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U.S. Department of Labor
Office of Child Labor, Forced Labor, and Trafficking
Bureau of International Labor Affairs
200 Constitution Avenue N.W., Room S-5317
Washington, DC 20210

May 20, 2011

RE: Docket No. DOL-2011-0002

On behalf of the National Confectioners Association and a broader global group of chocolate and cocoa processing companies, trade associations and foundations working to address labor practices in cocoa farming¹, we are pleased to submit the following comments to the U.S. Department of Labor (DOL or the “Department”) regarding efforts to eliminate child labor, forced labor and the Worst Forms of Child Labor (WFCL) in the production of cocoa in Cote d’Ivoire and Ghana. These comments respond to the Department’s Federal Register notice published on April 25, 2011.

The global chocolate and cocoa industry welcomes this opportunity to provide additional and timely information to the Department as it prepares three international reports under Congressional and Presidential mandates. We have provided comments on previous updates to the Executive Order 13126 and

¹ The Global Issues Group (GIG) is an ad-hoc group convened in September 2001 by the major chocolate and cocoa industry companies and affiliated trade associations specifically to address the labor challenges in the cocoa sectors of West Africa as articulated in the Harkin-Engel Protocol. Its members are ADM, Barry Callebaut, Cargill, Ferrero, The Hershey Company, Kraft Foods, Mars Incorporated, and Nestle, with affiliated organizations including the National Confectioners Association of the U.S. (NCA); Association of the Chocolate, Biscuit and Confectionery Industries of Europe (CAOBISCO); International Confectionery Association (ICA); European Cocoa Association (ECA); and the World Cocoa Foundation (WCF).

Trafficking Victims Protection Reauthorization Act lists (see December 10, 2009 and April 9, 2010 submissions) and the points we raised in those comments remain valid.

We now urge the Department to give thoughtful consideration in its upcoming reports to the activities and achievements of the new ***Framework of Action Support the Implementation of the Harkin-Engel Protocol***, both in the Department's evaluation of Cote d'Ivoire's listing status for cocoa on the Executive Order 13126 list, as well as Cote d'Ivoire and Ghana's listing status for cocoa on the Trafficking Victims Protection Reauthorization Act lists. The primary focus of this submission is to highlight the efforts under this new and exciting initiative since the Department's listings were updated last year.

On September 13, 2010, I had the privilege of signing the ***Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol***, alongside distinguished colleagues including U.S. Labor Secretary Hilda Solis, Ghana Minister of Employment and Social Welfare Enoch Teye Mensah and Cote d'Ivoire Minister of Labor Emile Guireoulou and witnessed by U.S. Senator Tom Harkin, U.S. Congressman Eliot Engel and Director of the International Labor Organization's (ILO) Washington office, Nancy Donaldson. As you know, the Framework builds on almost ten years of effort and partnership with the governments of Ghana and Cote d'Ivoire and the Department to work towards the elimination of the worst forms of child labor from the cocoa sectors of Ghana and Cote d'Ivoire. The Framework itself is a roadmap of remediation activities that have as an ambitious but tangible goal the reduction of the worst forms of child labor as defined by ILO Convention 182 in both sectors by 70% in aggregate by the year 2020. As industry noted in its press release at the time of the signing, "the new Framework of Action launched today in a press conference at the U.S. Department of Labor underlines all parties shared responsibility in achieving significant reduction of the worst forms of child labor in the cocoa growing areas."

In the Department's request for information in the April 25th Federal Register Notice, three areas of focus are highlighted:

- Updating the findings and suggestions for government action in countries reviewed in the TDA report.
- The nature and extent of child labor, forced labor and forced or indentured child labor in the production of goods in foreign countries.
- Government, industry or third-party actions and initiatives to address the above issues.

We would draw the Department's attention to our comments in our April 9, 2010 submission on the listings where we discuss our own partnerships with the government of Ghana and Cote d'Ivoire related to Capacity Building, International Partnerships and the Way Forward. In this narrative, we highlighted the need for a coordinated effort in support of the international partners, as well as the need to create and maintain a unique forum to discuss issues of mutual concern and lessons learned, in order to effect tangible reductions in the numbers of children working in the WFCL, and to see real change on the ground. We also spoke to the industry's commitment to allocate significant resources in support of intervention activities, and our focus on assisting the governments with the development and implementation of a community-based monitoring system that would empower communities to identify children and families at risk and provide critical referral to needed services.

Our concluding thought from our April 9, 2010 submission is particularly relevant:

*It is important to recognize that the pieces we have identified here – origin government national action plans, industry remediation programs, public and private certification efforts, international development partnerships, international civil society- while vital and integrated component parts, **will not** (emphasis added), on their own, affect lasting change. Each component piece taken alone is significant, but*

it is the collaborative sum of these efforts that is required to make the necessary shift in the sectors that will ultimately benefit the children in these communities. It is only by working together in a spirit of trust and collaboration in high functioning partnership that we can hope to change the lives of the millions of children and families in cocoa.

With that as a backdrop, we express our gratitude to the Department for being a key catalyst last summer in the development of the Framework of Action itself. Embodying the vision we outlined above, the Framework for the first time brings together the key actors in the cocoa sectors of Cote d'Ivoire and Ghana – the origin governments and key civil society partners, the U.S. government, the global chocolate and cocoa industry, and the International Labor Organization with its specialized expertise as a technical and implementing partner – in a coordinated forum focused on the sharing and scaling of identified best practices, leveraging public and private resources, coordinating intervention activities and most importantly, building the institutional capacity of governments to take action on behalf of their own children.

The governing body of the Framework, called the Child Labor in Cocoa Coordinating Group (CLCCG), is working together on the development of a set of interim milestones, progress indicators, and communication protocols that will strengthen the evaluation and reporting of interventions under the Framework of Action. Critical interventions are being developed which focus on refining the approach to the work done in communities, including new and complimentary partnerships with the ILO, the rollout of an enhanced child labor monitoring system in Ghana (CLMS) and innovative remediation initiatives from the industry. Importantly, Industry believes that a strong resolve and long-term commitment is a shared value of all the participants working under the Framework of Action. The totality of these efforts will result in measurable reductions in the worst forms of child labor in both sectors for the first time, and allow future interventions to be targeted based on evolving needs and demonstrable successes.

The Framework of Action, as a multi-stakeholder forum, is a huge step forward for our collective work on labor practices in the cocoa sectors of Cote d'Ivoire and Ghana. Recognizing that we are in the early stages of a process, we are confident that these efforts will significantly reduce the numbers of children working in contravention of international labor standards in both countries. The Framework represents a bold step in the right direction for both Cote d'Ivoire and Ghana as they work to strengthen their leadership and coordination roles in the important work to eliminate the worst forms of child labor and forced labor in their national cocoa sectors. Again, we urge the Department to give thoughtful consideration in its upcoming reports to the activities and achievements of the Framework of Action in its evaluation of Cote d'Ivoire and Ghana's listing status for cocoa on the Executive Order 13126 and Trafficking Victims Protection Reauthorization Act lists.

Respectfully submitted,



Larry Graham

President

National Confectioners Association