

Forced Labor and Forced Labor Risks in the Dominican Cocoa Sector



 **FREE THE SLAVES**

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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Introduction

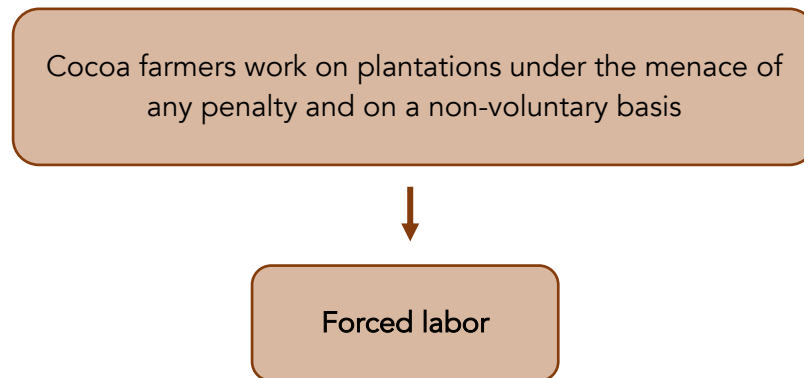
Chocolate, one of the most popular products worldwide, comes from a long and labor-intensive process. First, cocoa farmers must clear the land, plant seedlings, weed their plantations, prune trees, and apply pesticides and fertilizers. Once cocoa pods grow, farmers must harvest them by hand, using machetes 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



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, especially into forced labour, work that does not amount to decent work, and child labor.

Figure 2. Forced labor in the cocoa sector



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 or once the person is working. Involuntary work refers to work or services that take place without the worker’s free and informed consent.¹ Significantly, both conditions of involuntary work and coercion must be present simultaneously for work to be statistically regarded as forced labour.² For its part, the existence of one or more conditions of either involuntary work or coercion indicates a situation of forced labor risk, which may degenerate into a situation of forced labour in the lack of timely interventions.³

¹ ILO, *Guidelines concerning the measurement of forced labor*, Geneva October 2018.

² ILO, *Hard to See, Harder to Count* (Geneva: ILO, 2024), 5.

³ ILO, *Hard to See, Harder to Count* (Geneva: ILO, 2024), 19.

Table 1. *Involuntary and coercive labor in the private economy (ILO)*

Involuntariness	Coercion
Forced recruitment	Physical or sexual violence
Deceptive or fraudulent recruitment	Abuse of isolation
Recruitment linked to debt	Restrictions on workers' movement
Hazardous or degrading working conditions	Retention of cash, assets, or identity documents
Onerous working hours or work schedule	Withholding of wages
Degrading work-related living conditions	Abuse or manipulation of debt
Abusive additional obligations	Abuse of vulnerability
Sexual abuse	Induced addiction
Inability to terminate employment	

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 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

In this report, Free the Slaves aims to focus on forced labor and forced labor risks in the cocoa sector in the Dominican Republic. The decision to focus on forced labor was not casual but was rather informed by the consideration that while great attention has traditionally been

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

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

devoted to child labor, forced labor has remained widely overlooked – in the Dominican Republic as well as in most other cocoa-producing countries. At the same time, recognizing that forced labor practices do not occur in a vacuum but are rather observed in contexts where human rights violations tend to be more widespread in general, the report seeks to place the discussion on forced labor in the cocoa sector in the context of the Dominican Republic’s wider human rights situation.

The first part offers an overview of the human rights situation in the Dominican Republic, identifying the most common forms of violations and the most vulnerable groups. The second part introduces cocoa production in the Dominican Republic. From there, an overview of forced labor and forced labor risks in the cocoa sector follows. In the fourth part, the conditions and root causes that enable forced labor on the Dominican Republic’s cocoa plantations are discussed. After that, attention will be given to the laws, policies, and programs that have been implementing to counter forced labor. Building on those considerations, in the final part a series of recommendations are offered to ensure greater protection of human rights in the Dominican Republic’s cocoa sector.

1. The Human Rights Situation in the Dominican Republic

Overall, the human rights situation in the Dominican Republic remains of concern. From our analysis, it emerges that this is especially the case for Dominican-born persons of Haitian descent, asylum seekers and refugees, women and girls, LGBTQI+ persons, as well as Dominicans from poor, neglected, and marginalized backgrounds.

While the exact number remains unknown, it is estimated that the Dominican Republic counts more than 100,000 habitual residents of Haitian descent who are *de jure* stateless, that is are official citizens neither in the Dominican Republic neither in Haiti. Most found themselves stateless due to a 2013 Constitutional Tribunal ruling (168/13) that established that only persons born in the Dominican Republic to Dominican parents or legal residents are considered citizens.⁶ This ruling was applied retroactively to all persons born between 1929 and 2010, arbitrarily depriving hundreds of thousands of Haitian descendants of their Dominican nationality and creating a situation of statelessness of unparalleled magnitude in the Americas. The decision taken by the Constitutional Court – which constitutes a blatant violation of the right to equality and non-discrimination and the right to nationality – has its roots in a context of structural racial and ethnic discrimination that has disproportionately affected persons of Haitian descent, who are identified as such based on the national origin or migratory status of their parents, their skin color, their language fluency, and their surnames.

People who had considered themselves Dominican all their life suddenly found themselves deprived of their ID card, of their electoral card, of their passport and denied their economic, social, civil, and political rights. This has led to a situation in which people of Haitian descent cannot access healthcare services, pay contributions to the Social Security System, access decent work opportunities in the formal sector, get married and divorced, register the birth of a child, enrol their children in school, open a bank account, buy and sell property, travel internationally, vote and run for public office.

⁶ The full text of the ruling can be accessed here: <https://www.acnur.org/fileadmin/Documentos/BDL/2013/9392.pdf> [Spanish]

Moreover, thousands of people of Haitian descent rendered stateless by the 2013 ruling have been detained and deported to Haiti in night raids carried out by Dominican authorities in local communities where Haitian descendants mostly live (*bateyes*).⁷ Detainees – including children, pregnant women, and elderly people – are often kept in overcrowded detention centers for days, without the ability to challenge their detention, and without access to food and sanitation facilities, before being released or deported to Haiti – a country that many of them have never known and where the current situation marked by gang violence, widespread poverty, and collapse of social services certainly does not offer an adequate environment for relocation. The situation was further worsened in 2022, when President Luis Abinader issued Decree 668-22, which established a specialized policing unit to investigate foreign-born persons living in the Dominican Republic without documentation and allowed the expulsion of Haitian descendants from the Dominican Republic. While the Dominican State has been justifying those deportations as a matter of national security, the lack of due process makes them illegal under international human rights law.

In 2014, the Inter-American Commission on Human Rights determined that the Dominican State had a responsibility to restore the nationality of those affected by the 2013 ruling.⁸ Facing growing pressures and criticism from the international community, in 2014 the Dominican Republic passed a law (169/14) that created two pathways for stateless persons who were born in the country to reclaim or acquire nationality: it divided the population into two groups, those who were registered at birth (Group A) and those without birth registration documents (Group B).⁹ The persons in Group A were only required to apply and take the citizenship oath, while the law set up a naturalization process for Group B. However, due to bureaucratic delays, inconsistencies, and unrealistic documentation requirements, the law has not been fully implemented, thus leaving most unable to confirm or acquire their Dominican nationality.

Asylum seekers and refugees coming to the Dominican Republic from abroad are also highly vulnerable to human rights violations, encouraged by the same climate of racial discrimination that

⁷ K. Appleby, “Ten years after a fateful court decision, the Dominican Republic still has a statelessness problem”, Center for Migration Studies, October 23, 2023, <https://cmsny.org/dr-statelessness-problem-appleby-102323/#:~:text=On%20September%2023%2C%202013%2C%20the,them%20of%20nationality%20and%20citizenship>.

⁸ The full text of the decision of the Inter-American Commission on Human Rights can be accessed here: https://corteidh.or.cr/docs/casos/articulos/seriec_282_ing.pdf

⁹ The full text of the law can be accessed here: <https://migracion.gob.do/transparencia/wp-content/uploads/2019/10/Ley-No-169-14-de-Naturalización.pdf> [Spanish]

was discussed above. Presidential decrees from the 1980s established a system for granting asylum or refugee status. However, the system is not codified in law and is not effectively implemented. Rejection rates for asylum claims are typically more than 90% and asylum applications often remain pending for months or even years. Due to the lack of a clear process for formalizing asylum claims, asylum seekers have no accurate and official information on how to advance their requests and persons arriving in the country are at risk of immediate detention and deportation. Reports of people potentially in need of international protection who are denied admission at the point of entry and are subsequently deported to their countries of origin without being granted access to the asylum process are thus not uncommon in the Dominican Republic, and they may constitute a violation of the principle of non-refoulement under international human rights law. The use of excessive force and forced separations between children and parents have also characterized many of those deportation raids.

While waiting for a decision on their status to be made, asylum seekers do not receive any temporary residence documents, just an asylum seeker certificate that is intended to provide them with protection from deportation but does not confer other rights. Rejected applicants may receive a letter stating they have 30 days to leave the country voluntarily, without knowing the reasons why their request was denied and without being informed on available routes to initiate an appeal process. Approved refugees technically have the right to education, employment, health care, and other social services. However, accessing those services is not as easy and straightforward. For instance, refugees reported that their government-issued identification numbers were sometimes not recognized, that they were unable to acquire from government authorities the documentation they needed to work, and that they could not access the judicial system, leaving them extremely vulnerable and resourceless in face of violations to their rights (e.g., in their workplace). Additionally, refugees remain exposed to the risk of xenophobic incidents, including harassment, extortion, killings, physical assault, and sexual violence.

This reality is only set to get worse, as President Abinader, declared his intention to continue the implementation of strict migration policies that include the building of a border wall and the placement of strategic checkpoints to prevent the “avalanche of illegal foreigners, especially

Haitian nationals”¹⁰ – a statement clearly oblivious to the important contribution that migrants, especially from Haiti, have been making to the Dominican economy over the years.

Discrimination in the Dominican Republic is also a problem for women and girls, who do not enjoy social and economic status or opportunity equal to that of men. This is evident in the job market, where women are more affected by unemployment, are excluded from quality jobs, and are paid less even when they do the same job of their male counterparts – which translates in higher levels of poverty among women. Women from rural areas, women of color, and women who are undocumented migrants face higher rates of discrimination, due to intersecting (gender, racial, migrant) identities. This state of thing is strongly connected with prevailing gender norms in the Dominican society rooted in machismo and patriarchy. Gender roles in the Dominican Republic designate men as the financial providers and decision-makers, while women are seen as the nurturers and caretakers of the home – even though many Dominican women are also employed and help to support their families financially. Following a visit to the Dominican Republic in July 2024, the UN Working Group on Discrimination Against Women and Girls reported that the country must step up efforts to build a culture of gender equality and freedom from violence, as it continues to experience alarming levels of violence against women and girls, poverty and unequal socio-economic development, entrenched gender stereotypes in family, cultural, social, economic, and public life, and legal gaps on sexual and reproductive health rights.¹¹

Women and girls, in fact, are deeply affected by gender-based violence, including femicide.¹² While Dominican law criminalizes rape, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence, many cases go unreported due to survivors’ lack of confidence in the justice system. That is hardly surprising considering that a bill for a new Criminal Code approved on first review by the Senate in June 2024 maintained reduced penalties for sexual violence within marriage (“non-consensual sexual activity”) and continued to exclude sexual orientation from the list of characteristics protected from discrimination, thus

¹⁰ Presidencia de la Republica Dominicana, “Migración deportó 38547 extranjeros entre octubre y noviembre 2023 todos indocumentados”, December 22, 2023, <https://presidencia.gob.do/noticias/migracion-deporto-38547-extranjeros-entre-octubre-y-noviembre-2023-todos-indocumentados>.

¹¹ Working Group on Discrimination Against Women and Girls, Official visit to the Dominican Republic, 22-31 July 2024, Final report, <https://www.ohchr.org/sites/default/files/documents/issues/women/wgdawg/20240731-wgdawg-eom-visit-dominican-republic-es.pdf> [Spanish].

¹² K. Auwarter, “Machismo: the social paradox of protecting and sustaining a murderous system”, Harvard International Review, May 1, 2023, <https://hir.harvard.edu/machismo-the-social-paradox-of-protecting-and-sustaining-a-murderous-system/>.

failing to afford equal protection to LGBTQI+ people. It is also noticeable that the Dominican Republic, where the Church has significant influence over policies, continues to criminalize abortion under all circumstances. According to international human rights standards, the right to terminate a pregnancy is at the core of women's and girls' fundamental rights to equality, dignity, autonomy, bodily integrity, physical health, and mental health – rights that are precluded to Dominican girls and women. Moreover, the lack of legal abortion means that many Dominican women find themselves forced to refer to abusive abortion practices, where health standards are low and the risk of complications and even mortality is high.

In the Dominican conservative and patriarchal society, LGBTQI+ persons are also severely affected by human rights violations of different kind. These include arrests, abuses, and arbitrary harassment by police, other authority figures, and non-state actors – with abuses often extending also to the human rights defenders who advocate on their behalf. However, many of those abuses go unreported, as LGBTQI+ people are afraid of further persecution and public outing. Other reasons that discourage reporting are the reticence of the police to investigate abuses against LGBTQI+ people, officials' indifference or even hostility for the LGBTQI+ community, and the lack of knowledge on how to respond to those reports appropriately. There is also widespread discrimination against LGBTQI+ persons at all levels of society, which limits their ability to access education, employment, healthcare, housing, justice, security, and other services. This may be further facilitated by the fact that the constitution upholds the principles of non-discrimination and equality, but does not include sexual orientation, gender identity and expression, or sex characteristics as protected categories. On this same line, the law still does not recognize LGBTQI+ couples or their families and does not grant them rights equal to those of other persons. As noted in a report redacted by the UNDP and USAID, “in the Dominican Republic, intersex people are invisible, both in the eyes of society in general, and for the State and its public policies.”¹³

Finally, LGBTQI+ persons, migrants, women, and men from impoverished areas, are also exploited in various form of trafficking throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. Family networks, social media recruitment and deception, domestic servitude, inequality, and gender-based violence, a lack of information and education, and corruption are found to be factors conducive to trafficking in the

¹³ UNDP and USAID, *Derechos Humanos de las Personas Inrsex and Barbados, Haiti, Jamaica y Republica Dominicana* (New York: UNDP and USAID, 2021), 38.

Dominican Republic. The sex industry and the sectors of construction, agriculture, and service are the ones most affected by trafficking and exploitation. Children are also exposed to various forms of physical, sexual, and psychological abuse. This is particularly the case in the tourist industry, where the demand for sexual relations with minors on part of foreigners and the lack of adequate regulations and enforcement mechanisms on part of Dominican authorities combine to leave children vulnerable, exploited, and unprotected. During a visit to the Dominican Republic, the UN Special Rapporteur on the Sale and Sexual Exploitation of Children Including Child Prostitution, Child Pornography and Other Child Sexual Abuse Material lamented the prevalence of sexual exploitation and abuse within the family, child marriage, child sexual exploitation in the tourist sector, child trafficking on the Dominican-Haitian border, and forced labor.¹⁴

¹⁴ Human Rights Council, Report of the UN Special Rapporteur on the Sale and Sexual Exploitation of Children Including Child Prostitution, Child Pornography and Other Child Sexual Abuse Material, A/HRC/37/60/Add.1, January 5, 2018, <https://documents.un.org/doc/undoc/gen/g18/003/00/pdf/g1800300.pdf>.

2. An overview of cocoa production in the Dominican Republic

Cacao was first introduced in the island of Hispaniola (the current Dominican Republic and Haiti) by the Spaniards in the beginning of 1600, mostly as an experiment. The French contributed to the development of its culture from 1665, with the introduction of more plants and species. An industrialized smallholder culture of cocoa started emerging in the 1880s, following the rise of the international demand and as an alternative to tobacco, which was experiencing price declines.¹⁵

In recent years, cocoa production in the Dominican Republic has increased significantly between 2005 and 2015. Since then, cocoa volume has stabilized around roughly 75,000 tons per year.¹⁶ As such, the Dominican Republic is the 10th cocoa producer worldwide and the 9th cocoa exporter,¹⁷ with approximately 80,000 tonnes of cocoa exported every year.¹⁸

Interestingly, the Dominican Republic has also sought – and managed – to build a reputation as a producer of high-quality cocoa. It is estimated that up to 60% of the exports of the country are certified organic cocoa, primarily destined to Europe (Spain, France, Germany, Holland, the UK, and Italy). As the market for organic cocoa is small, this adds up to approximately 70% of the global production of organic certified cocoa.¹⁹ As such, the Dominican Republic seems ideally placed to further consolidate its standing in the global chocolate market, which is seeing an increased demand for ethically produced, high-quality cocoa.²⁰

All cacao in Dominican Republic is shade-grown, under the leaves of citrus, banana, and avocado trees. Almost 10% of the forested area in the country is planted with cacao trees and 60% of the national production comes from the north-eastern region, especially around San

¹⁵ Cacaoteca, Dominican cacao, <https://www.cacaoteca.com/dominican-cacao.html#:~:text=All%20cacao%20in%20Dominican%20Republic,around%20San%20Francisco%20de%20Macoris>.

¹⁶ Cocoa Barometer, Latin American Baseline, September 2022, 24.

¹⁷ FAOSTAT 2020.

¹⁸ J. Caraballo, “Sector cacao dominicano genera mas de 300,000 empleos”, *Diario Libre*, March 25, 2021, <https://www.diariolibre.com/economia/sector-cacao-dominicano-genera-mas-de-300000-empleos-GG25234435>.

¹⁹ Cocoa Barometer Latin American, 25; A. Balch et al., *Clothes, Chocolate and Children: Realizing the Transparency Dividend*, 12.

²⁰ Balch et al., *Clothes, Chocolate and Children*, 11.

Francisco de Macoris, Duarte province. The rest of the production is divided between the Eastern, Central, and Northern regions.

Figure 3. Cocoa production in the Dominican Republic by region²¹



With an estimated 350,000 people benefiting from it, the Dominican cocoa sector is a critical source of income for many rural families.²² Like in most other cocoa-growing countries, in the Dominican Republic cocoa is grown by smallholders, and by some owners of medium or large plots of land, rather than on large commercial plantations.²³ The cocoa sector in the Dominican Republic is dominated by small producers to the extent that 64.4% of cocoa producers own less than 80 *tareas* (5 hectares) of land.

In this regard, it is also noticeable that land ownership is a major issue in the Dominican Republic.²⁴ Less than 50% of the rural population has access to formally titled land, and many producers do not have official documents proving ownership of land. The inheritance system

²¹ A. Berlan, A. Berges, *Cocoa production in the Dominican Republic: Sustainability, Challenges, and Opportunities*, 2013, 53.

²² “A sustainable model for cocoa farming in the Dominican Republic”, <https://earthworm.org/news-stories/a-sustainable-model-for-cocoa-farming-in-the-dominican-republic>.

²³ Berlan, Berges, *Cocoa production*, 23.

²⁴ Balch et al., *Clothes, Chocolate and Children*, 12.

in the country is said to account for the prevalence of small farm holdings because assets, including land holdings, are split evenly between the surviving spouse and offspring.²⁵

Most recently, however, international companies have increasingly appeared in the Dominican cocoa scene, buying land from farmers. In the words of a local farmer, “there are many international actors arriving in the country. They know the sector and have an interest in cocoa. Many people with a lot of money, many rich people. What is happening is that many landowners are giving up their land.”²⁶ In fact, as many young people are disinterested in cocoa cultivation, when a producer dies and no family member is willing to take over, their relatives are likely to sell the land for a profit.²⁷

Table 2. Cocoa farm size in the Dominican Republic²⁸

Household size in ranges	1-3	4-6	7-9	>10	Total
Small farms (4 ha)	35	31	13	1	80
Medium farms (4.1-6.3 ha)	5	6	1	0	
Large farms (6.35 ha)	4	3	1	0	

²⁵ Ibid.

²⁶ Ibid., 15.

²⁷ <https://www.liverpool.ac.uk/politics/research/research-projects/clothes-chocolate-children/cocoa/>

²⁸ Berlan, Berges, *Cocoa production*, 55.

3. Cocoa production, forced labor and forced labor risks

In the Caribbean and Latin America, chocolate was historically the business of colonial powers, such as the British Empire, the Spanish Empire, and the Portuguese Empire, that used slave labor to farm cocoa plantations. Initially, colonial powers relied on the labor of local, Indigenous populations, who were forced to work under conditions of slavery. Over time, as demand for chocolate in Europe grew, African men and women subjected to slavery were transported across the Atlantic to the Caribbean and South America and forced to work on cocoa (and sugar) plantations there.²⁹

Today, just as in the past, cocoa production in the region continues to be at risk of labor exploitation, including in the Dominican Republic.

In the Dominican Republic, smallholders are more likely than owners of medium/large plots of land to rely on family labour, labour exchanges with other producers, and some short-term hired labour.³⁰ As far as hired labor is concerned, this can be provided by either Dominicans or Haitian descendants, who are in most cases employed as daily labourers.³¹ Haitian descendants, however, are in an especially vulnerable position. In fact, as noted above, many Dominican-born persons of Haitian descent continue to remain in undocumented status because of a Constitutional Court decision in 2013 that retroactively revoked birth right citizenship. As they are undocumented, lack residency documents, and have no access to social security, they are particularly vulnerable to labor exploitation in informal sectors, including in agriculture on cocoa farms.

²⁹ York's Shockolate Story, <https://www.yorkschocholatestory.com/the-chocolate-industry-and-slavery/#:~:text=By%20the%20late%2017th,South%20America%20and%20the%20Caribbean>; Cocoa Runners, "Not so sweet: the dark history of chocolate and slavery", <https://cocoarunners.com/chocopedia/the-dark-history-of-chocolate-slavery/>.

³⁰ Berlan, Berges, *Cocoa production*, 11.

³¹ *Ibid.*

Box 1 – There is a very high incidence of workers living separately - or separated for long periods - from their families to undertake work. They make this choice out of economic necessity. This has a significant emotional impact on workers, including feelings of stress, unsafety, and anxiety. Other negative impacts include fatigue, poor health, and poor diet. These impacts are exacerbated by long working days due to overtime and the commute to and from the workplace.³²

Besides stateless Dominican-born Haitians, migrant workers from Haiti are also in a vulnerable position, as many of them cross the border irregularly (including on a temporary basis, to work, collect some money, and go back home) - ³³ even though there is no evidence on whether they may be victims of trafficking. Their clandestine status makes them vulnerable to exploitation and/or abuses and prevents them from seeking protection and redress with Dominican authorities, as the risk of being incriminated, detained, and deported is high.

While it is currently not known how many Haitian workers are involved in the Dominican cocoa industry, mostly because of their undocumented and unregistered status, it is undisputable that Haitians are providing an important source of labour in cocoa, especially as many Dominican producers report labour shortages because young people are leaving to work in urban areas, clearly unattracted by the low income that one can make through cocoa farming.³⁴ Some of those Haitian irregular migrants even pay their smugglers (anything between \$56 and \$84) to be provided with a job in the cocoa sector.³⁵

Recent research found that worker incomes on Dominican cocoa farms are low and that workers have no long-term job security.³⁶ Also, employment relations are generally informal,³⁷

³² Ibid., 18

³³ Ibid., 42.

³⁴ Ibid., 43

³⁵ Ibid., 45.

³⁶ Ibid., 11.

³⁷ Balch et al., *Clothes, Chocolate and Children*, 31.

and labourers do not have any form of formal redress or mediation with farmers.³⁸ Farmers and their hired laborers also work regularly with hazardous tools or chemicals and there is not form of safety equipment being used. Therefore, both farmers' and workers' safety in the Dominican cocoa sector seems to be at risk.³⁹

Box 2 – Child labor is also widespread in the Dominican cocoa sector. Young people's level of involvement in cocoa farming varies considerably depending on the region. For example, in the Central region most minors do not seem to be involved in cocoa. By contrast, in the North-East or North-Central region virtually all young people are involved in cocoa. This suggests that it is not only poverty (that is prevalent in all regions) but also harmful socio-cultural norms that encourage certain parents to make their children work on cocoa fields.⁴⁰

It is thus not uncommon for workers to experience health and safety problems while farming cocoa, to undergo an injury using sharp tools such as machetes, and to slip or fall while on a cocoa farm.⁴¹ Many cocoa workers also reported having problems obtaining medical help in emergencies, as less than half of producers and workers seem to have access to a hospital or clinic in their communities. Here, however, the problem is not necessarily a lack of clinics but rather problems of transportation.⁴²

In addition to the above, there is some evidence of discrimination towards Haitians, such as lower wages, whereby Haitian workers are commonly paid less than RD\$300 per day (which is the common pay for cocoa daily laborers in the Dominican Republic).⁴³ Some cocoa producers are also reluctant to hire Haitian laborers to work on their farms because of the language barrier and/or because Haitians are believed not to know enough about cocoa, which may lead to them damaging cocoa trees by not cutting branches or pods properly. For this

³⁸ Ibid., 27.

³⁹ Ibid., 19.

⁴⁰ Ibid., 16-20.

⁴¹ Berlan, Berges, *Cocoa production*, 48.

⁴² Ibid.

⁴³ Ibid., 95.

reason, Haitians who are hired as laborers are somewhat more likely to be given tasks which do not require any skill, such as carrying sacks of cocoa.⁴⁴

Finally, cocoa laborers do not have adequate living arrangements, as the vast majority of them find themselves living in houses with zinc roof that is no protection against the climatic adverse events in those regions.⁴⁵

Figure 4. Elements of concern in the Dominican Republic's cocoa sector that may lead to forced labor situations if unaddressed



⁴⁴ Ibid., 43.

⁴⁵ Ibid., 49.

4. Drivers of vulnerability to forced labor on cocoa

Within cocoa-growing communities, forced labor is driven by a series of intersecting factors:

Poverty within rural cocoa-growing communities. Most cocoa farmers in the Dominican Republic receive a very low income from the sale of cocoa beans: more than 50% of the cocoa producers in the Dominican Republic have an average family income that is lower than US \$2.00,⁴⁶ which locates them below the poverty line. While the global chocolate industry is expected to reach an annual value of \$263 billion by the end of the decade,⁴⁷ cocoa farmers worldwide continue to earn very little. In the Dominican Republic, the limited earnings obtained from cocoa push farmers to resort to borrowing: during the low season, when cocoa production is nil, producers borrow because they have no savings; when they sell their harvest, most of their cash goes to repay the lenders.⁴⁸ In the words of farmer in the Dominican Republic, “[cocoa farming is] not worth it because we work and work but it’s not enough. Cocoa does not give us enough. We have to work in other things. We’re working really hard at the moment. [...] There is not enough money to go around. We don’t have food, we don’t have anything.”⁴⁹ 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 often mean that farmers struggle to make enough income to cover production costs. At best, farmers will get only a small profit margin. In remote areas, the purchase price practiced by some buyers who source directly from farmers may be even lower than the international market price.
- **Price fluctuations of cocoa beans.** Cocoa prices are constantly fluctuating, making farmers highly susceptible to price fluctuation shocks. When cocoa prices are low, farmers often have no savings to rely on, which exposes them to

⁴⁶ Ibid.

⁴⁷ 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, 6.

⁴⁸ Berlan, Berges, *Cocoa production*, 89.

⁴⁹ University of Liverpool, “Recognizing Lived Realities”.

even greater poverty. Because farmers bear the burden of market volatility, whether driven by commodity prices or by changes in demand, they are exposed to economic precarity and indebtedness. Farmers in the Dominican Republic report a lack of income and suggest that value is not being distributed fairly throughout the cocoa supply chain to enable them to earn a sufficient livelihood or to enable them to pay hired labourers.⁵⁰

Limited access to essential services and infrastructure such as roads, education, healthcare, water, electricity. Poor road infrastructure, in particular, contributes to marginalization and isolation, limits access to farm inputs (which are essential to increase productivity and quality of output), and complicates delivery of cocoa to cooperatives and buyers.⁵¹ Overall, the limited access to essential services and infrastructure in rural cocoa-farming areas contributes to poverty, making rural communities more vulnerable and therefore more susceptible to abusive labor practices.

Lack of documentation. As noted above, more than 100,000 Dominicans of Haitian descent remain stateless in the Dominican Republic. Their stateless status prevents them from accessing education, the formal employment sector, and social protection schemes. Overall, this makes them more vulnerable to exploitation in forced labor in informal sectors of the economy, including in agriculture. Once in situations of labor exploitation, their stateless status means that they cannot turn to the authorities for protection and redress. On the contrary, turning to the authorities may just increase the risk of being deported to Haiti.

⁵⁰ Ibid.

⁵¹ Dominican Republic, National Cocoa Action Plan for Sustainable Development, 2016, <https://www.undp.org/sites/g/files/zskgke326/files/migration/gcp/UNDP-GCP-DRNAP-2016.pdf>.

5. Relevant laws, policies, and programs

Government

The Dominican Republic has ratified the Forced Labor Convention, 1930 (No.29) and the Abolition of Forced Labor Convention, 1957 (No.105).

In the Dominican Constitution, Article 41 includes a ban on all forms of slavery, servitude, and trafficking in persons; Article 62 declares that no one may obligate another to work against their will and lists a number of principles and rights, such as the right to just wages and respect for privacy and personal dignity; Article 40 states that the deprivation of liberty should only be used for convicted criminals and that their incarceration shall not involve forced labor. However, the Dominican Republic lacks specific legislation on the prevention and punishment of forced or compulsory labor. The Penal Code neither defines nor sanctions forced labor. The Labor Code only refers to forced labor implicitly, referring to the voluntary nature of employment contracts in its Fundamental Principle II, stating "every person is free to pursue any profession or trade, industry or commerce allowed by law. Nobody can prevent others from working or force them to work against their will."

Field workers are guaranteed all rights laid out in the Labor Code and supplementary rules regarding the minimum wage, days off, vacations, Christmas pay, and severance pay.

Government agencies carried out various awareness campaigns through social media, community awareness sessions in different parts of the country, and radio and digital media interviews, on topics including general trafficking awareness, victim identification, labor exploitation, and child labor. The government also produced informational materials, including through social media, on billboards, and on buses, in Spanish, Haitian Creole, and Braille.

The Labor Code prohibits the charging of fees for the recruitment of workers; the recruitment of workers through fraudulent offers of employment; misrepresentation of wages, working conditions, location, nature of the work; the confiscation or denial of workers' access to identity documents. However, the government does not adequately investigate and prosecute trafficking crimes involving forced labor and does not consistently screen migrants and persons of Haitian descent for indicators of forced labor.

The Ministry of Labor created a questionnaire to use during labor inspections to screen for vulnerability to labor exploitation, including trafficking. However, the labor inspectorate lacks sufficient financial and human resources to conduct adequate inspections and labor inspectors lack authority to assess penalties (inspectors can only write infraction reports and send them to the Office of the Attorney General for enforcement).

The government has been implementing a program (SUPERATE) that provides low-income families with social protection. However, the program is not accessible to families that lack documentation.

NGOs & private sector

Chocolate makers Valrhona, Weiss, Revillon, Voisin, Relais Desserts, and Carambar & Co, the French Agricultural Research Center for International Development and the NGO Earthworm launched the Cacao Forest Project. The project relies on innovative agroforestry practices to create a sustainable and economically viable cocoa farming model and increase the income of farming households to strengthen their resilience.

Since 2016, through the project Knowledge Management in the Cocoa Value Chain funded by the Swiss Agency for Development Cooperation (SDC), Rikolto has been bringing together actors in the chain to facilitate the development of a common vision that promotes sustainability and competitiveness of the Central American and Dominican cocoa sector through the creation of communities of practice.

Lindt has been implementing the Farming Program in the Dominican Republic since 2018, involving more than 900 farmers. The program has three main outcomes: increasing the resilience of farming households, reducing the risk of child labor, and conserving biodiversity. This is done by facilitating higher productivity, supporting diversification of incomes, and improving community infrastructure.

Mondelez has been implementing the Cocoa Life program in the Dominican Republic. The program focuses on helping tackle the root causes of complex systemic issues in cocoa farming: risk of poverty, farm productivity, farmer livelihoods, gender inequality, lack of basic infrastructure, child labor, and deforestation.

NGOs have been providing identified victims with care and services. Victims are often referred by the government, as the latter lacks the technical capacities and procedures to address victims' needs. However, NGOs are themselves struggling with limited resources, especially vis-à-vis the number of victims.

Recommendations

Companies that supply cocoa from the Dominican Republic

Partner with civil society organizations to implement credible, sustainable, and effective projects aimed at addressing forced labor in cocoa-producing regions (e.g.,

Community Vigilance Committees) as well as to share experiences and good practices and accelerate progress. While the issue of child labor on cocoa farms has been the object of extensive attention and commendable efforts, there is a need for interventions more clearly targeted towards addressing forced labor risks among cocoa farmers.

Implement a holistic human rights 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.

Pay a living income to cocoa farmers and make sure that the full amount of the living income does reach farmers.

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.

Government of the Dominican Republic

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.

➤ **Support existing farmer cooperatives** to further improve the bargaining power of cocoa producers and offer them greater protection.

➤ **Invest more in rural infrastructure** such as schools, roads, water, electricity, and other necessary services, in order to reduce the isolation of rural communities, mitigate the vulnerability of cocoa-growing farmers, and ensure that rural household can have access to a higher quality of life.

➤ **Enhance the enforcement of the legal framework**, including by expanding the authority of labor inspectors, by increasing the number of labor inspectors, and by providing the labor inspectorate with more financial resources.

➤ **Invest in comprehensive studies and official statistics** to understand the full extent of forced labor in the cocoa sector, so as to address the current lack of data disaggregated by sector.

➤ **Proactively and consistently screen migrants, undocumented populations, and Dominicans of Haitian descent**, especially those in agricultural and construction industries, for indicators of trafficking and forced labor, and refer them to care.

➤ **Issue nationality documents to eligible Dominicans of Haitian descent and issue or renew identity documents to eligible migrants**, including temporary workers, to reduce vulnerability to exploitation.

Civil Society Organizations

➤ **Launch education campaigns** on forced labor among cocoa-producing communities aimed at addressing misconceptions, identifying the risks, and encouraging an enduring change.

➤ **Carry out research to improve understanding** of the causes of 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 effective projects aimed at addressing and reducing the risk of forced labor on cocoa plantations.

▶ **Initiate forums, conferences, and workshops** aimed at encouraging a constructive multi-stakeholder dialogue on successes, challenges, and failures in addressing the risk of forced labor in cocoa supply chains.

Countries where cocoa companies are registered

▶ **Introduce mandatory 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.