

FORCED LABOR AND CHILD LABOR
IN NIGERIA'S COCOA SECTOR



Free the Slaves (FTS) was founded in 2000 and has since committed to the mission of ending modern slavery. Today, FTS is widely recognized as a leader and a pioneer in the modern abolitionist movement. Through its work, FTS has assisted individuals in slavery to regain their freedom, has helped officials to bring slaveholders to justice, and has supported survivors to rebuild their lives and reclaim their future. To advance its mission further, FTS has developed a multi-dimensional strategy: policy and advocacy, to advocate for the reform of laws and regulations; engagement of local communities, to provide training and resources to vulnerable communities; movement building, to encourage knowledge-sharing and collective action; continuous learning, to produce research that enhances understanding and guides responses.

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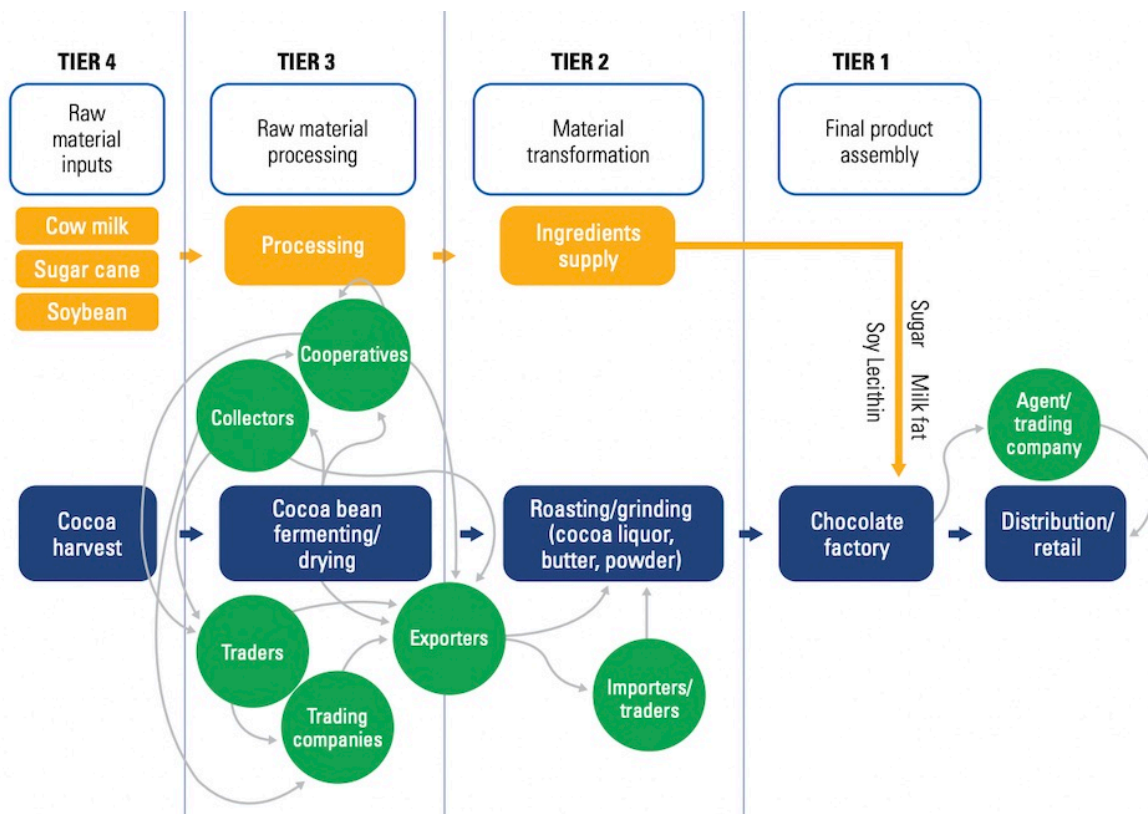
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Introduction: forced labor and child labor in cocoa production

Chocolate, one of the most popular products worldwide, comes from a long and labor-intensive process.

First, cocoa farmers must clear the land, plant seedlings, weed their plantations, prune trees, and apply pesticides and fertilizers. Once cocoa pods grow, farmers must harvest them by hand, using machetes or hooks. They then open the pods, so that the beans inside can be removed. They let the beans ferment for several days and later spread them to dry in the sun. After storing the beans in sacks, farmers can sell their cocoa down the supply chain, where it goes through collectors, transporters, traders, grinders, manufacturers, and retailers. Finally, it reaches consumers, pleasing them with a great variety of flavors and aromas.

Figure 1. The cocoa supply chain ¹



Legend



the different entities involved at different stages



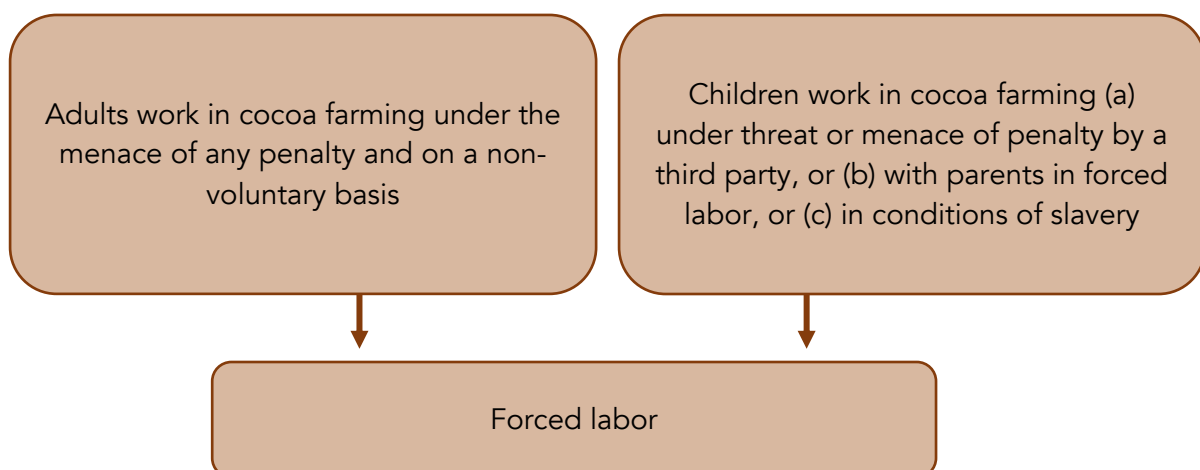
additional raw materials that will feed into the chocolate production

¹ UNICEF, Mapping Child Labor Risks in Global Supply Chains (Geneve: UNICEF, 2020).

However, the sweet taste and the pleasant smell of chocolate hide a bitter reality. In fact, the production of cocoa beans is particularly vulnerable to the exploitation of adults and children into human trafficking, forced labour, and child labor.

According to the International Labor Organization (ILO) Convention No.29, forced labour is “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. The menace of any penalty refers to the means of coercion used to impose work on someone. This may take place during the recruitment process to force someone to accept the job. It may also take place once the person is working to force him or her to do tasks that were not agreed upon or to prevent him or her from leaving. Involuntary work refers to work or services that take place without the worker’s free and informed consent.²

Figure 2. Forced labor in cocoa production



Child labor, for its part, is referred to by the ILO as work that is mentally, physically, socially, or morally dangerous and harmful and/or interferes with the children’s schooling. Permitted light work is up to 1 hour per week for children aged 5-11, 14 hours per week for children aged 12-14, and 43 hours per week for children aged 15-17.

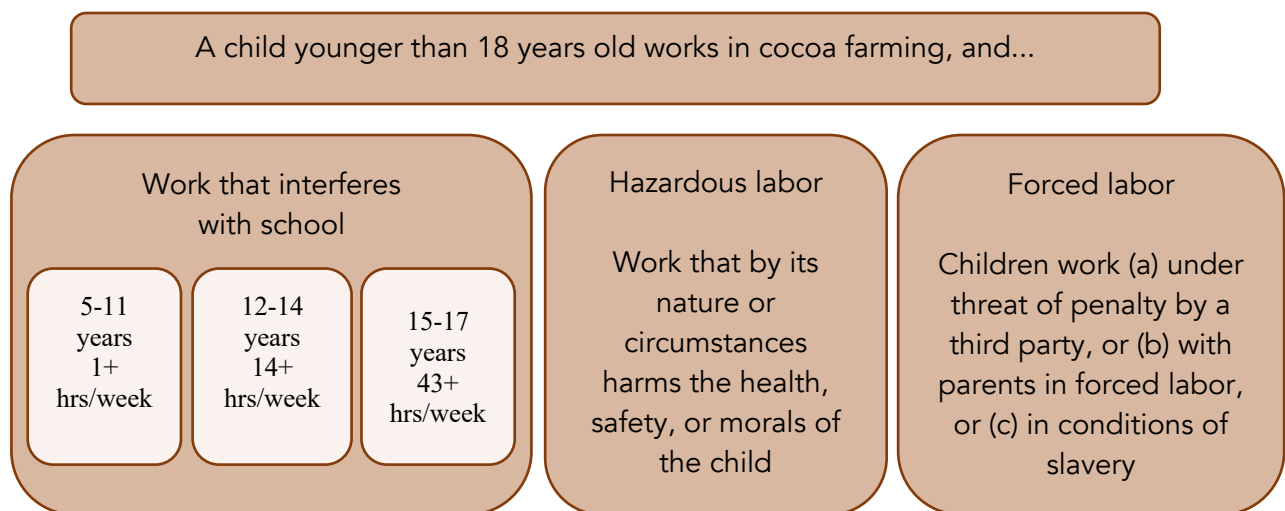
Within child labor, the worst forms of child labor (WFCL) are defined in ILO Convention No.182 as all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, and serfdom; the use, procuring, or offering of a child for prostitution or pornography; the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs; and work that, by its nature or

² ILO Guidelines concerning the measurement of forced labor, Geneva October 2018.

circumstances, is likely to harm the health, safety, or morals of the child, which is known as hazardous child labor.

In the case of children, forced labor is work performed by a child for a third party, for the child’s parents, or with the child’s parents under a threat of penalty applied by a third party either on the child directly or on the child’s parents. It is also work performed alongside the child’ parents when one or both parents are themselves in forced labor. Finally, forced child labor is work performed in any one of the following worst forms of child labor: forms of slavery or practices similar to slavery; the use, procuring, or offering of a child for prostitution, the production of pornography, or pornographic performances; the use, procuring, or offering of a child for illicit activities.³

Figure 3. Child labor in cocoa production



While the past two decades have witnessed many promises to address forced labor and child labor in the cocoa industry, exploitation in cocoa farms continue to be widespread, representing a major source of concern when interrogating our capacity to meet SDG 8 and Target 8.7 by 2030. Oblivious to human rights, in fact, major cocoa companies continue to engage in exploitative practices and to unilaterally reap the benefits of an ever-expanding chocolate industry.

It is thus unsurprising that cocoa was listed in the latest 2023 Global Slavery Index as one of the products imported by G20 countries that is most at risk of modern slavery.⁴ Also, in the 2022 List of Goods Produced by Child Labor or Forced Labor released by the US Department

³ ILO, Walk Free, IOM, *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage* (Geneva: September 2022), p.14.

⁴ Walk Free, *Global Slavery Index*, 2023.

of Labor, cocoa was listed as one of the goods produced by child labor and forced labor as well as one of the goods “with the most child labor listings by number of countries”.⁵

Significantly, the reported risk of forced labor and child labor in cocoa is especially high in West Africa, which produces 70% of the world’s cocoa.⁶

Forced labor and child labor in the cocoa sector in Nigeria

The cocoa tree is indigenous to South America. From there, it was introduced by European colonial powers to the rest of the world. In 1855, Portugal brought cocoa to the West African island of São Tomé, where the tropical climate seemed optimal for cocoa cultivation. From the island, cocoa production rapidly spread to the mainland, in today’s Cameroon, Ivory Coast, Nigeria, and Ghana.

In Nigeria, the earliest cocoa farms were established in Bonny and Calabar in the 1870s, but the area proved not suitable for cultivation. In 1880, a cocoa farm was established in Lagos and later a few more farms were established in Agege and Ota. From there, cocoa farming spread to the Yoruba hinterland and Western Nigeria. The planting of cocoa later spread to Okeigbo and Ondo Town both in Ondo State, Ife and Gbongan in Osun State and also in Ekiti land.⁷

An overview of cocoa production in Nigeria

Today, Nigeria is the fifth largest cocoa producer in the world, after Cote d’Ivoire, Ghana, Ecuador, and Cameroon.⁸ Cocoa is thus a major source of foreign exchange earnings for the country. It is also a major source of income for most rural farmers in Nigeria.⁹ This is especially true in the South-West, where cocoa accounts for more than two thirds of a household’s income.¹⁰

⁵ US Department of Labor, 2022 List of Goods Produced by Child Labor or Forced Labor.

⁶ OECD, *Business Handbook on Due Diligence in the Cocoa Sector*, April 2023.

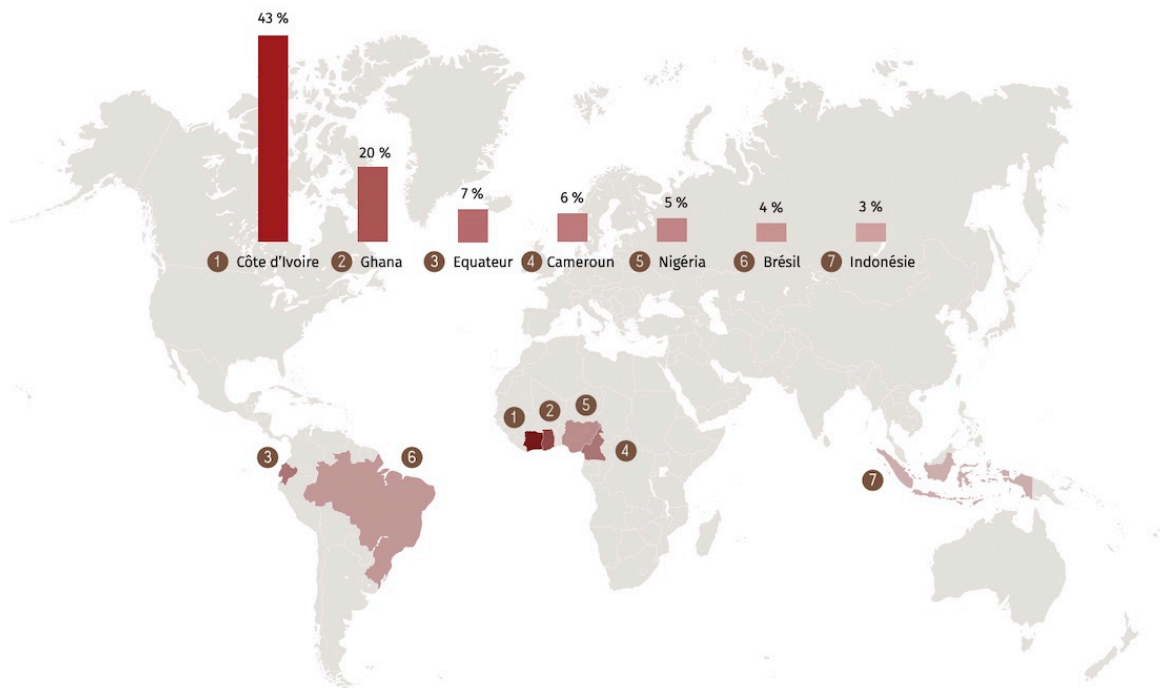
⁷ S. Berry, *Cocoa, custom, and socio-economic change in rural Western Nigeria* (Oxford: Clarendon Press, 1975).

⁸ ICCO, https://www.icco.org/wp-content/uploads/Production_QBCS-L-No.-1.pdf.

⁹ O.R. Adeniyi, G.O. Ogunsola, “Cocoa Production and Related Social-Economic and Climate Factors: A Case Study of Ayedire Local Government Area of Osun State, Nigeria”, *Agricultural Science*, Vol.2, No.4 (2014).

¹⁰ IITA, Labor practices in the cocoa sector of south-west Nigeria with a focus on the role of children, 2003, <https://issuu.com/iita/docs/u03bkgockowskilabournigerianothomnodev>.

Figure 4. Production of cocoa by country ¹¹



Fourteen states grow cocoa in Nigeria: Abia, Adamawa, Akwa Ibom, Cross River, Delta, Edo, Ekiti, Kogi, Kwara, Ogun, Ondo, Osun, Oyo, and Taraba. However, it is especially the South-West that is regarded as the cocoa belt of the country, accounting for 70% of Nigeria’s annual cocoa production.¹²

As in other sub-Saharan countries, in Nigeria cocoa is produced on small family farms, with 85% of the cocoa farms ranging in size between 1-10 hectares.¹³ In an environment dominated by poverty, informality, state neglect, and harmful cultural practices, cocoa production on those Nigerian small farms is often associated with multiple forms of labor exploitation for the adults and children involved. According to the US Department of Labor, in fact, cocoa from Nigeria is one of the goods at risk of being produced by forced labor and child labor.¹⁴

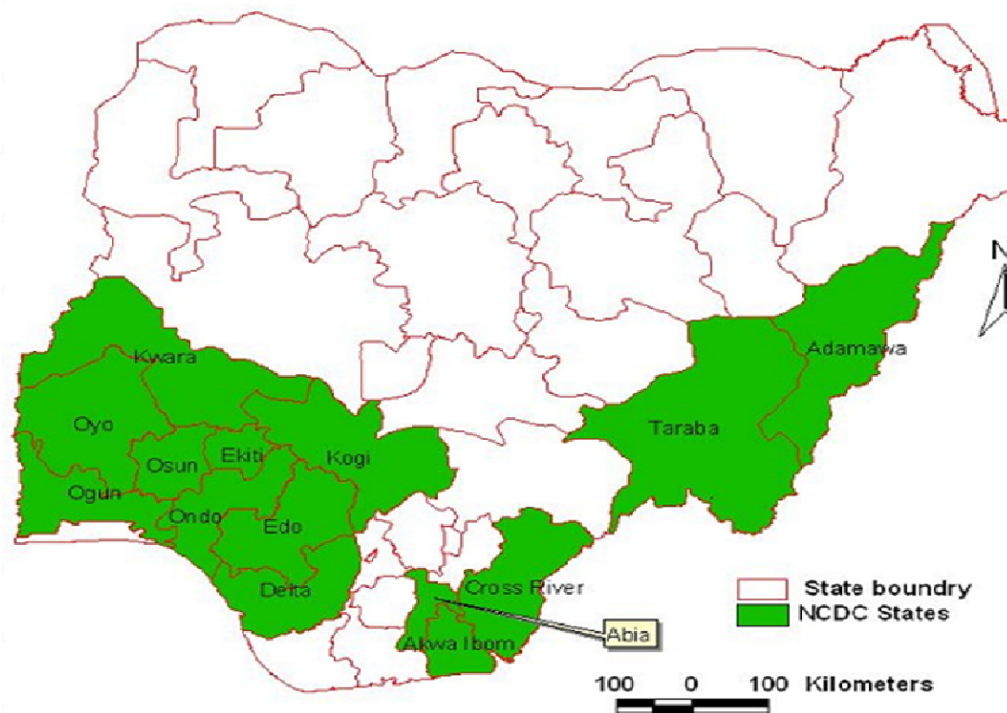
¹¹ ICCO 2022.

¹² D. Michael, U. Nzeka, “Nigeria Cocoa Production Increases. USDA Foreign Agricultural Service”, Global Agricultural Information Network, 2011.

¹³ O. Williams, B.S. Famuyiwa, “Perception of Nigerian Cocoa Farmers on Child Labor: Implications for Hazardous Child Labor”, *Asian Journal of Agricultural Extension*, Vol.10, No.3 (2016): 1-11.

¹⁴ US Department of Labor, 2022 List of Goods Produced by Child Labor or Forced Labor.

Figure 5. Cocoa producing states in Nigeria ¹⁵



Cocoa production and slavery




The development of cocoa in West Africa has been linked to slavery and forced labor since the late 19th century. Slaves were transported from Angola to the islands of São Tome and Principe to work on the new cocoa estates, and reports of forced labor there continued until the 1950s. In 1955, a prominent observer wrote that "some unlucky Africans [...] are deported to São Tomé and Príncipe [...]. Here they do forced, or directed, labor on the cocoa fields in circumstances barely distinguishable from slavery."¹⁶

Cases of slavery and forced labour on cocoa plantations managed by local chiefs and colonial powers were also widely reported in West Africa up to the Second World War. Since then, cocoa in the region has been mainly produced by African small-holders. However, the practices of labor exploitation that have historically characterized cocoa production in the country continue to be observed to this date.

¹⁵ Accessed from: <https://www.semanticscholar.org/paper/Journal-of-Agric.-2016-Vol.-16-No.-1-Arowolo-Shuaibu/6972284600125a6b298bd6b1e910df74b73e51ef>.

¹⁶ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation*, 2004.

Figure 6. Risks associated with cocoa production

| | |
|---|--|
|  | Deforestation and environmental degradation |
|  | Forced labor |
|  | Child labor |

Adult forced labor

Forced labor in agriculture is a persistent global issue. According to the latest estimates, agriculture is the fourth sector worldwide for prevalence of adult forced labor, accounting for 12.3% of all instances of forced labor. It is also one of the sectors in which child forced labor is most commonly observed.¹⁷ Among the agricultural products that the US Department of Labor reports as being at high risk of forced labor are peanuts from Bolivia, sugarcane from Brazil, sesame from Burma, tomatoes from Mexico, cotton from Pakistan and Uzbekistan, fish from Thailand, and cocoa from West Africa.¹⁸

On West African cocoa farms, forced labor has been reported among women and men alike. Women reported having been forced to work in cocoa farming by their husbands, while men reported having been forced to work on cocoa farms by their family members (e.g., siblings and in-laws) as well as by “masters”, farm owners, and other non-relatives.¹⁹ Interestingly, it has been noted that the risk of forced labor seems to be higher in areas where cocoa farms have taken over protected forests, due to the illicit nature of those farms.²⁰

Instances of forced labor have been especially identified among migrant workers, many of whom are recruited by intermediaries and trafficked for forced labor to the cocoa farms.²¹ Some of those migrant workers come from other states within Nigeria, while others come

¹⁷ ILO, Walk Free, IOM, *Forced Labor and Forced Marriage*, pp.31, 47.
¹⁸ US Department of Labor, 2018 List of Goods Produced by Child Labor or Forced Labor.
¹⁹ Tulane University, Walk Free, Chocolonely, *Bitter Sweets: Prevalence of Forced Labor and Child Labor in the Cocoa Sectors of Côte d’Ivoire and Ghana*, 2018.
²⁰ Corporate Accountability Lab, *Empty promises: The Failure of Voluntary Corporate Social Responsibility Initiatives to Improve Farmer Incomes in the Ivorian Cocoa Sector*, July 2019.
²¹ Verite, *Commodity Report Cocoa*, 2019, <https://verite.org/wp-content/uploads/2020/07/SSA-Verite-Commodity-Report-Cocoa-2019.pdf>.

from neighboring countries. According to the chairman of the Nigeria's cocoa farmers association, for instance, farmers often hire workers from the Republic of Benin through agents.²² Following their recruitment, workers are often required to pay back the fees related to recruitment and transportation, which could equal the salary of their entire first year on the farm.

Besides migrants, hired workers are also vulnerable to labor exploitation by the cocoa farmers.²³ On Nigeria's cocoa farms, in fact, many workers reported abusive living conditions. This includes sleeping in ramshackle huts on the cocoa farm itself, lacking regular access to electricity and running water, sleeping on makeshift beds, and being exposed to the environment without the protection of walls.²⁴

Cocoa farms are also often quite isolated, leaving workers – and especially those who migrated from other regions or even from other countries – alone, far from any support network, and deprived of alternatives. Isolated in the farm, workers cannot easily leave the farm and look for another job. Moreover, workers reported being told by their employers that they were not allowed to leave the cocoa farms, or they would lose the pay owed to them at the end of the season.²⁵

Many workers on cocoa farms also reported being underpaid, usually earning only 100,000-120,000 Naira (approximately 223-264 USD) per year, which is well below what is regarded as a living income. On top of this, workers may also not be paid on time or be paid just once a year, which can make it extremely difficult to buy food and other necessities.²⁶ Additionally, this system of withholding and delaying wages adds to the barriers faced by workers when considering leaving the farm and looking for a different occupation.

Child forced labor

Besides adults, forced labor on cocoa farms is also reported among children. Here, child trafficking is the most common pattern by which children find themselves in this situation of exploitation. Nigerian children are recruited from rural areas within the country by traffickers known as "agents",²⁷ who arrange the transportation of children (predominantly boys) to the

²² Corporate Accountability Lab, "CAL and AFRILAW document widespread forced labor in the Nigerian cocoa sector", January 17, 2024, <https://corpaccountabilitylab.org/calblog/2024/1/5/cal-and-afrilaw-document-widespread-forced-labor-in-the-nigerian-cocoa-sector>.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ "Stakeholders team up to wage war against child labor in cocoa farms", *Penpushing*, November 1, 2023, <https://penpushing.com.ng/stakeholders-team-up-to-wage-war-against-child-labour-in-cocoa-farms/>.

cocoa farms of Southern Nigeria.²⁸ Deception is often used to lure children. Some teenagers reported being promised opportunities to attend school. However, they found themselves working on the cocoa farm all day long and never saw a classroom.²⁹

Once on the cocoa farms, children spend their days working, including in hazardous tasks such as using a machete to chop down cocoa pods from trees and cutting the pods open.³⁰

They work and live on the farm, their only accommodation is a small shelter, they have no access to clean water, electricity, or sanitation.³¹ A child working on those farms reported that it can be hard to sleep because of all the mosquitoes at night and that during the rainy season he had almost died when the shade he was living in collapsed during a thunderstorm.³² Children are also not allowed to leave the cocoa farm, and are threatened or even beaten if they attempt to leave.³³

While enduring these life and work conditions, children are sometimes not paid or are not paid directly. Rather, the cocoa farmer pays the intermediary who brought the child to the farm or pays the children's parents.³⁴ When they are remunerated for their work, they are significantly underpaid. In fact, one of the explanations commonly given by Nigerian cocoa farmers for wanting to hire child laborers is the lower cost of children vis-à-vis adult, which can be as little as 56% of what paid to an adult worker.³⁵

Child labor

Much more ubiquitous than forced labor is child labor within a child own's family.³⁶ As has been noted, "though the most sensational stories about child labor [in the cocoa sector] over the years have focused on boys and girls who've been held against their will and abused, the more common story is [...] that of [...] hundreds of thousands of children [who] are used as free labor by their own families and often asked to take on dangerous tasks like harvesting with machetes or hauling 100-pound bags of beans."³⁷

²⁸ United States Department of Labor, Bureau of International Labor Affairs, Nigeria, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/nigeria>.

²⁹ Corporate Accountability Lab, "CAL and AFRILAW document widespread forced labor.

³⁰ Ibid.

³¹ "Stakeholders team up to wage war against child labor in cocoa farms", *Penpushing*.

³² Corporate Accountability Lab, "CAL and AFRILAW document widespread forced labor.

³³ Ibid.

³⁴ IITA, Labor practices in the cocoa sector of south-west Nigeria.

³⁵ Ibid.

³⁶ ILO, "The challenge to make chocolate child labor free", *YouTube*, April 2008, <https://www.youtube.com/watch?v=FRG6NMVKHDS>.

³⁷ B. O'Keefe, "Bitter Sweets: A special on-the-ground report from West Africa", *Fortune*, March 1, 2016, <https://fortune.com/longform/big-chocolate-child-labor/>.

According to the ILO, approximately 15 million children under the age of 14 work to earn a living in Nigeria.³⁸ Many of these are engaged in agriculture, and cocoa farming is one of the agriculture sub-sectors where child labour is most prevalent. Concerningly, the use of child labor in the production of cocoa in Nigeria is part of a bigger trend that sees 152 million children engaged in labor worldwide, 70% of which (112 million) are exploited in agriculture.³⁹ The trend is even higher in sub-Saharan Africa, where 81.5% of children are employed in agriculture.⁴⁰

In Nigeria, the vast majority (81.4%) of cocoa farmers use family labor throughout the production process, while only less than one-fifth (18.6%) of the farmers use hired labour on their cocoa plantations.⁴¹ This observation is in line with global findings, whereby 72% per cent of all child labour is reported to occur within families, primarily on family farms or in family micro-enterprises.⁴² Within sub-Saharan Africa, 82.4% of child labor occurs within the family.⁴³

Table 1. Roles in cocoa production, Nigeria ⁴⁴

| Cocoa production activities | Men only | Women only | Male Children | Female Children |
|---|----------|------------|---------------|-----------------|
| land clearing at the nursery | - | - | 84.3 | 21.4 |
| Preparation of shade | 92.9 | 24.3 | 75.7 | 24.3 |
| Planting cocoa seed | 90.0 | 12.9 | 71.4 | 14.3 |
| Watering at the nursery | 50.0 | 80.0 | 42.9 | 74.3 |
| Weeding nursery | 92.9 | 32.9 | 78.8 | 32.9 |
| Land clearing for seedling at permanent site | 100.0 | 8.6 | 81.4 | 8.6 |
| Transplanting of cocoa seedling to permanent site | 84.3 | 60.0 | 81.4 | 62.9 |
| Shading | 35.7 | 11.4 | 28.6 | 7.1 |
| Weeding | 97.1 | 22.9 | 81.4 | 14.3 |
| Mulching | 27.1 | 8.6 | 17.1 | 8.6 |
| Fertilizer application | 60.0 | 12.9 | 41.4 | 7.1 |
| Spraying of herbicides | 97.1 | - | 75.7 | - |
| Spraying of pesticides | 100.0 | - | 78.6 | - |
| Removal of mistletoe | 98.6 | 4.3 | 81.4 | - |
| Harvesting of cocoa pods | 100.0 | 27.1 | 84.3 | 15.7 |
| Transportation of pod | 28.6 | 34.3 | 25.7 | 30.0 |
| Removal of beans from the pod | 72.2 | 80.0 | 22.9 | 85.7 |
| Sun-drying | 42.9 | 82.9 | 38.6 | 90.0 |
| Bagging | 94.5 | 74.1 | 61.4 | 52.9 |

Significantly, a telling study on the perceptions of Nigerian cocoa farmers on hazardous child labor found that the practice of children working on cocoa farms is typically regarded as a regular and natural way of life by the cocoa farmers as well as a legitimate mean to reduce

³⁸ ILO, National Action Plan for the Elimination of Child Labor, https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/documents/publication/wcms_882226.pdf.

³⁹ ILO, UNICEF, *Child Labor: Global Estimates 2020* (New York, 2021).

⁴⁰ Ibid.

⁴¹ A.O. Matthew, A.T. Precious, A.A. Adeniyi, "Intra-Household Roles in Cocoa Production in Ondo State, Nigeria", *Journal of Agricultural Extension*, Vol.22, No.3 (2018).

⁴² ILO, UNICEF, *Child Labor: Global Estimates 2020*.

⁴³ ILO, UNICEF, *Child Labor: Global Estimates 2020*.

⁴⁴ Matthew, Precious, Adeniyi, "Intra-Household Roles".

labour costs on the family's farm.⁴⁵ Although many (41.8%) of cocoa farmers surveyed in the context of that study agree that children should be in school and believe that education is important, 50.8% still perceive child labour as part of socialization and 52.5% believe that child labor is functional to preparing children for their future responsibilities.⁴⁶ The majority (82.5%) also affirmed that they themselves had been employed as cocoa laborers as children and that this is how they started in life. As such, they see child labour as a way of life and believe that early exposure of children to farming activities can contribute positively to the intergenerational transfer of skills.⁴⁷

Table 2. Government of Nigeria's risk assessment findings in cocoa sector ⁴⁸

| Tasks of children | Activities | Hazards | Health impact |
|-------------------|--|--|---|
| Land preparation | Land clearing, felling and chopping of trees, burning, de-stumping, pegs cutting, lining, soil tiling, pegging | Thorns, bending, long hours, insects and animals, biological toxins, smoke and exposures, exposure to extreme weather conditions, dust, accidental falling trees | Back and muscle pain, injuries, lacerations, blisters, exhaustion, infections, respiratory disorders, injury from insects and animal bites |
| Planting | Preparation of seedlings, carrying of seedlings, planting of seedlings | Heavy load, bending, long hours, awkward posture, exposure to soil pathogens, animals, exposure to extreme weather conditions | Joint and bones deformities, blistered hands and feet, laceration, back injury, muscle injury, sunstroke, other heat stress disorder |
| Farm maintenance | Weeding and thinning, sanitation and pruning, water spraying, spraying and application of pesticides, fertilizer application | Toxic, chemicals, bending, long hours, heavy load, insects and animals, exposure to parasites and micro-organisms, sharp tools, exposure to extreme weather conditions | Rashes, allergic reactions, breathing difficulties, eye irritations, chemical poisoning, liver damage, nerve and neurological disorders, cancers, reproductive health disorders, sunstroke, other heat stress disorders, back and muscular injury |
| Harvesting | Plucking, gathering, heaping, pod breaking, scooping of cocoa beans, fermentation, | Falling objects, slippery surfaces, sharp objects and tools, insects, odor | Cut, fatal and non- fatal injuries including broken bones, skull fracture, and head injuries |
| Post-harvesting | Carrying of coca beans to drying area, drying and sorting of beans, | Thorns, bending, long hours, insects and animals, biological toxins, sharp tools, exposure to | Back and muscular injury, heat stress, puncture wounds, |

⁴⁵ Williams, B.S. Famuyiwa, "Perceptions of Nigerian Cocoa Farmers".

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Federal Ministry of Labour and Productivity, 2013, in: ICI, Nigeria Child Labor Legislation.

| | | | |
|--|--------------------------------|--|-----------------------------------|
| | begging, carrying of dry beans | extreme weather conditions, accidental falling trees | exhaustion, blisters, lacerations |
|--|--------------------------------|--|-----------------------------------|

Interestingly, Nigerian children seem to hold the same perceptions. Many of the children do not see their involvement in cocoa plantation as child labour, but rather as a necessary part of their process of growth.⁴⁹ In the words of a 13-year-old from Ondo State, “We don’t see this as child labour. It does not start with us; some of our elder brothers and sisters were once involved in such work. We were told that important personalities that are making waves in politics and business in the state and Nigeria at large were once involved in farming activities on cocoa farms. So there is no harm in our involvement.”⁵⁰

While working on the cocoa farms alongside their families, children take part in a variety of tasks. Male children typically clear the land, plant the cocoa, transplant cocoa seedlings, weed, and harvest. Female children are more involved in the removal of beans from cocoa pods and the sundrying of cocoa beans. Concerningly, many of the tasks in which children engage are hazardous and have negative consequences on the children’s health, well-being, and development.⁵¹ Most commonly, hazardous tasks includes the use of sharp tools, such as the machete, the application of pesticides and other toxic chemicals, carrying heavy loads, and working in a harmful posture for many hours.⁵²

Drivers of exploitation in cocoa farms

“[...] nobody, no government, no partnership [sic], nothing done to us.
They just leave us badly.”⁵³

Chairmen of the Cocoa Farmers Association of Nigeria

Within cocoa-growing communities, forced labor and child labor are driven by a s series of intersecting factors:

⁴⁹ M.O. Lawal, “Educational Challenges Facing Children in Cocoa Plantations in Ondo State, Nigeria”.

⁵⁰ Ibid.

⁵¹ ILO, Rooting Out Child Labor from Cocoa Farms, Paper No.3, 2007.

⁵² Williams, B.S. Famuyiwa, “Perception of Nigerian Cocoa Farmers”.

⁵³ AIT Live, at: <https://www.youtube.com/watch?v=atQ1VmrEr10>.



Poverty within rural cocoa-growing communities. Currently, almost no cocoa farmer in Nigeria earns a living income (i.e., the net annual income required for a household to afford a decent standard of living for all its members, including food, water, housing, education, health care, transport, clothing, and other essential needs). While the global chocolate industry is expected to reach an annual value of \$263 billion by the end of the decade,⁵⁴ 72% of Nigerian farmers then live below the poverty line of \$1.9 per day.⁵⁵ In Nigeria, farmers report that given their limited earnings from cocoa, they cannot afford to pay wages for adult labor. As a consequence, almost all farmers rely on their family members, including children.⁵⁶ Others who can afford to hire labor will also try to hire child workers in order to save on their costs.⁵⁷ Importantly, the poverty to which cocoa-producing communities are exposed is linked to two main factors:

- **Low international market price for cocoa.** Low cocoa prices, combined with poor productivity, often mean that farmers struggle to make enough income to cover production costs. At best, farmers will get only a small profit margin. Farmers who do not own their land must even give high proportions of their profits to the land owner, so that little is left to afford basic necessities like food, housing, and healthcare. In remote areas, the purchase price practiced by some buyers who source directly from farmers may be even lower than the international market price.⁵⁸
- **Price fluctuations of cocoa beans.** Cocoa prices in Nigeria have fluctuated over the past years. In 2018, the export price per kilogram was \$1.73, which decreased to \$1.49 in 2019. In 2020, the price rose to \$2.19, and in 2021 it fell again to \$1.54. In 2022, the export price per kilogram was \$1.08. Looking ahead, it is expected that the export price of cocoa Beans from Nigeria will continue to fluctuate in the coming years.⁵⁹ When cocoa prices are low, farmers often have no savings to rely on, which exposes them to even greater poverty. Because farmers bear the burden of market volatility, whether driven by

⁵⁴ A. Brudney, R. Taylor, *There Will Be No More Cocoa Here: How Companies Are Extracting the West African Cocoa Sector to Death*, Corporate Accountability Lab, September 2023, p.6.

⁵⁵ FAO, <https://www.fao.org/3/i9930en/I9930EN.pdf>.

⁵⁶ Fair Labor Association, *Mapping Working Conditions and Child Labor Risks*; World Vision, “Chocolate’s bitter taste”.

⁵⁷ IITA, Labor practices in the cocoa sector of south-west Nigeria.

⁵⁸ Fair Labor Association, *Mapping Working Conditions and Child Labor Risks*.

⁵⁹ Nigeria Cocoa Bean Prices, at: <https://www.selinawamucii.com/insights/prices/nigeria/cocoa-beans/#:~:text=The%20export%20price%20of%20Cocoa,price%20per%20kilogram%20was%20%241.08.>

commodity prices or by changes in demand, they are exposed to economic precarity and indebtedness.

Limited bargaining power of farmers. The absence of quality infrastructure in Nigeria has significant detrimental effects on the country's cocoa value chain. Poor road networks and inadequate transportation facilities greatly contribute to difficulties in transporting cocoa beans. These challenges lead to increased transportation costs that invariably affect the profit margins of farmers.⁶⁰ Also, the inability of many farmers to arrange transportation for their beans means that they have limited marketing options and are forced to accept lower prices for cocoa set by local buyers and transporters. The risk of receiving a very low price for their beans without being able to access an alternative option is especially high for those farmers who operate outside the cooperative system (about 42% of Nigerian farmers belong to cooperative society.)⁶¹

Limited accessibility of funding. The success of cocoa farming depends on access to funding, which enables farmers to purchase necessary inputs such as fertilisers, pesticides, and mechanised farming equipment. However, Nigerian farmers still face challenges in accessing funding. Many farmers are unaware of the funding opportunities, and even those who are aware may not have the necessary documentation or collateral to access the loans. In addition, the application process can be time-consuming and complicated, further deterring farmers from applying for funding. The implication of these funding challenges is that many farmers take recourse to informal financing options which have worse terms and may not be sufficient for large scale production.⁶² Indebtedness among farmers is also reported.


Lack of awareness on the reality and the harmful consequences of child labor. Uneducated on the reality and the risks of child labor, Nigerian farmers report that their children engage in all types of tasks including hazardous activities, such as those that require the use of sharp tools and chemical application. As noted above, in fact, most farmers do not see the engagement of their children in cocoa farming as an instance of child labor, but rather as a necessary aspect of their socialization, which is perpetuated from generation to generation.⁶³


⁶⁰ <https://www.premiumtimesng.com/opinion/619491-addressing-the-challenges-of-cocoa-production-in-nigeria-by-olasunkanmi-owoyemi.html?tztc=1>

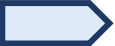
⁶¹ Matthew, Precious, Adeniyi, "Intra-Household Roles".

⁶² O. Owoyemi, "Addressing the challenges of cocoa production in Nigeria", *Premium Times*, September 5, 2023, <https://www.premiumtimesng.com/opinion/619491-addressing-the-challenges-of-cocoa-production-in-nigeria-by-olasunkanmi-owoyemi.html?tztc=1>.

⁶³ Williams, B.S. Famuyiwa, "Perception of Nigerian Cocoa Farmers".

 **Lack of access to essential services and infrastructure such as education, healthcare, and social protection.** A major problem in Nigeria at the community level is the lack of adequate educational facilities.⁶⁴ UNICEF reported that as of January 2022 at least 10.5 million children were out of school in Nigeria, making it the highest out-of-school rate in the world.⁶⁵ Reports also suggest that children lacking birth certificates or other formal documentation have been denied access to public schools.⁶⁶ Moreover, although free and compulsory education is federally mandated, school fees are often charged in practice, and the cost of materials can be prohibitive for families. Other barriers to education include a lack of trained teachers, sexual harassment, inadequate sanitation facilities, poor infrastructure, and fear of abduction by armed groups.⁶⁷

 **Gaps in law and weak law enforcement.** Nigeria has ratified all key international conventions concerning child labor (e.g., ILO Convention No.138, ILO Convention No.182, UN Convention on the Rights of the Child). It has also ratified the Palermo Protocol on Trafficking in Persons. On this same line, the government has established laws and regulations related to child labor, such as Sections 59-61 and 91 of the Labor Act, Sections 28-30, 33, and 277 of the Child Rights' Act, Sections 13-17, 21-25, and 82 of the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, and Article 34 of the Constitution. However, gaps exist in Nigeria's legal framework to adequately protect children from the worst forms of child labor, including setting the minimum age for work at 12 years old. Also, the government has established institutional mechanisms for the enforcement of laws and regulations on child labor, such as the Labor Inspectorate within the Ministry of Labor and Employment, Anti-Trafficking Agencies, and the Nigeria Police. However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws. For instance, gaps exist within the operations of the Ministry of Labor and Employment that may hinder adequate labor law enforcement, including insufficient human resource allocation.

 **Gaps in policies.** The government has established policies related to child labor. These include the NAPTIP National Action Plan on Human Trafficking in Nigeria (2022-


⁶⁴ ILO, Rooting Out Child Labor from Cocoa Farms, Paper No.3.

⁶⁵ UNICEF, "UNICEF warns of Nigerian education crisis as world celebrates International Day of Education amid COVID-19 concerns", January 22, 2022, <https://www.unicef.org/nigeria/press-releases/unicef-warns-nigerian-education-crisis-world-celebrates-international-day-education#:~:text=It is estimated that 35,attend secondary school in 2021.>

⁶⁶ United States Department of Labor, Bureau of International Labor Affairs, Nigeria.

⁶⁷ A.A. Abare, "Child labor continues to be a pressing problem in Nigeria. Girls are especially at risk", July 30, 2018, [https://www.pri.org/stories/2018-07-30/child-labor-continues-be-pressing-problem-nigeria-girls-are-especially-risk.](https://www.pri.org/stories/2018-07-30/child-labor-continues-be-pressing-problem-nigeria-girls-are-especially-risk)

2026), the National Social Behavioral Change Communication Strategy for the Elimination of Child Labor in Nigeria (2020-2030), the National Action Plan for Preventing and Countering Violent Extremism. However, policy gaps exist that hinder efforts to address child labor, including a lack of implementation.

 **Gaps in social programs.** Nigeria funded and participated in programs that include the goal of eliminating or preventing child labor. These include NAPTIP Shelters for Human Trafficking Victims, a government-funded program that operates 10 shelters in Nigeria capable of housing 315 trafficking survivors, and the ILO-sponsored Accelerating Action for the Elimination of Child Labor in Supply Chains in Africa (2018-2022) aimed at eliminating child labor in supply chains, inclusion in the cocoa supply chain. However, gaps exist in these social programs, including the inadequacy of efforts to address the problem in all sectors.

Conclusion & Recommendations

Over the past few decades, as the work of investigative journalists and human rights activists exposed the many violations of labor, children, and human rights taking place in cocoa-producing regions,⁶⁸ chocolate manufacturers and retailers have launched initiatives aimed at reversing the reported exploitation and abuses. These include Nestlé's Child Labor Monitoring and Remediation System, Mars' Protecting Children Action Plan, Hershey's Cocoa for Good, and Mondelez's Cocoa Life.

In 2001, major members of the cocoa industry, including big brands such as Nestlé, Mars, and Hershey, signed the Harkin-Engel Protocol,⁶⁹ an agreement aimed at eliminating the "worst forms of child labor" and adult forced labor on cocoa farms in West Africa by 2005. However, the deadlines for reaching the commitments contained in the Protocol have been repeatedly postponed, most recently to 2025.

Other mechanisms introduced to obviate the problem of labor exploitation on cocoa farms, such as fair-trade certifications and ethical certifications (e.g., Fairtrade International, Rainforest Alliance, and UTZ Certified), have also had a limited impact on the ground. In fact, the third-party inspectors for these certifications typically visit fewer than 10% of cocoa farms. Those visits are also announced in advance, which enables farmers to hide evidence

⁶⁸ CNN Freedom Project, Chocolate Child Slaves, <https://edition.cnn.com/videos/world/2015/05/26/chocolate-child-slaves-ivory-coast-spc-cfp.cnn>.



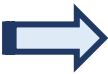

⁶⁹ Named after US Senator Tom Harkin and US Representative Eliot Engel, who negotiated the agreement.

of human and labor rights violations.⁷⁰ As has been noted “these inspections have made child labor more hidden while remaining just as prevalent.”⁷¹

Thus, child labor in cocoa-producing farms is actually on the rise, deforestation in protected forests continues, farmers are earning less now than they were years ago, and farmers continue to have little bargaining power vis-à-vis the other parties of the cocoa supply chain (buyers, manufacturers, and retailers).

As we are approaching the 2025 deadline defined under the latest revision of the Harkin-Engel Protocol, as well as the 2030 deadline established in the framework of the SDGs, it seems that to reach the goal of ending forced labor, child labor, and the WFCL in cocoa-growing areas in Cameroon (and in West African more broadly), a whole-of-society approach is urgently needed. Some of the actions that could be effectively taken are proposed below.


Companies that supply cocoa from Nigeria

-  **Pay a living income to cocoa farmers** and make sure that the full amount of the living income does reach farmers;
-  **Implement a holistic human rights (and environmental) due diligence policy.** Embed responsible business conduct into policy and management systems; identify and assess adverse impacts in operations, supply chains, and business relations; cease, prevent, or mitigate adverse impacts; track implementation and results; communicate how impacts are addressed; provide for, or cooperate in, remediation when appropriate;
-  **Establish long-term contracts at fixed prices with cocoa farmers** that distribute the risk of price fluctuations to supply chain actors who are better situated to absorb it, resulting in greater stability across the supply chain;
-  **Design and implement child labor monitoring and remediation systems (CLMRS).** An effective CLMRS should raise awareness on child labor amongst farmers, children, and the wider community; identify children in child labor through an active monitoring


⁷⁰ P. Whoriskey, “Chocolate Companies Sell ‘Certified Cocoa.’ But Some of Those Farms Use Child Labor, Harm Forests”, *The Washington Post*, October 23, 2019, <https://www.washingtonpost.com/business/2019/10/23/chocolate-companies-say-their-cocoa-is-certified-some-farms-use-child-labor-thousands-are-protected-forests/>.


⁷¹ Cocoa Barometer 2020.


process; provide prevention and remediation support to children in child labor; follow up with children in child labor to monitor their status;


 **Pursue partnerships with other companies, the government, and civil society organizations** to design and introduce credible, sustainable, and effective initiatives aimed at addressing forced labor and child labor in cocoa-producing regions (e.g., programs targeted at reducing vulnerability in parts of the supply chain identified as “hot spots” for forced labor risk) as well as to engage in collaboration, share experiences and good practices, and accelerate progress.


Government of Nigeria


 **Implement a better regulatory system for companies sourcing cocoa** from the country. This includes ensuring that the cocoa that farmers are paid fairly for their cocoa;

 **Implement an income improvement program for farmers**, for instance by improving farmer techniques to increase production and yields (good agricultural practices), by supporting diversification of income-generating activities at the household-level, and by setting up Village Savings and Loans Associations (VSLAs);

 **Support cocoa farmers to establish and control farmer cooperatives** to improve the bargaining power of cocoa producers;





 **Invest more in rural infrastructure** to ensure that children and their families in rural areas have access to school, healthcare, and other necessary services, as well as to ensure that farmers can transport their produce without relying on local buyers who pay them an unfair price;

 **Increase the number of labor inspectors**, ensure that the labor inspectorate receives sufficient funding and adequate training on indicators of forced labor and child labor, and expand inspections to all sectors including informal sector workplaces such as cocoa farms;




 **Clearly define the minimum age for admission of a child to employment** in Nigeria’s legislation to be in alignment with ILO Convention 138. Here, attention must also be paid to coherence across legislations, ensuring that the age at which a child leaves

compulsory education is aligned with the minimum age for work (which is currently not the case in Nigeria).


Civil Society Organizations


-  **Launch awareness-raising campaigns on forced labor, child labor, and WFCL** among cocoa-producing communities aimed at addressing misconceptions about child labor and aimed at encouraging an enduring cultural change. Clearly, in order to be successful this should be done while respecting local culture and while trying to finding a balance between protecting children from labor and honoring deeply rooted practices that see children contributing to their families' work;
-  **Carry out research to improve understanding** of the causes of child labour and forced labour in the cocoa sector and to identify effective mechanisms to address these phenomena;
-  **Provide technical assistance to government and cocoa companies** to support the development of culturally appropriate and effective outreach programs, monitoring programs, and remediation systems;
-  **Initiate forums, conferences, and workshops** aimed at encouraging a constructive multi-stakeholder dialogue on successes, challenges, and failures in addressing the risk of modern slavery in cocoa supply chains.


Countries where cocoa companies are registered

-  **Introduce mandatory environmental and human rights due diligence** requiring companies to conduct due diligence to prevent, mitigate, and remedy modern slavery in their operations and cocoa supply chains, in line with the UN Guiding Principles on Business and Human Rights;
-  **Provide access to remedy for victims**, including a robust liability regime and strong enforcement measures that ensure accountability for harm arising out of human rights abuses caused, or contributed to, by a cocoa company or by entities with which the cocoa company has a business relation;
-  **Initiate a dialogue on how Nigeria can be supported in meeting its obligations** under ILO conventions 138 and 182, to which the country is party.


Investors in cocoa companies


 **Engage with cocoa companies** to encourage them – and help them – to develop and implement better processes to proactively search their supply chain for modern slavery (on the assumption that it exists), ensure remedy for those affected, and take meaningful steps to ensure that the situation of abuse does not continue;


 **Establish clear standards for investment.** Investors' considerations on whom to include in their investment portfolios should focus on factors such as (i) whether a company has (and enforces) a supplier code of conduct that reflects international labour standards, (ii) whether a company works with suppliers at all levels to improve their practices in relation to child labour and forced labour (iii) whether a company has a process in place for assessing modern slavery risk;

 **Launch a shareholder action against cocoa companies known to be oblivious to forced labour or child labor** or those whose business models and tactics are associated with labour exploitation. If that does not yield results, consider responsibly divesting from those companies. In such cases, public disclosure of the divestment decision – and conditions for reinvestment, if applicable – will send a strong message about investors' human rights expectations.

Consumers

 **Exert pressure on their governments to implement mandatory due diligence laws** that hold cocoa companies to account for failing to prevent and address forced labor and child labor in their supply chains and that provide routes for remedies to adults and children who have been affected by labour rights and human rights violations;

 **Strive to learn about the issue of child labor and forced labor** in the cocoa industry and keep themselves constantly informed, so as to adjust their consuming practices accordingly;

 **Exert pressure on cocoa companies** to take meaningful action to prevent, assess, and address forced labor and child labor in their operations and supply chains. When and as possible, buy cocoa-based products from companies that have shown to be

responsible and proactive when it comes to the protection of human rights in their operations and supply chains.