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CHILDREN AT THE HEART

Assessment of child labour and child slavery
in Ghana's cocoa sector and recommendations
to Mondelēz International

COMMISSIONED BY
Mondelēz International's Cocoa Life program



*This report is dedicated
to the children and families of
cocoa-growing communities across Ghana.*

Children at the Heart; Assessment of Child Labour and Child Slavery in Ghana's Cocoa Sector and Recommendations to Mondelēz International

ISBN: 978-0-9954640-1-8

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Embode is an independent international consulting agency specialising in business and human rights, child protection and organisational analysis.

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Executive Summary

The issue of child labour, including the worst forms of child labour, such as child slavery, has been of significant concern to the cocoa industry, particularly in West Africa, over the last two decades.

This report presents an assessment of child labour and child slavery in the cocoa sectors of Ghana as commissioned by Mondelēz International. The methodology was collaboratively agreed by Mondelēz and Embode and consisted of briefings and stakeholder consultations, a literature review and visiting cocoa-growing communities.

Despite efforts over the last decade, child labour is largely prevalent in Ghana, across many sectors in both urban and rural contexts. There is an estimated 880,000 children engaged in hazardous work in cocoa production in Ghana, according to Tulane University's 2013/14 survey.¹ Of Ghana's total child population in cocoa-growing areas (2,236,124), a total of 957,398 (42.8%) were estimated to be *working* in cocoa production, 918,543 (41.1%) were child *labourers* working in cocoa production and 878,595 (39.3%) were estimated to be engaged in *hazardous work* in cocoa production. Although Ghana has seen an overall decrease of 6.4% and 8.8% in child labour and child labour in hazardous work respectively between 2008/9 and 2013/14, the numbers of children estimated to be engaged in child labour activities is still alarmingly significant. Hazardous child labour activities in cocoa production span a wide range of tasks and include clearing forests, felling of trees, working with or being present around the spraying of agro-chemicals, using machetes/long cutlasses for weeding, heavy-loading soil, carrying and transporting water and crops, and pod-breaking.^{2 3}

Ghana has a strong legal framework for child protection with comprehensive national laws protecting children from child labour and exploitation, including the Children's Act 1998 and the Labour Act 2003. The Ministry of Gender, Children and Social Protection has the primary responsibility for child protection and social welfare services across the country. In 2015 it launched the Child and Family Welfare Policy setting the platform for a modern-day reform of child protection system for Ghana. The Ministry of Employment and Labour Relations is mandated with tackling child labour through its Child Labour Unit, which coordinates the national response and provides a secretariat function to the National Steering Committee on Child Labour. Other bodies previously set up to look at child labour in cocoa specifically, are in need of restructuring and integration into the existing government infrastructure.

A complex array of causes and conditions, enablers and push factors results in children being exploited in cocoa farms. These include persistent cultural practices, gender inequalities, child vulnerabilities and youth labour migration patterns. Deep underlying factors include, among others, economic and structural poverty, a lack of access to basic services such as education, health, sanitation and justice.

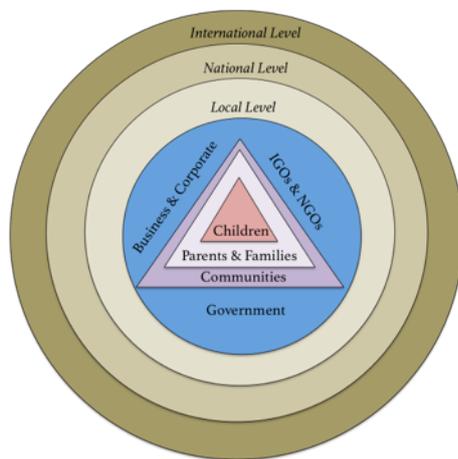
¹ Tulane University, 2015, '2013/14 Survey Research on Child Labor in West African Cocoa Growing Areas'

² Ibid

³ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012 (page 16)

Ghana's cocoa economy is undergoing a rapid and dynamic shift impacted by land scarcity, increasing urbanisation of its rural communities and improving access to education for children. These factors are changing the demands and drivers for child labour in cocoa-growing communities and impact the future sustainability of cocoa. It is important to understand and work alongside such trends because they remind us that child labour and child slavery do not exist in a vacuum. Responding to them as if they are unconnected or unrelated to anything else will only result in undermining those very efforts. If it takes a village to raise a child, then stakeholders must step back and see children at the heart of their families and communities.

A sustainable child-centred approach to child labour and child slavery calls for the integration of the viewpoint of the child and his or her family and community. For a child, she or he needs protection from all forms of exploitation and abuse. Focusing on one type of harm may push children into other more hidden forms of exploitation. Without systemically responding to the root vulnerabilities and enablers of child labour, efforts run the risk of simply plastering over the issue in ways which externalise it to another sector or



geographical area. In order to put children at the heart of efforts against child labour in cocoa, the focus must be on the holistic well-being of the child. Every child has the right to grow up in an environment, conducive to safety from harm and with access to education and care. This also requires all stakeholders to strengthen and build upon existing national support systems and mechanisms, in partnership with the Ghanaian government. These include strengthening of basic support services such as education, health, justice, as well as water and sanitation.

Mondelēz International's Cocoa Life programme provides a comprehensive framework, which sets it apart from most other approaches to cocoa

sustainability. The most distinguished feature of the Cocoa Life programme is its direct work with communities with a broader intention than cocoa farming and child labour. Due to this holistic approach, as well as the significant financial and technical investment being dedicated to the programme, Cocoa Life holds the potential to make a significant difference to hundreds, if not thousands, of communities and their children. The sincere objective to not only develop, but *transform* communities, is not too an ambitious task, if done with sustainability in mind, and children at the heart.

Recommendations

1. Mondelez International to develop and implement a child protection policy and code, which explicitly includes the reporting and referral of child protection cases, including child labour and child slavery.
2. Cocoa Life adopt a child well-being approach to child labour and child slavery, starting with adding a formal 'children's access to education' component into Cocoa Life; and actively utilising this as an entry-point for identifying children at risk.
3. Cocoa Life to develop a robust and transparent internal monitoring and evaluation mechanism to ensure impact and effectiveness of programmes are regularly measured and built upon.
4. Cocoa Life to review its child well-being targets and indicators to ensure impact on child labour and child slavery integrates with sustainability and effectiveness of outcomes.
5. Mondelez International to develop and follow a public engagement stance and strategy at the sector level, which more clearly represents its distinct development approach to cocoa sustainability.
6. Cocoa Life in Ghana to review how it takes up its role and public engagement at national level, in support of the national and sector-wide response to child labour and child slavery.
7. Cocoa Life to more explicitly incorporate a 'systems-strengthening' approach, working alongside communities, to support sustainability of its programme outcomes.
8. Mondelez International to set up a broader accountability structure and mechanism to actively engage with its work to respect human rights in its supply chains.

1. Introduction

1.1 Overview

The issue of child labour, including the worst forms of child labour, such as child slavery, has been of significant concern to the cocoa industry, particularly in West Africa, over the last two decades.

In April 2015, Mondelēz International contracted Embode, an independent human rights consulting agency, to undertake an assessment of child labour and child slavery in the cocoa sectors of Côte d'Ivoire, Ghana and Indonesia with a view to providing recommendations on how it could better respond to these concerns, principally through its Cocoa Life programme. This report presented to Mondelēz International provides the assessment and recommendations for Ghana.

A child rights-centred approach has been utilised in undertaking the assessment and providing recommendations to Mondelēz international. This means that the rights of children have been prioritised above all other considerations, as enshrined under the UN Convention on the Rights of the Child (UNCRC).

1.2 Conceptual definitions

Children's work can be seen as a broad spectrum of activities and conditions. Acceptable children's work is on one side of the spectrum, and includes children partaking in age-appropriate light work and chores which are neither harmful, nor impede their enjoyment of other rights, such as their schooling. Child *labour* covers any type of children's work, which is undesirable due to its negative impact on the child, whether physical or mental. This could be due to its interference with a child's school-work, their time to play, or because they are below the minimum legal age of employment. The '*worst forms of child labor*', as articulated by ILO Convention No.182⁴, includes child slavery, trafficking, sexual exploitation, engagement in armed conflict or the production or trafficking of drugs, as well as any work which is illicit or is harmful to a child's health, safety and morals. Further details regarding conceptual definitions utilised in this assessment can be found in Annex2.

1.3 Methodology

Given the extensive research, conducted and ongoing, on the issue of child labour in West Africa, the methodology focused on building on existing research, consultations with stakeholders, including cocoa-growing communities, and on providing recommendations to Mondelēz. The methodological framework was collaboratively agreed by Mondelēz and Embode and consisted of initial briefing meetings, a literature review of published research as well as organisational documents from Mondelēz, International Cocoa Initiative (ICI) and Cocoa Life NGO partners, an analysis of national and international law and policy as well as

⁴ International Labour Organization (ILO) Convention No. 182 on Worst Forms of Child Labor

visits to five cocoa-growing communities. A series of meetings were held with strategic and relevant stakeholders based in Accra and Kumasi (both face-to-face and by phone) consisting of representatives from key government, corporate, UN and NGO agencies that hold direct or indirect mandates for protecting children from labour and slavery in the cocoa sectors. For fuller details of the methodology and data gathered can be found in Annex 2.

1.4 Ethical considerations

The main ethical considerations related to respecting cultural sensitivities in planning and attending to community visits. Communities were selected by Cocoa Life in collaboration with the implementing partners, and representatives from the villages were prepared to receive the team. The research team prioritised considerations to maintain and support existing relationships of trust that implementing partners had with relevant communities they worked with. During focus group discussions, care was taken to respect any cultural sensitivity and to ensure that the focus was on listening to and understanding communities on the matters most important for them. When conducting focus group discussions with the children, explicit verbal consent was requested and received. Children were not asked directly about child labour issues.

1.5 Limitations

There are a number of limitations to note. There is a significant amount of information, data and perspectives on the subject of child labour in Ghana. This assessment provides an overview of the situation, maps the responding infrastructure and provides recommendations all within one report. To this end, a large amount of data analysis and consolidation was required and carried out.

A particular limitation encountered in the field visit in Ghana was the hesitancy of many stakeholders to discuss challenges or difficulties in responding to child labour. At times stakeholders expressed a sense of denial and/or fear of being judged by the research team. This reticence to openly discuss child labour may have contributed to a significant number of last minute requests to reschedule appointments as well as a general lack of engagement within meetings to talk about child labour in cocoa to any depth. Another tendency was for stakeholders to refer the research team to other agencies, departments or teams for answers. Other stakeholders, including both organisational stakeholders and communities, were most keen to respond to queries with answers they felt would be most appropriate to hear, rather than nuanced reflections of their actual experience. This behaviour may reflect the adverse impact of biased and ill-informed media attention on the issues of child labour in cocoa in Ghana over time that has resulted in a general nervousness in the sector. Other limitations were the short amount of time in communities (not more than approximately two hours in each).

2. Situational assessment on child labour and child slavery

2.1 Country profile

Ghana is considered one of the more stable countries in West Africa, both politically and economically, having attained lower middle-income status in 2011. Between 2010 and 2013 Ghana's economy grew at an average growth of 9.9%.⁵ However Ghana has not been able to sustain its high level of growth and in 2014 saw a growth rate of 4.2%, lower than the Sub-Saharan African average of 5.0%.⁶

The expansion of the economy did not create as many jobs and decent work as had been hoped. Incomes are falling in real terms and decent jobs are decreasing at a faster rate than they are being created.⁷ Unemployment was at 4.6% and underemployment at 5.1% in 2014. A daily minimum wage of GHS 6 (about USD 2) per day was established on 1 May 2014. The vast majority of workers are in the informal sector and face high incidences of poverty and other forms of vulnerability.⁸ Ghana's development challenges are characterised by large fiscal deficits and difficulties in its balance of payments threatening sustainable growth. Challenges include: inefficiencies in the use and management of public funds and other national resources; low growth of the agricultural sector which employs 45% of the country's labour force as well as weak linkages between industry and agriculture.⁹ Added to this is the slow pace of job creation and non-competitiveness of Ghana's private sector, the country's significant infrastructure deficits and growing inequality in socio-economic and spatial development.¹⁰

According to Ghana's 2010 census, the national population is 24,658,823, with a youth population of 38.3% defined as being at or below 15 years of age.¹¹ Of the total population, 97.6% are Ghanaian, with ECOWAS¹² nationals constituting the majority of non-Ghanaian nationals. There are numerous and diverse ethnic and linguistic groups in Ghana which generally fall within eight broad groups. The most prominent are Akan (47.5%), Mole-Dagbani (16.6%), Ewe (13.9%) and Ga-Dangme (7.4%). Approximately 71.2% of Ghanaians are Christian, 17.6% are Muslim, 5.2% belong to traditional religious groups and 5.3% do not belong to a religious faith. Of Ghana's population aged over 11 years, 74.1% are literate, and 67.1% can read and write in English.

⁵ National Development Planning Commission (NDPC), Ghana Shared Growth and Development Agenda (GSGDA) II, 2014-2017, 2014, Republic of Ghana

⁶ ISSER (Institute of Statistical, Social and Economic Research), 2015, 'The State of the Ghanaian Economic in 2014', University of Ghana

⁷ Ulandssekretariatet LO/FTF Council, N.D., 'Ghana Labour Market Profile', Danish Trade Union Council for International Development Cooperation

⁸ National Development Planning Commission (NDPC), Ghana Shared Growth and Development Agenda (GSGDA) II, 2014-2017, 2014, Republic of Ghana

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ghana Statistical Service (GSS), 2012, '2010 Population and Housing Census; Summary report of final results', Sakoa Press Limited

¹² Economic Community of West African States (ECOWAS)

2.2 Cocoa production in Ghana

Ghana is the world's second largest producer of cocoa in the world.¹³ In its 2013/4 harvest, the country produced over 890,000 tonnes.¹⁴ Total earnings from cocoa beans fell by 26.5% and 12% respectively, in 2013 after rising by 13.4% the previous year. Nevertheless, cocoa continues to account for 12% of Ghana's exports.¹⁵

In Ghana, most farmers are small-scale farmers and cultivate plots of land that are usually between 0.6 hectares (1.5 acres) and 1.6 to 3.2 hectares (4 to 8 acres). In a few exceptional cases farms can be bigger.¹⁶ Growing cocoa is labour intensive and a long-running shortage of labour has influenced migratory patterns over generations; covering seasonal migration and more permanent migration of adults, children and families as units. Due to the intensity of labour required, the majority of cocoa farmers tend to be young men (between 18 to 35 years of age) whilst women and children (older men significantly involved in farm work) tend to work alongside them.¹⁷ Farmers are either owner farmers or caretaker/ sharecropper farmers. There are two forms of sharecropping in cocoa farming, *abunu* and *abusa*.¹⁸

The government plans to drive productivity in cocoa, and the agricultural sector in general, through improvements to seedlings, pesticide spraying technologies, extension services and mechanisation services along the value chain. With such efforts the government projects the growth of cocoa production and marketing to a rate of 5.6% per annum, within an overall average growth rate for the agricultural sector of 6.4% per annum.

2.3 State of children in Ghana

Ghana's economic progress has yielded significant benefits for its population over the past decade. Between 1992 and 2006, Ghana almost halved its poverty rate, although income disparities have worsened.¹⁹ Ghana has made significant progress in improving birth registration rates from 17% in 2000 to 62% in 2007.²⁰ As of 2011 the infant mortality rate was at 82 deaths per 1000 live births, compared to the Millennium Development Goal target of 40.²¹ Malaria is the leading cause of death for children under five years of age and more than half of infant deaths occur within 30 days of birth. Malnutrition is also a

¹³ ICCO Quarterly Bulletin of Cocoa Statistics, Vol. XLII, No. 1, Cocoa year 2015/16

¹⁴ Tulane University, 2015, '2013.14 Survey Research on Child Labor in West African Cocoa Growing Areas' - referencing International Cocoa Organization (ICCO), ICCO Quarterly Bulletin of Cocoa Statistics, Vol. XLI, No. 1, Cocoa year 2014/15, (February 27, 2015)

¹⁵ Ghana Shared Growth and Development Agenda (GSGDA) II, 2014-2017, 2014, Republic of Ghana, National Development Planning Commission (NDPC)

¹⁶ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

¹⁷ Ibid.

¹⁸ Abunu sharecropping is where the landowner and the sharecropper divide the revenue 50/50. Abusa sharecropping is where the revenue is divided into thirds, with one third taken by the sharecropper and two-thirds to the landowner. The selection of the sharecropping system is decided on factors such as the amount of farm labour that is required and the relationship between the landowner and the sharecropper.

¹⁹ UNICEF Ghana, N.D., 'Situation of children in Ghana'. Available at: http://www.unicef.org/ghana/about_7587.html [Accessed 18 January 2016]

²⁰ UNICEF, 2011. 'Report of the Mapping and Analysis of Ghana's Child Protection System'

²¹ UNICEF Ghana, N.D., 'Situation of children in Ghana'. Available at: http://www.unicef.org/ghana/about_7587.html [Accessed 18 January 2016]

significant contributor of infant mortality, with 23% of children stunted and 57% anaemic.²² Population access to water sources is at 89% though access to sanitation is incredibly low at 15%, resulting in thousands of children dying from diarrheal diseases every year.²³

2.4 Child protection issues in Ghana

There are various child protection issues prevalent in Ghana, some specific to socio-cultural practices as well as regions. Child neglect, as well as emotional, physical and sexual abuse in Ghana, is often exacerbated by gender-based violence and discriminatory traditional cultural practices, such as child labour and child marriage.²⁴ Rates of rape and sexual abuse are particularly high²⁵ and over 90% of children have reported experiencing physical violence both at home and in the school environment.²⁶

Child marriage is a particular concern with an estimated 6% of girls married before 15 years of age.²⁷ The proportion of children living and working on the street is significant with 61,492 children, (60% of whom were girls) identified in the Greater Accra region alone in a 2011 survey.²⁸ Ghana also has a concerning child trafficking trend where children are being trafficked into exploitative labour such as in fishing, mining, agriculture, street vending, domestic service, portering as well as sexual exploitation.²⁹ It is estimated that over 4000 children live in residential homes, often labelled as 'orphanages', although it is purported that many of these children have been unnecessarily separated from their families.³⁰ On a more large-scale level, children experience significant amounts of corporal punishment in schools, contributing to absenteeism and counterproductive to learning. One-third of children report verbal humiliation occurred in school in the preceding month and 87% of children who experienced this felt that it was more disturbing than being flogged.³¹

2.5 Scale of child labour and child slavery in cocoa

There is an estimated 880,000 children engaged in hazardous work in cocoa production in Ghana, according to Tulane University's 2013/14 survey.³² Of Ghana's total child population in cocoa-growing areas (2,236,124), a total of 957,398 (42.8%) were estimated to be

²² Ibid.

²³ Ibid.

²⁴ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

²⁵ Ibid.

²⁶ UNICEF Ghana, N.D., 'Situation of children in Ghana'. Available at: http://www.unicef.org/ghana/about_7587.html [Accessed 18 January 2016]

²⁷ Ghana Multiple Indicator Cluster Survey with an enhanced Malaria Module and Biomarker 2011: Monitoring the Situation of Children and Women in Ghana (MICS 2011)

²⁸ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF – referencing Department of Social Welfare, Census on Street Children in the Greater Accra Region, Accra, 2011

²⁹ UNICEF, 2011. 'Report of the Mapping and Analysis of Ghana's Child Protection System'

³⁰ UNICEF Ghana, N.D., 'Situation of children in Ghana'. Available at: http://www.unicef.org/ghana/about_7587.html [Accessed 18 January 2016]

³¹ Kuseh, Jerome, 2015, 'The State of Child Protection in Ghana', InformGhana. Available at: <http://www.informghana.com/the-state-of-child-protection-in-ghana/> [Accessed 19 January 2016]

³² Tulane University, 2015, '2013/14 Survey Research on Child Labor in West African Cocoa Growing Areas'

Children experience significant amounts of corporal punishment in schools, contributing to absenteeism and counterproductive to learning.

significant.

Both boys and girls are engaged in child labour and hazardous labour in Ghana. It is estimated that there are 391,236 girls (or 36.8% of total girl population in cocoa-growing areas) engaged in child labour, as opposed to 527,307 boys (see Table 3)

Although the overall participation of children working in cocoa production, child labour and hazardous labour fell for children in Ghana, this was mainly for those under 15 years of age. For teenagers between 15 to 17 years of age, the figures increased.³³ This highlights a trend where those engaged in child labour and hazardous child labour are getting older. The trend in hazardous work for older children has been linked with the lack of decent work for youth at a national level.³⁴

working in cocoa production, 918,543 (41.1%) were child labourers working in cocoa production and 878,595 (39.3%) were estimated to be engaged in *hazardous work* in cocoa production. Although Ghana has seen an overall decrease of 6.4% and 8.8% in child labour, including in hazardous work, respectively between 2008/9 and 2013/14, the numbers of children estimated to be engaged in child labour activities is still alarmingly

Table 3: Numbers and Percentages of boys and girls working in cocoa production.

	No of Children in Cocoa growing areas	Children working in Cocoa production	Child labourers working in Cocoa production	Children engaged in hazardous labour in cocoa production
Total	2,236,124	957,398 (42.8%)	918,543 (41.1%)	878,595 (39.3%)
Boys	1,172,588	546,792 (46.6%)	527,307 (45.0%)	507,820 (43.3%)
Girls	1,063,536	410,606 (38.6%)	391,236 (36.8%)	370,774 (34.9%)

Source: Tulane 'child labor' survey 2013/14

2.6 Nature of child labour and child slavery in cocoa

Child labour in cocoa production is largely considered to be a socio-cultural phenomenon, within a specific economic context. Most stakeholders feel that child labour, particularly its worst forms, is not as serious a problem in the cocoa sector, in comparison to other sectors, such as fishing or mining. However, published research reports, including the Tulane University survey as referenced above, have shown evidence of widespread child

³³ Ibid.

³⁴ Interviews with Representatives from ILO-IPEC and Independent Child Labour Experts in Ghana.

labour concerns in the cocoa sector and with some forms of hazardous child labour increasing in scope (such as exposure of children to toxic agro-chemicals). It is precisely the socio-cultural aspect of child labour in cocoa that makes it relatively 'invisible', particularly in the worst cases of child labour.

Children socialised into farm work include those who are still going to school, drop out of school, or never go to school and may be engaged in farming through their extended family and community networks.³⁵

Hazardous child labour activities in cocoa production include a wide range of tasks. Tulane University's 2013/14 survey noted the following percentages of children engaged in hazardous tasks such as: clearing forests (2%), felling of trees (1%), bush burning (1%), working with agro-chemicals (2%), being present in the vicinity of the farm during pesticide spraying (5%), re-entering a sprayed farm within 12 hours of spraying (4%) and using machetes/long cutlasses for weeding (52%).³⁶

In a 2012 research undertaken in Cadbury Cocoa Partnership (CCP)³⁷ communities, it was found that children frequently participated in the following broad array of tasks, from young ages³⁸

- Head-loading black soil to nursery sites – from age 6-8 upwards
- Scavenging for discarded purified-water sachets – from age 7 upwards
- Filling nursery bags with black soil – from age 6 upwards
- Fetching water (almost exclusively a children's task) for developing the seedling nurseries and for mixing chemicals – from age 6-8 upwards
- Watering of seedlings
- Transporting seedlings from nurseries to farm sites – from age 8-10 upwards
- Carrying pegs for lining-and-pegging activities (almost exclusively a children's task) – from age 6-8 upwards
- Farm weeding – from age 10-11 upwards
- Washing utensils used for applying chemicals – from age 12 upwards
- Harvesting low-hanging fruits with sharp knives and adult machetes – from age 8-10 upwards
- Collecting harvested fruits (almost exclusively a children's task) – from age 6-7 upwards
- Transporting gathered fruits to central locations, typically by head portage (almost exclusively a children's task) – from age 8 upwards
- Separating placentas from beans (almost exclusively a children's task) – from age 9 upwards
- Transporting fermented beans home (almost exclusively a children's task) – from age 11-12 upwards
- Transporting dry beans to buying centres (almost exclusively a children's task) – from age 8 for distances under 1km, or age 10 if longer.

³⁵ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

³⁶ Tulane University, 2015, '2013/14 Survey Research on Child Labor in West African Cocoa Growing Areas'

³⁷ Cadbury's Cocoa Partnership (CCP) was a precursor to Cocoa Life and is further discussed in Chapter 6.

³⁸ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012 (page 16)

Children start working in cocoa as soon as they are physically capable and normally consideration is given to their age, size and weight as well as their maturity^{39 40}. However, given the subjectivity of assessing such factors, weights carried are commonly too heavy, distances too long, and the way tasks are required to be carried out (i.e. various loads carried together) is often not appropriate.⁴¹ Some smaller groups of children (mainly in migrant caretaker households) undertake production tasks, which are particularly hazardous, such as:⁴²

- Burning cleared land – from age 10 upwards
- Trimming of canopies and removing mistletoe (either by climbing the trees or with the aid of ladders) – from age 12-14
- Cleaning the utensils used for spraying – from age 11 upwards;
- Harvesting overhead fruit – from age 11 upwards
- Pod breaking – from age 9-10 upwards
- Drying – from age 14 upwards

Where children's views have been elicited, certain tasks were found to be the most demanding, such as weeding, collecting harvested fruits, transporting fermented beans and bootlegged lumber beams, pod-breaking, climbing trees to remove mistletoe and harvesting overhead pods. Children reported that these tasks resulted in losing fingers, falling from trees and blistered palms, neck and chest. Children also reported back pains from heavy loads (particularly when the beans are fermented) and aggregated harvesting activity which is exhausting work for children.⁴³ Weeding and other common tasks largely require the use of a cutlass, from which injuries such as cuts are common.⁴⁴ Wearing of protective gear is largely unheard of⁴⁵ and is also unaffordable.⁴⁶

The dominant source of child labour is from children or wards that live and work within the household family production unit.⁴⁷ As non-members of the family, such children occupy an inferior space in the units, and may or may not be going to school or receiving financial compensation. They focus solely on their work and remain isolated. This results in a relative 'invisibility' of such children in communities as they "*are no problem to anyone, claim no rights and thus remain unnoticed: invisible and socially integrated*".⁴⁸ Paid-for child labour often, though not always, involves seasonal migrant children looking to earn money. Work and labour engaged in is often a combination of tasks that the household family production unit is required to undertake, which include cocoa farming as well as coconut farming, palm oil farming, domestic chores, portage and so forth. Remuneration

³⁹ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

⁴⁰ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

⁴¹ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

⁴² Ibid. (p17)

⁴³ Ibid. (p19)

⁴⁴ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

⁴⁵ Ibid.

⁴⁶ Consultations with farmers in communities

⁴⁷ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

⁴⁸ Massart, Guy S., 2012, 'A Study of Child Mobility and Migrant Flows to the Cocoa-Producing Communities in Ghana', International Cocoa Initiative (page 13)

The dominant source of child labour is from children or wards that live and work within the household family production unit

for child migrants to the cocoa farms is quite meagre and needs to be seen within a context of the barely monetised family economy.⁴⁹ For such reasons, remuneration is not always monetary and may be paid in food, board and even the opportunity to attend school.

There have been a handful of cases of child trafficking identified in Ghana

which relate to the cocoa sector, including one in 2011 where the child originated from Burkina Faso.⁵⁰ In 2015, the Ghanaian Human Trafficking Unit collaborated with INTERPOL and the International Organisation for Migration (IOM) to undertake *Operation Akoma*, an operation working across both Ghana and Côte d'Ivoire. During surveillance for the operation in Ghana, the police found that a lot of land that had previously been used for cocoa had been transferred to mining agencies. A total of 48 persons were recovered during the swoop operation, and have been undergoing an intense screening process to determine their status as victims by IOM. Of the 48 persons recovered, 23 were confirmed to be under 18 years of age, mainly between 12 to 18, and one was as young as eight or nine years old. Of the 23 children, 12 were confirmed as trafficked victims; two for purposes of cocoa farming and 10 for the purposes of mining. Two persons were arrested.⁵¹

2.7 Child labour and slavery in other sectors

Child labour, including its worst forms such as trafficking and slavery, is a broader concern in Ghana across other sectors. This includes labour exploitation in fishing, mining, herding agriculture and palm oil, as well as for purposes of sexual exploitation, domestic servitude, portering, begging, street-hawking, quarrying, and so on.⁵² Children can be seen ubiquitously working in urban and rural areas of Ghana. Even in cocoa growing areas, children are found engaged in work not limited or related to cocoa. There has also been a sudden and significant rise in informal gold mining in the Ashanti and Western regions of Ghana, called 'galamsey'. This has attracted large numbers of young workers resulting in a competition for labour with cocoa farms. Whilst the work in gold mines earns more money for workers, it is also highly dangerous, dirty and risky to landslips and injuries. Many of these activities would fall squarely within the definitions of child labour.

⁴⁹ Ibid.

⁵⁰ Interview with senior Representative from HTU

⁵¹ Ibid.

⁵² US Department of State, 2015, '2015 Trafficking in Persons Report', Government of United States of America

Due to the significant concern of Ghana's trafficking problem, particularly in relation to children, the US Trafficking in Persons reports has categorised Ghana as 'Tier 2 Watch List'.⁵³

It is pertinent to note that of Tulane University's estimated total child population in cocoa-growing areas of Ghana (2,236,124), an estimated 79.2% (1,770,577) were found to be working, of which 66.8% (1,493,564) come within the scope of child labour in cocoa.⁵⁴ This means that a significant proportion of children in cocoa-growing areas are engaged in work in areas *other than* cocoa production (mainly in other agricultural sectors). It is also important to note Tulane University's finding that 100% of children working in cocoa reported undertaking household chores. Most children living and growing up in cocoa-growing communities, and no doubt also in other rural communities, are required to manage a 'trinity of skills and work' on a daily basis consisting of farming, domestic chores and school.⁵⁵ In her research, Buono found that what children found 'easy' or 'difficult' diverged from those tasks and activities necessarily outlined in child labour training modules as acceptable and unacceptable, and were not always directly related to cocoa. For example, one child expressed through their drawings that pounding fufu was a more challenging task than carrying water.⁵⁶

2.8 Contextual dynamics, enablers and factors

This section provides important background to child labour and child slavery in cocoa in Ghana. These contextual aspects act as influencers, enablers and factors that shape the experiences and circumstances of children working in cocoa.

2.8.1 Family and childhood

In Ghana's rural areas, children have been commonly socialised into working in farms and agriculture in order to learn life-long skills.⁵⁷ This is due to the fact that farming has traditionally provided family subsistence, insuring against food insecurity as well as a providing way to acquire land over a generation or so. This has been particularly true in the cocoa sector.

As with all members of the family and community, children are also deemed to have their role and responsibilities towards their family. A child has a role as a representative of the family, responsible for its future support to raise the family's honour and socio-economic

⁵³ According to the US State Department 2015 Trafficking in Persons Report

“The government of countries that do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and for which:
a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.”

⁵⁴ Tulane University, 2015, '2013.14 Survey Research on Child Labor in West African Cocoa Growing Areas'

⁵⁵ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

⁵⁶ Ibid.

⁵⁷ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

status through their success over time.⁵⁸ While living in their family households, children are strongly influenced to be obedient and help 'earn their keep', even if their future is not considered to be in cocoa, or even in the village.

Farming helps with petty trading and trains the child as part of a trinity of skills of schooling, farming and domestic work. Small earnings from petty trading of farm crops also forms financial supplement for parents to 'pay' for a child's schooling costs. Farming also forms part of social integration, ultimately insuring a child and family against retirement and unemployment (even though returning to the village after leaving for education is seen as a mark of failure).⁵⁹ The subservience that children are expected to show adults can also leave them particularly vulnerable to verbal, emotional and psychological abuse from parents, teachers and other adults in the community.⁶⁰

2.8.2 Migration

The cocoa sector has been a fertile ground for a virtuous cycle enabling migrants to integrate into a successful agricultural economy and acquire capital within two to three generations. In cocoa-growing communities, migrants (including migrant children) occupy an 'inferior' space in relation to locals which impacts their access to community assets such as school or wells.⁶¹ Children also migrate by themselves to cocoa-producing areas in search of work, mainly from the northern regions of the country, and even from Burkina Faso. This is usually for purposes of temporary or seasonal migration and can begin from as young as 13 or 14 years of age.⁶² Migration to cocoa-producing areas is not as common as to other sectors of the economy such as in mining, fishing, domestic work, and other parts of the informal economic sector.⁶³

The motivations for children to migrate for work are multi-fold and include the need to survive, earn money, access school and informal education (including how to become streetwise), earn social capital (through building social networks) as well as to support families back home.⁶⁴ Remuneration for work is not always given in financial terms, which relates to the overall scarcity of a cash economy at farming level. At the same time, migration for children is still risky, particularly the first time, and commonly involves suffering, abuse and pain. Even so, most children choose to take such initiative as the gains outweigh the losses from not migrating.⁶⁵

Despite the long-standing trend of child migration, child migrants have low visibility in cocoa-growing communities. In his research Massart pointed out that though he encountered many independent child migrants, stakeholders outside of the community did not generally know them about. This mirrors the experience of the research team for this

⁵⁸ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

⁵⁹ Ibid.

⁶⁰ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

⁶¹ Massart, Guy S., 2012, 'A Study of Child Mobility and Migrant Flows to the Cocoa-Producing Communities in Ghana', International Cocoa Initiative

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Massart, Guy S., 2012, 'A Study of Child Mobility and Migrant Flows to the Cocoa-Producing Communities in Ghana', International Cocoa Initiative

⁶⁵ Ibid.

Despite the long-standing trend of child migration, child migrants have low visibility in cocoa-growing communities.

assessment, where most stakeholders in the cocoa sector were unfamiliar with the nuances of child migration to the cocoa-growing communities. Some stakeholders felt that child migrants present in communities were more likely in fostering arrangements rather than as hired child labour. Fostering can be seen as a constructive way for the extended family to care for children when they are not able to live with their biological parents, however recent research has uncovered that fostering arrangements can be open to abuse and exploitation.⁶⁶

2.8.3 Economic factors: value chain, labour and land

Cocoa is a protected crop in Ghana and the producer price is regulated by COCOBOD, providing a buffer and protection to the devaluation of cocoa in recent years. However, farmers still find it very difficult to make ends meet,⁶⁷ particularly as they receive little income during off-peak seasons and earnings remain low compared to the labour intensity of the work of cocoa cultivation.

The Cocoa Barometer Report (2015) presents a detailed economic analysis showing how the value chain is squeezing value beyond levels of sustainability. It argues that farmers are not being heard and are universally underrepresented in efforts to achieve cocoa sustainability. The average cocoa farmer in Ghana earns the equivalent of 84 cents per day - lower than the international poverty line set at USD 2 per day - and the extreme poverty line of USD 1.25 per day as set by UNDP and World Bank.⁶⁸ They argue that this is a contravention of farmers' human right to earn sufficient livelihood and that the value chain for cocoa does not produce enough value for the chain to be sustainable to farmers. Often, the lack of a sufficient livelihood helps drive the demand for cheap labour, including and child slavery.

Increasing production is a national imperative, driven both by COCOBOD and the cocoa industry. To this extent, the cocoa sector's efforts have focused on the improvement of farming practices. In many cases this has increased the demand for labour as more harvests require more weed control, pesticide application, canopy trimming and so forth. Ironically, where there is a labour deficit, increases in cocoa production have been found to have an adverse impact on child labour.⁶⁹ At the same time, there are indications that the increasing pauperization of cocoa farming communities, due to scarcity of land and its impact on social patterns will result in child labour reducing over time, as children will seek work in areas other than cocoa.

⁶⁶ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

⁶⁷ Examples of poverty stricken farmers are provided in reports by Cocoa Life's Implementing Partners, to demonstrate how they are being supported through Cocoa Life.

⁶⁸ Examples of poverty stricken farmers are provided in reports by Cocoa Life's Implementing Partners, to demonstrate how they are being supported through Cocoa Life.

⁶⁹ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

2.8.4 Schools and education

Ghana has made much progress in improving access to education for children. Although Ghana's constitution had always included the right to universal education, it was not until the last decade that a national social programme has facilitated access to school and 100% enrolment. As part of a significant and broader sociological seismic shift in Ghana, most farmers want their children to be educated and be able to climb the socio-economic ladder. A strong dedication to educating their children was also observed in all communities visited by the research team with community members sharing stories of those who had left and 'made it big' in the city. On being asked why they felt education was so important, villagers expressed (half-jokingly perhaps) that one was worthless without an education because in a modern world one needed an education just to drive a car or even to make palm wine!

The increasing importance of education in rural life is also highlighted in the Tulane University's 2013/14 survey findings that of all children working in cocoa production in Ghana, a relatively small proportion of 0.7% or 6,589 were not attending school.⁷⁰ This is a significant reduction compared to the 2008/09 survey, which found 56,338 (5.6%) children were working in cocoa and not attending school.

Nevertheless, significant issues remain in relation to access to quality education, teacher pupil ratios, quality of learning materials and equipment and poor infrastructure of buildings and classrooms.⁷¹ There is also a chronic shortage of teachers⁷² and in every community visited the norm was for one teacher to be allocated to two class levels. This is further exacerbated by teacher absenteeism, where teachers moonlight to earn additional income.⁷³ Corporal punishment in schools is also a significant problem where 36.9% of urban children and 30.4% of rural children reported being beaten by a teacher or head teacher at school in the past month.⁷⁴ Forms of punishment at school may also be cruel and include exploitative practices such as fetching water, filling 'polytanks', and other such chores around the school.⁷⁵ This is disproportionately experienced by children engaged in labour in cocoa, whose frequent lateness, caused by challenges in managing farming, domestic chores and school, results in punishment.⁷⁶ Farmers in communities complained that their children were often late for school because it was their responsibility to fetch water from the well in the mornings, which provided inadequate water for the whole community. The research team also observed many children in communities undertaking work in and around schools, such as cutting long grass and trees with cutlasses, and were informed that due to it being the first days of school, children were called to help 'clear up' school grounds to prepare for the new year.

⁷⁰ Tulane University, 2015, '2013.14 Survey Research on Child Labor in West African Cocoa Growing Areas'

⁷¹ Interview with representative from ILO-IPEC

⁷² Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

⁷³ Buono noted that during her research in communities, the research team was approached by teachers offering services (translating or cooking) during days when school should be running.

⁷⁴ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

⁷⁵ Ibid.

⁷⁶ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

A strong dedication to educating their children was observed in all communities ... with community members sharing stories of those who had left and ‘made it big’ in the city.

Although universal education is free to access, it is still too costly for many families in cocoa-growing communities. Schools charge ongoing as well as one-off levies for various school needs.⁷⁷ Difficulties in accessing education is further heightened for migrant children who are either not attending school at all, or accessing much lower quality of education.⁷⁸

2.8.5 Decent work for youth⁷⁹

The youth population of Ghana is growing three times higher than the growth rate of the general population, with up to 300,000 young people entering the pool of jobseekers every year.⁸⁰ Youth unemployment is estimated at about 9%, with female youth unemployment higher than for males.⁸¹ The growth rate of the economy is not able to provide adequate jobs and decent work to this significant portion of the Ghanaian population. Without decent work, youth between 15 and 17 years of age are increasingly pushed into undertaking hazardous work. This also encourages younger children into the labour market to start getting work experience.⁸²

The ILO finds that involvement in child labour is associated with lower educational attainment, which in turn relates to lower-paid work that does not fulfil the criteria for decent work.⁸³ It is therefore argued that child labour does not only compromise the health, safety and development of a child but also adversely impacts children’s capacity to find decent work in the longer term.

2.8.6 Gender inequality and women’s rights

It is well recognised⁸⁴ that the well-being and protection of all children, both boys and girls, is directly connected to the well-being and equality of women. Through speaking with women in communities visited, the research team found that investing their earnings into the education of their children was the primary motivation for those who were supported to improve their cash incomes. In Ghana, after the mother, the most prominent caregiver within the family tends to be the grandmother. At the community level, Queen Mothers are traditional female leaders who are responsible for family and child welfare.⁸⁵

⁷⁷ Examples of poverty stricken farmers are provided in reports by Cocoa Life’s Implementing Partners, to demonstrate how they are being supported through Cocoa Life.

⁷⁸ Massart, Guy S., 2012, ‘A Study of Child Mobility and Migrant Flows to the Cocoa-Producing Communities in Ghana’, International Cocoa Initiative

⁷⁹ Age group is 15 to 24 year olds.

⁸⁰ Ulandssekretariatet LO/FTF Council, N.D., ‘Ghana Labour Market Profile’, Danish Trade Union Council for International Development Cooperation

⁸¹ Ibid.

⁸² Consultations with ILO and independent national child labour expert.

⁸³ ILO, 2015, ‘World Report on Child Labour 2015: Paving the way to decent work for young people’

⁸⁴ UNICEF, 2007. ‘State of the World’s Children’

⁸⁵ PDA, 2014. ‘It takes a village to raise a child: National Child Protection Study’. Government of Ghana, UNICEF

The education of their children was the primary motivation for women in communities who were supported to improve their cash incomes

In relation to women's economic equality, perhaps the most significant issue is land access and tenure. Buono (2011) writes that due to the gradual shift from subsistence to more capitalist farming of cocoa over past decades, there has been a tendency to move from matrilineal possession of land to family possession to outright individual ownership.⁸⁶ It is unclear how this has impacted women's rights to land tenure. The land tenure system in Ghana is still governed by

customary law, and women's access to land tenure or agricultural inputs is poor where women are not in matrilineal communities.⁸⁷ In areas such as the north of Ghana, the percentage of female landholders is estimated at 2%, whilst due to the prevalence of matrilineal systems in the Ashanti region, the percentage of female landholders there is estimated at 50%.

There is also a lack of clarity in Ghanaian law regarding the property rights of spouses during and at dissolution of marriage.

In one community visited, the women raised serious issues about being marginalised from their land and explained that they had originally owned the land they and their families farmed, but through formalisation of land tenure they had not been granted their rights.⁸⁸

Recent research conducted by Hiscox and Goldstein (2014) found the income and productivity of female cocoa farmers at 25% to 30% below those of their male counterparts.⁸⁹ It was also found that compared to male farmers, female farmers are 25% less likely to receive training, 20% less likely to receive a loan, almost 40% less likely to have a bank account and are 30% to 40% less likely than men to use crucial farm inputs such as fertilizers.⁹⁰

⁸⁶ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

⁸⁷ SIGI (Social Institutions and Gender Index), 2014, 'Ghana', last accessed 31 January 2016 < <http://www.genderindex.org/country/Ghana>>

⁸⁸ This community was not supported by any organisation.

⁸⁹ Hiscox, M.J., Goldstein, R., 2014, 'Gender Inequality in the Ghanaian Cocoa Sector', Harvard University

⁹⁰ Hiscox, M.J., Goldstein, R., 2014, 'Gender Inequality in the Ghanaian Cocoa Sector', Harvard University

3. National governmental response - Infrastructure and systems

This section provides an overview of the national governmental response to child labour, providing an overview of the legal and policy framework as well as the infrastructure and systems in place relevant to the issue of child labour in cocoa. An overview of international legal and policy frameworks can be found in Annex 4. An overview of the response to child labour by NGOs, UN and the corporate sector can be found in Annex 5.

3.1 National legal framework

Ghana has a strong legal framework for child protection with comprehensive national laws covering both children in need of protection and juvenile justice. It has been recognised that these laws remain largely influenced by inherited British models, resulting in disconnects between law and practice, and between the law and community approaches to dealing with child protection issues. For such reasons, the Government of Ghana is launching a set of policies and national frameworks to ensure that the national child protection legal and policy structure is 'Fit for Ghana'.⁹¹

3.1.1 The Children's Act 1998 (Act 560)

The Children's Act of 1998 comprehensively consolidates all of Ghana's laws relating to children, outlining the rights of the child and covering a wide range of areas including the regulation of child labour and apprenticeship under 'Part V. Employment of Children'.

The Act outlines general procedures for imposing protective interventions when a child has been, or is at risk of being, abused, neglected, exploited or orphaned. All such cases are to be reported to the District Social Welfare and Community Development Department (s.16).

'Exploitative child labour' is prohibited under section 87, which defines labour as exploitative of a child *"if it deprives the child of its health, education or development."* Section 88 prohibits child labour at night, specified as between 8pm and 8am. The minimum age for 'child labour'⁹² is 15 years of age (s.89) and 13 years for light work (s.90). Light work is defined *"as work which is not likely to be harmful to the health or development of a child and does not affect the child's attendance at school or the capacity of the child to benefit from school work"* (s.90(2)).

The minimum age for *hazardous* employment is 18 years (s.91), which is defined as work that *"poses a danger to the health, safety or morals of a person"* (s.91(2)). Hazardous work explicitly includes particular types of work such as portering of heavy loads (s.91(2c)) and work in places where machines are used (s.91(2e)). All of the above prohibitions apply to employment in both the formal and informal sector (s.92).

Further regulations are outlined for 'industrial undertakings' that are required to register all 'child labourers'⁹³, and for the formal sector where district labour officers are able to inspect and interrogate any person working therein. For the 'informal sector', which would

⁹¹ Child and Family Welfare Policy, 2015, Republic of Ghana

⁹² Confusingly, the term 'child labour' is used in this legislation to mean 'child work'.

⁹³ 'Child labourers' is used in this legislation to refer to 'child workers'.

include the cocoa sector, the Social Services Sub-Committee of the District Assembly and the Department are responsible for enforcement and may in turn report the matter to the police (s.96). Where the offender is a member of the family of the children, the police shall consider a 'social enquiry report' prepared by a probation officer or a social welfare officer relating to the case (s.96(5)).

Of note, Sub-Part II of the legislation regulates apprenticeships in the informal sector, the minimum age for which is specified at "15 years or after completion of basic education" (s. 97-98). Responsibilities of the craftsman⁹⁴ who takes the apprentice under his/her care include not only training and instructing the child, but also being responsible for any harm caused in the course of the training, to provide food, a safe and healthy environment and to protect the best interests of the apprentice generally (s.99). The parent, guardian or relative of the apprentice enters the agreement with the craftsman (s.100) on behalf of the child, in accordance with the custom of the specific trade, specifying details regarding cost of protective clothing, provision of shelter, as well as daily minimum wage. The duties and conditions of release of the apprentice are regulated as well as referral of disputes to the district labour officer for resolution (s.101-1.03).

3.1.2 Labour Act, 2003 (Act 651)

Section 58 of the Labour Act 2003 prohibits employment of 'young persons', defined as above 18 and below 21 years of age, in hazardous work. 'Hazardous work' is defined as any type of employment or work likely to expose a person to physical or moral hazard. Such types of work may be determined by legislative instrument (s.58(1)), though specifically covers 'underground mine work' (s.58 (3)).

3.1.3 The Human Trafficking Act, 2005 (Act 694)

The Human Trafficking Act of 2005 is a comprehensive law criminalising human trafficking as the "recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or b) giving or receiving of payments and benefits to achieve consent." (s.1(1)). Exploitation is further defined and includes "forced labour or services, salary or practices similar to slavery, servitude..." (s.1.(2)). It also articulates that any placement for sale, bonded placement, temporary placement, or placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking. (s.1(3)). Finally, where children are trafficked, no consent of the child, parents or guardian can be used as a defence (s.1 (4)).

It is important to note also that the Act places a mandatory duty to inform the relevant authorities of information about trafficking, such as the police, the Commission of Human Rights and Administrative Justice, the Department of Social Welfare, the Legal Aid Board or a reputable Civil Society Organisation (s.6(1)).

3.2 National policy framework

The Child and Family Welfare Policy was drafted and launched as a response to justified calls by all key child protection stakeholders for a child protection system that is 'Fit for

⁹⁴ A 'craftsman' is defined as a person who can train and instruct an apprentice in a trade (s.124 – The Children's Act 1998)

Ghana'. This called for a break away from older, contextually inappropriate colonial features, as the child protection legal system was fashioned along 'Anglo-Saxon'⁹⁵ traditions and models. The policy provides guidance to the reform of child and family welfare programmes, is applicable to each sector and provides guidance for legislation, strategic plans, action plans and intervention-specific standards and protocols concerning the protection of children. Of note, the policy acknowledges family and community beliefs, values and practices, in particular i) family and community cohesion and harmony, ii) the importance of belonging to family and community, iii) the common responsibility of families and communities as well as the implicit responsibilities of the child, and iv) the value of reciprocity, which guarantees rights and obligations of community members through mutual understanding and respect for each other. The 'Hazardous Child Labour Activity Framework for the Cocoa Sector in Ghana' was commissioned by Ghana's Ministry of Manpower, Youth and Employment⁹⁶ and was drawn up to conform with the ILO Convention No 182. It supplements the list of hazardous child labour as laid out in the Children's Act, s.91. Although formally not a national policy, it is an important national framework that aims to be as exhaustive and practical as possible in relations to what qualifies as hazardous work in the area of child labour in the cocoa sector. It outlines 17 hazardous child labour standards of prohibited activities and conditions of work, a list of permissible work activities according to age and a list of prohibited work for children in cocoa less than 18 years of age.

The following are a list of the 17 types of hazardous child labour:

- Clearing of forest and /or felling of trees
- Bush burning
- Working with agrochemicals i.e. purchasing, transport, storage, use (mixing, loading and spraying/applying), washing of containers and spraying machine and disposal.
- Present or working in the vicinity of a farm during pesticide spraying or re-entering a sprayed farm in less than 12 hours
- Using machetes/long cutlass for weeding
- Climbing trees higher than 3 metres (9 feet) to cut mistletoe with a cutlass
- Working with a motorized mist blower, knapsack sprayer and a chainsaw
- Harvesting overhead cocoa pods with a harvesting hook
- Breaking cocoa pods with a breaking knife
- Carrying a heavy load beyond a permissible carrying weight i.e. above 30% of body weight for more than 2 miles (3 km). See Table 10.
- Working on the farm for more than 3 hours per day or more than 18 hours per week (for children on weekends, holidays and/or have completed school).
- For children in school, working more than 2 hours/day on a school day
- Working without adequate basic foot and body protective clothing (e.g. long sleeves, trousers and 'Afro Moses')
- A child working alone on the farm in isolation (i.e. beyond visible or audible range of nearest adult)
- Going to or returning from the farm alone or working on farm between 6.00 p.m. and 6.00 a.m.

⁹⁵ This is the term used in the policy.

⁹⁶ The ministries have restructured since 2008, and as of 2016, the relevant responsible ministry is the Ministry of Employment and Labour Relations.

- A child withdrawn from school during cocoa season to do farm work
- Working full time on a farm and not attending formal / non formal school
- (applicable to children under 15 years)

The Child and Family Welfare Policy was drafted and launched as a response to justified calls by all key child protection stakeholders for a child protection system that is ‘Fit for Ghana’.

The National Plan of Action for the Elimination of the Worst Forms of Child Labour 2009 to 2015 aimed to reduce child labour in Ghana to its barest minimum by 2015. It set out to reach this objective through a comprehensive and detailed 8-point set of goals and actions in the areas covering the areas of legislation, social mobilisation, access to education and training, identification and response of child labour, empowerment of vulnerable communities, labour market reform,

capacity building of local authorities and improving the knowledge base through research. It has been recognised that even where programmes to achieve these aims were well implemented, they suffered from a lack of sustainability due to the finite nature of being donor-funded. It was also found that although the laws on child protection are comprehensive, there are significant gaps in enforcement of them. At the time of visit the Child Labour Unit under the Ministry of Employment and Labour Relations was undergoing a review process of the new National Plan of Action.

3.3 National child protection mechanism

Primary responsibility for child protection is with the *Ministry of Gender, Children and Social Protection*.⁹⁷ At a national level there is a shortage of staff and inadequate access to social workers in many regions, while funding at local level is often supported by NGOs. The ratio of welfare officers to the population is low, which is particularly challenging in regions where the relatively poorer populations are more geographically dispersed.⁹⁸ In 2012, with support from UNICEF, the Ministry initiated a comprehensive process of strengthening Ghana’s child protection system. This was informed by extensive mapping and assessments of the state and situation of Ghana’s child protection systems and resources as well as the impact it was having on children and families.⁹⁹ ¹⁰⁰ The reports concluded that Ghana had adequate laws but needed a more contextually and culturally-appropriate approach to child protection which reflected the roles of families, communities and consensus-based decision making.¹⁰¹ In response, the Ministry launched the Child and Family Welfare Policy in February 2015 (endorsed by Cabinet in July 2015) (see above).

⁹⁷ Under this Ministry the recently merged ‘Department of Social Welfare and Community Development’ is responsible for child welfare services.

⁹⁸ Child Frontiers, 2011. ‘Report of the Mapping and Analysis of Ghana’s Child Protection System’, UNICEF

⁹⁹ Ibid.

¹⁰⁰ PDA, 2014. ‘It takes a village to raise a child: National Child Protection Study’. Government of Ghana, UNICEF

¹⁰¹ Ibid.

A 'Community Facilitation Toolkit' has been developed (in partnership with UNICEF). Through 'community facilitations' child protection is debated and concerns identified within the community through a collaborative development approach.¹⁰² The plan has been adopted not only by government but also by civil society, who plan to target at least 100 districts.¹⁰³

3.4 National mechanisms focusing on child labour

The *Ministry of Employment and Labour Relations* holds the primary responsibility for tackling child labour, through its Department of Labour. The Child Labour Unit under this Ministerial department is responsible for coordinating the national response. It also acts as the secretariat to the National Steering Committee on Child Labour, which includes a review of the National Plan of Action on the Elimination of the Worst Forms of Child Labour (due at the end of December 2015).

The *National Steering Committee on Child Labour (NSCCL)* is the highest policy advisory body on child labour issues in Ghana. It is made up of multi-stakeholder representatives from relevant ministries, civil society, traditional leaders and other social partners. Its mandate is to oversee, guide and coordinate the implementation of the National Plan of Action (NPA) on the Elimination of the Worst Forms of Child Labour in Ghana, as well as the implementation of the Ghana Child Labour Monitoring System (GCLMS). The NSCCL also works at inter-ministerial level and with other development partners to support all efforts at eliminating child labour. The NSCCL has three sub-committees focusing on the areas of i) policy, advisory, education and skills training, ii) advocacy, social mobilisation and child labour monitoring, and iii) specialist focuses on cocoa, mining and fishing industries.¹⁰⁴¹⁰⁵

The *Ghana Child Labour Monitoring System (GCLMS)*, established and developing since 2010, is a national mechanism for the monitoring, referral and assessment of child labour. The mechanism builds on over a decade of child labour monitoring systems through collaborative efforts and multi-stakeholder partnerships. The GCLMS engages and involves a broad spectrum of formal systems and structures from Community Child Protection Committees on the ground, through Metropolitan/Municipality/ District Assemblies and departments and to the National Steering Committee on Child Labour (NSCCL). The mechanism is carried out through a monitoring phase and a follow-up phase.¹⁰⁶

Ghana Cocoa Board, COCOBOD, is the main coordinating and regulatory body for cocoa in Ghana. COCOBOD sets the price of cocoa, buying from over 20 licensed cocoa-buying companies and selling to cocoa-exporting companies, such as Cargill and ADM.

¹⁰² Interview with Representative from UNICEF Ghana.

¹⁰³ Ibid.

¹⁰⁴ Interview with representatives from the Child Labour Unit

¹⁰⁵ Ministry of Employment and Social Welfare (MESW), 2010, 'Ghana Child Labour Monitoring System (GCLMS)', Republic of Ghana

¹⁰⁶ The monitoring phase includes: i) identification and assessment of children who are in work or in transit to work, ii) referral of children found to be in child labour, iii) protection and prevention of child labour, and iv) immediate data management and analysis. The follow-up phase includes: i) tracking of children covered by the system ii) quality control and verification of information in the system iii) providing information for law enforcement and criminal justice purposes, iv) dissemination and analysis of information at regional and national levels and v) input to the review and promotion of laws, policies and social planning.

COCOBOD's aim is to increase Ghana's cocoa productivity to 1.5m tonnes per year. In sustaining the country's cocoa production, COCOBOD provides 'extension services' to cocoa-growing farmers to support sustainable and productive agricultural practices, through extension agents. Each agent usually provides services for up to 35 communities. COCOBOD used to have a dedicated desk on child labour, whose main task was to support NPECLC. Following a restructuring process in 2015 under its new Chief Executive, COCOBOD has set up a new plan and sub-committee to respond to child labour. Preliminary information received from COCOBOD suggests its GHS 2 million¹⁰⁷ annual budget contribution to NPECLC will be diverted to developing schools in cocoa-growing communities.

The *Ghana Cocoa Platform* is a public-private platform for partnership established by COCOBOD for the convening and coordination of technical issues in the cocoa sector that go beyond the topic of extension services.¹⁰⁸ At the time of the field visit, stakeholders alluded to the platform having "collapsed" due to recent restructuring of COCOBOD. The *National Programme for the Elimination of Child Labour in Cocoa (NPECLC)* was established in 2006 by the Ministry of Employment and Labour Relations, in collaboration with the Ministry of Finance and the Ghana Cocoa Board (COCOBOD) as a response to international concern. NPECLC was formally established as a programme under the Ministry of Employment and Labour Relations, with the purpose of coordinating the national strategic response to child labour in cocoa. Within a few years, NPECLC also became involved in implementation of on-the-ground projects with local implementing partners including the establishment of the Child Labour Monitoring System. However, due an underlying lack of formal structural authority accompanied by a change in government, as well as a series of significant concerns about the use and management of programme funds, NPECLC has lost the support of senior government leadership. At the time of the field visit, NPECLC had not received any funds from COCOBOD for almost a year and the entire team had been made redundant due to lack of financing.

The *Ministry of Interior* has established a Human Trafficking Unit under its Criminal Investigation Department. The unit consists of 24 officers based in Accra and has a presence in all regions with at least 5 police officers based in each office, with up to 18 officers operational in trafficking hotspot regions such as Volta. One of their challenges in investigating trafficking is the lack of sufficient referral services for identified victims in need of urgent and immediate care.¹⁰⁹

¹⁰⁷ Approximately US\$500,000.

¹⁰⁸ COCOBOD. Available at: https://cocobod.gh/coco_platform.php [Accessed 26 January 2016]

¹⁰⁹ Consultation with Head of Human Trafficking Unit

4. Cocoa sustainability and community development

Ghana prides itself on its high quality production of cocoa and increasing its production to meet growing global demands is a national priority. As a politically stable and economically growing country in the region, the issue of child labour in the cocoa sector has caused a reactionary response over the past decade. This section outlines some key factors for reflection and understanding about the responses to child labour and child slavery in Ghana.

4.1 Confronting the issue

Child labour is prevalent in Ghana and children can commonly be seen working in both urban and rural areas across the country. When the condition of child labour in cocoa hit international media headlines over a decade ago the issue for Ghana quickly became one of reputational and economic risk management. A decade on and Ghana still has a significant issue of child labour. The resulting responses were more reactionary than holistic, which has affected the sustainability of efforts in the long term. Any changes in child labour trends seem to relate more to broader socio-economic changes in the country than as a direct result of child labour interventions.

Key stakeholders held a common view that child labour was not as serious an issue in cocoa in comparison to other sectors such as fishing or mining. Whereas this finding is not disputed, the research team observed a systemic avoidance of being consulted. Examples include stakeholders confirming meetings and then not attending or expressing confusion about the subject of the meeting despite having received a short brief beforehand. A number of stakeholders consulted struggled to speak to the topic and would refer to other members/ departments of their agencies as the knowledge holders. Where stakeholders did share their views, they preferred to stick to the 'official lines' and were strongly hesitant to talk openly. With the exception of a small handful of stakeholders; the issue of child labour was deemed as too politically sensitive to talk about for most.

The pattern of inadvertent but systemic avoidance observed at the national stakeholder level was mirrored, to some extent, at the community level. In one community where the research team conducted three separate focus group discussions with farmers, women and youth, community members talked almost entirely about the success of community interventions and how their lives had been transformed. On being asked about extensively about challenges, very little were put forward. In one instance, the research team asked the youth group if they had any concerns in their life, such as in relation to school or friends, to which all the children shook their heads whilst one 14-year-old girl responded with "Madam, we don't have any problems".

Of significant note, both Buono (2011) and Massart (2012) point to a systemic 'denial' amongst stakeholders at national and community levels. Massart states that on the one hand, all stakeholders agree with campaign messages against child labour, amidst the wider national contextual discourse on rights and religious morality. However on the other hand, he points out that at all levels across communities, the government and the country there also exists a 'denial reflex'. Buono notes that at community level "...the denial is

Despite the state of flux at the national level, there is a significant amount of work being undertaken in cocoa sustainability and community development in cocoa-growing areas.

systemic and the constant reassurances that children do not work on the farm or only do light work actually impede any external initiatives from addressing instances of children in WCFL".¹¹⁰ At the same time, parents have little choice and are guilt-ridden in using their children due to their real and challenging circumstances.¹¹¹ Massart maintains that at the heart of all advocacy efforts is a genuine sense of justice and good faith and the denial is

hypothesised to be a reflection of pessimism or a collective desire to control the profound and rapid changes Ghana is undergoing. Of the stakeholders who expressed a more critical perception of child labour in cocoa, they independently but consistently echoed the 'special status' of cocoa as a sector. They commented that communities and national stakeholders alike protect the cocoa sector in Ghana, unlike any other, and that there is a need for a 'third eye' to identify cases and incidences of child labour in communities.

4.2 Need for a nationally coordinated response

At the time of undertaking the field visit in September 2015, Ghana's national strategic response was in a state of disarray and uncertainty. Following a period of restructuring across various government ministries and bodies, and a change in the incumbency of the COCOBOD senior leadership; NPECLC stopped receiving its regular funding.¹¹² With no public or formal announcements regarding the reasons for the sudden halt in financing, the programme's staff ended up leaving, provoking rumours and concerns amongst stakeholders. The Ghana Cocoa Platform, a national Public-Private Platform for the coordination and common discussion on matters relating to the cocoa sector, had not convened for many months.

Despite the state of flux at the national level, there is a significant amount of work being undertaken in cocoa sustainability and community development in cocoa-growing areas. A tremendous amount of coordination is required across the sectors so that responses can be integrated, harmonised and aligned with the overall national development agenda. However, many stakeholders were unaware of the national state of affairs on child labour in cocoa, and were not sufficiently abreast of what others were doing. UNICEF's child protection mapping analysis also found a lack of effective coordination at national and district levels.¹¹³

¹¹⁰ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

¹¹¹ Ibid.

¹¹² Consultation with NPECLC Representative

¹¹³ Child Frontiers, 2011. 'Report of the Mapping and Analysis of Ghana's Child Protection System', UNICEF

4.3 Community development approach

One of the most common interventions responding to child labour at community level is the setting up of Community Action Plans (CAP). The main purpose of a CAP is to mobilise resources for community development and more often than not, a 'Community Action Plan Committee' (or similar) is appointed, with responsibility for coordinating implementation of the CAP. Challenges in the CAP approach include lack of ground-level ownership and buy in, differing approaches and influences among communities and agencies as well as separation of CAP committees from traditional structures (or overlap with those structures) and 'fatigue' from volunteers. Further, limited reporting is available on impact and some communities reveal CAPs are set up "*because organisations want them to*".¹¹⁴

The establishment of the CAP and the committee is ideally undertaken by the community itself, and only *supported and facilitated* by the intervening agency. How this actually takes place in practice is likely to vary across communities, agencies, time and other factors. In any case, the interaction between community and supporting organisation is bound to be rife with expectations, projections and identifications on all sides. The needs, priorities, cultures, aspirations and gender perspectives of each will influence the vision held in the mind of villagers versus organisational staff.

Implementing agencies are quick to report on the establishment of CAPs and related committees, however, there is a dearth of information about the impact and effectiveness these have on child well-being, including child labour. This is of critical importance given the pressure – and need – for agencies to address child labour effectively and in light of the low success of efforts to date.

4.4 Harnessing existing community mechanisms for child protection

In terms of child protection systems, there is no clear structure for delivering social welfare at community level.¹¹⁵ Governance mechanisms at community level include both formal and informal mechanisms. Formal mechanisms include Town/Area Councils, Unit Committees, as well as Parent-Teacher Associations and so forth. Due to lack of funding, dependency on volunteers as well as community politics, many formal structures are not functioning to sufficient capacity.¹¹⁶ At the same time, there are mechanisms in communities that can be harnessed and supported for child welfare.

Queen Mothers play a strong leadership role in supporting the welfare of women and children in communities and provide advice and guidance to Chiefs on such matters. Children and families tend to report their welfare and protection concerns to the Chief of the Village or the Queen Mother in most instances.¹¹⁷ The strong emphasis on preserving community harmony also requires matters to be considered before any referral to local

¹¹⁴ PDA, 2012. 'Reflecting upon setting up village, district and local committees (Community-based Child Protection/ Development Committees, CAP Committees); Yen Daye (YDK) Project, Ghana'. International Cocoa Initiative

¹¹⁵ Consultation with representative from UNICEF

¹¹⁶ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

¹¹⁷ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

Queen Mothers play a strong leadership role in supporting the welfare of women and children in communities and provide advice and guidance to Chiefs on such matters.

authorities. Where a referral is made, it is usually to general community structures such as a religious institution (church or mosque), educational, administrative, health and police bodies rather than any specialist child protection or social welfare units.¹¹⁸ A variety of child protection models have been designed for communities by international and national organisations, mainly consisting of an

informal structure reliant on volunteers, such as Community Child Protection Committees (CCPCs). As explained in the previous section, with a broad mandate for protecting child rights and preventing child abuse and exploitation, many CCPCs are unsustainable without funding and suffer volunteer fatigue.¹¹⁹ Those CCPCs that focus on child labour mainly undertake work on awareness-raising and school attendance.

4.5 The shifting economy

Ghana's cocoa economy is undergoing some major shifts in current years, which are important to consider in the context of child labour.

The priority for the cocoa sector is to sustainably increase the production and supply of cocoa, primarily through increasingly farmer yields. At the same time, cocoa farming is proving to be increasingly unsustainable for individual farmers who continue to live in extreme poverty and are unable to access machines, products, and skills to help them boost yields.¹²⁰ The premise of increasing productivity of cocoa as a method for improving low levels of livelihood apparently not questioned. The prevailing view amongst stakeholders is that if income is too low for farmers, this is because their yield is too low. As productivity is intensified, the demand for labour also increases, particularly in the short and medium term where access to new technologies, seedlings and integrated practices is still low and the increased tasks are manually intensive. Access to contracted labour is also limited, and farmers have sparse financial means for hiring labour. This can impact the demand for child labour, including hazardous child labour.¹²¹ In some communities, farmers have organised themselves to pool labour with set prices amongst themselves.

It is also considered that farm gate pricing for cocoa in Ghana 'only increases' and is 'protected' as a crop compared to other crops where prices are set entirely by the market.¹²² In fact, given the fast-growing demand for cocoa globally it would be reasonable to believe that the price could be even higher than it currently is. One stakeholder commented that cocoa-producing countries could do a better job of

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Wedam, E. Akowuge, F.D., Asante, F. 2014, 'Costly Mistakes, Declining Fortunes; At Whose Detriment: An Assessment of Cocoa Cultivation in Ghana' *Journal of Environment and Earth Science*, Vol.4, No.7

¹²¹ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

¹²² Interview with representative from World Vision

The premise of increasing productivity of cocoa as a method for improving low levels of livelihood has not been questioned. The prevailing view amongst stakeholders is that if income is too low for farmers, this is because their yield is too low

negotiating improved deals for themselves on the world market by increased control of the way it manages its stock for selling.

In parallel, there is a seismic shift occurring in cocoa farming which increasingly seeks to capitalise on its profits and revenue. Cocoa farming has historically enabled a virtuous cycle of migrants to integrate within the agricultural economy within two to three generations, particularly through the acquisition of land.¹²³ However, in recent times, investments into cocoa farming are being valued for the revenue they provide.¹²⁴ Land

is being increasingly accessed by those who have the capital and means to buy, making it more difficult for farmers who do not have such capital. There are concerns that this could lead to an enlargement of the size of farms and the potential *proletarianisation*¹²⁵ of agricultural labour.¹²⁶ Such a situation can be avoided by ensuring farmers have access to savings and credit schemes in order to help them raise financial capital to access land.

It is arguable that the shifting economy is also reducing the need for children to be socialised into farm work, as they are not expected to take over the farms any more. There are indications that children, as future generations of farmers, are being encouraged to manage their farms from cities by hiring labour. In turn, child labour is increasingly being seen by farmer households more as temporary assistance until children leave for senior schools outside of the community, following which they are not expected to return if they are successful.¹²⁷ At the same time, this means that child labour can also take on more hazardous forms because it is about children 'earning their keep' rather than needing to see their future in cocoa.¹²⁸ Clearly there are competing trends that could impact child labour in different ways.

4.6 Understanding the vulnerabilities in communities

Experts call for interventions in communities to closely understand the forces and factors of the shifting economy (as outlined above) and to offer effective assistance to communities

¹²³ Massart, Guy S., 2012, 'A Study of Child Mobility and Migrant Flows to the Cocoa-Producing Communities in Ghana', International Cocoa Initiative

¹²⁴ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

¹²⁵ Whereby farmers would become part of an agricultural working class as wage earners, rather than earn profit from their own crops as landowners or sharecroppers.

¹²⁶ Massart, Guy S., 2012, 'A Study of Child Mobility and Migrant Flows to the Cocoa-Producing Communities in Ghana', International Cocoa Initiative (page 6)

¹²⁷ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

¹²⁸ Buono, Clarisse, 2011, 'Daily life, social norms and child labour in the cocoa-producing communities; Socio-ethnological research carried out in Ghana', International Cocoa Initiative

Trapped in cycles of poverty, these groups of farmers depend most heavily on child labour from their households and their children are found to be engaged in the most hazardous of work at younger ages with less

that support the rebuilding of communal solidarity.¹²⁹ There is also a vital need to understand sub-groups and intra-group relations within communities to ensure that support is provided equitably, and particularly to those that are most vulnerable. For example, there is a general inequality identified between migrant populations and indigenes, with the former facing implicit discrimination with less access to community assets and resources.¹³⁰ It is also argued that there are broad differences in how farmer communities receive child

labour awareness messaging depending on factors such as ethnicities, farm tenures, whether part of cooperatives and societies or not, as well as whether communities are living in centralised or dispersed settlements.¹³¹

One report found that the most consistent violations of child labour laws came from dispersed settlements where most farmers were sharecroppers or caretaker farmers from the north.¹³² These were found to be the poorest of farmers who have the smallest returns on their labour and often receive about a third of profits from their farms, and a two-thirds share going to the landowners. It is these farmers, and their families, who are the most vulnerable. They endure discrimination and have the weakest local social networks and the least access to community resources and assets such as schools or wells. Further, they experience the highest insecurity in food and land tenure, and have the least access to credit and market information. Trapped in cycles of poverty, these groups of farmers depend most heavily on child labour from their households and their children are found to be engaged in the most hazardous of work at younger ages with less access to schools.¹³³ It is important for a clear strategy to be developed and implemented that seeks to work with the most vulnerable groups.

4.7 The voice of children

There is a general absence of the voices and perspectives of children and youth in the national and local discourse on child labour in Ghana. In research conducted by PDA for UNICEF, a child survey was administered in communities alongside one for adults, revealing important views of children, which often differed from the views of adults.¹³⁴ Traditionally, children take up not only a dependent role in their families, but also responsibilities to help

¹²⁹ Ibid

¹³⁰ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

¹³¹ Ibid

¹³² Ibid.

¹³³ Ibid.

¹³⁴ PDA, 2014. 'It takes a village to raise a child: National Child Protection Study'. Government of Ghana, UNICEF

and support through the undertaking of tasks and chores. Many of the children in cocoa-growing communities do not seem to participate in community development initiatives. Experts call for increased youth and child participation at both the local and national level, given that many children engaged in work have important views to communicate in their own right. Many children and youth make rational and valid choices about working, including in hazardous work, due to their circumstances. It is important that the voices of children are heard and supported in ways that are also culturally appropriate at local level.

To require or encourage child or youth membership in community-based committees, alongside traditional village elders is unrealistic and does not adequately consider the cultural norms of children not speaking up in front of their elders.¹³⁵

¹³⁵ PDA, 2012. ‘ Reflecting upon setting up village, district and local committees (Community-based Child Protection/ Development Committees, CAP Committees); Yen Daakye (YDK) Project, Ghana’. International Cocoa Initiative

5. Mondelēz International - The way forward

This section seeks to present Mondelēz International's efforts in responding to child labour and child slavery within the context of its overarching work on sustainability, particularly through its dedicated cocoa sustainability programme, Cocoa Life. Importantly, this section seeks to explore areas for where Mondelēz's efforts could be further strengthened, organisationally as well as in relation to its partners and other stakeholders. Key recommendations are specified and elaborated upon.

5.1 Mondelēz International and its Cocoa Life programme

Mondelēz International is one of the world's largest snack companies, and is one of the world's largest buyers of cocoa in West Africa. Given its enormous global reach and leadership in its industry, Mondelēz recognises its role and shared accountability on the world stage.¹³⁶

At a sector level, Mondelēz International is a founding member and board member of ICI, which is dedicated to eradicating child labour in cocoa. Furthermore, through its membership of WCF, Mondelēz is taking up its role in sector-wide cocoa sustainability measures, which include responses to child labour. To this end, Mondelēz International holds shared accountability for the approaches, strategies and objectives of these representative agencies.

5.1.1 Analysis of Cocoa Life framework and approach

Mondelēz, together with the global chocolate and cocoa sector, have recognised that as the global demand for chocolate continues to increase, the future growth of cocoa supply is in jeopardy.

Mondelēz International recognises the importance of supporting farmers and their communities to thrive and making cocoa a more valuable crop to cultivate and harvest. To this end, Mondelēz established Cocoa Life, a dedicated cocoa sustainability programme with a commitment of USD 400 million over a 10-year period.

It aims to work in six origin countries (Côte d'Ivoire, Ghana, Indonesia, India, Brazil and the Dominican Republic) and to reach 200,000 farmers and over one million people across five focus areas.¹³⁷

Cocoa Life's vision is to empower communities to thrive, based on a holistic approach encompassing the following three principles;

- i) Holistic farmer-centred
- ii) Committed to partnership
- iii) Aligned to sourcing (of Mondelēz's supply chain).

In recognising that its investment in the sustainability of cocoa is embedded in cocoa-growing communities' well-being and success, Cocoa Life implements activities across the

¹³⁶ Ibid.

¹³⁷ Mondelēz International 2013 'Cocoa Life Guidance Document'

Mondelēz established Cocoa Life, a dedicated cocoa sustainability programme with a commitment of USD 400 million over a 10-year period.

following five key areas: i) farming, ii) community, iii) youth, iv) livelihoods, and v) environment.

Programme implementation and its impact are measured through monitoring 10 global key performance indicators, which are independently evaluated. The themes of 'women's empowerment' and 'child labour' are integrated as crosscutting themes across the five areas, and also have their own specific indicators to ensure

progress is monitored and measured.¹³⁸ The approach and design of Cocoa Life openly aims to support farmers to improve their farming practices so that the cultivation of cocoa grows in both quantity and quality. In parallel, Cocoa Life works directly with cocoa-growing communities to support broader development goals, as prioritised by the communities themselves.

What is unique about Cocoa Life, and is not paralleled in scope by other similar sector stakeholders, is its approach to community development. Cocoa Life's approach to community development focuses primarily on the needs of the community, within the broader context of cocoa sustainability. These broad-ranging objectives are then put into practice through dedicated and budgeted medium term projects. Cocoa Life implements this by separating out the two parallel paths of interventions i.e. cocoa farming-focused support on the one hand, and broader community development support on the other, by partnering with separate agencies to implement each. Such an approach respects the difference and relatedness of approaches between supporting cocoa production and wider community development, in ensuring cocoa sustainability. The reason this programmatic approach is unparalleled when compared with other stakeholder interventions in the cocoa sector is due to the *scope* of its investment and partnerships, as well as its *reach* in target cocoa-growing communities.

5.1.2 Cocoa Life and its approach to tackling child labour and child slavery

Mondelēz has elaborated on its strategic response to child labour and established an Advisory Board consisting of leading international experts on the issue. The external advisors¹³⁹ are regularly consulted on strategic and operational decisions relating to child labour. This included the commissioning of this assessment and the commitment to launch a dedicated Child Labour Action Plan.¹⁴⁰

As stated, Cocoa Life requires responses to child labour and gender issues to be crosscutting themes across the five key focus areas. This essentially means that all partners must ensure that child labour and gender equality are mainstreamed throughout all programmatic activities and outputs. Cocoa Life's *development* approach provides a

¹³⁸ Mondelēz International 2015 'Cocoa Life Operations Guide'

¹³⁹ Members of the board include Aidan McQuade of Anti-Slavery International and Mil Niepold as an Independent Expert.

¹⁴⁰ Mondelēz International, 2014. 'The Call for Well-being; 2014 Progress Report'

What is unique about Cocoa Life, and is not paralleled in scope by other similar sector stakeholders, is its approach to community development.

sustainable way of responding to issues such as child labour and child slavery, because of its potential to not only to treat its symptoms and immediate push factors, but also to target its root causes and underlying enablers.

The reality that Mondelēz's Cocoa Life approach potentially sets it apart from its peers has implications for how it relates and takes up its role in joint sector-wide efforts, particularly

through ICI and WCF's CocoaAction strategy. Any differences in approach must be recognised as a boon for the industry as a whole, which gains an opportunity to test and witness different models of interventions. Mondelēz would benefit from reflecting more deeply on how it can contribute to sector-wide joint objectives whilst maintaining its role as a proponent of an *integrated, child-centred approach* to child labour; vis-à-vis the *supply-chain* driven approach.

5.1.3 Cocoa Life implementation in Ghana

Cadbury's has been present in Ghana for over 100 years and has historically taken a keen interest in sustainable development of cocoa production and supporting communities. Following a study carried out in 2000 on risks to cocoa sustainability, Cadbury's Cocoa Partnership (CCP) was established in Ghana in 2008. The programme was built on the premise that the key issue in cocoa sustainability was not cocoa itself, but the lives of people cultivating cocoa and the value they derived from their labour. Following Cadbury's takeover by Kraft Foods, and then latterly forming part of Mondelēz, the CCP transitioned to Cocoa Life. Whilst retaining a strong development approach and focus, the programme's framework was re-launched in 2012 to align with the company's growing demand for cocoa. This aligns with, and supports COCOBOD's objective and strategy to increase the national production of cocoa in Ghana. In taking shared accountability in increasing the country's cocoa supply, Cocoa Life in Ghana invests in sustainable cocoa and growth of productivity nationally. Beans from Cocoa Life communities are traced and COCOBOD is requested to sell these beans to Mondelēz in order to align sustainability approaches along the supply chain. In this endeavour, Cocoa Life in Ghana aims to reach more than 45,000 farmers directly and a reach a further 400,000 persons indirectly through its work in communities.

The social development and community-based approach is implemented alongside farmer-focused productivity efforts, ensuring that *"the intervention touches everyone in the community"*.¹⁴¹ Cocoa Life works with implementing partners to deliver on its five pillars of work. The farming component is wholly implemented by COCOBOD, who have a contingency of 'extension agents', each working with up to 35 cocoa-growing communities to support sustainable agricultural practices across the country. Under Cocoa Life, COCOBOD is supported with salaries for additional extension agents who cover no more than 10 cocoa-growing communities each, allowing for increased accessibility to extension

¹⁴¹ Consultation with Representative from Cocoa Life Ghana

Any differences in approach must be recognised as a boon for the industry as a whole, which gains an opportunity to test and witness different models of interventions.

communities (see table below), one of which it is implementing in partnership with cocoa supplier company ADM. 'Cohort 4' communities cover those where ADM had already been working on farming practices, under the aegis of COCOBOD. Under the Cocoa Life programme, the other components relating to community development are being added, with an NGO implementing partner.

services for farmers in Cocoa Life communities. The environmental component is delivered by UNDP, alongside COCOBOD. On the development side, Cocoa Life works with three implementing partners, all of whom are reputable international NGOs. These are World Vision Ghana, Care, and VSO (Voluntary Services Overseas) who each work in different cocoa-growing regions of the country.

In 2015, Cocoa Life commenced its third and fourth cohorts of

Table 4: Number of Cocoa Life communities by cohort and year

Cohort	Year	No of Communities
Cohort 1	2008	100
Cohort 2	2013	109
Cohort 3	2015	121
Cohort 4 (with ADM)	2015	116

As of the time of undertaking the field visit in September 2015, Cocoa Life was working in 446 communities. Cocoa Life's main community development approach is to support and empower communities to establish their own Community Action Plans (CAPs). These CAPs are then linked to District Development Plans under the responsibility of District Assemblies, so that communities can begin to directly access relevant social services. Examples include access to electricity, schools and education for children and so forth.

5.1.4 Responses to child labour

In 2012, a 'Cadbury Cocoa Partnership Strategic Response and Plan of Action'¹⁴² was developed in order to address the worst forms of child labour and trafficking in Ghana. This followed a CCP-commissioned independent study of child labour, education and cocoa production in CCP communities^{143, 144}. The Strategic Response and Plan of Action align with

¹⁴² Cadbury Cocoa Partnership, 2012, 'Addressing the worst forms of child labour and trafficking: Cadbury Cocoa Partnership Strategic Response and Plan of Action'

¹⁴³ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012

¹⁴⁴ These CCP communities would fall under cohorts 1, and possibly 2, of Cocoa Life.

the national response, and in particular the work of the National Programme for the Elimination of the Worst Forms of Child Labour in Cocoa (NPECLC). It also explicitly sets out guiding principles of being 'child-focused, farmer-focused and community-focused'. The independent study conducted by David Korboe encountered cases and incidences of child labour, and although there were no confirmed cases of child slavery, practices suggestive of child slavery were encountered. The study also found that given the complex socio-cultural relationship layers between children and adults, where the views and perspectives of children are generally not sought, that *"some measure of compulsory labour could arguably be said to be taking place."*¹⁴⁵

The study identified the complex factors causing and enabling child labour, including its worst forms, to occur. It outlines how CCP's existing and on-going work in supporting livelihoods is already responding to the economic dependency on child labour. The study proposes engaging in awareness raising with communities by supporting them *"to identify the frontiers of change themselves"*. It further suggests a series of child labour trainings for partners, monitoring of child labour cases as well as the establishment of a 'Technical Committee on the Promotion of Child Development'. Finally, it provides a Plan of Action that sets out monitoring requirements to assess progress over time.

Despite this valuable work, it has been found that the strategic response and plan of action defined under the CCP has not been implemented or actively integrated into Cocoa Life's programming in Ghana. This has been largely due to the transition of CCP to Cocoa Life in the context of the larger structural changes at corporate level. It was found that none of the implementing partners or any other stakeholders were aware of these the study or the CCP Strategic Response and Plan of Action. Although the Strategy and Plan of Action would have been a sound plan at the time of its development, it now requires updating to incorporate learning developed since then.

5.2 Building on Mondelēz's efforts at global level

In order to continue the important progress being made by Mondelēz through Cocoa Life, and to ensure the best possible results from its significant investment in cocoa sustainability and thriving communities, it is important to reflect on where efforts can be strengthened and built upon moving forward. This is integrally important in order to maintain long term effectiveness and sustainability of efforts, particularly given the tenacity of issues such as child labour and child slavery, that can undermine both present and future well-being of children, families and communities, and thereby cocoa sustainability. Eight specific recommendations are provided below, in a general order of priority, and further elaborated beneath.

5.2.1 Child protection policy and code

Recommendation 1: Mondelēz International to develop and implement a child protection policy and code, which explicitly includes the reporting and referral of child protection cases, including child labour and child slavery.

¹⁴⁵ Korboe, David, 2012, 'Study on Child Labour, Education and Cocoa Production', Cadbury Cocoa Partnership (CCP), October 2012 (page 4)

It is recognised that Mondelēz International aims to provide data on incidences of child labour towards the implementation of the CocoaAction strategy. A key factor in deciding how child labour cases must be monitored is not only its effectiveness in gathering reliable statistics, but also the way the method of case monitoring helps keep children safe and build communities in a sustainable way. Often compliance-driven approaches can make it more difficult to identify cases.

Currently in Ghana, it is unclear how child labour cases are identified and referred for assessment. Examples were shared of how indicators of child labour are identified during community visits by stakeholders, and used constructively to raise awareness. However, there seems to be no formal mechanism that actively assesses such indicators in order to assess needs of children and their families. As mentioned earlier in the report, there is a structural resistance to formally reporting such cases for fear of consequences to certifications, reputation and more.

Moving forward it is essential to proactively identify and report actual cases; primarily to ensure the child is removed from the harmful situation, and secondarily to incrementally build the response system, which will help strengthen a safe and conducive environment for all children. To this end, it recommended that Mondelēz International develop and formalise an internal Child Protection Policy and Code, which includes a strategy and plan for implementation, and is signed off and supported by senior leadership.

At a *strategic* level, the child protection policy would set some overarching principles on Mondelēz International's position on child labour and related matters, setting the tone for its public engagement and role in the sector. At an *operational* level, the child protection code should be integrated into the programmes on the ground, similar to a 'supplier code'. Community development programming can incorporate an identification, reporting and referral mechanism for actual cases. This would require all identified child protection cases, including child labour and slavery, to be reported through a formally appointed local structure, risk assessed and referred to the most appropriate child protection authority, which may well be at community level. Reporting of cases back to Cocoa Life should clearly be required in partners' project reporting. Figure 4 outlines a minimum standard for a possible 'child protection' code.

At minimum, the Standard Operating Procedure should include the following steps:

1. If any information regarding a possible case, or a child at risk, of child exploitation, comes to the attention of a representative or agent of Cocoa Life, s/he must report this information immediately to their manager or Cocoa Life focal point.
2. A brief child protection report should be drawn up by the representative/agent for these purposes so that a written record of the referral process is documented. The report should include:
 - a. Date, location and any identification details of the child or children;
 - b. Pertinent details of the incident, including any harm known or suspected to be suffered by the child or children in question;
 - c. Any actions that have been taken, including whether any report or referral (formal or informal) has been made to any child protection authority or other agency;
 - d. Any details regarding other persons involved, including any suspected abuser, as well as any other responsible persons around the child;
 - e. Any other salient details, including any factors requiring urgent attention.
3. The reporting manager or focal point must check whether the information has been shared with the relevant child protection body in the community of location of the child.
4. Where the incident has already been reported to the relevant child protection authority, a child protection report should still be written up and submitted to the reporting manager.
5. All information relating to the identity of the child, or any other identifying information, must be handled with care and passed in a confidential process through the reporting and referral lines.
6. Reporting and referral must be made swiftly and dealt with as a matter of priority to reduce risk of harm, or further harm to the child, or children.

Figure 4

5.2.2 Child-centred programming with education as the entry-point

Recommendation 2: Adopt a child well-being approach to child labour and child slavery, starting with adding a formal 'children's access to education' component into Cocoa Life; and actively utilising this as an entry-point for identifying children at risk.

Within the broad remit of Cocoa Life's community development work, NGO project activities cover a wide spectrum of activities, whilst the specific responses to child labour are mainly limited to training and awareness raising. As child labour is a crosscutting theme across all the focus areas, it is understood that suppliers' main activities on this subject are also about awareness raising, training and, possibly, interventions where cases are identified. In this context, a child-centred approach requires the strengthening of a safe environment for children, which must begin with improved access to schools and a minimum satisfactory quality education. Furthermore, where communities have a well-

functioning and better-resourced school in their vicinity, families will be encouraged to send their children to school instead of their farms.

It is proposed that Cocoa Life formally adopt 'children's access to education' as a primary response to risks of child labour in cocoa-growing communities. This should begin with developing specific indicators on children's access to education in schools, relating to enrolment rates, attendance rates and performance levels, which should be directly compared to child populations. Anomalies and inconsistencies, such as missing school children, provide important indicators of children most at-risk of child labour and therefore provide an entry point for proactive child protection follow-up.

In parallel, school systems need to be supported to not only improve the quality of education and be better resourced, but require encouragement to identify children at-risk of dropping out, or engaged in child labour. Teachers should be actively identifying children where concerns include child labour (as well as other child protection issues), so that community-based authorities can follow up directly with the family. This way supporting access to education for children not only supports a sustainable primary response to child labour, but also provides an entry point for the active identification of cases. Vulnerable families identified can also be supported to participate in other Cocoa Life initiatives such as improving complementary livelihoods or savings schemes.

A principal finding of consultations with women in communities was that they, more so than the men, held consistently high aspirations for the well-being and education of their children. In fact, the future of their children was their primary motivation for their work and drive. To this end, the crosscutting theme on women's empowerment is intricately linked to the response to child labour.

In focusing on child well-being outcomes, it is invaluable to hear and consider the views of children and youth in relation to matters that concerns them. It is suggested that avenues and platforms for child participation are explored in consideration of existing resources and capacity.

5.2.3 Monitoring and evaluation

Recommendation 3: Cocoa Life to develop a robust and transparent internal monitoring and evaluation mechanism to ensure impact and effectiveness of programmes are regularly measured and built upon.

The Cocoa Life programme in Ghana is undertaking a large portfolio of work in hundreds of communities and with a network of key implementing and collaborating partners. The scope and breadth of the Cocoa Life programme in the area of cocoa sustainability and community development is distinct from all other such similar projects in the country. In this regard it is vitally important to ensure a robust, transparent and functioning monitoring and evaluation mechanism which measures impact and effectiveness of interventions and acts as a gateway for improving activities in an on-going way.

The current focus of Cocoa Life project monitoring reports is largely on activities and inputs, and insufficient information is gathered internally on the impact of efforts on communities, families and children. For example, the distribution of bicycles for the purposes of improving access to education by children is reported by sharing information about the number of bicycles provided to the number of households. This reports on activities and inputs, however there is no data reported on whether the activity fulfilled its

intended goal. Analysing impact and effectiveness of interventions could be gauged from regularly gathering and comparing community data on the proportion of children attending school, rates of school dropouts, school performance, as indicators for measuring any changes in child access to education. Without regular reporting on impact and effectiveness, it is difficult to understand the success or learning from programme activities in relation to children and families, including on child labour. Data monitoring must take place in partnership with the community leaders and include regular gathering of strategic community data such as population sizes and groups, fluxes of in- and out-migration, and how local factors impact child labour over time.

In alignment with a robust monitoring mechanism for programmes, it is proposed that an outcome-based system is used for project reporting. Outcome-based project reporting focuses on sharing information about the extent to which outcomes have been reached. An example would be where reports capture the year-on-year increase in school-based performance of children as an outcome of community support activities – rather than the number of teachers-training days held (which is an example of *activity/input* reporting).

An important function of a robust monitoring and evaluation system is the opportunity to continually improve technical effectiveness. To this end, it is important to keep abreast of research and assessments undertaken, both within Cocoa Life as well as others published and available in the country. Up-to-date research serves as important avenues for new learning which needs to be integrated into existing projects. Learning can also occur across the implementing partners through existing knowledge-sharing platforms within Cocoa Life.

A significant part of community development work involves training aimed at raising awareness, increasing knowledge and bringing about attitudinal change, with the end goal of changing behaviours. Although a fixed approach seeking to change mentalities of community members is not recommended, changes in attitudes and practices can highlight ways in which communities are moving and developing along a continuum. To this end, it is suggested that as part of an improved monitoring and evaluation system, assessments such as KAPs (Knowledge, Attitudes and Practices) are used to measure change over time.

5.2.4 Measuring impact sustainably

Recommendation 4: Cocoa Life to review its child well-being targets and indicators to ensure impact on child labour and child slavery integrates with sustainability and effectiveness of outcomes.

As mentioned, Cocoa Life monitors and measures its impact and effectiveness using 10 global indicators. The indicator for child labour seeks to measure ‘reduction in child labour and forced child labour’. It is however unclear how the levels of child labour and forced child labour are measured. There was no programme-wide baseline assessment, and there are no reporting or referral mechanisms in place, which means that there are no documented cases that are recorded as a matter of course.

It is recommended that the work undertaken in communities be required to meet some basic minimum performance targets that focus on the well-being of children, and respond to the underlying enablers and vulnerabilities to child labour and child slavery.

The following example indicators in Table 5 could be considered and built upon for integration in order to measure impact on the child well-being.

Table 5: Proposed example performance targets / outcomes for Cocoa Life programmes

Target Indicators	By end of Year 1	By end of Year 2	By end of Year 3
1. Birth Certification	Families are supported to acquire birth certificates for all children.	Families are supported to acquire birth certificates for their children before 3 months of age.	All families acquire birth certificates for their children before 3 months of age.
2. Access to school/ education	<p>All children of primary school age are going to school.</p> <p>Those out of school (either not enrolled or not attending) are followed up, assessed for reasons and provided with assistance according to needs.</p> <p>School committees are identified and supported to develop child protection policies and practices.</p>	<p>All children have access to good quality primary school and secondary school.</p> <p>Children not enrolled, regularly absent or who perform poorly are identified and assessed; with support from NGO where needed.</p> <p>Children of working age have access to decent work.</p> <p>School committees are supported to review and improve child protection policies and practices.</p>	<p>All children have access to good quality education from primary, secondary, vocational training and beyond.</p> <p>Children not enrolled, regularly absent or who perform poorly are identified and assessed, without requiring support from NGO partner</p> <p>Children of working age have access to decent work.</p> <p>School committees are reviewing and improving child protection policies and practices without support from NGO partner.</p>

<p>3. Access to formal child protection system</p>	<p>Communities' and systems' awareness on a broad range of child protection issues are raised and key issues discussed.</p> <p>Communities identify and establish a committee related to school and child welfare.</p> <p>Gathering and collation of data on community child population and school population (enrolment, attendance and performance rates).</p> <p>Community school and child welfare committee work regularly to identify at risk children through looking at community and school-related data.</p>	<p>Community school and child welfare committee work regularly to identify at-risk children through inspecting community and school-related data.</p> <p>Community school and child welfare committee regularly follow-up children missing from school and assess any child labour or other child protection concerns.</p> <p>Children identified at-risk of harm (including child labour) are provided with adequate response, according to their need.</p> <p>Community school and child welfare committee identifies and accesses any additional resources and trainings to build their capacity.</p>	<p>Community school and child welfare committee work regularly to identify at-risk children through looking at community and school-related data.</p> <p>Community school and child welfare committee regularly follow-up children missing from school and assess any child labour or other child protection concerns.</p> <p>Children identified at risk of harm (including child labour) are provided with adequate response, according to their need.</p> <p>Community school and child welfare committee is formally linked to an allocated social worker with whom they can liaise on a regular basis.</p>
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At a broader community development level, some further basic indicator targets are recommended as they also impact child well-being. These include :

- i) access to clean water
- ii) access to basic healthcare and
- iii) livelihood earnings to the reach equivalent of minimum living income over the poverty line.

Specific gender equality indicators could be developed in relation to (i) livelihoods support to women in cocoa-growing communities, (ii) gender awareness and sensitisation with the cocoa-growing communities and (iii) supporting of Women's Extension Volunteers in cocoa, as these interventions, if targeted well, would support the well-being and education outcomes of children.

These performance targets, with clear indicators, need to be regularly measured by both the NGO and Cocoa Life teams with regular monitoring and evaluations, including independent evaluations every two to three years. The crosscutting nature of gender equality also requires clearer monitoring, and must not only focus on women's

empowerment but also on community-wide attitudes and cultural practices that are shared by both men and women.

Finally, given Mondelēz International's participation in the sector-wide efforts to eradicate child labour through the CocoaAction platform, it is further recommended that sector-wide indicators be also similarly reviewed in light of a more sustainable impact approach.

5.2.5 Taking up an active role at the global sector level

Recommendation 5: Mondelēz International to develop and follow a public engagement stance and strategy at the sector level, which more clearly represents its distinct development approach to cocoa sustainability.

The size and scale of Mondelēz International's global operations require it to externally demonstrate high levels of accountability. This includes in preventing and addressing human rights violations, including child labour and child slavery, across the supply chain. The proportionality of Mondelēz International's responses and actions on this front are measured against its size, scale and the locations of its work.¹⁴⁶ In taking up its shared responsibility, it is important to have cognisance of its role vis-à-vis the other industry stakeholders in the sector, some of who are also significant in their size and scale, such as Nestlé and Mars. Industry stakeholders are explicit in their recognition of the shared and integrated reality of the cocoa supply chain.¹⁴⁷

Mondelēz International must remain aware both of its capacity to act separately from its *competitors*, or jointly with its *peers*, and the impacts this has on a wider level. Notably, there continue to be calls for the private sector to collaborate jointly and pre-competitively on addressing contextual social and environmental issues.¹⁴⁸ To this end, it is proposed that a clear strategy is established documenting Mondelēz International's approach, notably its unique development approach to sustainable cocoa-growing communities.

5.2.6 National Advocacy Strategy

Recommendation 6: Cocoa Life in Ghana to review how it takes up its role and public engagement at national level, in support of the national and sector-wide response to child labour and child slavery.

The achievement of high level goals, such as thriving communities, cocoa sustainability and cocoa farms free of child labour relies on a broad range of efforts which do not only take place within the boundaries of programmatic interventions. Efforts are contributed cumulatively across government, corporate and the non-profit sectors. In this overarching, combined response to risks and vulnerabilities in cocoa, it is essential that all strategic and national stakeholders are able to coordinate their activities and exchange important information. The national response, led by government, also requires the harnessing of all the work on-going across the sectors, in order to progress its strategy and drive national growth and development, which includes the appropriate protection and welfare of its population. Hence, all strategic actors have an important role to play.

¹⁴⁶ Principle 14 of UNHCR, 2011. 'The Guiding Principles on Business and Human Rights'.

¹⁴⁷ Fair Labor Association, 2011. 'Sustainable Management of Nestlé's Cocoa Supply Chain in the Ivory Coast – Focus on Labor Standards'.

¹⁴⁸ Barometer Consortium and VOICE Network, 2015, *Cocoa Barometer Report*, www.cocoabarometer.org

The extent and depth of Cocoa Life's work in Ghana is unparalleled in the industry. The experience and learning of Cocoa Life's approach has much to offer the whole sector in the country and beyond. To this end, it is proposed that Cocoa Life take up a more prominent role at national level, which both supports and is supported by the significant work of Cocoa Life in communities, with a focus on child protection from labour through education and safe environments. This has the dual purpose of: i) taking important learning from Cocoa Life's programmes to share at national level to inform the strategic response by government; and ii) advocating for systemic improvements and legal/policy changes which would help support and sustain the important work being undertaken at community level. One specific suggestion already discussed with Cocoa Life Ghana is a re-appointment of a representative on the National Steering Committee on Child Labour (NSCCL).

Taking a more prominent role at national level would require being prepared to work more publicly and thereby developing a public engagement and communications approach or strategy.

5.2.7 Programming for sustainability in community development

Recommendation 7: Cocoa Life to more explicitly incorporate a 'systems-strengthening' approach, working alongside communities, to support sustainability of its programme outcomes.

In the long term, children, families and communities, require the development and strengthening of support systems, such as health, education, justice, security and other social services in order to ensure general well-being (i.e. thriving communities). Such development also requires, though is not limited to, the building of basic infrastructure, such as roads, schools, water mains, hospitals, electricity and other grids. Where there is a lack of infrastructure and systems, everyday life is not only incredibly arduous, but also lacks basic support and safety nets that enable persons to reach a greater human potential. Without adequate nutrition, basic health care, water and sanitation, life is primarily about survival. It is within such a context that child labour and child slavery needs to be understood and combated.

To this end, it is vitally important to identify and strengthen existing *formal and informal* systems and mechanisms as part of the community development work. Doing the work, *on behalf of* the systems is generally unsustainable, as programmes are finite. Furthermore, creating *new parallel systems*, alongside already existing systems, can also unnecessarily divert resources rather than consolidate them. An example is the creation of new committees when others already exist. The recent launch of the Child and Family Welfare Policy formally recognises the role of traditional leaders in communities as well as the social capital and cultural resources existing in local and community structures for the protection and welfare of children and families. Formerly, there has been an assumption that communities require *new* structures and mechanisms for child protection, including child labour.

The reality of the shifting economy and its concomitant influences on community life, mechanisms and social organisation, means that cocoa-growing communities are currently in a dynamic flux. This requires equally dynamic and responsive approaches to working with communities in ways that is more *symbiotic* rather than a *one-way* transfer. Farmers, like most parents, care deeply about their children and for this reason it is important to work

from a common ground. The CCP-commissioned independent study found that approaches that only aim to ‘train’ and ‘raise awareness’ can be experienced by communities as specific mentalities being “*unfairly shoved down their throats*”.¹⁴⁹

Sustainable community development also requires recognition of the values and sense of solidarity in the community. Working *alongside* communities, rather than *for* or *to* them, can help ensure that they continue to thrive after finite projects end. Specific issues of child labour, and other risks to children, are found to be particularly acute where certain vulnerability factors coincide. Community interventions need to reach people in an equitable way, which means that those *most* vulnerable might require the most support. Appropriate understanding of sub-community groups and their intra-relatedness is important in identifying social vulnerabilities and their links to child and family well-being.

5.2.8 Beyond compliance

Recommendation 8: Mondelēz International to set up a broader accountability structure and mechanism to actively engage with its work to respect human rights in its supply chain.

There is a global trend in recognising the shared accountability of corporates and business enterprises to respect human rights in their operations, as laid out in Annex 5 outlining the ‘international legal framework’. Mondelēz International will already understand its requirements to comply with all relevant laws, both national and international. The following actions are proposed, in a suggested order of priority, as examples of measures that would reflect the *heart*, as well as the *letter*, of these international laws and principles. Overall, they convey a bold approach to managing the risk of liability, by moving beyond minimum compliance, towards corporate responsibility and shared accountability.

1. **The Best Interest Principle:** Commit to the universal principle that all decisions and actions relating to children will be made in the best interests of children.
2. **Policy and Operational Framework:** Develop policies and set up operational frameworks that protect and respect children’s rights throughout the business. This would include training and orientation of staff on their joint accountability, and appointing senior members of staff with specific responsibilities. The framework would also extend to contractual partners in the supply chain.
3. **Transparency and Public Information:** Be transparent and make information about efforts and organisational learning public and accessible, not only to the international public, but also to communities and children. Examples include annual statements on efforts and achievements on children’s rights.
4. **Supporting States:** Actively support and encourage governments and other stakeholders on strengthening child rights and protection at national and international levels.
5. **Consultative Platform:** Put into place a formal consultative platform for engaging with children, families and communities, in order to open dialogue, participation and exchange mutual views on working together.
6. **Impact Assessment:** Undertake a comprehensive human rights impact assessment (with a focus on children) in accordance with the ‘protect, respect and remedy’

¹⁴⁹ Korboe, David, 2012, ‘Study on Child Labour, Education and Cocoa Production’, Cadbury Cocoa Partnership (CCP), October 2012 (page 5)

framework set out in the UN Guiding Principles on Business and Human Rights. Such an assessment would include a gaps-analysis on child rights against policies and operations.

7. **Regular Due Diligence:** Conduct regular due diligence of the effectiveness of policies and frameworks to address child rights impacts.
8. **Remedial Process:** Establish a remedial process and mechanism for aggrieved children and their guardians to seek redress for any violations. Such processes would need to be made accessible to children and their guardians and families, through clear communications and providing multiple points-of-entry.

It is understood that these actions support a broader rights-based framework, which would provide a more comprehensive response to concerns of child labour and child slavery. It is envisaged that consideration and adoption of these actions and approaches might be reviewed and potentially phased in over the next five years. Such commitments and actions would convey a genuine and open process for respecting the rights of children against exploitation and other rights abuses.

6. Conclusion

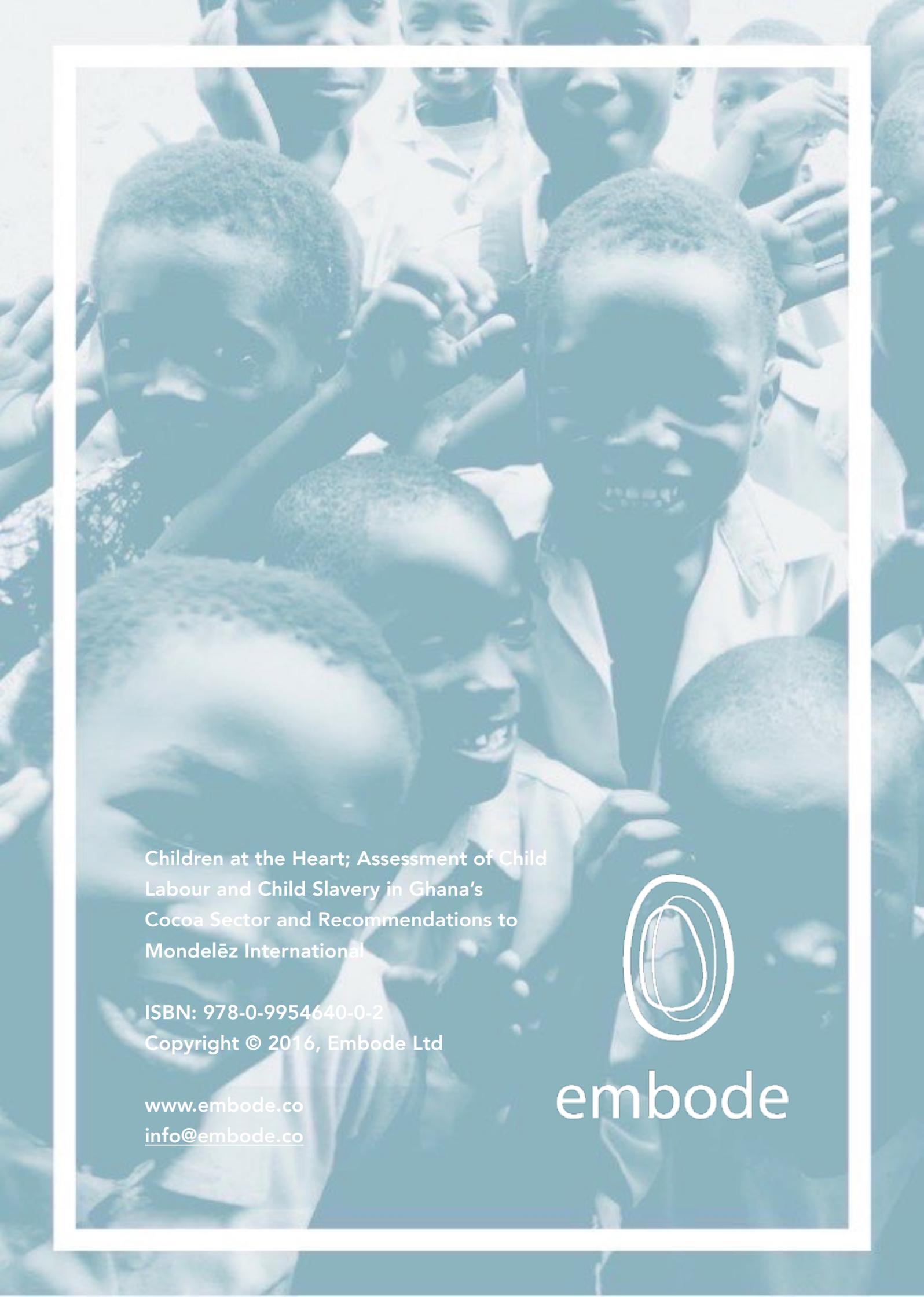
Child labour, in all its forms, including child slavery, is an on-going serious concern in Ghana. Even after 15 years of dedicated efforts and millions of dollars of investment, the problem continues, and changes shape. As is well agreed by most stakeholders, it is a symptom of a complex set of factors interacting together over time. At the same time, the response to child labour and slavery remains largely uncoordinated and narrow; whilst the sector as a whole is fatigued with the ineffective efforts at curbing a high profile issue. To add further challenge Ghana's cocoa economy is undergoing dynamic change, due to increasing land scarcity for farmers without capital, rapid urbanisation of rural communities and emphasis on education for children as a way of climbing the socio-economic ladder. These factors are having strong and intricate influences on the way children are engaged in labour in cocoa-growing communities and require response efforts to be aligned with such change.

Child labour and child slavery do not exist in a vacuum. Responding to them as if they are unconnected or unrelated to anything else will only result in undermining those very efforts. If it takes a village to raise a child, then stakeholders must step back and see children at the heart of their families and communities. The parental and familial circles of any child are his or her primary sources of protection and support for survival. An environment conducive to the safety and well-being of children importantly requires the presence of accessible and well-functioning schools where children can develop their potential through age-appropriate learning. By focusing on the strengthening of the education system through schools, children who are engaged in child labour can be better identified and supported. This way, community-based child protection mechanisms can build on the basic, but improving, school system of Ghana. Overall, through meaningful engagement with communities, not only as cocoa producers, but also as parents and families, stakeholders can work more cohesively to keep children safe.

The Cocoa Life programme has been implemented in Ghana since 2012 and therefore has some important experiences and lessons that can be reflected and built upon. With its broad and established networks of partnerships, including with three international NGOs, Cocoa Life in Ghana has a tremendous opportunity to optimise its input in order to maximise its impact, primarily through ensuring a robust internal monitoring and evaluation system.

Mondelēz International's Cocoa Life programme provides a comprehensive framework, which sets it apart from most other approaches to cocoa sustainability. The most distinguished feature of the Cocoa Life programme is its direct work with communities with a broader scope than cocoa farming and child labour. Due to this holistic approach, as well as the significant amount of financial and technical investment being dedicated to the programme, Cocoa Life holds the potential to make a significant difference to hundreds, if not thousands, of communities. The sincere objective to, not only develop, but *transform* communities is not too ambitious a task, if done with sustainability in mind.

Mondelēz International's role at the sector level, particularly through representative organisations is also integral to this work. Indeed, it may well be *because* Mondelēz sees things differently that its voice is most valuable for the sector.



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Mondelēz International

ISBN: 978-0-9954640-0-2

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