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[Home](#) > On Halloween, Nestlé Claims no Responsibility for Child Labor

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Chocolate company's lawyers say that consumers should not expect Nestlé to actually follow their Code of Conduct

On October 30, the International Labor Rights Fund filed a new brief in their ongoing lawsuit against Nestlé, Archer Daniels Midland and Cargill for their involvement in the trafficking and forced labor of children who cultivated and harvested cocoa beans in the Ivory Coast. The suit was originally filed in July 2005 in Federal District Court in Los Angeles on behalf of Malian children who were trafficked to the Ivory Coast and forced to work twelve to fourteen hours a day with no pay, little food and sleep, and frequent beatings. The recent ILRF briefing is in response to the Court's request for further briefing on the companies' unfair practices.

The chocolate companies' brief argues that their Codes of Conduct are simply "aspirational" and entail no responsibility for the companies to actually engage in ethical practices. The lawyers state that it "simply is not reasonable to construe [the companies'] policy statements as, for example, imposing an enforceable contractual obligation on Nestlé to monitor 'its suppliers' treatment of children' or on ADM to 'affirmatively act if it knew that its suppliers used child labor.'"

In their reply, the International Labor Rights Fund stated that "the prohibition against forced labor, and specifically child labor, is a peremptory norm of international law, meaning that it is necessarily a specific, obligatory, and universal norm. It is prohibited by numerous international treaties and conventions, including most notably International Labor Conventions 29, 105, 138, and 182."

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