



# INTERNATIONAL LABOR RIGHTS FORUM

**RESPONSE TO FR DOC E7-25036 FILED 12-26-2007**

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**TO:**

BUREAU OF INTERNATIONAL LABOR AFFAIRS  
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**RE:** Request for Information for the Development and Maintenance of the List of Goods from Countries Produced by Child Labor or Forced Labor. Federal Register Notice Vol. 72, No. 247. Pg. 73374.

**DATE: March 26, 2008**

## **I. Introduction**

The International Labor Rights Forum (ILRF) submits these comments in response to the Department of Labor's (DOL) request for submissions pursuant to 72 Federal Register 247 (27 December 2007), pp: 73374-73379. ILRF responds herein to the request for information for the development and maintenance of a list of goods from countries produced by child or forced labor in violation of international standards.

The ILRF hereby submits the following reports as evidence of a "pattern or practice" of child labor or forced labor, or, in many cases, both, across several industries and countries. This submission is not intended to be a comprehensive list of known products or practices, but rather reflects a body of work by organizations not from the United States who may not have had the opportunity or capacity to respond directly to the Department of Labor's request for information.

Each of the industries highlighted demonstrates that the causes of child labor are numerous, but that in many instances, the causes of child labor can be traced directly to

the economic decisions of investment, production and retail companies. Each of these economic actors is responsible for establishing terms of trade for the relevant product intended to maximize profits or revenue, which, at the same time, encourages, promotes and, in some instances mandates the use of child labor and forced labor.

According to the International Labour Organization, as many as 70 percent of the world's child laborers are working in global agriculture. As we have seen in the debate over the causes of child labor in the agriculture export sector, companies all too often respond that child labor is an economic necessity for the family to make ends meet, or is due to ingrained cultural traditions in the developing world. Industries have often attempted simply to pass responsibility to national governments to implement needed changes to the supply systems for many of the basic commodities we consume each day, such as cotton, sugar, and cocoa, without looking at their own decision-making processes that encourage and profit from forced labor/child labor. While the Trafficking Victims Protection Act, as interpreted by the Department of Labor, fails to address the power many of these corporations play in exacerbating labor problems in the developing world, the reports included in this submission show that child labor and forced labor are often the direct result of investment and sourcing policies implemented by companies purveying global commodities, whether by intent or simply because they fail to address labor rights abuses within their supply chains for fear of losing a competitive advantage in the global marketplace.

The first series of reports highlighted in this filing extensively documents the use of forced labor, forced child labor, and the worst forms of child labor in cotton production in the Central Asian countries of Uzbekistan and Tajikistan, where global cotton traders are purchasing cotton in immense quantities despite the well-documented use of forced labor and forced child labor mandated by government owned cotton cartels. The second set of reports investigates the practice of engaging children in the production of hybrid and genetically modified cottonseed in India by local and multinational corporations. The third set of product reports identifies endemic and widespread child labor in the production sugarcane in Nicaragua, and anecdotal evidence of a widespread problem in Guatemala. The fourth set of documents describes the widespread use of bonded labor and child labor in the tobacco industry in Malawi and in Brazil, both of which purvey tobacco to well-known multinational corporations. The fifth set of reports describes in detail the policies of multinational corporations, such as Bridgestone-Firestone, that require the use of children to meet quotas on rubber plantations in Liberia. Finally, the sixth series of reports, well-known to the Department, document the widespread use of child labor in cocoa production in West Africa which is sold almost exclusively to European and American chocolate producers.

Below are relevant excerpts and summaries of the reports.

## I. Global Cotton Production

### A. Uzbekistan

The UK-based Environmental Justice Foundation (EJF), a nonprofit advocacy organization, reported in late 2005 that every year hundreds of thousands of Uzbek schoolchildren, some as young as seven, are forced by the Government of Uzbekistan to work in the national cotton harvest for up to three months. This report was substantiated by extensive interviews with individuals forced to work on the cotton harvest, and through video documentation of the problem. ILRF spot research conducted in the Ferghana Valley in Uzbekistan during the cotton harvest season in late 2005 further substantiated through direct interviews of schoolchildren picking cotton the descriptions of forced labor contained in the EJF report.

It is difficult to quantify the number of children involved. One estimate has been provided by UNICEF, and suggests that 22.6 percent of children ages 5 to 14 years in Uzbekistan were working in 2000. Estimates prepared by Uzbek human rights defenders working regionally suggest that around 200,000 children may be involved in cotton harvesting in the Ferghana region, and 60,000 in Jizzakh provinces. ~~Abul Murod~~, an official responsible for the cotton harvest of Kashkadarya region, in a public interview with Tribune-Uz stated that 39,656 university and college students as well as 44,385 high school and middle school students were involved in the 2004 cotton harvest campaign. Extrapolating from this figure, a rough estimate for the whole country suggests that over one million children, a third of them under 15 years of age, are recruited to pick cotton each year.

For their arduous work children are paid very little or nothing. Some children working in the Ferghana region stated that they worked from 7 a.m. until 5 p.m. in return for 8 to 16 US cents. Others in the same region said they were paid around 3.5 US cents per kilo. In a recent press release, ~~Fergana~~, a local human rights organization, stated that in 2006 students and schoolchildren in the Sirdarya region were forced to pick 50 kg of cotton every day, at a price of 30 soums (0.02 USD) per kg. Moreover, although these figures represent the official wages, in reality many youths receive no cash at all. Students are assessed the cost of their meals which in practice may leave the students in debt by the end of the harvest season. As one Uzbek human rights activist explained, the small amount of money that children earn through cotton harvesting is taken by the government to compensate for food, transport and accommodation provided, which is charged as debt to the children throughout the period of the harvest. As a result some child workers are in fact placed in debt bondage by the state.

Under pressure to meet centralized cotton production quotas, local administrators shut down rural schools. Head-teachers are issued with cotton harvesting quotas, which are subdivided among teachers and then among the schoolchildren in each class. Children failing to meet their cotton harvesting quotas are threatened with expulsion from schools and their families are subject to pressure and intimidation. Although local authorities say

that children are picking cotton voluntarily out of patriotic feelings, university authorities and school principals force students to join farmers in the fields in the beginning of the harvesting season. Failing to show up at the cotton field will result in expulsion from school or a severe financial penalty.

Children's health and safety is also placed in jeopardy by the practices of the Uzbek government in compelling labor for cotton harvests. Children are often housed in temporary barracks, apart from their families. Buildings are often semi-dilapidated, without electricity, and sleeping quarters are commonly overcrowded; in some cases children are reportedly forced to sleep out in the open.

Access to water is also a problem. An investigation conducted by the Karshi city branch of the ~~Uzbekistan Human Rights Society~~ found an almost complete lack of clean drinking water provided to children in the Nishan region. A Jizzakh-based human rights worker explained that in some cases Uzbekistan's child laborers resort to drinking from irrigation ditches. These claims were corroborated by observers from international NGOs.

After weeks of hard labor in the cotton fields, often without access to clean drinking water, adequate nutrition or accommodation, many Uzbek children suffer from illness and malnutrition. Some reportedly acquire chronic diseases such as intestinal and respiratory infections, meningitis and hepatitis. Inadequate clothing renders others susceptible to rheumatism and other problems associated with exposure to damp and cold conditions. According to UNDP's 2006 Human Development Index (HDI) report, indicators of life expectancy, access to improved sanitation and water along with education have been constantly decreasing in Uzbekistan.

In extreme cases children die during the harvest. According to an investigation by the Institute for War and Peace Reporting (IWPR), some local authorities are so desperate to meet regional cotton production targets that they are reluctant to send sick children to the hospital because they need their labor to complete the harvest. In 2005, ~~Kamil Abdurayev~~, a human rights defender from Samarkand, published a report of eight deaths among children and students during the previous two years of the government's cotton picking campaign. The same year ~~Erkin~~, a human rights organization in Uzbekistan, released information that ~~Abdullo Durrani~~, a sixteen year old vocational college student from Namangan, died due to severe hot water burns that he received in the field, as well as inadequate follow up medical treatment.

The most disturbing health hazard associated with child labor in the cotton industry is exposure to toxic pesticides. In the summer of 2004, Uzbek human rights monitors and observers from the international NGO community documented cases of children in Ferghana who were set to work applying cotton pesticides. Provided with no protective clothing of any kind, the children were issued with plastic water bottles containing liquid chemicals and made to douse the crop. The children had reportedly been excused from their end-of-year exams and told that if they refused to apply the chemicals, they would be kept back a year at school. Journalists who interviewed the children recorded one as saying that the chemicals burned his skin upon contact.

A report issued by ECF and the ~~Environmental Justice Foundation~~ in February 2007 documented the extensive use of toxic chemicals in cotton production in Uzbekistan. Chronic use of these substances over decades have resulted in extensive contamination of groundwater in cotton growing regions, further exacerbating the problem of lack of access to drinking water. Current toxic chemicals used on the crop include butifos, which affects the central nervous system, heart, liver and kidneys; phosalone, a substance banned by legislation but acknowledged by the Uzbek Ministry of Agriculture to be in use. The government fails to provide safety training or protective equipment to those who apply the pesticides.

Forced child labor also has a substantial negative impact upon the education of the country's rural schoolchildren. From the age of seven, children living in rural areas can expect to lose up to three months of their education every year as they are sent to the fields. This represents a loss of up to one third of the time available for study each year. Rural children are said to lag behind their urban peers in schooling, due to participation in the cotton harvest.

Raw cotton lint is one of Uzbekistan's principal exports, generating more than USD 1 billion per year and constituting approximately 60 percent of the hard currency earnings of the country. A recent report by the US Department of Agriculture's Foreign Agricultural Service listed the biggest buyers of Uzbek cotton as trading companies based in China, Bangladesh, South Korea, Russia, Singapore and the United Arab Emirates. Consumption data for cotton worldwide suggest that the largest importing countries are China, India, Pakistan and Russia. In turn textile and garment exports from China, India and Pakistan to the United States have been increasing since 2005, suggesting that the US market consumes an increasing share of textiles produced with Uzbek cotton.

Resources:

Investigation: Patriotic Uzbek Child Laborers, Institute of War and Peace Reporting (2004); [http://www.iwpr.net/?p=rca&s=f&o=162102&apc\\_State=henirca2004](http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=henirca2004)

Further Growth in Uzbek Child Labor, Institute of War and Peace Reporting (18 June 2004); [http://www.iwpr.net/?apc\\_State=hruirca2004&l=en&s=f&o=175887](http://www.iwpr.net/?apc_State=hruirca2004&l=en&s=f&o=175887)

"White Gold the True Cost of Cotton" by The Environmental Justice Foundation EJF, 2005, *White Gold the True Cost of Cotton*. Environmental Justice Foundation, London, UK. ISBN 1-904523-08-0

"The Curse of Cotton: Central Asia's Destructive Monoculture" by the International Crisis Group; Asia Report '93, 28 February 2005

"The Children Behind Our Cotton" by The Environmental Justice Foundation EJF, 2007, *The Children Behind Our Cotton*. Environmental Justice Foundation, London, UK. ISBN 1-904523-13-7

“The Deadly Chemicals In Cotton” by The Environmental Justice Foundation  
EJF, 2007, *The Deadly Chemicals Cotton*. Environmental Justice Foundation in  
collaboration with Pesticide Action Network UK, London, UK. ISBN 1-904523-10-2

UN Office for the Coordination of Humanitarian Affairs, Uzbekistan: Focus on Rural  
Schools, [online] August 10, 2004 [cited August 31, 2004]; available from  
<http://www.irinnews.org/report.asp?ReportID=38047&SelectRegion=Central Asia&SelectCountry=UZBEKISTAN>

Unpublished manuscript from Uzbek human rights researchers, March 2008

## **B. Tajikistan**

As described in detailed in the accompanying reports, forced labor and child labor are endemic in Tajikistan’s extensive cotton production. Producers have come to rely on illegal child labor in order to meet government imposed quotas. In 2004, almost 40% of Tajikistan’s cotton was harvested by children. Children are expected to work extremely long hours due to unrealistic quotas. Working conditions are also unsafe due to a lack of law enforcement supervision. Children are sometimes expected to live in barrack-like conditions and are not provided with proper nutrition. Compensation for work is usually very minimal and often nothing at all.

Several economic factors ingrained in the system perpetuate the use of cheap forced child labor. Those factors include an endemic problem of debt specifically due to the role of investors, farmers’ inability to access bank loans, a duopoly in purchasing inputs and selling outputs and the state imposed quotas imposed and the short production lead time.

Additionally, farmers are ignorant of their legal rights and how to protect them and the same is also true for child laborers and their parents. Corruption and a lack of enforcement of the labor protections in university contracts also contribute to the exploitation of youths and children. Despite a clear stipulation in the Law on Education protecting the rights of students from illegitimate action by administrators and teachers, students’ rights are routinely violated.

During the 2007 harvest season, ILRF partners in Tajikistan continued to document instances of child labor in cotton production. In northern part of Tajikistan during the latest harvest period students from first through third grades were mobilized by the order of the Ministry of Education and sent to cotton fields. According to ILRF’s local partners, in the south of Tajikistan students were also sent to harvest cotton during school hours.

Two local human rights researchers known to ILRF commenced an investigation on the basis of information that in the Shartuz and Bishkent areas of the Khatlon region, under verbal order from local authorities (Hukumat), students from six classes were sent to gather cotton during school hours. The researchers visited five schools in Shartuz and Bishkent. At all these schools every morning lists of students are drawn up, and the

students are deployed to join labor brigades. Schoolboys walk to the designated cotton harvesting spot, or are transported in carts (the same carts used for transport of the raw cotton). At the end of each working day, school directors make lists which specify the quantity of the gathered cotton and give the list to local authorities. The researchers state: "According to information of local population it became known, that it is possible to receive for each kg of cotton from 8 up to 12 diram (from 2 up to 3 cents) depending on a grade of gathered cotton. Children work on cotton fields from 8 mornings till 18.00 evenings. Thus not on all cotton fields children are provided with feed and potable water".

#### Resources:

"The Curse of Cotton: Central Asia's Destructive Monoculture" by the International Crisis Group; Asia Report 093, 28 February 2005

"Labor Conditions in the Tajikistan Cotton Industry" by the International Labor Rights Fund and the Tajikistan Social Institute for Youth and Civilization; August, 2007.

Project research - Social Institute "Youth & Civilization"

## **II. Cotton Seed Production in India**

ILRF partners in Andhra Pradesh, India have conducted extensive research beginning in 2003 on conditions for bonded child workers in the hybrid cottonseed sector. These reports credibly document widespread use of bonded child labor in the sector. They also report that conditions in the fields from 2003 through present continue to be very unsafe and exploitative for the children. Children are made to work long hours and are paid less than market and official minimum wages. They are also exposed to poisonous pesticides used in high quantities in cottonseed cultivation and are often trafficked as migrants from other regions.

The most recent report states: "In the 2006-07 cultivation season, nearly 416,460 children under the age of 18, the majority of them (54%) younger than 14, were employed in cottonseed farms in Gujarat, Andhra Pradesh, Tamilnadu and Karnataka states which account for nearly 92% of the total production area in the country. Gujarat, which has the largest cottonseed production area in the country, accounts for nearly 175,260 (42%) of the total children employed in this sector."

Several Indian companies and multinational seed companies, including [REDACTED] and [REDACTED], are well-known to have direct investments not only in the sector but with farmers that have been documented to use bonded child labor. The companies do not deny their involvement in the sector or their responsibility for the problem. ILRF partners have found that the Indian companies [REDACTED] and [REDACTED] (a joint venture partner of [REDACTED]), make use of around 200,000 children who are employed by the farmers to which they have sub-contracted the cultivation of BT cotton seeds.

The response of state and central governments and the seed industry to address the problem of child labour in this sector has not been sufficient to mitigate the problem. There have been efforts by a few NGOs such as [REDACTED] special projects implemented by ILO-IPEC, UNICEF and initiatives by few individual seed companies in the state of Andhra Pradesh. However, due to their limited coverage, these efforts have had a minimal impact on the overall magnitude of child labour in the cottonseed industry.

The most recent reports by ILRF partners state: "In 2005-2006 around 20% of the workers on Bayer's and 10% of the workers on Monsanto's cotton seed suppliers in Andhra Pradesh were children under 15. This percentage dropped to roughly 11% on Bayer's farms and 5% on Monsanto's farms in 2006-2007. However the companies are yet unprepared to tackle the problem systematically in other states like Karnataka and Tamil Nadu where there is less local pressure. This is even more important now Bayer is going to increase its production areas nearly six times and Monsanto, already being the main market player, is doubling it. Also there are no efforts yet to implement a no-child labour policy through joint venture partners, suppliers and sub-licensees, including in the production of other seeds where child labour is involved."

"The issue of the low procurement price offered by the companies (see also the report: 'The Price of Childhood') still is an obstacle to farmers, particularly producing non-BT hybrids, to whole-heartedly support a no child labour policy. According to the report the [REDACTED] supported by both Bayer and Monsanto have not been very effective in dealing with children who have worked in the cotton seed fields. This is due to lack of motivation and mobilization at the village level."

#### Resources:

"Child Bondage Continues in India Cotton Supply Chain" by Global Research and Consultancy Services, Hyderabad, India, September, 2007.

"Seeds of Change: Impact of Interventions by Bayer and Monsanto on the Elimination of Child Labour on Farms Producing Hybrid Cottonseed in India" by Global Research and Consultancy Services, Hyderabad, India, June 2007.

"The Price of Childhood: On the link between prices paid to farmers and the use of child labour in cottonseed production in Andhra Pradesh, India" By Global Research and Consultancy Services and St. Anthony's College, Oxford University, Hyderabad, India, October 2005.



### **III. Sugarcane and Sugar:**

#### **A. Nicaragua**

In 2005, ILRF and partner organization ██████████ in Nicaragua produced a report based on quantitative survey research and in-depth field interviews on labor rights violations in the sugarcane sector in Nicaragua. The sugar industry is one of the main sources of employment and foreign currency generation for Nicaragua. Sugar is also one of the most important products for domestic consumption. Nicaragua has four major sugar refineries and about 650 small independent producers that cultivate sugar cane.

The report found systematic and widespread use of child labor in cane harvesting. Interviews with cane cutters revealed that in many households parents relied on their children to supplement the family income by putting them to work in hazardous forms of labor. Of the 515 male heads of household interviewed who said that they have children, 261 (50.7%) of them said that they are compelled to make their children work with them in the sugarcane fields. Further, of the 558 survey respondents (male and female) who said that they have children and at least one is a minor, 295 (52.8%) said that they are forced to bring children to work due to overall financial pressures and their inability to earn adequate wages in this sector without children's labor. All of the single mothers who participated in this study were found to live in conditions of extreme poverty, without any economic assistance, making it even more necessary for their children to be compelled to work.

#### Resources:

"Labor Conditions in the Nicaraguan Sugar Industry" by ██████████ and the International Labor Rights Fund, May 2005

#### **B. Guatemala**

In early 2005, ILRF and partner organization ██████████ in Guatemala conducted field research on labor conditions in the sugarcane sector. While this research did not determine the extent of child labor, and thus cannot be cited as evidence of 'significant incidence' of child labor, nevertheless anecdotal evidence collected during this field research suggests that child labor may be widespread in this sector, and merits further investigation both by the US Department of Labor and by independent researchers. ILRF does not attach the Guatemala report but notes herein anecdotal evidence collected in the course of this research. Researchers found that women and children do work in the Guatemalan sugar cane harvest. Field interviews suggest that employment of children between 14 and 18 years of age occurs with reasonable regularity in the sugar cane harvest. Of the 157 field workers interviewed for the report, 6% were less than 18 years old. Some of these minors worked for the largest refineries despite statements by those same refineries that the hiring of women and children in the harvest is prohibited. In addition, the research team spoke with children as young as 13 and sighted children as

young as 10 working in the harvest, usually assisting their fathers or other family members in cutting cane. The team also interviewed several 17 year olds who had worked as cane cutters since the age of 14 or younger.

Further, [REDACTED] also received reports of children sowing cane and earning 25 centavos per packet of cane, compared with the 40 centavos usually paid to adults. Under the law, these children should at least be receiving the minimum wage and should be receiving it for work performed within 7 hours per day.

The harvesting of cane is work that involves the use of a heavy machete and there is a high incidence of injuries even among adult cane cutters. Children who work as cane cutters are thus exposed to risk of injury. A doctor working in the emergency department of a hospital in one of the sugar growing regions of Guatemala encountered three children injured by machete cuts in the process of cutting and collecting cane. All three were aged between 13 and 15 years old. ILRF believes that cane cutting, because of the inherent risk of injury with heavy machetes, should be considered hazardous work and thus it must be questioned whether the employment of any minor in the sugar cane harvest can be considered consistent with the law or with Guatemala's obligations to relevant ILO conventions.

Moreover, given the long hours that many cane cutters are required to work, the employment of children of school age in the sugar cane industry surely prevents those children from attending school. According to the [REDACTED] researchers, legal restrictions on the employment of minors for longer than 7 hours a day are simply ignored in the Guatemalan sugar industry. All of the children interviewed were employed directly by the refineries (including the largest refinery – [REDACTED]), and most worked 12 or more hours per day, seven days a week. Many indicated that the field managers into performing overtime pressured them; they were required to complete the cutting of a particular area of the cane fields before they were permitted to leave.

#### Resources:

“Labor conditions in the Guatemalan Sugar Industry” by COVERCO and the International Labor Rights Fund, May 2005.

## **V. Tobacco Production in Malawi**

ILRF partners have found evidence of widespread use of child labor in tobacco cultivation in Malawi. According to Malawi law, children under the age of 14 are not allowed to work in the tobacco industry, but local researchers report that children are never directly employed by the land owner. It is common practice to employ male heads of household and the male heads of household are compelled to bring the rest of the family, including all children, to harvest tobacco with them. ILRF partners report that child labor is increasing in Malawi, where an estimated 78,000 children work on Malawian tobacco plantations. Most of the children drop out of school completely, and

when they are about 16 years old they themselves may start to grow tobacco on land they rent from a land owner.

Tobacco represents 70% of Malawi's export income. [REDACTED], a US-based researcher on this issue, described how poor seasonal workers on the tobacco farms of Malawi, through loans, often end up in a debt trap from which they are unable to escape. Entire families may be in debt bondage and thus forced to labor, and children have no possibility to go to school. Otañez also described the health risks for tobacco pickers. One example is Green tobacco sickness, where the skin of the hands is damaged by the chemicals used to protect the tobacco leaves from vermin.

Enforcement of domestic laws that prohibit child labor in Malawi is thwarted by the fact that politicians are often owners of the large tobacco farms.

According to ILRF research partners, "On average, the children spent eleven hours in the seven -day period of reference although children who worked for a wage worked longest (18 hours) on average. In terms of work for pay in the twelve months prior to the survey, 22 percent worked mostly on a ganyu basis (18%). Most of the income earned was given to parents, either in part or full; 41 percent gave all and 31 percent part of their earnings to parents or guardians. Most of the income was spent on personal needs (57%) although as many as 14 percent of the children indicated spending the money on household items and 9 percent spent on school materials and another 9 percent bought goods and services which they consumed with their friends. Five (5) percent of the working children had migrated into the households in the twelve months prior to the survey. Most of the 'migrant child workers' did not come on their own; 31 percent were following their parents; another 31 percent were sent by their parents to join these households and about 18 percent had lost their parents and had come to join their current households. All in all, about 60 percent of the children who worked in the previous year were not staying with their biological parents."

#### Resources:

"Child Labor Baseline Study" for ILO/IPEC by Maxton Tsoka and Sidon Konyani, University of Malawi Center for Social Research

"The GASP Project to Support Children Who Work in the Tobacco Industry in Malawi" by Alun Williams and Di Lawrence Guernsey from the Adolescent Smokefree Project

## **VI. Rubber from Liberia**

ILRF identified systematic use of forced labor in rubber production in Liberia in 2005. Since that time ILRF partners have continued to report on widespread and systematic practices that compel Liberian rubber tappers to bring their children to work alongside them, to meet unrealistic quotas imposed by [REDACTED], which owns and operates the world's largest rubber plantation in Harbel, Liberia.

Although management of [REDACTED], [REDACTED] and [REDACTED] (the predominant rubber producing companies in the region) plantations all have stated that child labor is prohibited within their concession areas, human rights organizations based in Liberia frequently visit the plantations and over the past three years have on several occasions spoken directly with a number of children working on each plantation, aged between 10 and 14 years. Both [REDACTED] and [REDACTED] management have admitted that neither they nor the Liberian government are effectively monitoring corporate policies or legal restrictions prohibiting child labor. Concession and management agreements do not specifically mention the prohibition on child labor, although they oblige corporations and management companies to abide by national labor laws. On the other hand, agreements with workers have been admitted by [REDACTED] corporation to be so unrealistic that a single adult male worker, working alone, could not possibly meet these quotas.

According to Liberian human rights organizations, there are several contributing factors to the occurrence of child labor on Liberia's rubber plantations. First, the workload of tappers has increased over the years due to the diminishing productivity of rubber trees, thus obliging all members of the family to assist in meeting the tapper's designated workload. Second, the location of schools is too far for many children to reach on foot and thus parents bring children to work, rather than leaving them unsupervised in company-provided housing. Third, tappers and their dependents do not receive social benefits from the corporations or management companies and therefore cannot afford to pay school fees. Fourth, the financial incentive for tapping more rubber trees drives children to assist their family members in the plantation rather than go to school. Forms of child labor that endanger the health and development of children are recurrent.

In May 2004, the Ministry of Labour established a National Commission on Child Labour. Government representatives, including the Minister of Labour, plantation management and workers were members of the Commission, which was to be assisted by child advocacy groups. However, due to the lack of an adequate operational budget and the absence of political will among certain government officials, the Commission has been unable to fulfill its mandate.

#### Resources:

"Human Rights in Liberia's Rubber Plantations: Tapping into the Future" by the United Nations Mission in Liberia, May 2006- <http://www.stopfirestone.org/liberiarubber.pdf>

"Joint Government of Liberia – United Nations Rubber Plantations Task Force"  
Presented to H.E. Mrs. Helen Johnson Sirleaf, President of the Republic of Liberia, May 23, 2006

Oke, Femi. "Is Bridgestone-Firestone Exploiting Liberian Workers?" CNN International: Inside Africa. November 2005.

"Firestone: The Mark of Modern Slavery", a publication of the Save My Future Foundation, March 2005

## VII. Granite in India

Approximately 25 % of the world granite reserves are in India. The states of Karnataka, Andhra Pradesh, Tamil Nadu and Kerala are major granite producers. Deposits have also been identified recently in Uttar Pradesh, Madhya Pradesh, Rajasthan, Gujarat, Maharashtra, Orissa, Bihar and West Bengal. India is among the leading exporters of granite, closely behind China and Italy. Indian quarry exports amounted to 34 billion rupees in 2003-04, with granite alone accounting for 26 billion rupees.

According to reports from domestic and international NGOs, child labor is common in India's stone quarries. Children tend to start working in quarries long before they reach the age of 14 and are often made to perform hazardous tasks. Among the causes of child labor are existing social norms and caste oppression, lack of adequate education and child-care facilities, and a structural situation of labour exploitation, including the inheritance of debt causing debt bondage.

In granite, marble, and sandstone quarries, workers are exposed to a high incidence of fatal occupational diseases such as silicosis and tuberculosis. These diseases are also common in non-mechanized processing plants. Accidents at work, sometimes resulting in the death of workers, occur frequently in the quarries. Workers are required to carry very heavy weights, mainly in shallow quarries and non-mechanized plants. Even the most basic safety provisions, such as dust masks, protective shoes, gloves, are usually absent. Child laborers are especially vulnerable to these dangers.

### Resources:

"From Quarry to Graveyard" by the India Committee of the Netherlands and the Netherlands Society for Nature and Environment, September 2006

"Green Kuppam: Report on Granite Industry in Kuppam" by P. Madhavan provided by MVF

## VIII. Surgical Instruments Produced in Pakistan

According to a report by SwedWatch, child labor persists in the surgical instruments industry in Pakistan. Although child labor does not appear to exist within the main factories in Sialkot, Pakistan, these factories use a variety of subcontractors to complete many aspects of the process of production. It is widely admitted that the working conditions of subcontractors are not closely monitored and that the use of child labor is widespread within them. In 2006 it was said that approximately 1,400 children were involved in the production of surgical instruments.

A forthcoming report on the production of surgical instruments by the [REDACTED] details the results of a baseline survey conducted by [REDACTED] for the Government of Pakistan in 2004. According to the survey,

approximately 5,133 children were involved in the surgical industry; 88.7 percent of which were not in school and were working full time. Of these children, the modal age for starting work was 12 years of age. 97.5 percent of children reported working full time, six days a week. In addition, 87.5 percent of children claimed that they did not wear any protection while they worked and 72 percent of children reported having sickness or injury "sometimes" due to work.

Resources:

Bjurling, Kristina. *The Dark side of Healthcare*. Original Swedish Title: *Vita rockar och vassa saxar*. SwedWatch. March, 2007.

Harmony Foundation. Report in progress; Initial summary of the report attached hereto.

### **IX. Cocoa Produced in Ghana and Cote D'Ivoire**

The ILRF is submitting the findings of the ~~International Institute of Tropical Agriculture~~, the ~~Rayson Cote d'Ivoire and D'Ivoire~~, as well as the surveys conducted by the Governments of Ghana and Cote D'Ivoire to be included in this submission as evidence of the widespread and systematic "pattern or practice" of the use of child labor and forced labor in the cocoa production in West Africa, and in particular Ghana and Cote D'Ivoire. This cocoa is exported to the United States and Europe for public consumption. To date, there is no evidence that the "government, industry, and third-party actions and initiatives" have been "effective in significantly reducing if not eliminating child labor and forced labor."

As the Department is aware, in 2001, chocolate manufacturers, the governments of Cote D'Ivoire and Ghana, and two Congressional offices entered into an agreement to monitor and certify that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor. In 2002, ILRF conducted field research in Cote d'Ivoire to determine the extent to which cocoa supplied to the United States was tainted by trafficked or forced child labor. On the basis of this investigation, the ILRF submitted a petition to the US Customs Service to request enforcement action under the section 307 of the Tariff Act of 1930, 19 U.S.C. § 1307 (1997). Before the Court of International Trade in 2005, the ~~International Trade Commission~~, challenging this petition, did not dispute the basic claims of the petition regarding the failure to eradicate forced child labor in Ivoirean cocoa; rather they challenged the case on the basis that the plaintiffs did not have sufficient standing under US law. In her ruling on this case, the judge chastised the US Customs service for not living up to its commitment to adequately enforce such claims as brought forward by the ILRF petition.

To date, the chocolate industry and West African governments have begun to initiate a so-called "certification" program that will seek to assess with more depth the scope of the child labor problem in West Africa. In brief, data collection on the extent of child labor has only recently commenced, and the credibility of the methodology and findings have yet to be verified. Nor have any significant efforts been undertaken to eradicate child

labor, in particular in Cote d'Ivoire. Recent investigative reports by credible independent journalists have verified recent ILRF field findings that no systematic programmatic efforts, or even relevant or scaleable pilot projects, have yet been undertaken in Cote d'Ivoire that would have a significant impact on the problem in this industry.

The system currently being offered by the cocoa industry does not provide any guarantee of impact to eliminate the worst forms of child labor in the growing and processing of cocoa beans. Thus, actions to date cannot be interpreted as constituting sufficient, or indeed any, action toward "significantly reducing if not eliminating child labor and forced labor," and for that reason, ILRF urges the inclusion of West African cocoa on the list of goods from countries produced by child labor or forced labor.

We note that for a small segment of the industry both in Cote d'Ivoire and in Ghana, credible systems exist which would exempt cocoa produced in these segments from any adverse effects resulting from the identification of West African cocoa broadly as a product using child labor or forced labor. Key elements of credible existing certification systems, absent from the existing system developed under the Protocol, include:

- An independent, third-party verification system
- Independence of the certifier and the standards setting body, with certification by ISO 65
- Experience and practical application
- Multi-stakeholder standards-setting and monitoring
- Membership in an ethical voluntary standards-setting organization such as the ISEAL Alliance

While we await the full implementation of the agreed upon activities by the Industry and the Governments of Ghana and Cote D'Ivoire, there is no basis at this time, to determine that the "government, industry, and third-party actions and initiatives" have been "effective in significantly reducing in not eliminating child labor and forced labor." A finding to the contrary would run counter to the clear statutory directive of the TVPRA that the DOL "develop and make available to the public a list of goods from countries" where there is "reason to believe" the goods are produced by forced or child labor.

#### Resources:

"Children Still in the Chocolate Trade: The Buying, Selling and Toiling of West African Children Workers in the Multi-Billion Dollar Industry" by Save the Children Canada, April 7, 2003.

"The Cocoa Industry in West Africa: A history of Exploitation" by Anti-Slavery International, 2004

"Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and Ghana" by Payson for International Development and Technology Transfer, Tulane University, October 2007

“Initial Diagnostic in Agnibilekrou, Tiassale and Soubre” Survey The Republic of Cote d’Ivoire, Prime Ministers Cabinet, Steering Committee for the Child Labour Monitoring System Within the Framework of Certification of the Cocoa Production Process, November 2007

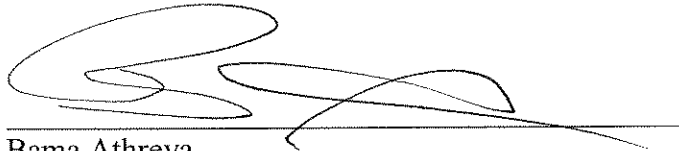
International Labor Rights Fund, May 2002: Petition to Robert C. Bonner, Commissioner of Customs, on forced child labor in cocoa production in Ivory Coast.

Parenti, Christian, “Chocolate’s Bittersweet Economy.” Fortune, February 4, 2008.

**X. Additional Resources**

We strongly encourage the US Department of Labor to consult the reports of Anti-Slavery International for additional detailed material on endemic child labor and forced labor in the production of brazil nuts, sugar, mining, pig iron and other commodities. We understand that Anti-Slavery International will not be formally submitting these reports to the Department.

Respectfully submitted this 26<sup>th</sup> day of March 2008.



Bama Athreya  
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