Risk in the Cocoa Sector of Côte d'Ivoire*. <https://www.verite.org/wp-content/uploads/2019/02/Verite-Recommendations-Forced-Labor-in-Cocoa-in-CDI.pdf>.

⁶ International Labor Organization (ILO), 1999. *Worst Forms of Child Labour Convention, C182*. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

required to work, the earnings they will receive, and the length of employment that may be required of them, among other factors. Migrants may also have debt linked to their recruitment and transportation, and this debt may serve to bind them to the workplace even if they find the working conditions unacceptable or wish to leave. Wages for new workers at the time of the research were as low as 75,000 CFA/150 USD for an entire season's labor. When these low base wages are combined with wage deductions — including some with inflated interest — for items such as food, medical care, or recruitment transportation costs, workers may end up being paid significantly less than promised or not paid at all. In some cases, workers may have to continue to work beyond the period originally expected in order to access their earnings. Deceptive recruitment, debt bondage, and non-payment of wages are all indicators of forced labor, as is multiple dependency on one's employer (e.g., for housing, food, access to credit, etc.) and other risk factors identified in the research.

Potential elements that may compound the forced labor risk faced by recent migrants and other vulnerable workers were also identified in the Verité study. Such compounding factors include working in a remote area, lack of formal education and/or low level of literacy, and the absence of local systems or resources for workers to address concerns or issues arising during their employment. These factors appear to further inhibit some workers — particularly young or otherwise less savvy workers — from leaving unacceptable work situations to return home or seek alternate opportunities. While these compounding factors do not in themselves indicate forced labor, they should be considered in relation to each other and to the presence of any forced labor indicators in determining overall level of forced labor risk.

The following summarizes findings about the forced labor risks facing hired workers and sharecroppers. For primary producers (i.e., farmers) themselves, who were assessed to have a low overall forced labor risk, the findings below describe how contextual pressures may lead to their use of vulnerable labor:

WORKERS

- Hired workers are engaged by either producers or sharecroppers and may be engaged for periods ranging from one day to one year, with the highest use of hired labor occurring during the harvest season. Hired workers may be local or migrant Ivoirians (with migrant Ivoirians typically coming from the northern region of the country, where cocoa is not grown), or they may be transnational migrants from Mali or Burkina Faso. Very short-term workers tend to be local, while workers engaged for a longer period tend to be migrants.
- Family labor (i.e. unpaid family members of the producer or sharecropper) is the most significant source of labor used on cocoa farms, but family members of producers or sharecroppers may also be engaged as hired or contracted labor, leading to significant gray areas between the two categories.
- Wage rates vary but were reported as relatively standard and stable at the time of research: CFA 150,000–200,000 per year (USD 242.88–323.88) for annual workers or

CFA 2,000–3,000 per day (USD 3.24 – 4.86) for daily workers. The exception is new migrant workers from non-cocoa producing areas of Côte d'Ivoire or neighboring countries, who are reportedly paid as little as CFA 75,000 (USD 121.44) for a year's work. Annual salaries are typically paid at the end of the harvest and this is culturally accepted. Workers may also receive food, housing, medicine, and some cash advances as needed. There is some risk that the provision of these benefits — which are often perceived by workers to be an advantage associated with cocoa work — can contribute to significant debt loads that could potentially be exploited to extract labor in the case of unscrupulous employers. Risk of such exploitation is higher for child migrants or others with heightened general vulnerability, such as workers in remote areas.

- Workers may seek employment themselves through family networks or through third-party intermediaries. If they go through third-party intermediaries, they may incur debt related to their recruitment and transport, which they must then work off. This can take nearly the entirety of the first year and, in some cases, workers may work for multiple years before they receive standard wages.
- Hired migrant workers may also work for a season or multiple seasons without or at low rates of pay because a producer has promised they will eventually be granted access to a parcel of land for farming or sharecropping; such promises may or may not be honored.
- Children who are working for their parents, such as on a family farm, do not meet the definition of forced child labor under the ILO framework.⁷ However, if children are working as a result of their parents being victims of forced labor, they would be considered to be in forced labor as well.
- Field research did not find evidence that forced recruitment — such as abduction — is currently occurring, although this was described in early media stories on child trafficking in cocoa production.

SHARECROPPERS

- Sharecropping can take several forms, but the most common arrangement is one in which the sharecropper is compensated with one third of the value of the final harvest, sometimes provided in beans or sometimes in cash.
- Many sharecroppers are migrants, particularly from Burkina Faso. In general, migrants may be considered a vulnerable population, but migrant sharecroppers tend to be more established within Côte d'Ivoire than migrant workers. They may have been in the country longer and are required to be skilled in cocoa work, both of which may act as protective factors.
- Interviewees noted that sharecropping is generally perceived as a desirable arrangement for the sharecropper, reporting that sharecroppers themselves sought

⁷ International Labor Organization (ILO), 2012. *Hard to See, Harder to Count: Survey guidelines to estimate forced labour of adults and children*. [http://ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm](http://ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang-en/index.htm).

these arrangements, although there is evidence that some are recruited by third-party intermediaries.

- The primary risk for sharecroppers is that the producers they are working with may not honor the conditions of their arrangement, particularly in relation to payment. There are also instances in which producers charge sharecroppers more deductions than originally agreed for items such as crop inputs, medicine, or food, significantly decreasing sharecropper earnings. However, there are some protective cultural practices that guard against this. For example, sharecropping agreements are reportedly often made in front of village chiefs or other village elders to provide witnesses in the case of disputes. Similarly, in certified cooperatives, producers are reportedly required to document sharecropping arrangements.
- Benefits provided to the sharecropper, such as food and housing, vary, and they are generally regarded as a positive. However, the fact that sharecroppers exist in a general state of dependence on the producer or land owner within the social structure of the village could also create vulnerability to exploitation if the dependency undermines the sharecropper's ability to express any grievances that may arise.
- Sharecroppers, like primary producers, may engage both family and hired labor themselves. Because sharecroppers by definition receive a limited percentage of profits (and in some cases, may be further squeezed via deductions by the producer), the workers engaged by sharecroppers may be at increased risk of labor violations.

PRIMARY PRODUCERS (FARMERS, LAND OWNERS)

- In the course of interviews, some individuals who likely could be more accurately described as sharecroppers or workers, self-identified as producers.
- There is limited forced labor risk for primary producers themselves.
- Income levels received by producers from cocoa (as a product of yield, quality, access to inputs, access to credit marketing opportunities, cooperative participation, etc.) can dictate the degree to which they are able to hire adult workers and fairly compensate workers. Many producers struggle to afford local adult labor, leading them to depend on family labor (including family children) or potentially vulnerable migrants.
- Producers who are isolated and have limited access to credit, transportation, and/or collective marketing options may enter a self-perpetuating cycle in which they must sell their cocoa to *pisteurs* (middlemen) who offer them a quick influx of cash for a lower total price than they could receive from a cooperative.

In addition to evaluating risk related to different categories of labor within the Ivorian cocoa sector, the rapid appraisal also collected information on relevant contextual issues, including the geographic distribution of migrants within the country, the role and status of cooperatives, dynamics surrounding land tenure, regional patterns of economic migration, and other aspects.

4. RECOMMENDATIONS

With support from the International Cocoa Initiative and in consultation with a range of industry, government, and civil society actors, Verité developed a set of comprehensive recommendations in response to the issues identified in this research.⁸ Four categories of action are suggested:

- Establishing robust systems to monitor, remediate, and prevent forced labor;
- Strengthening underlying supply chain infrastructure;
- Improving data collection and reporting of forced labor risk factors; and
- Facilitating accountability and independent verification.

For each, Verité recommends specific actions for the Government of Côte d'Ivoire and private sector companies, as well as the role that civil society organizations can play to support the efforts of government and business to identify, address, and prevent forced labor risk. Some guidance is also provided on development of programming and suggested phasing of interventions.

⁸ Verité, 2019. *Recommendations for Addressing Forced Labor Risk in the Cocoa Sector of Côte d'Ivoire*. <https://www.verite.org/wp-content/uploads/2019/02/Verite-Recommendations-Forced-Labor-in-Cocoa-in-CDI.pdf>.

B. STUDY METHODOLOGY

1. OVERVIEW

In late 2016, at the request of the International Cocoa Initiative and two of its major private sector members, Verité researchers undertook rapid appraisal research to explore the nature of forced labor risk in the cocoa sector in Côte d'Ivoire. The study did not seek to document the overall prevalence of forced labor in the sector, but instead to identify and describe the specific indicators of forced labor that appear to be most relevant in the Ivorian context. Verité based the methodology for this research on the definition of forced labor, and methodological guidance on forced labor research provided by the International Labor Organization (ILO).⁹ Using the ILO's forced labor indicator framework, Verité focused on identifying which specific indicators of forced labor are most relevant in the Ivorian cocoa sector context to understand how these indicators operate in practice and to begin to identify ways that the cocoa industry, civil society, and the Ivorian government can most effectively find, remediate, and prevent forced labor risk in the sector.

The first step of the rapid appraisal was in-depth desk research on topics including:

- previous research and documentation of forced labor and forced labor risk;
- migration flows associated with the cocoa sector labor supplies;
- geographic issues;
- social, political and economic context;
- legal framework; and
- previous quantitative estimates.

Based on this literature review, researchers developed a list of key research questions for follow-up via field investigation. A list of experts knowledgeable about the sector was drafted, including government officials, civil society experts, grassroots informants, and cooperative representatives. Extensive outreach efforts ultimately led to meetings with the following expert informants: Ministère de l'Emploi, des Affaires Sociales et de la Formation Professionnelle; Ministère des Droits des Hommes; Comité National de Surveillance des Actions de Lutte Contre la Traite, l'Exploitation et le Travail des Enfants (CNS); Organisation International pour les Migrations (OIM/IOM); Organisation Internationale du Travail (OIT/ILO); Les inspecteurs du travail; International Cocoa Initiative Country Office; experts from two major child protection NGOs (speaking on background rather than in an official capacity); local/grassroots informants in each region visited; six cooperatives (mix of certified and uncertified).

⁹ International Labour Organization (ILO). *Forced Labour Convention, C29*. 1930. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029. International Labour Organization (ILO), 2012. *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children*. http://ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm.

In addition to these expert interviews, Verité interviewed an approximate total of 50 producers via semi-structured focus group discussions in the Duékoué and Soubré regions. All interviews were conducted in French or local dialects as necessary. Although Verité attempted to conduct private interviews with workers, this did not prove possible with limited time to establish relationships in each area. Ultimately, researchers were only able to interview self-identified producers (although this group was heterogenous and included sharecroppers and migrant family workers) in a focus-group setting. At times, focus groups were conducted in front of village chiefs, which researchers felt contributed to a somewhat inhibited atmosphere, particularly at first. However, researchers adjusted the tone and approach to seek information on working conditions. A particularly useful tactic was to inquire about challenges that these producers had with their workers and how they approached those challenges. This elicited information about recruitment, payment systems, and working conditions. As conversations relaxed and moved more freely, producers began to offer information about tactics that “other” producers “with bad morals” might use to exploit workers, which allowed them to speak openly without implicating themselves or their neighbors directly.

All focus-group participants self-identified as adults and gave their ages as at least 18 years. Children were not actively sought out as interview subjects as conducting research with potentially vulnerable children requires additional ethical considerations that were not feasible given the brief time frame of the rapid appraisal study.¹⁰ Instead, researchers sought information on the conditions of children from other stakeholders.

Field research was carried out in Abidjan, Bouaké, Duékoué, and Soubré from November 27 – December 9, 2016. The timing was selected to coincide with the harvest. Bouaké was selected because, although there is no significant cocoa production there, it is a critical transit point for migrant workers. The Duékoué and Soubré regions were selected because of the high concentration of migrant workers as well as the availability of local informants within Verité researchers’ network.

Upon completion of the field research, Verité analyzed findings and undertook another round of targeted desk research to provide additional context.

¹⁰ For further information on ethical considerations of conducting field research with vulnerable children see: UNICEF. *Ethical Principles, Dilemmas and Risks in Collecting Data on Violence against Children*. 2012. https://data.unicef.org/wp-content/uploads/2015/12/EPDRCLitReview_193.pdf. UNICEF. *Guidelines on the Protection of Victims of Child Trafficking*. 2006. https://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf. Save the Children. *So You Want to Involve Children in Research*. 2004. https://www.savethechildren.org.uk/sites/default/files/docs/So_you_want_to_involve_children_in_research_SC_2004_1.pdf.

2. CONCEPTUAL FRAMEWORK

In its research on forced labor, Verité relies on a methodological approach developed with guidance from the ILO, which understands the forced labor status for any individual worker in terms of specific indicators of forced labor risk and the ways these indicators affect the levels of involuntariness and coercion associated with the work in question.¹¹ Application of this methodology requires a solid understanding of the forced labor indicators that are relevant in a given context, and how these indicators may, in isolation or in combination, result in situations of abuse. Employing an indicator-based approach to forced labor is valuable because it enables precision in defining which exploitative labor arrangements rise to the level of forced labor. In addition, it serves to highlight constituent underlying issues driving forced labor vulnerability, generating actionable insights that can be used by the private sector, government, and other stakeholders to develop specific risk management programs and policies. The indicator approach also makes impact tracking easier by facilitating measurement of the prevalence of individual risk indicators in a specific context (such as a cooperative's farmer base) over time, without requiring documentation of the overall prevalence of forced labor cases within the broader population. Importantly, the insight generated through the forced labor indicator-based approach also enables evaluation of risk of trafficking for labor exploitation. For all these reasons, the ILO framework for understanding and assessing forced labor through an indicator or risk factor lens is central to Verité's overall approach to the issue.

ILO DEFINITIONS AND GUIDANCE

Forced Labor: Work for which a person has not offered him or herself voluntarily (concept of “involuntariness”) and which is performed under the menace of any penalty (concept of “coercion”) applied by an employer or a third party to the worker.¹² The coercion may take place during the worker's recruitment process to force him or her to accept the job or, once the person is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment or to prevent him/her from leaving the job.

Forced Labor (Children): Any situation considered to be forced labor for adults would also be considered to be forced labor for children. In addition, the ILO provides the following specific guidance for assessing forced labor for children. A child is considered to be in forced labor if work is performed by the child under coercion applied by a third party (other than the child's parents) either to the child or to the child's parents, or if work is performed by a child as a direct consequence of their parent or parents being engaged in forced labor. The coercion may take place during the child's recruitment to force the child or his or her parents to accept the job, or once the child is working to force him/her to do tasks which were not part of what was agreed at

¹¹ International Labor Organization (ILO). *Hard to see, harder to count: Survey guidelines to estimate forced labour of adults and children*. 2012. http://ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm.

¹² International Labor Organization (ILO). *Forced Labour Convention No. 29*. 1930. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

the time of recruitment, or to prevent the child from leaving the work. If a child is working as a direct consequence of his or her parents being in a situation of forced labor, then the child is also considered to be in forced labor.

According to the ILO guidance provided in *Hard to See, Harder to Count*, children working for their parents are not considered to be in forced labor, provided their parents are not in forced labor themselves. Children working for extended family members, on the other hand, *could* be considered to be in forced labor if they otherwise meet forced labor definitional requirements. A gray area would be children living with extended family members in a long-term situation akin to de facto adoption, where the primary motivation for the child's migration was not to provide labor. This population would require careful consideration in any future research.

Human Trafficking: Human trafficking is defined in the Palermo Protocol as: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹³ Outside of this technical definition, the term trafficking is sometimes used informally to refer to forced labor that has an element of movement or transportation of an individual.

Human Trafficking versus Forced Labor: In short, according to the above definitions, human trafficking and forced labor are closely related with overlapping characteristics. Many experts consider human trafficking for labor exploitation to be a sub-category or type under the broader umbrella of forced labor. However, some stakeholders use the terms interchangeably. Others prefer “human trafficking” as the primary terminology; for example, the US Department of State Office to Combat Trafficking in Persons generally uses the term “trafficking,” to describe all incidents of forced labor, noting that the Trafficking Victims Protection Act of 2000, defines trafficking more broadly as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery,” and notes that “a victim need not be physically transported from one location to another for the crime to fall within these definitions.”¹⁴

¹³ United Nations. *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. 2000. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

¹⁴ US Department of State. *Trafficking in Persons Report*. 2016. <http://www.state.gov/documents/organization/258877.pdf>.

The ILO does not provide a separate operational definition for trafficking versus forced labor. However, they note that, under the Palermo Protocol, there are two key variables for determining “trafficked” versus “non-trafficked” forced labor: the involvement of a third party/intermediary and the existence of movement, whether within or across national borders.

In any event, the use of the ILO indicator-based methodology described below captures indicators of all types of forced labor, including human trafficking (when present). Therefore, Verité has chosen it as the normative and analytical framework for this Rapid Appraisal.

APPLYING THE ILO INDICATOR FRAMEWORK TO ASSESSING FORCED LABOR

In its guidance, the ILO parses the definition of forced labor into two aspects: involuntariness and coercion. Four principal dimensions are then identified: unfree recruitment, work and life under duress, impossibility of leaving an employer, and menace of penalty. A set of indicators of forced labor is identified for each dimension and a formula is provided that, when applied, determines the presence of forced labor itself.

The dimension “unfree recruitment” is positive when at least one indicator of involuntariness and one indicator of penalty (or menace of penalty) relating to that dimension is present and at least one of these indicators is strong. The dimension “work and life under duress” is positive when at least one indicator of involuntariness and one indicator of penalty (or menace of penalty) relating to that dimension is present and at least one of these indicators is strong. The dimension “impossibility of leaving employer” is positive when at least one indicator of involuntariness and one indicator of penalty (or menace of penalty) relating to that dimension is present and at least one of these indicators is strong. Any adult worker for whom the dimension of unfree recruitment OR life and work under duress OR impossibility of leaving employer is positive can be considered a victim of forced labor.

For example, a worker who is deceived about the wages to be paid and cannot leave because his or her wages are withheld by the employer and a victim of forced labor (one medium indicator of involuntariness, one strong indicator of penalty). A migrant worker who is deceived by an intermediary about the nature of the job and who cannot leave the employer because he or she is threatened with denunciation to the authorities is a victim of forced labor. On the other hand, a worker who is dependent on the employer for housing and food and is subject to financial penalties for refusing to perform additional tasks which are not part of the contract, though not employed in decent working conditions, is not recognized as a victim of forced labor for purposes of data collection (one medium indicator of involuntariness, one medium indicator of penalty). A person working in sub-standard working conditions but who can leave the employer if he or she finds a better job, though not employed in decent work, is not recognized as a victim of forced labor.

Verité did not attempt to make a determination regarding the number of individual cases of forced labor that might be present. However, the research does endeavor to present a narrative of *how* instances of forced labor occur by clearly identifying which indicators of forced labor are present within the population of workers in the cocoa sector, describing how these indicators might combine in practice, and mapping out contributing root cause issues.

The full list of indicators of forced labor for children and adults as identified by the ILO is as follows:

| Indicators of unfree recruitment of adults | |
|---|--|
| Indicators of involuntariness | Indicators of penalty (or menace of penalty) |
| <p>Strong indicators</p> <ul style="list-style-type: none"> • Tradition, birth (birth/descent into “slave” or bonded status) • Coercive recruitment (abduction, confinement during the recruitment process) • Sale of the worker • Recruitment linked to debt (advance or loan) • Deception about the nature of the work <p>Medium indicators</p> <ul style="list-style-type: none"> • Deceptive recruitment (regarding working conditions, content or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/earnings) • Deceptive recruitment through promise of marriage | <p>Strong indicators</p> <ul style="list-style-type: none"> • Denunciation to authorities • Confiscation of identity papers or travel documents • Sexual violence • Physical violence • Other forms of punishment • Removal of rights or privileges (including promotion) • Religious retribution • Withholding of assets (cash or other) • Threats against family members <p>Medium indicators</p> <ul style="list-style-type: none"> • Exclusion from future employment • Exclusion from community and social life • Financial penalties • Informing family, community or public about worker’s current situation (blackmail) |

Indicators of work and life under duress of adults

Indicators of involuntariness

Strong indicators

- Forced overtime (beyond legal limits)
- Forced to work on call (day and night)
- Limited freedom of movement and communication
- Degrading living conditions

Medium indicators

- Forced engagement in illicit activities
- Forced to work for employer's private home or family
- Induced addiction to illegal substances
- Induced or inflated indebtedness (by falsification of accounts, inflated prices for goods/services purchased, reduced value of goods/services produced, excessive interest rate on loans, etc.)
- Multiple dependency on employer (jobs for relatives, housing, etc.)
- Pre-existence of a dependency relationship with employer
- Being under the influence of employer or people related to employer for non-work life

Indicators of penalty (or menace of penalty)

Strong indicators

- Denunciation to authorities
- Confiscation of identity papers or travel documents
- Confiscation of mobile phones
- Further deterioration in working conditions
- Isolation
- Locked in workplace or living quarters
- Sexual violence
- Physical violence
- Other forms of punishment (deprivation of food, water, sleep, etc.)
- Violence against worker in front of other workers
- Removal of rights or privileges (including promotion)
- Religious retribution
- Constant surveillance
- Withholding of assets (cash or other)
- Withholding of wages
- Threats against family members

Medium indicators

- Dismissal
- Exclusion from future employment
- Exclusion from community and social life
- Extra work for breaching labour discipline
- Financial penalties
- Informing family, community or public about worker's current situation (blackmail)

Indicators of impossibility of leaving employer for adults

Indicators of involuntariness

Strong indicators

- Reduced freedom to terminate labour contract after training or other benefit paid by employer
- No freedom to resign in accordance with legal requirements
- Forced to stay longer than agreed while waiting for wages due
- Forced to work for indeterminate period in order to repay outstanding debt or wage advance

Indicators of penalty (or menace of penalty)

Strong indicators

- Denunciation to authorities
- Confiscation of identity papers or travel documents
- Imposition of worse working conditions
- Locked in work or living quarters
- Sexual violence
- Physical violence
- Other forms of punishment (deprivation of food, water, sleep, etc.)
- Removal of rights or benefits (including promotion)
- Religious retribution
- Under constant surveillance
- Violence imposed on other workers in front of all workers
- Withholding of assets (cash or other)
- Withholding of wages
- Threats against family members (violence or loss of land or jobs)

Medium indicators

- Dismissal
- Exclusion from future employment
- Exclusion from community and social life
- Extra work for breaching labour discipline
- Financial penalties
- Informing family, community or public about worker's current situation (blackmail)

Indicators of unfree recruitment of children

Indicators of involuntariness

Tradition, birth

- Child is born into a bonded family and is forced to work for his or her parents' employer

Debt bondage

- Recruitment as collateral for a loan given to parents or relatives
- Recruitment as part of the employer's agreement to employ the parents or relatives
- Recruitment in exchange for a cash advance or loan to the parents

Abuse of cultural practices/ power by the employer

- Child sent to work for someone else by a previous employer without consent of the child or parents
- Recruitment of the child in the context of a tradition perpetuated by those in power

Coercive recruitment

- Child kidnapped, taken by force

Deceptive recruitment

Deception about:

- access to education
- living conditions
- frequency of visits to or by parents
- nature of the job
- location of the job
- employer
- wages
- quantity of work
- social security coverage

Indicators of penalty (or menace of penalty)

- Family would lose benefits (land, housing, etc.)
- Other family members would lose their job
- Exclusion of child from future employment
- Exclusion of family members from future employment
- Violence against child
- Violence against family members
- Exclusion of family members from access to loans
- Isolation
- Threats against child or family members

Indicators of work and life under duress of children

Indicators of involuntariness

Forced work

- Forced overtime
- Forced to work on call (day and night)
- Forced to work for the employer's private home or family
- Forced to work when sick or injured
- Forced to perform hazardous tasks without protection
- Forced to take drugs, alcohol, illegal substances
- Forced to engage in illicit activities
- Forced to engage in sexual acts

Limited freedoms

- Limited freedom of movement outside the workplace
- No possibility of leaving the living quarters
- No freedom to talk to other children or adults
- No freedom to contact parents, family, friends
- No possibility of practicing own religion

Dependency

- Employer decides on matters relating to child's private life (marriage, education, health, religion)
- Food, clothing and housing provided by employer in lieu of a wage
- Degrading living conditions

Indicators of penalty (or menace of penalty)

- Physical violence
- Psychological violence
- Sexual violence
- Punishment (deprivation of food, water, sleep, etc.)
- Fines
- Wage deductions
- Threat of dismissal
- Threat of denunciation to the authorities
- Threats against family
- Punishment/violence inflicted on other children in front of child
- Locked in living quarters
- Constant surveillance
- Isolation
- Prohibition on contact with parents and family members
- Retention of identity papers
- Withholding of wages

Indicators of the impossibility of leaving the employer for children

Indicators of involuntariness

- Limited or no freedom to leave the employer

Indicators of penalty (or menace of penalty)

- Isolation
- Confinement
- Under constant surveillance
- Family would lose benefits (land, housing, etc.)
- Other family members would lose their job
- Exclusion from future employment
- Exclusion of family members from future employment
- Threats or violence against child
- Threats or violence against family members
- Exclusion of family members from access to loans
- Punishment (deprivation of food, water, sleep, etc.)
- Withholding of wages
- Unfulfilled promises of education, vocational training, etc.
- Threat of denunciation to the authorities
- Confiscation of identity papers
- Punishment inflicted on other children in front of child
- Threat of further deterioration in working conditions
- Threat of forced sexual exploitation

COTE D'IVOIRE LEGAL FRAMEWORK

The research also included a review of the definitions for forced labor and forced child labor in Cote d'Ivoire to ensure that findings would be valid under the Ivoirian legal framework.¹⁵ The Constitution of the Republic of Côte d'Ivoire¹⁶ (Article 5) prohibits slavery, human trafficking, and forced labor and states that “slavery, human trafficking, forced labor, physical or moral torture, inhuman, cruel, degrading and humiliating treatment, physical violence, female genital mutilation and all other forms of human degradation are forbidden.” Law No. 2015-532 of July 20, 2015 of the 2015 Labor Code¹⁷ (Article 3) also forbids forced labor stating that “forced or obligatory labor signifies all labor or service extracted from an individual under menace of a penalty and for which the individual has not offered himself voluntarily.” This definition is aligned with and borrows language directly from the ILO definition of forced labor. Law No. 2016-1111 of December 2016 states that trafficking is the recruitment, transport, transfer, sheltering, or receiving of a person for the purposes of exploitation,¹⁸ in line with the Palermo Protocol.

Regarding forced child labor, Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor¹⁹ (Article 4) states forced and obligatory labor are a form of slavery and, therefore, a Worst Form of Child Labor. Article 11 defines child trafficking (*la traite d'enfants*) as all acts of recruitment, transport, transfer, accommodation, or hosting of children inside or outside of a country, for the purpose of exploitation whatever the means used.

¹⁵ This review was completed using translated documents and does not constitute legal advice.

¹⁶ République de Côte d'Ivoire. *Constitution*. 2016. <http://ivoire-juriste.blogspot.com/p/telechargement.html>.

¹⁷ République de Côte d'Ivoire. *Ministère de l'Etat, Ministère du Plan et du Développement. Enquête Nationale sur la Situation de l'Emploi et du Travail des Enfants*. 2013. Page 14.

<http://www.ccilci.org/communiqués/autres/3028-code-du-travailloi-n-2015-532>.

¹⁷ République de Côte d'Ivoire. *Loi No. 2015-532 of July 20, 2015 to Establish the Labor Code*. 2015.

<https://www.droit-afrique.com/uploads/RCI-Code-2015-travail.pdf>.

¹⁸ République de Côte d'Ivoire. *Loi No. 2016 111 of December 2015, relative à la lutte contre la traite des personnes*. 2015. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=104190.

¹⁹ République de Côte d'Ivoire. *The Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor*. 2010. https://www.unodc.org/res/cld/document/loi-no-2010-272-du-30-septembre-2010-portant-interdiction-de-la-traite-et-des-pires-formes-de-travail-des-enfants_html/RCI_-_Loi_N_2010-272_du_30_Septembre_2010.pdf.

C. FINDINGS RELEVANT TO FORCED LABOR RISK BY TYPE OF ACTOR

The following section provides a typology of the primary actors laboring on cocoa plantations: workers, sharecroppers, and primary producers. For each actor, it provides demographic and contextual information followed by a discussion of factors that may contribute to vulnerability to forced labor, as well as an overall assessment of forced labor risk for that type of actor.

1. PRIMARY PRODUCERS

DESCRIPTION

The terms farmer and producer are used throughout the literature somewhat inconsistently. (Locally, the French term used is *planteur* or *producteur*.) Further, researchers found individuals will self-identify as a *planteur* when they would more accurately be classified by researchers as apprentices, hired workers, or sharecroppers. This has practical implications in that any future research should ask nuanced and precise questions to determine any given individual's role in cocoa production; no one should be excluded simply on self-identification as *planteur*, even if that is not the target population of a given study. This report will use the term "primary producer" to denote an individual who has primary responsibility for production of cocoa on a parcel of land — whether through traditional land tenure practices or legal rights. Findings specific to other types of farmers, such as sharecroppers and apprentices, are provided in sections below.

Some primary producers are landowners (sometimes known as *propriétaires*).²⁰ The landowner may own both the crops and land or may delegate the responsibility for the crops to a sharecropper (see below); not all primary producers work their own land. Land tenure patterns are complex in Côte d'Ivoire. While only Ivoirians can legally own land, foreigners (primarily Burkinabe) can be granted land rights under traditional systems.²¹ Landowners are

²⁰ UTZ. *Impact of UTZ Certification of Cocoa in Ivory Coast*. 2014. https://www.utz.org/wp-content/uploads/2016/03/Impact-of-UTZ-certification-of-cocoa-in-Ivory-Coast_2014.pdf. Ruf, Francois; et al. *The Role of Weed and Share Agreements in Cocoa Production in Ghana and Côte d'Ivoire*. 2010. http://www.pegnet.ifwkiel.de/members/events/documents_conference2010/ruf_bpa_pres. IDH and LEI Wageningen UR. *The IDH Cocoa Productivity and Quality Programme (CPQP) in Côte d'Ivoire*. 2014. <http://edepot.wur.nl/311372>.

²¹ US Department of State. *Investment Climate Statement, Côte d'Ivoire*. 2015. <https://www.state.gov/documents/organization/241738.pdf>.

predominantly men, but in some regions and ethnic groups, women inherit land, in part due to changing inheritance laws,²² as well as evolving cultural norms.

Other primary producers may be an individual acting as the caretaker or “manager” of the land for a “wage, fee, or future share of the land.”²³ Producers sometimes work in cooperation with family members or a third party in what is known as the *co-propriétaire* system),²⁴ in which the landlord cedes full control of the land to someone for an agreed upon number of years. Similarly, a primary producer may have secured rights to the land through traditional but informal means, such as the *garantie* (or *mise en garantie*) system.²⁵ There are several variations on the *garantie* system which were explained by local informants during field research, but essentially, a landowner who needs cash uses the land and future harvest from that land as a guarantee for a loan from a second party. The loan grantor then has production rights on that land for an agreed-upon period. The grantor may work the land himself or may use labor arrangements such as a sharecropper or hired workers. During field research, Verité researchers were informed of a less traditional arrangement that shares features with sharecropping arrangements (see below), but could more accurately be described as a farm manager position. In this arrangement, an absentee primary producer (living in Abidjan) negotiated land access from the local landowner — promising a portion of proceeds — and then hired a “head worker” to oversee production and recruit other workers. The head worker was given a set amount of money to cover labor costs each season.

The term *gestionnaire*²⁶ has been documented in previous literature used to refer to someone in the extended family who is managing the land after a family member (usually a parent’s) death. Like sharecroppers, the *gestionnaire* receives a share of the revenue, with the rest allocated among family members.

Primary producers (if they work on their own plantations) live in villages and travel every day to their farm. If their crops are too far for daily travel, they, along with any sharecroppers or workers, may live in a *campement* (camp) that is closer to the crops.

²² Mondelez. Cocoa Life in Côte d’Ivoire. *Gender Assessment in the Pilot Communities*. 2014. https://www.cocoalife.org/~/_media/CocoaLife/en/download//article/2014%20March%2014%20Cocoa%20Life%20in%20Cote%20dIvoire.%20Gender%20Assessment%20in%20the%20pilot%20communities.%20Report%20by%20CAR E%20International.pdf.

²³ Anti-Slavery International. *The Cocoa Industry in West Africa: A history of exploitation*. 2004. http://www.antislavery.org/includes/documents/cm_docs/2008/c/cocoa_report_2004.pdf.

²⁴ Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

²⁵ Ruf, Francois; Siswoputranto P. S. *Cocoa Cycles: The Economics of Cocoa Supply*. 1995.

²⁶ UTZ. *Impact of UTZ Certification of Cocoa in Ivory Coast*. 2014. https://www.utz.org/wp-content/uploads/2016/03/Impact-of-UTZ-certification-of-cocoa-in-Ivory-Coast_2014.pdf.
Ruf, Francois; Colin, Jean-Philippe; Koppen, Vera. *The Role of Weed and Share Contracts in Cocoa Production*. 2010. http://www.pegnet.ifw-kiel.de/members/events/documents_conference2010/ruf_bpa_pres.
Ingram, Verina; Waarts, Yuca; Ge, Lan; van Vugt, Simone; Wegner, Lucia; Puister-Jansen, Linda; Ruf, Francois; Tanoh, Roger. *The IDH Cocoa Productivity and Quality Programme (CPQP) in Côte d’Ivoire*. 2014. <http://edepot.wur.nl/311372>

Some primary producers work their own plantations while others do not. In addition, primary producers may utilize labor from a variety of sources. A predominant labor source is the farmer's own family, such as a spouse, children, nieces and nephews, cousins, etc. Some of these family members may be local (i.e. spouse, the farmer's own children, siblings), while some may have migrated or traveled temporarily (nephews, cousins, younger siblings, etc.). Sharecroppers may also be used by *planteurs* as a source of labor. Somewhat confusingly, however, the term *planteur* may be used to describe sharecroppers themselves (also known in Ivoirian French as *métayer* or *abussantier* — see below for further discussion).

Because of the fluidity around the terms producer and farmer, there is little literature that looks specifically at the nationality of those who might be considered "primary producers" as the term is being used in this report. According to local informants, the population is likely heavily Ivoirian due to land tenure policies. When non-Ivoirians are involved, they are likely long-established and may have lived in Côte d'Ivoire for generations, but due to lack of documentation, they are not considered Ivoirian. Although it does not differentiate between different types of actors (primary producers, sharecroppers, workers, etc.), in research conducted by Tulane of Heads of Households surveyed in cocoa growing regions, 74.6 percent of those surveyed were of Ivoirian nationality, 20.9 percent were of Burkinabe nationality, 3.4 percent were of Malian nationality and 1.1 percent were of other nationality. 81.2 percent were born in Côte d'Ivoire, 0.2 percent were born in Ghana, 15.3 percent were born in Burkina Faso, 2.4 percent were born in Mali, and 0.7 percent were born in another country.²⁷

Primary producers are predominantly men, and cocoa is culturally considered a "male" crop, but it is important to note that women are heavily involved in cocoa cultivation. According to some estimates, women participate in 45 percent of cocoa-related labor in Côte d'Ivoire, although they are considered to be "helping" their husbands.²⁸ When women act as primary producers in their own right, they reportedly earn significantly less than their male counterparts.²⁹ Information on the age of primary producers in Côte d'Ivoire is challenging to find, but the average age of

²⁷ Tulane University. *2013/2014 Survey Research on Child Labor in West African Cocoa Growing Areas*. 2015. http://www.childlaborcocoa.org/images/Payson_Reports/Tulane%20University%20-%20Survey%20Research%20on%20Child%20Labor%20in%20the%20Cocoa%20Sector%20-%2030%20July%202015.pdf.

²⁸ Care International, as Submitted to Mondelez International. *Cocoa Life in Côte-d'Ivoire: Gender assessment in the pilot communities*. 2014. <https://www.cocoalife.org/~media/CocoaLife/en/download//article/2014%20March%202014%20Cocoa%20Life%20in%20Cote%20dIvoire.%20Gender%20Assessment%20in%20the%20pilot%20communities.%20Report%20by%20CARE%20International.pdf>.

²⁹ Care International, as submitted to Mondelez International. *Cocoa Life in Côte-d'Ivoire: Gender assessment in the pilot communities*. 2014. <https://www.cocoalife.org/~media/CocoaLife/en/download//article/2014%20March%202014%20Cocoa%20Life%20in%20Cote%20dIvoire.%20Gender%20Assessment%20in%20the%20pilot%20communities.%20Report%20by%20CARE%20International.pdf>.

cocoa farmers in West Africa is reportedly over 50.³⁰ There is a consensus that the producer population is aging as young people raised in cocoa growing regions seek alternative economic opportunities. In addition to migration to urban areas, expert informants noted that in recent years, gold mining has been a strong pull for young people because of the promise of a quick pay-off.

FINDINGS RELEVANT TO FORCED LABOR RISK FOR PRIMARY PRODUCERS

Income: Several reports, most notably one from IDH and Fair Price,³¹ have flagged the question of income as central to the question of producer wellbeing, as well as to the wellbeing of workers engaged on their farms. Focus group participants interviewed by Verité noted the low profits from production, high cost of inputs, and lack of cash as challenges. 2015 data provided by cocoabarometer.org cites an average farm size of 3.5 hectares and an average yield of 4.85 tons per hectare.³² The price set by the Conseil de Café Cacao was CFA 1,100 per kilogram for the 2016-2017 harvest.³³ This would lead to a best-case scenario of an annual gross profit of about CFA 1,293,600 (approximately USD 2,109) for an average sized farm, or about CFA 369,000 (USD 601) per hectare.³⁴ The net profit, after costs for inputs are deducted, is expected to be much lower.

Input costs include tools, protective clothing/boots, hired labor/sharecropping (if applicable), local transportation, cooperative membership (if applicable), pesticides, seedlings.³⁵ Focus group participants reported that some *pisteurs* will offer fertilizers “for free” or at a reduced rate, but then producers are obliged to sell to that buyer at whatever price the buyer dictates.

Further, many primary producers reported that due to lack of transportation and a need for cash quickly, they sell to individual *pisteurs*, resulting in a quicker cash payment but a 20-30 percent reduction in price for beans sold. Primary producers who lack their own transportation in remote areas and cannot choose between *pisteurs* are therefore left to accept “whatever price is offered.”

³⁰ Barry Callebaut. *The Challenges Faced by Farmers*. 2014. http://annual-report-2013-14.barry-callebaut.com/assets/pdf/2013-14/Barry_Callebaut_Cocoa_Sustainability_Report_2013-2014_Challenges_In_The_Cocoa_Sector.pdf.

³¹ IDH and Fair Price. *The True Price of Cocoa from Ivory Coast*. 2016. <http://www.chocolatemakers.nl/wordpress/wp-content/uploads/2016/04/TP-Cocoa.pdf>.

³² Cocoa Barometer. *Resources and Data*. http://www.cocoabarometer.org/Resources_and_Data.html.

³³ Reuters. *Ivory Coast Increases Cocoa Price*. 2016. <http://af.reuters.com/article/ghanaNews/idAFL8N1C423W>.

³⁴ Conversions calculated on xe.com.

³⁵ Cocoa Barometer. CocoaBarometer.org.

Overall Forced Labor Risk: Both Verité research and the existing literature found little forced labor risk for a primary producer who is responsible for his or her own production of crops (without being engaged by another individual). However, there are several other areas of concern that arose from focus group discussions and the literature that may have bearing on how primary producers are able to engage with sharecroppers and workers, as well as the degree to which they are able to provide for themselves and their families. These issues include income, farm productivity, access to inputs, marketing opportunities, and access to social services. Primary producers who have less access to cash — whether due to lower productivity, lower quality, lower rates from *pisteurs*, high cost of inputs, or lack of access to credit — will have less money to compensate labor.³⁶ This may lead them to utilize more vulnerable populations as labor, such as newly-arrived migrant workers and children.³⁷ (The mechanisms of vulnerabilities for these groups are discussed in the Workers section below.)

Additionally, while focus group participants had at least baseline knowledge around child labor, saying “children should not work in cocoa” or “buyers do not want children working in cocoa,” they lacked a similar ability to discuss forced labor or the rights of adult workers. This suggests an opportunity to use current outreach strategies focused on preventing child labor to highlight forced labor issues as well.

2. SHARECROPPERS

DESCRIPTION

There are a range of specific relationships that fall under the broad sharecropping relationship, sometimes referred to as *abussantiers*, *aboussantiers*, *bussantiers*, or *métayers*. Sharecroppers working under the *abusa* system are generally compensated with one third of the harvest, although other systems may dictate that the harvest be split 50/50. (The term *abusan* purportedly comes from the Akan language in which *abu* means share and *sa* means three.) Sharing the harvest 50/50 is referred to as the *abuna* system and is reportedly less common. There is also documentation of a system known as *partager-travailler* or *planter-partager* in which a caretaker establishes crops on a landowner’s previously uncultivated land, and then, after several years of production, gains ownership or rights to use.³⁸ According to interviews,

³⁶ International Labor Rights Forum. *Fairness Gap*. 2014. <http://www.laborrights.org/publications/fairness-gap>. Anti-Slavery International. *The Cocoa Industry in West Africa: A history of exploitation*. 2004. http://www.antislavery.org/includes/documents/cm_docs/2008/c/cocoa_report_2004.pdf.

³⁷ International Labor Rights Forum. *Fairness Gap*. 2014. <http://www.laborrights.org/publications/fairness-gaptrue>. IDH and Fair Price. *The True Price of Cocoa from Ivory Coast*. 2016. <http://www.chocolatemakers.nl/wordpress/wp-content/uploads/2016/04/TP-Cocoa.pdf>.

³⁸ Ruf, Francois. “*You Weed and We’ll share*” *Land Dividing Contracts and Cocoa Booms in Ghana, Côte d’Ivoire and Indonesia*. 2010. https://www.researchgate.net/profile/Francois_Ruf2/publication/293482558_You_Weed_and_We%27ll_share_Land_

sharecroppers typically have a choice of whom to sell their beans, just like primary producers. In other cases, the primary producer may sell the crops to the buyer directly, giving the sharecropper cash for their share.

It should be noted that some individuals functioning as sharecroppers self-identified to researchers as farmers or *planteurs*. Sharecroppers can be members of cooperatives and are invited to participate in cooperative events, where available. In other small-holder agricultural contexts, Verité considers the sharecropper to be in a labor relationship with the primary producer, with the primary producer bearing the responsibility for ensuring that the sharecropper is afforded appropriate labor standards and to cascade those labor standards down to any employees of the sharecropper as well.

There appears to be variability in the benefits provided to sharecroppers. According to Verité interviews, in addition to land for cocoa production, they are generally provided with food, housing, health care, and land for food and other cash crops such as vegetables.³⁹ Normally these benefits are provided both to the workers and their families. Sharecroppers are typically responsible for all tasks on the cocoa plantation such as weeding, spraying, harvesting, and drying. However, previous research has noted that sharecroppers are only entitled to benefits such as food and housing if they take on additional (non-cocoa related) labor for the primary producer.⁴⁰ The provision of these benefits is likely dependent on the nature of the relationship between the primary producer and the sharecropper.⁴¹

FINDINGS RELEVANT TO FORCED LABOR RISK FOR SHARECROPPERS

Recruitment: In focus group discussions, it was noted that sharecroppers are recruited predominantly via word of mouth and that these arrangements are often sought by the potential sharecroppers themselves. However, previous research described a significant percentage of sharecropping recruitment via advertisements and intermediaries.⁴² Focus group participants noted that landowners tend to seek sharecroppers from their own country and/or

Dividing_Contracts_and_Cocoa_Booms_in_Ghana_Cote_d%27Ivoire_and_Indonesia/links/56b8a62908ae44bb330d3984/You-Weed-and-Well-share-Land-Dividing-Contracts-and-Cocoa-Booms-in-Ghana-Cote-dIvoire-and-Indonesia.pdf?origin=publication_detail.

³⁹This finding is also supported in Rainforest Alliance. *Interpretation Guidelines - Indicators for Sustainable Cocoa Production in Cote d'Ivoire (Ivory Coast)*. 2009. http://www.rainforest-alliance.org/business/agriculture/documents/local_cocoa_coteivoire.pdf.

⁴⁰ Ruf, Francois. *Changes in Labor and Non-Labor Inputs in Côte d'Ivoire Cocoa Farms*. 2002. https://www.researchgate.net/publication/299456687_Changes_in_labor_and_non-labor_inputs_in_Cote_d'Ivoire_cocoa_farms1997-2001_What_impact_on_cocoa_supply.

⁴¹ Fair Labor Association. *Sustainable Management of Nestlé's Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

⁴² Fair Labor Association. *Sustainable Management of Nestlé's Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

ethnic/language group, which they reported facilitates a higher level of trust between parties. Previous research has noted significant presence of both Ivoirians and Burkinabe among sharecroppers, with smaller representation of Malians. Sharecroppers must already be knowledgeable and skilled in the mechanics of cocoa farming. This suggests a longer tenure in cocoa growing regions than hired migrant workers (from non-cocoa producing countries and regions) who are likely new to cocoa work. Focus group participants as well as expert informants noted that, short of being able to purchase full production rights to a piece of land, these arrangements are considered desirable for the sharecropper who does not assume upfront risk and instead stands to benefit from the harvest, so recruitment is not typically challenging. Several noted that the potential to secure a sharecropping arrangement is a motivation for migrant workers.

Work Agreements and Consent to Work Conditions: Field research confirmed that essentially all agreements between the primary producer and sharecropper are verbal and typically conducted in front of witnesses. Some certified cooperatives noted in interviews that they require written documentation of sharecropping arrangements. There is evidence that agreements intended to lead to transfer of land ownership are typically documented in some form of written contract, although the full terms of the agreement may not be included, which leaves open the possibility that promises of land may not be honored on the timeline or under the conditions understood by the land caretaker.

Focus group participants did note that, while not considered a common occurrence, primary producers or landowners could cheat sharecroppers or deny them the agreed upon percentage of the harvest. For example, if a sharecropper became ill or injured midway through the year and was unable to finish the season, the primary producer might use deductions for medical treatments to lower their earnings or might otherwise avoid compensating them fairly for time already worked. The general state of dependence on the producer or landowner within the social structure of the village, while often considered a benefit, can also create vulnerability to exploitation (see the Workers section below for a further discussion of these social dynamics). The sharecropper's aspiration for future land access that could be granted by the landowner is another lever which could discourage sharecroppers from expressing any grievances. Multiple dependencies on the employer or even deception regarding working conditions, on their own would not inherently be considered forced labor, but both are indicators of forced labor under the ILO framework.

Overall Forced Labor Risk: Relative to hired workers, there appears to be overall lower vulnerability to forced labor among those participating in a sharecropping arrangement, due to the potential for longstanding relationships between primary producers and sharecroppers and the fact that sharecroppers tend to be more established than more newly arrived migrant workers. However, sharecroppers or caretakers may experience deception around conditions, such as the profit-sharing agreement, expected contribution to required inputs, or their eventual rights to the land, particularly where agreements are not documented or fully documented.

Sharecroppers may bring their own family members (children, spouses, or extended family members such as nephews or brothers) who also work on the farm. In addition to family labor, sharecroppers may also engage hired workers in a manner like landowners/*planteurs*. (Vulnerability of family and hired workers is discussed in the Workers section below.) In general, when considering relative levels of vulnerability around earnings, it has been noted that due to the structure of the agreements, sharecroppers or other “managers” may have less cash to pay workers and therefore may offer lower rates.⁴³ Further, they may be incentivized to lean heavily on their own family’s labor, thereby increasing the risk of child labor on those farms.⁴⁴

3. WORKERS

DESCRIPTION

The category of “worker” is perhaps the most heterogenous group. As noted above, primary producers and sharecroppers often work directly in production. Primary producers/landowners themselves who work their own land are workers, although they do not have any employment relationship. Similarly, sharecroppers may be considered to be in a labor relationship with the landowner, but they are not culturally considered to be the same as *main-d'œuvre*/workers. This section will focus on individuals working on farms who are not themselves primary producers or sharecroppers, but who may be family members of those actors.

Much of the labor on cocoa farms is provided by family members of the primary producers and/or sharecroppers. This family labor can include adults and children, and may include nuclear/biological family or extended family/kinship networks. Family members can work on an unpaid casual basis or may be compensated via cash, food, lodging, medicine, educational support, or gifts. In some cases, they may receive a cash payment after the harvest, but this is not considered a salary. Family members may also serve as sharecroppers. When family members are not compensated, they generally receive support in the form of food, housing, medicine, and cash “as needed” for items such as school fees or weddings. In some cases, family members outside the immediate family may come to live and work on the farm. These non-local family members may stay on as long as three years in an unpaid capacity.⁴⁵ Previous

⁴³ International Labor Rights Forum. *Fairness Gap*. 2014. <http://www.laborrights.org/publications/fairness-gap>. Anti-Slavery International. *The Cocoa Industry in West Africa: A history of exploitation*. 2004. http://www.antislavery.org/includes/documents/cm_docs/2008/c/cocoa_report_2004.pdf.

⁴⁴ International Labor Rights Forum. *Fairness Gap*. 2014. <http://www.laborrights.org/publications/fairness-gaptrue>. IDH and Fair Price. *The True Price of Cocoa from Ivory Coast*. 2016. <http://www.chocolatemakers.nl/wordpress/wp-content/uploads/2016/04/TP-Cocoa.pdf>.

⁴⁵ Ruf, Francois. *Changes in Labor and Non-Labor Inputs in Côte d'Ivoire Cocoa Farms*. 2002. https://www.researchgate.net/publication/299456687_Changes_in_labor_and_non-labor_inputs_in_Cote_d'Ivoire_cocoa_farms1997-2001_What_impact_on_cocoa_supply.

research has noted that non-local family members of the sharecropper or farmer may be referred to as *volontaire*,⁴⁶ although this term was not used by producers in focus group interviews, who instead simply referred to their family members in terms of their specific relationship, most commonly describing them as “my brother” (*frère*).⁴⁷ It should be noted (and is discussed further in the section on child workers) that “family” is used culturally to denote broad kinship networks, not just immediate family members.⁴⁸

One example of a kinship labor arrangement is the *apprentissage*⁴⁹ (apprenticeship) system described in focus groups, whereby young men (roughly described as being in their teens or twenties) migrate from non-cocoa producing areas, either within Côte d’Ivoire or from neighboring countries, to learn how to work on cocoa farms, generally for an extended family member who is a primary producer or sharecropper. Apprentices are reportedly recruited directly via extended family/kinship networks. While living with the extended family member, the young worker typically does not receive a formal wage, but receives food and lodging, as well as cash for other needs and expenses. In addition to receiving a small lump-sum of cash or a gift at the end of the harvest, the long-term goal of the apprentice is to adequately learn how to work on cocoa farms so that in subsequent seasons, he could be hired as a full worker or seek a sharecropping arrangement.

Labor exchanges, in which primary producers and sharecroppers in a community provide rotating assistance to their neighbors, are another form of casual labor. The ongoing existence of this practice, known as “*entre-aid*” was documented in focus groups, but it is unclear how common it is.

Workers can also be hired or contracted by the farmer or sharecropper on a short-term (occasional) or long-term basis. Some “hired” workers may also be family (particularly extended family) members of the farmer or sharecropper, blurring the line between “family” and “hired” labor, particularly considering the loose cultural definition of family. Field research found that there are four common time periods for hired workers:

- 1 year
- 6 months
- 1 month

⁴⁶ Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf

⁴⁷ Ruf, Francois. *Changes in Labor and Non-Labor Inputs in Côte d’Ivoire Cocoa Farms*. 2002. https://www.researchgate.net/publication/299456687_Changes_in_labor_and_non-labor_inputs_in_Cote_d'Ivoire_cocoa_farms1997-2001_What_impact_on_cocoa_supply.

⁴⁸ Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf

⁴⁹ Another form of culturally practiced child migration is known as *confiage*. *Confiage* typically refers to children who are living with extended family for a variety of reasons, but generally because the extended family members have (or have at least promised) more resources to care for the child. *Apprentissage* is a fostering system more specifically aimed at providing the young person with a skill.

- Daily/by task

The rate of labor use (outside of the primary producer) has not been authoritatively documented, but it is clear that additional labor is a necessary input in many cases. In Verité field research, there was a consensus that hired labor of some form is common, and this can be supported by extrapolated data from other sources. Data provided by cocoabarometer.org gives an average plantation in Côte d'Ivoire the size of 3.5 hectares.⁵⁰ Field research interviews noted that one “strong adult man” could work approximately 1-2 hectares. Given the average plantation size of 3.5 hectares, most farms would presumably need at least one robust worker (either an adult or an older teenager) in addition to the primary producer. Focus group participants reported that most farmers have someone else to help them, but as noted here, that additional labor could range from day laborers to short-term seasonal workers, annual workers, sharecroppers, family labor, or labor-exchange. A single farm may use multiple labor strategies at different times in the year.

A Fair Labor Association report profiling farms — though not statistically representative — found that on 110 farms throughout the country, totaling 296 hectares, in addition to the producers on the land, there were 235 family workers and 87 hired workers.⁵¹ With the farmers included, this would give a total of 432 people providing labor, or 1.46 people per hectare. While this seems high, it is likely that many of the workers — whether family or hired workers — were not engaged full time. Focus group participants reported that much of hired labor is seasonal, particularly for the harvest season. This is in line with findings from ICI and FLA.⁵² In the FLA dataset, hired labor accounted for about 27 percent of non-producer workers and about 79 percent of farms assessed by FLA that engaged hired labor.⁵³ Research conducted by the International Cocoa Initiative on the labor hours performed by both household and hired labor shows that in villages surveyed, total hired labor hours accounted for roughly 25–50 percent of total labor hours reported in the survey timeframe.⁵⁴ These statistics demonstrate that hired labor is a significant factor in the Ivorian cocoa labor market and reflect impressionistic claims

⁵⁰ Cocoa Barometer. Cocoabarometer.org.

⁵¹ It is unclear from the definitions provided whether this includes those working under sharecropping agreements as well or whether sharecroppers interviewed were counted as “farmers.”

⁵² Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf. International Cocoa Initiative. *Researching the Impact of Increased Cocoa Yields on the Labour Market and Child Labour Risk in Ghana and Côte d’Ivoire*. 2016. <http://www.cocoainitiative.org/knowledge-centre-post/labour-market-research-study-full-study/>.

⁵³ Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf. International Cocoa Initiative. *Researching the Impact of Increased Cocoa Yields on the Labour Market and Child Labour Risk in Ghana and Côte d’Ivoire*. 2016. <http://www.cocoainitiative.org/knowledge-centre-post/labour-market-research-study-full-study/>.

⁵⁴ International Cocoa Initiative. *Researching the Impact of Increased Cocoa Yields on the Labour Market and Child Labour Risk in Ghana and Côte d’Ivoire*. 2016. <http://www.cocoainitiative.org/knowledge-centre-post/labour-market-research-study-full-study/>.

made by the International Labor Rights Fund that “most farmers employ at least one hired laborer.”⁵⁵

Hired workers may be local or migrant Ivoirians (with migrant Ivoirians typically coming from the northern region of the country), or they may be transnational migrants from Mali or Burkina Faso. Previous research conducted by Fair Labor Association found that approximately 65 percent of hired workers in their sample were Ivoirians, 32 percent were Burkinabe, and 3 percent were Malian.⁵⁶ Field interviews confirmed the general scale, with informants estimating informally that “about half” of hired workers are Ivoirians, “most” transnational migrants are from Burkina Faso, and “a smaller number” are from Mali. Informants noted that employment relationships tend to be clustered among ethnic groups. Older research had noted that migrant workers engaged for 9–12 months tended to be transnational migrants, whereas workers engaged on a 6-month basis have historically been predominantly Baoulé migrants from northern Côte d’Ivoire, although it is not strictly limited to that group.⁵⁷

Field research confirmed previous research findings that hired workers on cocoa plantations are predominantly male. It should be noted, however, that many male workers live with their spouse(s) and children, and field research interviews found that migrant workers and sharecroppers may move their entire families with them. It was reported in focus groups that male workers prefer to work by themselves the first year, returning to their home village to marry and/or retrieve their families for subsequent years. Family members of hired workers, though not directly engaged by the primary producer or sharecropper, may also be involved in cocoa-related work, or non-cocoa work in the household, such as growing other crops.

FINDINGS RELEVANT TO FORCED LABOR RISK FOR WORKERS

Work Agreements: Work agreements for hired workers are nearly exclusively verbal, though they may be referred to as *contrats*, which presents a falsely formal image. Participants in focus groups noted that the terms are often agreed to with witnesses present, such as the village chief or another village elder, to preclude future disputes, a practice which has been noted in other literature and is considered a protective factor by Verité.⁵⁸ Previous research on the impact of the UTZ certification program found that many producers, regardless of participation in certification programs, made no agreement with workers, whether verbal or written,⁵⁹ so it

⁵⁵ International Labor Rights Forum. *Fairness Gap*. 2014. <http://www.laborrights.org/publications/fairness-gap>.

⁵⁶ Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

⁵⁷ Ruf, Francois. *Changes in Labor and Non-Labor Inputs in Côte d’Ivoire Cocoa Farms*. 2002.

https://www.researchgate.net/publication/299456687_Changes_in_labor_and_non-labor_inputs_in_Cote_d'Ivoire_cocoa_farms1997-2001_What_impact_on_cocoa_supply.

⁵⁸ Rainforest Alliance. *Interpretation Guidelines - Indicators for Sustainable Cocoa Production in Cote d’Ivoire (Ivory Coast)*. 2009. http://www.rainforest-alliance.org/business/agriculture/documents/local_cocoa_coteivoire.pdf.

⁵⁹ LEI Wageningen UR as submitted to UTZ. *Impact of UTZ Certification of cocoa in Ivory Coast*. https://www.utz.org/wp-content/uploads/2016/03/Impact-of-UTZ-certification-of-cocoa-in-Ivory-Coast_2014.pdf. 2014.

should not be taken for granted that even verbal agreements take place. Where agreements do not take place, take place without witnesses, or are not ultimately honored, it may increase the risk of deception regarding conditions of work such as earnings, hours, expectations of work in the employer's household, other benefits such as housing, food and medicine, etc..

Earnings: Field research on wage rates for longer-term hired workers generally confirmed previous research. Focus group participants and expert informants interviewed in the field research process noted a typical salary of CFA 160,000–200,000 per year (roughly USD 254.71–318.42), or an equivalent percentage if hired on a six month or one-month basis. This is roughly in line with other research on hired worker salaries: Rainforest Alliance noted local norms in Côte d'Ivoire as roughly CFA 10,000–15,000 per month; FLA noted prevailing wage rates for workers as approximately CFA 150,000–200,000 per year.⁶⁰ A report from ILRF noted greater variability on the high end of the range, citing annual wages of roughly USD 209–1,045 per year (approximately CFA 128,333–641,666).⁶¹ It is unclear what might account for the higher figures provided in that report, although it is possible workers receiving those amounts may have been “managers” procuring additional labor on behalf of the primary producer. It is critical to note that wages for newly arrived migrant workers from non-cocoa growing regions can be significantly lower. In interviews with Verité researchers, producers stated that they might pay a new migrant worker as little as CFA 75,000 (USD 121.44) per year, because “he does not know how to use a machete.” Low wages in and of themselves are not an indicator of forced labor, particularly where they have been agreed to be all parties in advance. However, workers who are earning lower wages to begin with may be more at risk of receiving no earnings if deductions are taken, as described in the next section.

Certified cooperatives interviewed stated that they inform participating producers (whether primary producers or sharecroppers) that they are responsible for paying their workers in accordance with the *Salaires Minimums Agricoles Garantis*⁶² but there is no mechanism for enforcement in practice. According to the US Department of State 2017 Human Rights Report,

⁶⁰ Rainforest Alliance. *Interpretation Guidelines - Indicators for Sustainable Cocoa Production in Cote d'Ivoire (Ivory Coast)*. 2009. http://www.rainforest-alliance.org/business/agriculture/documents/local_cocoa_coteivoire.pdf.

Fair Labor Association. *Assessment of Nestle's Standard Cocoa Supply Chain in Côte d'Ivoire*. 2016. <http://www.fairlabor.org/report/standard-supply>.

IDH and Fair Price. *The True Price of Cocoa from Ivory Coast*. 2016. <http://www.chocolatemakers.nl/wordpress/wp-content/uploads/2016/04/TP-Cocoa.pdf>.

⁶¹ International Labor Rights Forum. *Fairness Gap*. 2014. <http://www.laborrights.org/publications/fairness-gap>.

⁶² According to Verité interpretation of Law No. 2015-532 of July 20, 2015 (2015 Labor Code), the minimum wage for agricultural workers is provided via decree but has the force of law. Article 31.8 states that a decree sets the rate for the guaranteed minimum agricultural wage (abbreviated as SMAG) per the advice of the Advisory Labor Committee (La Commission consultative du travail, or CCT). A copy of the decree setting the guaranteed agricultural minimum wage was not available at the time of writing. According to the US Department of State 2016 Human Rights Report reviewed at the time of research, the minimum wage was set at CFA 60,000 per month and CFA 25,000 per month for agricultural workers.

the minimum wage was set at CFA 60,000 per month (USD 110) and CFA 25,000 per month (USD 46) for agricultural workers.⁶³⁶⁴

Payment Conditions: Focus group participants noted that wages for longer term hired workers are typically only paid upon the end of the harvest, although the producer or sharecropper may provide workers with infusions of cash for discrete needs as they arise, such as funeral or wedding costs. One informant stated that some producers or sharecroppers will pay salary in portions three times a year, although this is only possible when they have somewhat stable levels of cash on hand and therefore tend to be wealthier. Focus group participants stated that if a worker needed to leave before the end of the harvest, he would be owed earnings for the appropriate length of time worked, but this norm may be difficult to enforce. Focus group participants typically described these arrangements as being more economically beneficial to the primary producer as opposed to sharecropping arrangements. On the other hand, if something disastrous happens to the crop yield/quality, producers may find the agreed-upon wages a more significant financial liability than they had planned for, leaving them without cash to pay their workers, although researchers did not hear first-hand accounts of this occurring. In contrast, with a sharecropping arrangement, the producer is responsible for sharing only one third of whatever is actually harvested, rather than a hard salary figure. Further, if the producer is responsible for medical costs and the worker becomes seriously ill, producers who honor those commitments may face a heavy financial burden.⁶⁵ Although focus group participants interviewed were hesitant to discuss it and stated that this is not a widespread practice, they reported that producers or sharecroppers with “low morality” could take deductions for things such as food and medicine from workers’ earnings, leaving them with almost nothing by the end of the season, and therefore more vulnerable to exploitation. Workers with lower wages to begin with (such as newly arrived migrant workers earning CFA 75,000 or USD 121.44 per year) may be more vulnerable to ending a season with little to no income. There is some evidence that there may be cases in which workers, particularly young workers, do not directly receive their earnings when payments are made. For example, a 2016 report from FLA noted one case of a child worker who reported that his earnings were to be paid directly to his parents rather than to him.⁶⁶ This child had also worked for two seasons at the time of interview without receiving any earnings.⁶⁹

⁶³ US Department of State. *Human Rights Report, Côte d'Ivoire*. 2017.

<https://www.state.gov/documents/organization/277235.pdf>.

⁶⁴ Verité analysts’ reading of Law. No. 2015-532 of July 2015 (2015 Labor Code) finds that the Code appears to indicate that the minimum wage (including the minimum wage for agricultural workers) has the force of law, although it is provided in a decree.

⁶⁵ Ruf, Francois. *Changes in Labor and Non-Labor Inputs in Côte d'Ivoire Cocoa Farms*. 2002.

https://www.researchgate.net/publication/299456687_Changes_in_labor_and_non-labor_inputs_in_Cote_d'Ivoire_cocoa_farms1997-2001_What_impact_on_cocoa_supply.

⁶⁶ Fair Labor Association. *Independent External Monitoring of Nestlé’s Cocoa Supply Chain in Ivory Coast: 2014 – 2015*. 2015. http://www.fairlabor.org/sites/default/files/documents/reports/september_2015_nestle_executive_summary.pdf.

Focus group participants and expert informants noted an approximate average day rate of CFA 2,000–3,000 (USD 3.24–4.86) for short-term workers who are either paid daily for a limited amount of time or by task (engagements that fall under the ‘piece-work’ umbrella). This generally confirms previously published data which noted average daily rates in the range of CFA 2,000–3,000 per day.⁶⁷ These shorter-term workers are reportedly used for tasks such as weeding and harvesting.

Short-term labor is a less financially risky arrangement for producers and may allow them more flexibility; however, heavy use of short-term labor may be more expensive overall than hiring a longer-term worker. In interviews with producers, they stated that these short-term/daily workers tended to be local people who were looking for additional income rather than people who depended on these arrangements for the entirety of their livelihoods. However, one older report noted that at least in some regions, short-term workers are commonly the sons of migrant workers (although the report did not clarify whether this is referring to adult or child “sons”).⁶⁸ The level of vulnerability for the worker would be significantly dependent on the migration status of the worker engaged. For a local worker seeking to supplement other income sources, the forced labor risk would be minimal. If the producer does not pay as agreed, the local short-term worker would lose a few weeks’ earnings at most, and there are few levers for the producer to enact any sort of penalty or bind the worker to the job. On the other hand, for the son/family member of a migrant worker who may otherwise be entirely dependent on the producer, forced labor risk could be higher.

Recruitment and Transportation: Given the varied nature of labor arrangements, it is unsurprising that recruitment mechanisms are similarly diverse. Daily workers are local and actively seek work during peak labor periods. In focus groups, farmers stated that their preferred method for finding longer-term workers was word-of-mouth through extended family networks. Farmers interviewed felt this method was the most likely to result in finding a hard worker “who wouldn’t steal.” Farmers interviewed noted that they might “ask the parents” of a potential worker. This suggests relatively young workers, although not necessarily below the age of 18. Farmers noted that they would still ask the parents of a 20-year-old, for example. The role that parents may play in facilitating their children’s migration and employment in the cocoa sector has been previously documented. A 2016 FLA study reported on one case in which a child’s

⁶⁷ International Cocoa Initiative. *Researching the Impact of Increased Cocoa Yields on the Labour Market and Child Labour Risk in Ghana and Côte d’Ivoire*. 2016. <http://www.cocoainitiative.org/knowledge-centre-post/labour-market-research-study-full-study/>.

Rainforest Alliance. *Interpretation Guidelines - Indicators for Sustainable Cocoa Production in Cote d’Ivoire (Ivory Coast)*. 2009. http://www.rainforest-alliance.org/business/agriculture/documents/local_cocoa_coteivoire.pdf.

⁶⁸ Ruf, Francois. *Changes in Labor and Non-Labor Inputs in Côte d’Ivoire Cocoa Farms*. 2002. https://www.researchgate.net/publication/299456687_Changes_in_labor_and_non-labor_inputs_in_Cote_d'Ivoire_cocoa_farms1997-2001_What_impact_on_cocoa_supply.

parent made arrangements with the farmer and directly received their child's earnings.⁶⁹ A 2010 Tulane study of returned migrants from Burkina Faso and Mali found that among purposively sampled respondents who had migrated without their parent or guardian and had been engaged by a recruiter, most reported that their parents had had contact with the recruiter.⁷⁰ The practice of producers "sending for" extended family members (such as nephews, cousins, etc.) to act as workers on plantations contributes to a situation where it can be challenging to differentiate between hired workers and "family workers." Familial ties between worker and farmer (other than children working directly for their parents, who themselves are not being exploited) do not preclude the possibility of forced labor. Further, the presence of hired workers may be obscured to monitors, researchers, or other data-gathering initiatives if a farm is reported to utilize only "family labor."

Although casual recruitment through family networks was reported to be most common, there appears to be some smaller incidence of more organized worker recruitment via unrelated individuals who earn incomes as recruiters or facilitators. An informant in the transportation sector reported that at the time of research in 2016, there were some recruiting networks that facilitate transport from Burkina Faso, Mali, and northern regions of Côte d'Ivoire into several sectors in Côte d'Ivoire, including the cocoa sector. The informant noted that he sees the same recruiters repeatedly, suggesting that there are some individuals who make their living as labor recruiters, rather than simply individuals acting opportunistically. This practice has been documented in existing literature, primarily as a practice affecting child workers,⁷¹ and the informant stated that he has seen young children (under 13) with the recruiters, although slightly older (14–18) is more typical.⁷² Verité researchers heard from local NGO workers that adult workers, particularly young men (approximately ages 18–24), may also migrate via this system, so it should not be considered exclusively a risk to children. Producers interviewed confirmed the existence of recruiters in the sector, obliquely noting that producers recruiting workers through this mechanism benefit from developing ongoing relationships with the recruiter to avoid hiring "workers who are lazy or will harass your wife." The existence of non-familial recruiters in the sector — although not the scale of their presence — has been supported by previous research. A 2010 report from Tulane University found that among a purposive snowball sample

⁶⁹ Fair Labor Association. *Independent External Monitoring of Nestlé's Cocoa Supply Chain in Ivory Coast: 2014 – 2015*. http://www.fairlabor.org/sites/default/files/documents/reports/september_2015_nestle_executive_summary.pdf.

⁷⁰ Tulane University. *Fourth Annual 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*. 2010. http://www.childlaborcocoa.org/images/Payson_Reports/Final_Fourth_Annual_Report.pdf.

⁷¹ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

Castle, Sarah. *The International Migration of Young Migrants: Tradition, Necessity or Rite of Passage*. 2003. http://www.sarahcastle.co.uk/docs/Traffickingreport_final_October.pdf.

⁷² Children travelling for work via a recruiter may ultimately be in situations of forced child labor or in potentially less exploitive situations such as *confiage* or *apprentissage*. Given the right constellation of associated indicators such as coercion, debt and a menace of penalty, some children engaged in these initially voluntary migrations might ultimately end up in forced labor.

of returned migrant workers from Burkina Faso and Mali who had migrated to Cote d'Ivoire without a parent/primary caregiver and worked in the cocoa sector, over 40 percent of interviewees from Burkina Faso and over 60 percent of interviewees from Mali engaged with some type of recruiter. In most cases, the recruiter was an individual the child had met not long before their migration. When recruiters were involved, it was reportedly common for the recruiter — or an affiliate — to accompany child migrants to Cote d'Ivoire. It was also common for respondents in the snowball sample to report being accompanied by a family member who was not their guardian.⁷³ Older media reports also detail accounts of networks of traffickers “selling” children upon their arrival from neighboring countries.⁷³ Grassroots informants interviewed in 2016 by Verité reported that this type of explicit “sale” was not as common as it had been in the past, but given lack of data, the current scope is challenging to verify.

The role of buses and bus stations in facilitating transportation of migrants, including those vulnerable for trafficking, appears to be important. Informants to Verité research described a system in which recruiters in sending countries recruit workers and facilitate connections with a recruiter at the point of arrival who in turn facilitates placement of the worker with an employer (such as a cocoa farmer, although this system is used for migrant workers in other sectors as well). An employee of the bus company or another individual may also serve to supervise transportation and act as a “dispatcher” while migrants are on the bus. This person may have knowledge about factors that increase an individual’s vulnerability, such as which migrants lack identity papers. This person is sometimes known as a *coxeur*. A 2015 study identified middlemen playing this role as *passeurs* based on testimonies from expert informants in Côte d'Ivoire. This report stated that after children are recruited in their home village in Burkina Faso, a *passeur* may accompany them on buses to Côte d'Ivoire, potentially posing as a child’s parent to evade police detection.⁷⁴ Where present, *coxeurs* or *passeurs* likely serve to limit migrant’s freedom of movement during transportation, an indicator of forced labor. Other accounts have documented the role of transporters in facilitating both voluntary and apparent trafficking for forced labor in Côte d'Ivoire. For example, a 2010 documentary showed adolescents from Mali traveling to the Ivorian border by bus and then being transported over the border, reportedly to cocoa farms by individuals on motorbikes.⁷⁵ The documentary suggests that some of these transporters are engaged by farmers who intend to exploit the migrants and are therefore acting as traffickers. It is important to note that not all individuals facilitating movement or transportation of migrants are necessarily involved in trafficking for forced labor (see section on

⁷³ Lamb, Christina. The Telegraph. *The child slaves of the Ivory Coast - bought and sold for as little as £40*. 2001. <https://www.telegraph.co.uk/news/worldnews/africaandindianocean/cotedivoire/1317006/The-child-slaves-of-the-Ivory-Coast-bought-and-sold-for-as-little-as-40.html>.

⁷⁴ Casentini, Giulia. Interpol/IOM Akoma Project. *Combating Child Trafficking in the Cocoa Industry and Other Vulnerable Sectors in Ghana and Côte d'Ivoire*. 2015. <http://humantraffickingsearch.org/wp-content/uploads/2017/07/InterPol-AKOMA-Final-assessment-report-Casentini.pdf>

⁷⁵ Mistrati, Miki; Romano, Roberto. *The Dark Side of Chocolate: Child Trafficking and Illegal Child Labor in the Cocoa Industry*. 2010.

other contextual issues below for further discussion), but the presence of these transporters can be a red flag for trafficking risk, particularly for child migrants.

Field research did not find any evidence that forced recruitment — such as abduction — is currently occurring, although this was described in early media stories on child trafficking in cocoa production⁷⁶ and continues to be noted in sources such as the US Department of Labor List of Goods Produced with Forced or Indentured Child Labor pursuant to Executive Order 13126, which states, “Some children are sold by their parents to traffickers, some are kidnapped, and others migrate willingly but fall victim to traffickers who sell them to recruiters or farmers, where they end up in conditions of bonded labor.”⁷⁷ It is possible that the reference of sale of children by parents to traffickers may be in reference to the phenomenon of parents engaging with recruiters as described above.

The consensus from most of the literature on migration, both in the cocoa sector as well as in West Africa, more generally points to the large scale of voluntary economic migration, both for adults and youth.⁷⁸ Research conducted by Anti-Slavery International among young migrant workers, some of whom had been trafficked, found that many were actively seeking to migrate to cocoa growing regions for work and that meeting a recruiter in their home regions served as a “trigger event.” Among returned migrants surveyed by Tulane (in a non-representative study), nearly 70 percent had actively been seeking employment at the time of recruitment.⁷⁹ While migration for economic opportunity plays an important role in the ECOWAS region (see contextual issues section for more information), it should be noted that even after voluntarily initiating migration, migrants can be exploited at multiple points during the recruitment and employment cycle.

⁷⁶ Lamb, Christina. The Telegraph. *The Child Slaves of Ivory Coast: Bought and Sold For as Little as £40*. 2001. <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/cotedivoire/1317006/The-child-slaves-of-the-Ivory-Coast-bought-and-sold-for-as-little-as-40.html>.

⁷⁷ US Department of Labor. *List of Goods Made with Forced Labor and Forced Child Labor*. 2014. <https://www.dol.gov/ilab/reports/child-labor/list-of-products/>.

This citation also reports that according to Tulane, “over 4,000 children work in conditions of forced labor in the production of cocoa in Côte d'Ivoire.” The specific Tulane research is not cited in the Department of Labor report.

⁷⁸ De Lange, Albertine. *Going to Kompienga*. 2006.

http://www.childtrafficking.com/Docs/lange_d_alb06gtkompienga_061106.pdf.

Adepoju, Aderanti. Global Commission on International Migration. 2006.

http://iom.ch/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/rs/RS8.pdf.

United Nations High Commission for Refugees. *West Africa as Migration and Protection Area*.

<http://www.unhcr.org/49e479c311.pdf>.

Konseiga, Adama. *New Patterns of Migration in West Africa*. 2005.

https://stichproben.univie.ac.at/fileadmin/user_upload/p_stichproben/Artikel/Nummer08/04_Konseiga.pdf.

African Development Bank Group. *Migration Patterns, Trends and Policy Issues in Africa*. 2010.

<https://www.afdb.org/fileadmin/uploads/afdb/Documents/Procurement/Project-related-Procurement/WORKING%20119%20word%20document%20AA.PDF>.

⁷⁹ Tulane University. *Fourth Annual Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Côte d'Ivoire and Ghana*. 2010.

<https://www.dol.gov/ilab/projects/summaries/2010CocoaOversightReport.pdf>.

Recruitment and Transportation-related Debt: The average cost of a bus ticket at the time of field research was roughly CFA 17,000 from Ouagadougou to central Côte d'Ivoire (Bouaké). However, if a worker cannot pay that up front, they may participate in the informal *arriver-payer* system, in which their employer pays the recruiters all fees, typically once the worker has arrived in Cote d'Ivoire. The worker then works to pay off this transportation debt (which can reportedly total four to five times the original cost). The *arriver-payer* system is documented to some degree in Anti-Slavery International's 2011 report on child migration in the cocoa sector, although the aspect of debt is not its focus.⁸⁰ Migrants may also accrue debt if they pay fees to recruiters for other purposes, such as small bribes to pay border officials.⁸¹ Repaying debt linked with recruitment can, according to experts interviewed and the Anti-Slavery International report, take much of the annual earnings of a newly arrived migrant worker. This can be true for workers who initiated their own migration as well as for those who were more actively recruited. Migrant workers, whether adults or children, are likely to be more vulnerable to forced labor if they are working to pay off any recruitment-related debt. It is unclear the degree to which migrants are aware of the terms of employment before embarking on an employment migration facilitated by a third party, but even if they are informed and consent to the terms of employment in advance, the existence of the recruitment-related debt may serve to bind them to their employer and thus expose them to a heightened risk of abuse.

Verité researchers did not encounter direct evidence or accounts of recruiters giving cash advances to parents or other family members of child migrants. However, there is some "smoke" around this phenomenon, as in the above citation from the US Department of Labor. In addition, a 2010 study from Tulane which examined migration experiences among non-randomly sampled returned workers from Mali and Burkina Faso (who had been under 18 at the time of migration) found that of people in their sample who had migrated via a recruiter, in six percent of cases, the recruiter made initial contact with the child's parents.⁸² Unfortunately, that study provided no insight into the mechanics of that type of recruitment, but it raises the possibility that the parents may have been provided with compensation for the child's migration and future work, creating vulnerability for debt bondage.

It is unclear the degree to which workers are accurately informed of the conditions of employment by the recruiter, and therefore the degree to which there is deception during recruitment.

⁸⁰ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

⁸¹ Mistrati, Miki; Romano, Roberto. *The Dark Side of Chocolate: Child Trafficking and Illegal Child Labor in the Cocoa Industry*. 2010.

⁸² Tulane University. *Fourth Annual Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Côte d'Ivoire and Ghana*. 2010. <https://www.dol.gov/ilab/projects/summaries/2010CocoaOversightReport.pdf>.

Length of Employment: A key risk factor around recruitment-related debt appears to be length of employment; that is, workers in the first two to three years of employment may be most vulnerable. Verité researchers heard in focus groups and from expert informants that workers with debt are generally able to pay this off within the first year and may in fact end the season with some additional cash so that they can return home after the harvest and visit their family. However, previous research conducted by Anti-Slavery International found that most young migrant workers who had been recruited stayed about two years.⁸³ These workers reported that upon requesting their first year's earnings, the producer might respond that they had not yet paid off their expenses (for transportation, but also for food, clothing, and tools) and that they were required to work another year. An extended duration of debt also makes some sense given the low wages (approximately CFA 75,000 or USD 121.44 per year) paid to newly arrived migrants without previous cocoa experience.

At the close of the second year, some workers interviewed by Anti-Slavery International reported that they had again been denied earnings, causing the workers to lose hope that they would ever be paid and to depart without earnings.⁸⁴ A 2003 study of young migrants from Mali to Côte d'Ivoire notes that although the *arriver-payer* system can contribute to vulnerability to forced labor and trafficking, in other cases, it enables migrants to seek economic opportunity via migration when they otherwise could not; some migrants reported that they negotiated with their employer upon arrival and their transportation costs were completely paid off in several months as negotiated.⁸⁵

Living and Working Conditions: Living conditions in camps or in villages depend primarily on the incomes of producers in the area. Verité research did not attempt to document the availability of potable water or electricity, but previous research has noted that availability is low in cocoa producing regions in general, although this varies by area.⁸⁶

Some *campements* were described to researchers as extremely basic with rudimentary sleeping arrangements (i.e. hammocks) and little shelter, whereas other camps visited by researchers were more developed with permanent living and sleeping quarters, food stores, etc. Previous research — though not descriptive of the entire sector — notes that living and working conditions, particularly for migrant workers without familial ties to the farmer, can be degrading and abusive, even considering pervasive poverty levels endemic to many cocoa growing regions. For example,

⁸³ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

⁸⁴ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

⁸⁵ Castle, Sarah. *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage*. 2003. http://www.sarahcastle.co.uk/docs/Traffickingreport_final_October.pdf.

⁸⁶ Mondelez International. *Cocoa Life Needs Assessment Executive Summary*. 2015. https://www.cocoalife.org/~/_media/cocoalife/news%20articles%20pdf/cocoa%20life%20cote%20divoire%20needs%20assessment%20exec%20summary_20150421.pdf.

Anti-Slavery International described young migrant workers who were recruited via intermediaries living in housing completely isolated from surrounding villages, with no social contacts outside of other young migrants. While these workers were not locked in the worksite or housing, the level of isolation in the forest was high and they were unsure of their location. They were left to fend for themselves in terms of medical care and food.⁸⁷ This report focused on the experiences of child workers, but because adult workers may be recruited via similar systems and end in similar employment arrangements, these anecdotal findings regarding living and working conditions should be considered potentially relevant for adults as well.

Focus group participants noted that long hours are inherent to cocoa production, describing sometimes working in the dark with flashlights. Poor living and working conditions do not stand alone as an indicator of forced labor, but degrading living conditions and forced overtime are indicators of "work and life under duress" for adults and children. Verité research did not determine whether living conditions are worse for one demographic group of workers than they are for others in a village or region (i.e. whether migrant workers are relegated to living arrangements with significantly lower standards of living than those enjoyed by workers more local to an area.)

Isolation: In general, many cocoa producing villages and *campements* are remote, isolated and extremely difficult to access. Some are in the middle of densely forested regions with only footpaths for access. Isolation is considered an indicator of forced labor if it is used to bind workers to their jobs. In the case of cocoa farms, isolation is typically inherent to the geographic context, rather than an intentional element of coercion applied by the employer. That said, the impact on the worker is the same: it may act to prevent workers from seeking alternate employment or leaving once they are on-site at a camp and it may compound the vulnerability of workers experiencing other forced labor indicators such as debt or deception.

Multiple Levels of Dependency on Employer: Another variable in terms of employment relationships and vulnerability to forced labor, whether for adult or child workers, is the social context of the relationship between the workers and the employer. For example, in the *apprentissage* (apprenticeship) system noted above, in which a young man migrates to live with extended kin while learning how to cultivate cocoa, the apprentice is not necessarily or inherently in forced labor, but like adult migrant workers, young migrants could be vulnerable if the agreed upon terms of their apprenticeship are not met or they are otherwise exploited or abused.

Regardless of family relationships, migrant workers are often highly dependent on the producer. There may be high levels of social pressure for workers to refrain from doing anything that would disrupt the social cohesion in a village, such as expressing grievances regarding working

⁸⁷ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

conditions. Food, medicine, housing — and sometimes gifts or loans of cash — may be provided in lieu of some wages. Focus group participants reported that this is generally perceived as one of the benefits of working. However, within the forced labor indicator framework, multiple dependencies and work within a context of imbalance of social capital can be considered a vulnerability. Producers interviewed reported that some farmers (those with “low morality”) might use food and medicine provided to a worker during the year — or interest on a cash loan provided — as an excuse to decrease a worker’s earnings at harvest. If workers (and possibly their family) are reliant on the producer for housing there is little possibility to express a grievance or seek alternate employment. Focus group participants, as well as others familiar with the sector, noted that migrant workers may be seeking to establish a long-term relationship with the producer or landowner in the hope of ultimately securing a sharecropping arrangement or other access to land. As one informant stated, “Above all, migrants are looking for land, so they will be more likely to take any deal that leads to the promise of land.” The promise of more secure, lucrative arrangements in the future for hard workers could further serve as a disincentive to do anything that might threaten that prospect.

It was also mentioned in focus group interviews, and noted elsewhere,⁸⁸ that hired workers (and possibly their families) may be required to perform non-cocoa related work as requested by the producer. While this could be non-exploitative if it is understood as a condition of employment ahead of time, the worker may feel limited in their ability to decline additional work. While it may not be common, this phenomenon should be considered a possibility to examine in future research.

Identity Documents: Government experts interviewed by Verité noted that under the ECOWAS treaty, migrants from neighboring countries can enter Côte d’Ivoire and work with limited documentation, i.e. passports are not required. However, national identity cards or papers are still legally required. This is relevant on two fronts. First, many West Africans lack any identity documentation, having never been registered at birth and/or having never spent the time and money to seek documents as an adult.⁸⁹ This does not necessarily prevent migration; however, it does mean that these migrants may use intermediaries as a means of avoiding or paying off border control officers or police at internal check-points. In anecdotal stories reported by Anti-Slavery International, former migrant workers stated that their recruiters helped them avoid trouble at check-points.⁹⁰ Informants interviewed by Verité stated that recruiters may have “arrangements” with law-enforcement under which they pay bribes to continue operating. This would also increase the cost of migration and, therefore, the potential debt load for workers.

⁸⁸ Rainforest Alliance. *Interpretation Guidelines - Indicators for Sustainable Cocoa Production in Cote d'Ivoire (Ivory Coast)*. 2009. http://www.rainforest-alliance.org/business/agriculture/documents/local_cocoa_coteivoire.pdf.

⁸⁹ Manby, Bronwen. UNHRC. IOM. *Migration and Statelessness in West Africa*. 2015.

<http://www.unhcr.org/ecowas2015/Nationality-Migration-and-Statelessness-in-West-Africa-REPORT-EN.pdf>.

⁹⁰ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

After arriving at the work-site in Côte d'Ivoire, migrants without documentation may feel less free to seek an alternate employer if they are unhappy with their work situation. Undocumented children (whether migrant or local) may also be prevented from registering in school. For migrants who do have identification papers, there has been some evidence that document retention may be used as a means of binding workers to their employers. Previous research has noted that young migrant workers interviewed sometimes stated that they surrendered their documents to relatives because “they fear losing them during a routine inspection by the police.”⁹¹ It is unclear from this reporting whether they are truly voluntarily surrendering their documents (as well as whether police regularly confiscate documents), but it does point to a potentially relevant indicator of forced labor; confiscation of identity documents is considered an indicator of penalty/menace of penalty for unfree recruitment, work and life under duress, and impossibility of leaving employer.

SPECIAL CONSIDERATIONS FOR CHILD WORKERS

(Note that all risk findings in the above section are risks for workers regardless of age. The risks described in this section are specific to workers legally defined as children.)

As has been extensively detailed elsewhere, child work in the cocoa sector of Côte d'Ivoire is common, with an estimated 1,303,009 children involved in the cocoa sector in 2013-2014 – representing about 34.9 percent of all children in the country.⁹² Fair Labor Association research found that 91 percent of villages in their sample reported children working in the cocoa sector.⁹³

Living Away From Parents: Tulane found in 2014 that just under 80 percent of children working in cocoa growing regions lived with at least one biological parent.⁹⁴ As noted above in the general section on recruitment, voluntary economic migration is a common and culturally accepted practice in the West African context.⁹⁵ Children reportedly migrate voluntarily to seek income to support themselves and/or their families, to seek educational opportunities, to gain a concrete skill or life experiences, to expand their social networks, and/or to seek increased social status. Some children may migrate to live with extended family members to participate in the sector as “apprentices” learning how to participate in cocoa production (*apprentissage*) as described above. Another form of culturally practiced form of child migration is known as *confiage*. *Confiage* typically refers to children who are living with extended family for a variety of

⁹¹ Fair Labor Association. *Sustainable of Nestlé's Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

⁹² Tulane University. *2013/2014 Survey Research on Child Labor in West African Cocoa Growing Areas*. 2015. http://www.childlaborcocoa.org/images/Payson_Reports/Tulane%20University%20-%.

⁹³ Fair Labor Association. *Sustainable Management of Nestlé's Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

⁹⁴ Tulane University. *2013/2014 Survey Research on Child Labor in West African Cocoa Growing Areas*. 2015. http://www.childlaborcocoa.org/images/Payson_Reports/Tulane%20University%20-%.

⁹⁵ Hashim, Imam; Thorsen, Dorte. *Child Migration in Africa*. 2011. <http://www.divaportal.org/smash/get/diva2:387010/FULLTEXT01.pdf>.

reasons, but generally because the extended family members have (or have at least promised) more resources to care for the child whereas *apprentissage* is a system more specifically aimed at providing the young person with a skill. Children may also migrate/move to live with extended family members because it is initiated by their parents — these situations are more typically referred to as *confiage*, or an informal kinship foster system.

The context of widespread youth migration and *confiage* or *apprentissage* are relevant for examining indicators of forced labor. Young workers who are not living with their biological parents, but are living with extended kinship networks, may still be culturally considered to be under “familial” guardianship.⁹⁶ Research by FLA found that among interviewees in their sample, most stated that “family” meant all blood relatives, not just nuclear family.⁹⁷ That said, the existence of kinship ties should not be considered a factor that inherently ameliorates any risk of forced labor, and these children thus remain candidates for forced child labor under the ILO framework. Previous literature has noted that while the distinction between child migration within the kinship system and child migration devoid of family ties is useful in terms of “identifying the most vulnerable groups” (i.e. children without family ties at their place of employment), it should not be assumed that there is no risk for young migrants within kin networks.⁹⁸ In short, wherever children are living and working away from their parents, regardless of the specific recruitment mechanism, they are considered at heightened risk.

Lack of school attendance: Producers and cooperative officials noted the difficulties many farmers face that may contribute to child labor, including lack of nearby schools, lack of cash for school fees, and poverty. Distance from schools and lack of adequate cash for school fees were repeatedly cited as general development problems by all stakeholders interviewed. Migrant children are not legally barred from enrolling in schools, but expert informants noted that their parents are less likely to be able to pay the required fees. In some cases, it has been reported that a lack of birth certificates may also prevent migrant children from attending school.⁹⁹¹⁰⁰ These factors may account for Tulane’s findings that 29.2 percent of children working in cocoa production did not attend school in 2012-2013.¹⁰¹ While lack of school attendance specifically is

⁹⁶ Hashim, Imam; Thorsen, Dorte. *Child Migration in Africa*. 2011. <http://www.divaportal.org/smash/get/diva2:387010/FULLTEXT01.pdf>.

⁹⁷ Fair Labor Association. *Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast—Focus on Labor Standards*. 2012. http://www.fairlabor.org/sites/default/files/documents/reports/cocoa-report-final_0.pdf.

⁹⁸ FAFO. *Child labor and cocoa production in west Africa*. 2006. http://www.fafno.no/media/com_netsukii/522.pdf.

⁹⁹ Nieburg, Olivier. Confectionary News. ‘The model works’: Cocoa child labor numbers will drop if commitments honored, says ICI. 2015. <http://www.confectionerynews.com/Commodities/Tulane-cocoa-child-labor-numbers-will-fall-says-ICI>.

¹⁰⁰ About 60 percent of children in Côte d’Ivoire reportedly have birth certificates, but that number may be far lower in some regions, including approximately 39 percent of children in Bas Sassandra, a cocoa growing region. Khudr, A. *Improving Access to Education (Presentation), ICI Stakeholder Meeting Report*; as cited in: Embode. *Children at the Heart; Assessment of Child Labour and Child Slavery in Côte d’Ivoire’s Cocoa Sector and Recommendations to Mondelez International*. 2016. https://www.cocoalife.org/~media/CocoaLife/en/download//article/FULL_REPORT_Cote_Ivoire_Mondelez_Embode_ChildrenattheHeart.pdf.

¹⁰¹ Tulane University. *2013/2014 Survey Research on Child Labor in West African Cocoa Growing Areas*. 2015. http://www.childlaborcocoa.org/images/Payson_Reports/Tulane%20University%20-%.

not an ILO indicator of forced child labor, deception or unfulfilled promises about education can be indicators of involuntariness for unfree recruitment of children or of penalty/menace of penalty for impossibility of leaving employer for children.

Children Working with Parents who Themselves are in Forced Labor: As noted above, children who are working for their parents, such as on a family farm, do not meet the definition of forced child labor under the ILO framework. An important caveat is that if a child's parents are in forced labor and the child is working as a result of his/her parents working, then the child is also considered to be in forced labor. The resulting potential forced labor risk would then be for children of adult workers who are themselves at risk of forced labor. These children could be absent in forced child labor analyses because they are in fact living with their parents while still working in forced labor. The scope of this phenomenon is difficult to determine at this stage, but, as noted in the section pertaining to adult workers, field research interviews found that migrant workers and sharecroppers may move their entire families with them and some of these family members may also be involved in cocoa work. This has direct implications for any future studies of forced labor: If analyses of adult workers are conducted, data should be gathered to indicate whether their own children are also working in the cocoa sector as a result of the parents' employment.

Hazardous Work: Verité's field research did not focus on the occurrence of hazardous child work, as this has been well documented in previous studies, although the exact prevalence varies depending on the source and the way the data is presented. Tulane found that approximately 1.15 million children — or about 31 percent of all children in cocoa growing regions in Côte d'Ivoire — were engaged in hazardous child labor in 2012-2013.¹⁰² Of children working in cocoa among the Tulane sample, most (approximately 88 percent) had partaken in at least one hazardous task.¹⁰³ Hazardous child work should not be conflated with forced child labor. However, performing hazardous tasks without protection is a potential indicator of work and life under duress for children under the ILO framework, so it could be relevant to a forced labor evaluation if penalty/menace of penalty indicators — such as violence, punishment, or wage withholding — are also in play.

Awareness of Child Labor Issues: Producers and cooperative officials interviewed during field research were highly sensitized to the question of child labor and — likely in anticipated response to our perceived interest in the topic — were quick to note that children did not work on their farms and that they knew buyers did not want children involved. Producers interviewed stated a minimum age range of 18–20 for cocoa workers. Cooperative officials interviewed all stressed the priority that child labor issues receive in producer trainings. However, an awareness of the importance of avoiding child labor and familiarity with the topic does not

¹⁰² Tulane University. *2013/2014 Survey Research on Child Labor in West African Cocoa Growing Areas*. 2015. http://www.childlaborcocoa.org/images/Payson_Reports/Tulane%20University%20-%.

¹⁰³ Tulane University. *2013/2014 Survey Research on Child Labor in West African Cocoa Growing Areas*. 2015. http://www.childlaborcocoa.org/images/Payson_Reports/Tulane%20University%20-%.

necessarily translate into action. While producers who have been exposed to trainings or other educational materials may be well aware of standards and expectations around child labor, several barriers may prevent them from following these standards in practice. These barriers might include the aforementioned difficulty in accessing education, a lack of income to hire adult laborers, a desire for children to learn about cocoa cultivation as a livelihood/skill, etc. Further, previous literature, particularly the work of Alfred Babo, has noted that conflicting what constitutes “work” or “appropriate” tasks for children – in spite of trainings that discuss hazardous child labor – may also help to account for the inconsistency between high levels of sensitization/awareness and the on-going rates of child labor in cocoa.¹⁰⁴

OVERALL FORCED LABOR RISK FOR WORKERS

The forced labor risk for any given worker should be seen as a constellation of factors including age, migration status, living situation, work conditions, earnings, access to documentation, and recruitment mechanisms. The group of workers that this study identified as most at risk is migrant workers (and their children, if working) who were recruited by a third party, with recruitment-or employment-related debt who are in their first years of employment. Compounding factors might include: working for a producer outside of family/kinship ties; working in a remote area; lack of formal education low literacy rates and lack of formal documentation (whether because they held documentation in the first place or because it is being withheld from them). These would further inhibit workers – and particularly young workers – from leaving the worksite to return home or seek alternate work opportunities.

¹⁰⁴ Babo, Alfred. *Child Labor in Cocoa-Growing Communities in Côte d'Ivoire: Ways to Implement International Standards in Local Communities*. 2014. <http://digitalcommons.fairfield.edu/sociologyandanthropology-facultypubs/71/>.

D. Other Risk Factors/Contextual Issues

1. GEOGRAPHY

Figure 1 - Areas with higher migrant presence.



Migrants are reportedly most concentrated in rural regions in Sud-Comoé, Bas-Sassandra, Moyen-Cavally, Indénié-Djuablin, and Haut-Sassandra.¹⁰⁵

¹⁰⁵ Babo, Alfred. *Alternatives Sud. Conflits fonciers, ethnicité politique et guerre en Côte d'Ivoire*. 2010. http://www.un.org/en/development/desa/population/migration/events/other/workshop/2015/docs/Workshop2015_Cote_dIvoire_Migration_Fact_Sheet.pdf.
IOM. *Migration en Côte d'Ivoire : Document thématique 2009 Migration, emploi, pression foncière et cohésion sociale en Côte d'Ivoire*. 2009. http://www.iomdakar.org/profiles/sites/default/files/migration_emploi_pression_fonciere_2009.pdf.

Previous research has specifically identified the Southwest as a potentially risky area for trafficking due to existing migration corridors.¹⁰⁶ A 2015 Interpol raid on children determined to be trafficked, including children working in cocoa, was conducted in the southwestern region around San-Pedro.¹⁰⁷ A 2014 Interpol raid found children believed to be trafficked onto cocoa plantations in the Soubré region,¹⁰⁸ where they rescued a total of 75 children, and a 2009 Interpol raid of trafficked children on cocoa plantations was conducted in the southeast region.¹⁰⁹

Figure 2 - 2006 ILO map of youth trafficking in Cote d'Ivoire, as hanging in offices of NGO.



¹⁰⁶ Robson, Paul. Anti-Slavery International. *Ending Child Trafficking in West Africa Lessons from the Ivoirian cocoa sector*. 2011. http://www.antislavery.org/includes/documents/cm_docs/2011/c/cocoa_report_for_website.pdf.

¹⁰⁷ Reuters. *Ivory Coast frees 48 child slaves, arrests traffickers*. 2015. <http://uk.reuters.com/article/uk-ivorycoast-trafficking-idUKKBN0P300620150623>.

¹⁰⁸ Interpol. *Children rescued from trafficking and exploitation in Côte d'Ivoire operation supported by INTERPOL, 2014*. <https://www.interpol.int/News-and-media/News/2014/N2014-058>.

¹⁰⁹ Interpol. *Scores of children rescued from organized slave labour in INTERPOL-led operation conducted by Côte d'Ivoire police*. 2009. <https://www.interpol.int/News-and-media/News/2009/N20090803>.

The 2016 Nestle FLA report notes that farms that are organized into cooperatives or that are covered by private sector initiatives of any kind tend to be in the central, southern, and eastern regions of the country's cocoa growing areas, while unorganized farms tend to be in the northwestern regions of cocoa growing areas.¹¹⁰ While they do not specify districts, it is likely this refers to the Haut-Sassandra and Moyen-Cavally regions, as field researchers also heard anecdotally that these areas are likely to have more newly arrived migrant workers.

2. ROLE OF COOPERATIVES AND OTHER PRODUCER ORGANIZATIONS

Cooperatives play an important and growing role in the Ivorian cocoa sector. By some estimations, over half of all producers participate in a cooperative,¹¹¹ though other estimates put the rate closer to 30 percent.¹¹² The percent of cocoa sold through cooperatives is estimated at 20 percent,¹¹³ pointing to a gap between overall participation levels and the percent of cocoa sold through cooperatives. There is significant variation among existing cooperatives in terms of size, level of formalization, years of existence, participation in certification schemes, and the range of services offered to members. Among cooperatives visited during field research, these services included things like improved access to schools, agricultural productivity training and consultation, access to subsidized inputs, access to credit, and a price premium for certified cooperatives. In general, most cooperatives are able to provide important market access to producers. Producers who do not participate in cooperatives typically sell to individual *pisteurs* or *traitants*, who, although they provide transportation and cash up front, may offer 20-30 percent less than cooperatives.

From the supplier and company perspective, cooperatives provide important infrastructure for supply chain traceability and other sustainability programs. Certified cooperatives utilize *relais* or agricultural outreach agents. The primary purpose of these agents is to provide technical/agronomy support to growers, but because they are “boots on the ground,” they are also available as a front-line resource for addressing labor issues. For example, they may serve as witnesses to verbal work agreements. When disputes arise between a worker and a grower,

¹¹⁰ Fair Labor Association. *Assessment of Nestle's Standard Supply Chain in Ivory Coast*. 2016. http://www.fairlabor.org/sites/default/files/documents/reports/assessment_nestle_standard_supply_chain_ivory_coast_august_2016.pdf.

¹¹¹ Conseil Café Cacao as cited in: GEFAK. *Study on the state of farmer cooperatives in the cocoa sector of Côte d'Ivoire: Draft Final Report*.

https://www.kakaoforum.de/fileadmin/Redaktion/Studien/GISCO_COOP_Report_GEFAK_final.pdf.

¹¹² Fair Labor Association. *Assessment of Nestle's Standard Supply Chain in Ivory Coast*. 2016. http://www.fairlabor.org/sites/default/files/documents/reports/assessment_nestle_standard_supply_chain_ivory_coast_august_2016.pdf.

¹¹³ Technoserve. *Transparent Cocoa Value Chains Mean Better Livelihoods for Farmers in Cote d'Ivoire*. 2018. <https://www.technoserve.org/blog/transparent-cocoa-value-chains-means-better-livelihoods-for-farmers-in-cote>.

they can perhaps act as a more impartial mediator than the village chief. They can also serve as extra eyes observing signs of child labor and forced labor if they are properly trained. Cooperatives visited in the course of this research emphasized the role they play in training their members on social information. Many cooperatives visited had information about child labor posted on their walls, and cooperative representatives could speak fluently about the topic, noting minimum ages for employment, what types of tasks are hazardous, the importance of schooling, etc. While cooperative representatives were not as familiar with forced labor and trafficking, their strength in providing sensitization on child labor suggests they could provide similar member trainings on forced labor, with support to build their own internal capacity.

The infrastructure provided by cooperatives, in terms of product traceability, training for producers, and outreach are important building blocks for any future social or human rights programming, including many of the recommendations presented at the conclusion of this report. However, there are some significant gaps and areas of opportunity.

In spite of the potential benefits for participating producers, producers, cooperative representatives, and other local informants interviewed had an overall low level of trust in cooperatives. There was significant suspicion among non-cooperative-affiliated producers interviewed that cooperatives would cheat them out of their rightful earnings. This suspicion seems to stem, at least in part, from the fact that historically some cooperatives have not been transparent in their payments to producers, and that in some cases, producers reported cooperatives had acted fraudulently. Producers interviewed expressed frustration with the delay in receiving payment after providing cooperatives with their beans, whereas *pisteurs* could offer them cash immediately, albeit at a lower price. This is critical for producers because the start of the school year coincides with mid-crop harvest season, and many producers have limited cash flow. Other studies on the role of cooperatives have noted that many cooperatives do not have sufficient capital on hand to fully function, and may utilize advances from traders, minimizing financial advantages to participating producers.¹¹⁴ Some cooperatives provide financial accounts to members, a critically important service in a population with low access to formal bank-based financial services.¹¹⁵ However, a study of farmers participating in cooperative-based financial accounts found that many had experienced not being able to withdraw deposited money due to a lack of liquidity.¹¹⁶ Factors such as these may contribute to ongoing low levels of producer confidence in cooperatives.

¹¹⁴ GEFAK. *Study on the state of farmer cooperatives in the cocoa sector of Côte d'Ivoire: Draft Final Report*. https://www.kakaoforum.de/fileadmin/Redaktion/Studien/GISCO_COOP_Report_GEFAK_final.pdf.

Technoserve. *Transparent Cocoa Value Chains Mean Better Livelihoods for Farmers in Cote d'Ivoire*. 2018. <https://www.technoserve.org/blog/transparent-cocoa-value-chains-means-better-livelihoods-for-farmers-in-cote>.

¹¹⁵ Lonie, Susie; Martinez, Meritxell; Oulai, Rita; Tullis, Christopher. International Finance Corporation. *Opportunities for Digital Financial Services in the Cocoa Value Chain. Côte d'Ivoire*.

<https://www.ifc.org/wps/wcm/connect/2d3ae2fc-ae9a-45e1-bb9a-f039927a2f89/IFC+Cote+d%27Ivoire+Digitizing+Cocoa+Value+Chain+report+ENGLISH.pdf?MOD=AJPERES>

¹¹⁶ Lonie, Susie; Martinez, Meritxell; Oulai, Rita; Tullis, Christopher. International Finance Corporation. *Opportunities*

Government officials and cooperative representatives noted that although cooperatives are required to register, the relatively minimal regulations are not enforced. Cooperative representatives reported that it is very difficult for farmers to “distinguish good from bad cooperatives.” Other reviews of the role of cooperatives have noted that some function more as “licensed buying agents.” and are not actively driven by the needs and agendas of producer members.¹¹⁷ These cooperatives have been referred to as “paper cooperatives” in that they exist on paper but do not provide needed services to members and/or do not adequately engage producers in governance.¹¹⁸

It is also important to note that some demographic groups are largely excluded from participation in a range of cooperative activities such as trainings and access to credit or input. Access to some cooperatives and producer groups may require land registration or a minimum harvest volume,¹¹⁹ which may work to exclude women and sharecroppers, although some cooperatives, particularly certified cooperatives, explicitly engage sharecropping producers.¹²⁰ Hired workers are typically excluded.¹²¹

3. LAND PRESSURE

Land tenure is a complex issue in Côte d’Ivoire, and multiple groups may simultaneously make claims on the same land, which can lead to instability or even violence. Foreign nationals, even those born in Cote d’Ivoire, cannot legally own land. Recent changes, however, have made foreign nationals born in Cote d’Ivoire between 1961 and 1973 eligible for citizenship, meaning that thousands of immigrants and their descendants can now own land if they are

for *Digital Financial Services in the Cocoa Value Chain: Cote d’Ivoire*.

¹¹⁷ Nieburg, Oliver. Confectionary News. ‘Fake Cooperatives’ Cocoa Farmer Groups Warn of Sham Fair Trade Coops. 2017. <https://www.confectionerynews.com/Article/2017/11/28/Fake-cooperatives-Cocoa-farmer-groups-warn-of-sham-fair-trade-co-ops>.

¹¹⁸ Nieburg, Oliver. Confectionary News. ‘Fake Cooperatives’ Cocoa Farmer Groups Warn of Sham Fair Trade Coops. 2017. <https://www.confectionerynews.com/Article/2017/11/28/Fake-cooperatives-Cocoa-farmer-groups-warn-of-sham-fair-trade-co-ops>.

¹¹⁹ Chan, M.; Barrientos, S. Prepared for the Bill & Melinda Gates Foundation. *Improving Opportunities for Women in Smallholder-based Supply Chains: Business Case and Practical Guidance for International Food Companies*. 2010; as cited in: World Cocoa Foundation. *The Gender and Cocoa Livelihood Toolbox*. 2014.

http://www.worldcocoafoundation.org/wp-content/uploads/files_mf/1476298058TheGenderandCocoaLivelihoodToolboxDecember2014.pdf.

¹²⁰ Chan, M.; Barrientos, S. Prepared for the Bill & Melinda Gates Foundation. *Improving Opportunities for Women in Smallholder-based Supply Chains: Business Case and Practical Guidance for International Food Companies*. 2010.

¹²¹ Chan, M.; Barrientos, S. *Improving Opportunities for Women in Smallholder-based Supply Chains: Business Case and Practical Guidance for International Food Companies*. Prepared for the Bill & Melinda Gates Foundation. 2010.

documented.¹²² However, many people within the country do not have birth registration documentation. UNHCR estimated the number of “stateless” persons at 700,000. Overall, land ownership laws are reportedly unclear and inconsistently applied.¹²³

Landlessness is a driver of rural poverty; populations without access to land have reduced opportunity to grow food crops. In some regions, environmental degradation and population pressures are likely further decreasing access to arable land, as are initiatives to cease agricultural production in protected forest areas, as discussed below. Although many producers may have been granted rights to produce on land via traditional tenure systems, they likely lack legal rights – particularly if they are not of documented Ivorian nationality – which means that their access to land remains tenuous. The quest for land access was repeatedly cited as a strong motivator for migrant workers; that is, migrant workers may be promised access to land if they complete labor during an agreed-upon number of harvest seasons. This can create a risk that workers or sharecroppers will work under the promise of land access for cocoa production (whether via a sharecropping agreement or other type of agreement) that ultimately may or may not be honored.

4. IMPORTANCE OF ECONOMIC MIGRATION

Approximately nine percent of the total population in Côte d’Ivoire are migrants to the country.¹²⁴ Previous research has documented the importance of economic migration as a developmental rite-of-passage for young people in the West African region, particularly boys and young men, and as critical to the establishment of an adult identity.¹²⁵ This also surfaced repeatedly in Verité focus group interviews and expert informant interviews. Interviewees repeatedly noted that Côte d’Ivoire is widely viewed in the region as a place of economic opportunity due to its relative regional wealth and development, and that migrants should be allowed to move freely in search of that opportunity. The phenomenon of regional economic migration is important not just to the migrant workers themselves, but also to the sustainability of the cocoa sector, given that it is currently facing a shortage of adult labor affordable to producers.¹²⁶ To that end, stakeholders were quick to describe their wariness of external researchers or policy-makers who might incorrectly categorize all types of economic migration, particularly cross-border migration, as

¹²² US Department of State. *Investment Climate Statement, Côte d’Ivoire*. 2015. <https://www.state.gov/documents/organization/241738.pdf>.

¹²³ US Department of State. *Human Rights Report, Côte d’Ivoire*. 2015. <http://www.state.gov/documents/organization/252885.pdf>.

¹²⁴ United Nations, Department of Economic and Social Affairs, Population Division (UN DESA). *International migrant stock*. 2015. <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>; as cited in: Maastricht Graduate School of Governance. *Côte d’Ivoire Migration Profile*. 2017. <https://www.merit.unu.edu/publications/uploads/1518183449.pdf>.

¹²⁵ FAFO. *Child labor and cocoa production in West Africa*. 2006. http://www.fafon.org/media/com_netsukii/522.pdf.

¹²⁶ International Cocoa Initiative. *Researching the Impact of Increased Cocoa Yields on the Labour Market and Child Labour Risk in Ghana and Côte d’Ivoire*. 2016. <http://www.cocoinitiative.org/knowledge-centre-post/labour-market-research-study-full-study/>.

trafficking, thereby denying economic opportunity to a large swath of the West African population and depressing the Ivoirian economy. Further, the ethnic groups of West Africa are not neatly contained within modern geopolitical borders, so attempts to impede intra-ethnic migration are seen as impossible. In this sensitive context, it is important to focus on the potential for abuse in the recruitment of migrants and on potential exploitation of migrants' vulnerability by employers, rather than on the issue of migration itself.

This distinction between voluntary economic migration and trafficking has implications for understanding and addressing the role of transporters – actors or networks who physically transfer migrants from one location to another – in facilitating both voluntary economic migration and trafficking for forced labor. Trafficking (including trafficking for forced labor) involves a lack of consent (including through coercion or deception) as well as ongoing exploitation of the migrant at their destination (for the benefit of a third party).¹²⁷ Verité research noted the role of bus transportation in moving migrants both transnationally and within Côte d'Ivoire. Other research, such as a 2010 documentary, showed adolescents from Mali traveling to the Ivoirian border by bus and then being transported over the border and reportedly to cocoa farms by individuals on motorbikes.¹²⁸ The documentary suggests that some of these transporters are engaged by farmers who intend to exploit the migrants and are therefore acting as traffickers. Without a holistic understanding of each migrant worker's situation (i.e. what promises were made at recruitment, what working conditions are like in reality, the degree of freedom of movement both during transportation and upon arrival at the farm, etc.) it can be difficult for law enforcement and/or other monitors to discern voluntary migration from trafficking, which has implications for efforts to protect migrants without limiting voluntary economic migration. See the Recommendations section for further discussion.

5. DEFORESTATION

The cocoa sector has caused approximately 25 percent of the deforestation that has occurred in Ghana and Côte d'Ivoire over the past 10 years.¹²⁹ In Côte d'Ivoire, overall forest cover is less than 20 percent of what it was in 1960.¹³⁰ While much of the remaining forested area is legally protected, in practice, much of it is occupied by families and villages that use the land for

¹²⁷ United Nations Office on Drugs and Crime. *Trafficking in Persons and Migrant Smuggling*. <https://www.unodc.org/lpo-brazil/en/trafico-de-pessoas/index.html>.

¹²⁸ Mistrati, Miki; Romano, Roberto. *The Dark Side of Chocolate: Child Trafficking and Illegal Child Labor in the Cocoa Industry*. 2010.

¹²⁹ World Cocoa Foundation. *Cocoa Forests Initiative*. <https://www.worldcocoafoundation.org/initiative/cocoa-forests-initiative/>

¹³⁰ Maclean, Ruth. The Guardian. *Chocolate industry drives rainforest disaster in Ivory Coast*. 2017. <https://www.theguardian.com/environment/2017/sep/13/chocolate-industry-drives-rainforest-disaster-in-ivory-coast>.

agricultural production – including significant cocoa production.¹³¹ In fact, cocoa production is so intensive in protected areas that an estimated 17 percent of the world’s cocoa comes from protected forest areas in Côte d’Ivoire.¹³² In addition to the climate-related risks related to deforestation, the presence of cocoa producers in protected forest areas is linked to multiple social concerns. While some communities in protected forest areas are geographically isolated, others have infrastructure such as schools and medical centers.¹³³ In general, the illicit nature of production means that these producers are more likely to operate outside of the traceability systems and cooperative-based and community-based programming currently in place in the sector, as well as further beyond the reach and scrutiny of law-enforcement. This has direct consequences for the vulnerability of workers, particularly migrant workers, in these areas. A high percentage of producers in forested areas are part of the Burkinabe diaspora who, due to land pressure and land-tenure laws in Côte d’Ivoire, were only able to find land for cultivation by moving into the forest.¹³⁴ Research has noted that the members of this diaspora community frequently “send for” workers from their home regions,¹³⁵ which suggests that there may be a relatively high rate of newly arrived migrant workers in the area as well, some of whom are likely to have incurred debt to finance their transportation and possibly their recruitment.

The government of Côte d’Ivoire and major cocoa sector companies have signed on to a framework and list of commitments with a goal of no further conversion of forest for cocoa production. The framework and commitments include, among other priorities, the development and implementation of a national level cocoa traceability system with the end goal of farm-level traceability.¹³⁶ Human Rights Watch previously reported evictions of communities living within forested areas, leading to “extreme hardship not only as a result of losing income from growing cash crops, but also from losing land for growing subsistence food crops.”¹³⁷ In addition to the need to combat deforestation and to protect vulnerable workers in the area, stakeholders have

¹³¹ World Cocoa Foundation. *Cocoa Forests Initiative Implementation Plan: CDI*. 2018.

https://www.worldcocoafoundation.org/wp-content/uploads/2018/08/Implementation-Plan-Cocoa-Forests-Initiative-CDI_final.pdf.

¹³² Confectionary News. *Cocoa Deforestation: What Can the Chocolate Industry Really Do?* 2017.

<https://www.confectionarynews.com/Article/2017/09/27/Cocoa-deforestation-What-can-the-chocolate-industry-really-do>.

¹³³ Mighty Earth. *Chocolate’s Dark Secret*. 2017. https://www.mightyearth.org/wp-content/uploads/2017/09/chocolates_dark_secret_english_web.pdf.

¹³⁴ Ruf, Francois. *The Myth of Zero Deforestation Cocoa in Côte d’Ivoire*. 2017.

https://www.researchgate.net/publication/318084256_The_myth_of_zero-deforestation_cocoa_in_Cote_d'Ivoire/download.

¹³⁵ Ruf, Francois. *The Myth of Zero Deforestation Cocoa in Côte d’Ivoire*. 2017.

https://www.researchgate.net/publication/318084256_The_myth_of_zero-deforestation_cocoa_in_Cote_d'Ivoire/download.

¹³⁶ Republic of Cote d’Ivoire. *Implementation Plan for the Joint Framework of Action 2018-2020*. 2018.

https://www.worldcocoafoundation.org/wp-content/uploads/2018/08/Implementation-Plan-Cocoa-Forests-Initiative-CDI_final.pdf

¹³⁷ Human Rights Watch. *Arbitrary Evictions in Protected Forests*. 2016. <https://www.hrw.org/news/2016/06/13/cote-divoire-arbitrary-evictions-protected-forests>

noted the importance of supporting new, legal, and sustainable livelihoods for farmers and their families currently producing in these areas.¹³⁸

¹³⁸ World Cocoa Foundation. *Cocoa Forests Initiative*. <https://www.worldcocoafoundation.org/initiative/cocoa-forests-initiative/>

E. CONCLUSIONS AND RECOMMENDATIONS

1. CONCLUSIONS

Verité’s research found that workers in Côte d’Ivoire’s cocoa sector may experience forced labor indicators and other labor rights violations including debt tied to recruitment, withholding or underpayment of wages, and inflated/induced indebtedness. These risks appear to apply primarily to a relatively narrow sub-section of workers – and potentially sharecroppers – in the cocoa sector.¹³⁹ Specifically, the research found that migrant workers (whether domestic or transnational) – and particularly those who have recruitment-related debt – may be most vulnerable to forced labor within their first years of employment, particularly in the presence of compounding factors such as isolation, multiple dependencies on their employer, low levels of literacy, and a lack of documentation.

To understand how these indicators of forced labor may occur in an actual case, we can describe a hypothetical situation in which these indicators come into play. For example, imagine the scenario of a 19-year-old migrant from the region of Bobo Dioulasso in Burkina Faso. While he is in Bobo looking for work, he meets a labor recruiter who promises him earnings of CFA 150,000 per year plus housing, food, and medicine if he works in cocoa in Côte d’Ivoire. The young man has heard from some of his peers that this can be a good way to make money, so he agrees. The recruiter pays for his bus fare to Côte d’Ivoire. When the worker arrives, the farmer who hires him pays the recruiter for the bus fare as well as some additional fees. Now, the worker is indebted to his employer. The *campement* where the 19-year-old lives and works is remote (accessible only by a footpath through the forest), and the worker is required to work long hours. Sometimes at night, the farmer gives him a flashlight so he can keep working, which is dangerous when he is using a machete. The 19-year-old understood that he would have to work hard before he started, but he did not know he would be working around the clock and did not know how isolated he would be. The worker is unhappy, but the farmer is providing him food and housing, so he is afraid to complain and risk making his conditions worse. The worker works for a year, and then is informed that because he did not know how to work cocoa when he arrived, his wages are actually only half of what he was promised (CFA 75,000). After some deductions are taken to cover fees the farmer paid to the recruiter, as well as for medicine and food charged at an inflated rate, the farmer tells the worker he will need to work for at least an additional year to pay off his debt. This hypothetical case illustrates how individual indicators of forced labor contribute to a case of forced labor under the ILO framework: this case would be

¹³⁹ Although Verité did not gather targeted information on other sectors, it is likely that similar risks apply to other agricultural sectors that have high rates of migrant workers. Expert informants noted the prevalence of migrant workers throughout the country and noted that they work in a wide variety of sectors.

positive for unfree recruitment¹⁴⁰ and for impossibility of leaving.¹⁴¹ The isolation and forced overtime are compounding indicators of work and life under duress.

In considering potential next steps and interventions, it is important to consider the types of forced labor indicators that may be contributing to risk, as described above, as well as the underlying factors that drive producers towards utilizing these vulnerable workers. First, producers and sharecroppers who do not earn a sustainable livelihood and do not have access to credit will be incentivized to utilize low-cost labor sources, whether that means unpaid family labor (thus increasing the risk of child labor) or unpaid/low-paid migrant workers, some of whom may have recruitment-related debt. Income issues are compounded for producers who do not participate in cooperatives as they may sell their beans to *pisteurs* at reduced rates, thus further depleting funds they might have to compensate workers. At the same time, vulnerable workers appear to be widely available, due to Côte d'Ivoire's position as a regional destination for migrants seeking economic opportunity. Neighboring countries provide a flow of migrant workers who are increasingly needed due to the cocoa sector's aging population of producers and lack of affordable labor. Migrants seeking to learn how to work in the cocoa sector may not have accurate information about their rights or the actual conditions of work they will face upon arrival. Debt from transportation or recruitment costs, particularly when interest is charged, can be enough to bind workers to jobs. Isolation appears to be a key compounding factor, as it is a potential indicator of forced labor that applies to a wide swath of workers. Although it is certain that not all or even most workers in isolated environments are likely to be in forced labor, isolation could be the indicator that "tips" otherwise vulnerable individuals into meeting the technical definition of forced labor.

Due to the complexity of these factors, the recommendations for potential interventions listed below provide a wide-ranging set of potential actions that are intended to address both the root causes and the indicators of forced labor risk.

2. RECOMMENDATIONS

With support from the International Cocoa Initiative, and in consultation with a range of industry, government, and civil society actors, Verité has developed a set of comprehensive recommendations in response to the issues identified in this research. These recommendations are published separately, as the document *Recommendations for Addressing Forced Labor Risk in the Cocoa Sector of Côte d'Ivoire*.¹⁴² Four categories of action are suggested:

- Establishing robust systems to monitor, remediate, and prevent forced labor;
- Strengthening underlying supply chain infrastructure;

¹⁴⁰ Indicators of Unfree Recruitment: Debt tied to recruitment, which is a strong indicator of involuntariness; deception about wages, a medium indicator of involuntariness; plus confiscation of identity documents, a strong indicator of menace of penalty.

¹⁴¹ Indicators of Impossibility of Leaving: Forced to work for indeterminate length of time to repay outstanding debt, a strong indicator of involuntariness; and withholding of wages, a strong indicator of menace of penalty.

¹⁴² Verité. *Recommendations for Addressing Forced Labor Risk in the Cocoa Sector of Côte d'Ivoire*. 2019. <https://www.verite.org/wp-content/uploads/2019/02/Verite-Recommendations-Forced-Labor-in-Cocoa-in-CDI.pdf>

- Improving data collection and reporting of forced labor risk factors; and
- Facilitating accountability and independent verification.

For each category, Verité recommends specific actions for the Government of Côte d'Ivoire and private sector companies, as well as specific roles civil society organizations can play to support the efforts of government and business to identify, address, and prevent forced labor risk. The recommendations also provide guidance on the development of programming and suggested phasing of interventions. Finally, the recommendations note the importance of strengthening supply chain systems such as cooperatives and community-based programming that make this work possible.