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Bitter brew

**Modern slavery in the
coffee industry**



Brazilian coffee plantation

Bitter brew

Persistent **modern slavery** in international coffee supply chains originating in Brazil demonstrates **the failure of certification schemes** and grievance mechanisms and the urgent need for **mandatory due diligence laws**.

Despite enduring evidence of slave labour in their supply chains, some of the world's leading coffee corporations are failing to take meaningful action. European and American multinationals purport to ensure the ethical sourcing of coffee through industry certification and auditing schemes, even as new revelations of modern slavery on certified farms accumulate. The persistence of modern slavery in the international coffee supply chain, and the lack of effective grievance mechanisms to adequately address it, underscores the pressing need for legislation demanding robust mandatory human rights due diligence and banning forced labour from supply chains.

For nearly two hundred years, coffee has been critical to Brazil's economy. When commercial coffee production first took off in the 1830s, plantation owners profited from the labour of enslaved Africans and their descendants.¹ Slavery was officially abolished in Brazil in 1888, but conditions of slavery continued to occur. In 1995, the government publicly acknowledged the problem and began a concerted effort to eliminate forced labour.

Since then, Brazil has made significant efforts to combat modern slavery and strengthen workers' rights. Special teams respond to complaints, conduct workplace inspections, ascertain compliance with labour laws, and rescue individuals found in slave-like conditions. Employers caught using slave labour may be put on a public register, known as the 'Lista Suja' ('Dirty List').

These measures have helped bring many cases of modern slavery to light, especially in Minas Gerais, Brazil's primary coffee-producing state. Between 1996 and 2023, the Brazilian Labour Inspection Department (Labour Inspection) found 3,700 workers in slave-like conditions in coffee plantations throughout Brazil.² As of October 2023, 39 of the 471 employers on the 'Dirty List' were coffee producers.³

In recent years, however, the effort to eradicate modern slavery in Brazil has been stymied. From 2014–2016, the 'Dirty List' was temporarily suspended. In 2017, the government narrowed the definition of slave-like work and subjected the 'Dirty List' to political decision-making, until the Supreme Court overruled the policy in 2020.⁴ From 2019–2022, under the Bolsonaro government, the Ministry of Labour was dissolved and resources for labour inspections were significantly reduced. Nevertheless, cases of modern slavery continued to surface.

Persistent modern slavery in the supply chains of coffee multinationals

In the past decade, Brazilian human rights organisations Conectas and the Association of Rural Employees of the State of Minas Gerais (ADERE-MG) have documented dozens of cases of modern slavery on coffee plantations.⁵ In 2023, ADERE-MG met with dozens of workers rescued from coffee farms in Minas Gerais. The stories these workers told echoed the 2018 testimonies of 37 workers rescued from modern slavery that formed the basis of an OECD Guidelines complaint filed by Conectas and ADERE-MG against six coffee multinationals with Brazil's OECD National Contact Point (NCP), which is responsible for ensuring implementation of the OECD Guidelines for Multinational Enterprises (OECD Guidelines).⁶ In that complaint, the workers told stories of recurring human rights violations in coffee cultivation, including conditions of slavery. Among other things, they reported the absence of employment agreements, irregularities in payment, illegal dismissals, inadequate hygiene and facilities for meals, and the failure of the employer to provide personal protective equipment.⁷ The workers' reports were corroborated by notices of infraction and reports from the Labour Inspection, as well as prior investigations by the independent media organisations Repórter Brasil and Danwatch.⁸

'After I arrived at the farm, I didn't go anywhere because there was no way I could go. There was no car. It was far to get to town. If you got sick there, it was dangerous. You could die.'⁹

According to the farm workers' testimonies, the coffee from the farms where they were rescued was part of the supply chains of several major international coffee brands and retailers, including: Illy, based in Italy; Jacobs Douwe Egberts (JDE), headquartered in the Netherlands; Nestlé, headquartered in Switzerland; and Dunkin' Donuts, McDonald's, and Starbucks, all headquartered in the United States. Follow-up research by Conectas and ADERE-MG found that the nature of each corporation's link to the cases of modern slavery varied. Nestlé and Starbucks had direct business relations with the farms where modern slavery was found. The other multinationals – JDE, Illy, Dunkin' Donuts, and McDonald's – were directly linked to the farms through supply chain relationships with Cooxupé, the Regional Cooperative of Coffee Growers of Guaxupé.¹⁰

‘We went hungry...we were trapped. If it hadn’t been for the people who got us out, we would have suffered there for a long time.’

Coffee harvested in conditions of modern slavery: the links in the chain



Coffee farm
(e.g. Fazenda Olhos D’Água)



Cooperative/trader
(e.g. Regional Cooperative of Coffee Growers of Guaxupé, Cooxupé)



Intermediary
(e.g. Canadian distributor Mother Parkers)



Multinational brands & retailers
(e.g. Illy, Dunkin’ Donuts and McDonald’s)



coffee

Cases of workers being rescued from farms engaged in modern slavery have continued to emerge, including on farms supplying multinationals, in some cases directly. In a case in 2018, 87 workers were rescued at farms after labour inspections. Workers had been enticed by the promise that they would receive around BRL 10 (less than €2) per bag harvested and free food. Upon arriving at the farm, however, their labour cards were withheld and their work not officially registered. According to labour inspectors, the employers’ maintained a deceptive worker recruitment system that is characteristic of modern slavery. The inspection also found that the workers had been exposed to toxic pesticides without any sort of protection and were forced to sleep on the floor. At the time, these farms supplied **Cooxupé**, which sells to the multinationals **Illy, JDE, Dunkin’ Donuts, and McDonald’s**.¹¹ In its reaction to SOMO, McDonald’s responded that it sources from Cooxupé, but does “not source any coffee from any producer on the Blacklist [‘Dirty list’]”.¹²

In subsequent years, more workers, including minors under the age of 18, were rescued from farms supplying to the **Cooxupé** cooperative. Undignified and unsanitary working conditions, including a lack of toilets, were found at one site, where 34 workers including a minor under the age of 18 were rescued from in June 2020.¹³ In July 2021, 24 migrant workers, including a 16-year-old, were rescued from a farm that illegally withheld workers’ wages and made unlawful deductions for costs associated with their work, such as the fuel used in harvesting machines. The employer failed to provide workers with tools, personal protective equipment, drinking water, toilets, and shelter at the work front. The workers’ accommodation lacked adequate mattresses and bedding.¹⁴



Coffee plantation workers on their way to work

'We had to get up at 4 a.m. to pick coffee. We weren't allowed to sleep "on the clock". Come nightfall, we couldn't stand it.'

Industry and company certification schemes miss cases of forced labour

On several occasions, workers were rescued from farms certified by well-known industry and company certification schemes that claim to prohibit forced labour. In 2018, 18 workers rescued from one farm were found to have been exposed to degrading working conditions with wretched housing that lacked a proper water and sewage system. Dead bats were found in the water tank. One of the shelters was covered in mould and infested with insects and rats that would consume the workers' food. At the time, the farm bore the certification of **Starbucks's** certification scheme, **C.A.F.E. Practices**, in addition to that of **UTZ Certified** (now **Rainforest Alliance**) and **4C (Common Code for the Coffee Community) Association**.¹⁵ Rainforest Alliance informed SOMO that after UTZ Certified was alerted about working conditions at the farm, it "launched investigation audits and suspended the farm's certification, effective 14 April 2018. Since the farm appears on the most recent edition of the Lista Suja it will also not be able to enter the Rainforest Alliance certification program."

At a farm certified in 2019 by **Rainforest Alliance**, with likely commercial links to **Illy and Nestlé**,¹⁶ labour inspectors found labour violations and undignified conditions that amounted to modern slavery and 20 workers were rescued in August 2021. Workers were forced to pay for protective equipment, food, gas, and a one-way ticket to the farm. They were also forced to buy a harvester machine, the cost of which was deducted from their wages. One of the barracks was in front of an open sewage pit. In a statement to SOMO, Illy responded that it terminated its relationship with the owner of the farm in 2021, following reports of labour exploitation.¹⁷ Rainforest Alliance responded that after the situation at the farm was brought to their attention by **Repórter Brasil**, they initiated assurances processes which "ultimately resulted in cancellation of the farms' certification" as of October 2021.¹⁸

One farm, which produces organic coffee and has been certified by **USDA Organic**, **Rainforest Alliance**, and **C.A.F.E Practices (Starbucks)**, was found not to be properly registering its workers – a key indicator of modern slavery. In July 2022, seven workers were rescued from the farm after they were found harvesting coffee in their bare feet or socks, as they had not been supplied boots or other safety equipment. There was no shelter for eating meals at the work site, and the workers' accommodations were sub-standard: the tap water was of low quality, there was no place to store food, and the bathroom didn't work. The farm has a history of commercial relations with a Spanish subsidiary of the multinational **Neumann Kaffee Gruppe (NKG)**, a supplier of **Nestlé**.¹⁹ Upon receiving a draft of this briefing, several companies and certification bodies stated to SOMO that they have recently ended their business relationship with this farm. **USDA Organic** communicated that the farm "was certified to the **USDA organic standards** beginning 2016, but surrendered its organic certification effective May 2023". **Rainforest Alliance** responded the farm was "excluded from certification as of 14 November 2022" after **Rainforest Alliance** initiated assurances processes.²⁰ **NGK** stated that its "last contracts [with the farm] were concluded in 2020".²¹



Housing coffee plantation workers

'There was no fridge in the house. There was no television. There was no cupboard to put things in. There was no table. We built the bed ourselves. It was cold in the house too.'

'The water was bad, but we had to drink it. It was yellow water, already dirty. I would strain it and it would still be bad.'

‘We got there and gave him our documents and he said “no, we’re not going to register you”. So we worked for almost two months and he didn’t register us.... They registered us after the inspector arrived.’

In August 2022, 20 workers, including a 15-year-old girl and three boys under 18, were rescued from a Rainforest Alliance-certified farm that lacked sufficient drinking water. Workers at this farm did not receive their wages regularly and had to purchase their own personal protective equipment because the employer did not provide it. In the past, the farm had commercial links to Ally Coffee, which belongs to the **Montesanto Tavares Group**, one of the largest agricultural companies in Brazil and a supplier of Nestlé.²² In its response to SOMO, Montesanto Tavares Group stated that its last coffee purchase took place in 2019.²³ According to Rainforest Alliance list of certificate holders the farm received a renewal of its certification in June 2023 and thus continues to hold Rainforest Alliance certification.²⁴ Rainforest Alliance responded to SOMO that it has launched additional due diligence and conducted comprehensive investigative audits after they received concrete allegations of human rights violations at the farm. However, “when the results of the investigations did not confirm the alleged nonconformities, the farm was allowed to maintain certification.”²⁵

International grievance mechanism offers no remedy

In an attempt to spur international coffee buyers to take responsibility and action to prevent human rights abuses in their supply chains, a group of rescued workers, supported by Conectas and ADERE-MG, filed complaints against six coffee multinationals with Brazil’s National Contact Point for the OECD Guidelines in August 2018.²⁶ The complaints against Dunkin’ Donuts, Illy, JDE, McDonald’s, Nestlé, and Starbucks alleged that the corporations had failed to carry out proper human rights due diligence to identify, prevent, mitigate, and account for risks of forced labour and other rights violations in their supply chains, in breach of the OECD Guidelines.²⁷

The complaints alleged that these six companies had not taken meaningful action to address persistent modern slavery in the Brazilian coffee supply chain. While all the companies have policies and measures on paper – audit processes, codes of conduct, certification schemes, company-led mechanisms for reporting violations, and the like – to address human rights issues in their supply chains, the complaint alleged that

none of the six provides sufficient transparency about their suppliers or their due diligence processes to demonstrate the adequacy of their processes, making it impossible to ascertain whether their policies are actually implemented and whether modern slavery was used to produce their coffee.

Despite the substantial amount of evidence provided, none of the complaints resulted in what the workers were seeking: a joint action plan to prevent future cases of modern slavery in coffee farms in Minas Gerais. In the cases of Starbucks and Illy, Brazil's NCP failed to follow the OECD Guidelines' instructions to be accessible and accept cases with a 'plausible' link between a company and the violation, which was clearly the case. The NCP rejected the complaints in 2020 before additional evidence could be submitted and before a dialogue between the parties could even take place. The NCP accepted the complaints filed against Dunkin' Donuts, JDE, and McDonald's, but these companies refused to engage in the process in a meaningful, good faith manner, as is required by the OECD Guidelines. The mediation with Dunkin' Donuts did take place but ended quickly in 2023 without an agreement. JDE and McDonald's refused to even enter into meaningful mediation facilitated by the NCP, in breach of the OECD Guidelines.

Nestlé accepted the mediation facilitated by the NCP, but the mediation failed to result in an agreement on many key elements. The dialogue did result in Nestlé agreeing to several actions, which are confidential at the company's request. Conectas and ADERE-MG will monitor these commitments to see if they have any concrete impact on improving working conditions in the coffee supply chain.

The OECD's NCP system is one of the few mechanisms available to handle complaints regarding business-related human rights abuses in value chains. But the NCP system's ineffectiveness often leaves victims empty-handed. Workers in Brazil's global coffee supply chains remain as vulnerable as ever to the risk of modern slavery. Weak and inconsistent implementation of the OECD Guidelines by governments has resulted in low rates of observance of by multinationals, and significant scepticism among civil society about their potential to bring about justice. National Contact Points are critical to effective implementation of the OECD Guidelines, but have been largely toothless and under-resourced, due to a lack of political will among OECD governments.

Legislation can hold multinational corporations accountable and bring remedy to victims

The persistence of modern slavery in the supply chains of coffee multinationals and the failure of major multinational coffee retailers to take meaningful steps to address the issue confirm once again the failure of voluntary due diligence and need for legislation to ban forced labour from supply chains. The cases above are just a few examples that constitute add to the overwhelming body of evidence of the inadequacy of corporate self-regulation, third-party audits, and certification schemes.²⁸ Such schemes have failed to consistently and effectively identify human rights risks and

prevent harm.²⁹ Instead, they risk providing false assurances of compliance while inhibiting the more thorough investigation, engagement, and interventions that are necessary to unearth and seriously tackle human rights abuses and other problems in global supply chains.

The failure of multinational coffee corporations to effectively address persistent modern slavery, and the failure of OECD governments and NCPs to provide effective access to remedy for the victims of modern slavery, underscores the need for legislation addressing forced labour in corporate supply chains and mandating due diligence in alignment with the OECD Guidelines.

Robust corporate sustainability due diligence legislation, as is being pursued in the European Union and in multiple jurisdictions around the world, also has the power to combat forced labour, hold corporations accountable, and provide victims with remedy. Now is the time. With strong due diligence legislation, coffee multinationals would be obliged to:

- Carry out risk-based due diligence to identify, prevent, cease, mitigate, and account for their adverse impacts, including by seeking to ensure that their suppliers meet international human and labour rights standards concerning forced labour
- Increase transparency and take action to trace and map their global supply chains, including down to the farm level, and communicate this information to stakeholders, and in particular rightsholders
- Assess the drivers of risk in their supply chains, including their own purchasing and pricing practices, and how these may affect wages and working conditions offered by suppliers
- Not hide behind certification schemes and remain individually responsible for ensuring that their due diligence is carried out effectively, even if they participate in such schemes
- Provide for or cooperate in remediation processes to address harm where they have caused or contributed to human rights abuses, including forced labour

Additionally, introducing legislation specifically prohibiting products made with forced labour onto markets is key to eliminating forced labour from corporate supply chains. To meaningfully address forced labour, such legislation must ensure inter alia a low evidentiary threshold for authorities to act upon, as well covering remediation for affected workers. If such legislation includes or is complemented by mandatory supply chain disclosure by companies, this will further enhance the capacity of authorities, civil society, and the public to collaborate to eradicate forced labour from supply chains.

Endnotes

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4. MINISTRY OF LABOR (Brazil). Ordinance No. 1,129, of October 13, 2017. Establishes the concepts of forced labour, exhausting hours and slave-like conditions for the purpose of granting unemployment insurance to workers who may be rescued in inspection operations by the Ministry of Labour, pursuant to article 2-C of Law no. 7998, of January 11, 1990; as well as changing provisions of PIMTPS/MMIRDH no. 4, of May 11, 2016. Federal Official Gazette, ed. 198, Section. 1, p. 82, Oct. 16, 2017. Available at: https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/19356195/doi-2017-10-16-portaria-n-1129-de-13-de-outubro-de-2017-19356171
5. The cases described in this briefing are based on several sources, including: i) reports from labour inspectors and workers contained in inspection reports produced by the Ministry of Labour; ii) information collected during field missions to coffee plantations; iii) public data from the Ministry of Labour, the Brazilian Institute of Geography and Statistics (IBGE) and business organisations in the coffee industry; iv) semi-structured group interviews with workers who work in the industry in different locations; v) interviews with Brazilian and international experts in the field; vi) public and updated versions of the governance documents and code of ethics for suppliers; vii) publicly available court proceedings; viii) news articles, reports from civil society organisations and other materials available on the Internet.
6. MINISTÉRIO DA ECONOMIA (Brasil). Instâncias específicas - alegações de inobservância das Diretrizes da OCDE. Available at: <https://www.gov.br/produtividade-e-comercio-exterior/pt-br/assuntos/camex/pcn/produtos/alegacoes-de-inobservancia/instancias-especificas-alegacoes-de-inobservancia-das-diretrizes-da-ocde>. Accessed on: Dec. 06, 2022. Initially, one complaint was filed against the six companies. At the request of the NCP, however, the complaint was later divided into six separate complaints.
7. Workshop held in Sussuarana, Tanhaçu, Bahia, 11 May, 2018.
8. DANWATCH. Bitter coffee: slavery-like working conditions and deadly pesticides on Brazilian coffee plantations. Mar. 2016. Available at: <https://old.danwatch.dk/wp-content/uploads/2016/03/Danwatch-Bitter-Coffee-MARCH-2016.pdf>. Accessed on Oct. 10 2022; Repórter Brasil. Café certificado, trabalhador sem direitos. Dec. 2016. Available at: https://www.repórterbrasil.org.br/wp-content/uploads/2016/12/Cafe%CC%81_ING_Web.pdf. Accessed on Jun. 10 2022
9. All quotes in the report were collected by Conectas in a workshop held in Sussuarana, Tanhaçu, Bahia. May 11, 2018. The quotes have been lightly edited for the purpose of readability.
10. SOMO provided all 12 companies and certification bodies mentioned in this briefing paper with a draft of the findings relevant to them and the opportunities to respond to the findings. Eight of these responded: Illy, MacDonald's, Montesanto Tavares, Nestlé, Neumann Kaffee Gruppe, Rainforest Alliance / UTZ Certified, Starbucks, and USDA Organic. Four of the 12 did not respond: 4C, Cooxupé, Dunkin' Donuts, and Jacobs Douwe Egberts. Of the companies and certification bodies that have responded, the comments have been incorporated in the final version of this briefing paper where appropriate.
11. The farms in question are Nova Esperança, Nova Corrente and Graha Azul. EXAME. Os 200 maiores grupos empresariais em atuação no Brasil. 16 ago. 2018. Available at: <https://exame.com/revista-exame/200-maiores-grupos-2/>. Accessed on: Dec. 07, 2022.
12. McDonald's, email to SOMO, 11 December 2023.
13. The farm in question is Fazenda Mesa. EXAME. Os 200 maiores grupos empresariais em atuação no Brasil. 16 ago. 2018. Available at: <https://exame.com/revista-exame/200-maiores-grupos-2/>. Accessed on: Dec. 07, 2022.
14. The farm in question is Fazenda Laranjeiras, part of Cocatrel Direct Trade. DALLABRIDA, Poliana. Produtor certificado e membros de grandes cooperativas estão entre os flagrados com trabalho escravo no setor do café. Repórter Brasil, 22 October 2021. Available at: <https://reporterbrasil.org.br/2021/10/produtor-certificado-e-membros-de-grandes-cooperativas-estao-entre-os-flagrados-com-trabalho-escravo-no-setor-do-cafe/>. Accessed on: Oct. 30 2022.
15. The farm in question is Fazenda Fartura. After the complaint, UTZ told Repórter Brasil that it had withdrawn the farm's certification. The 4C Association said that the establishment's certification was still under evaluation at the time. PENHA, Daniela. Fazenda de café certificada pela Starbucks é flagrada com trabalho escravo. Repórter Brasil, 03 August 2018. Available at: <https://reporterbrasil.org.br/2018/08/fazenda-de-cafe-certificada-pela-starbucks-e-flagrada-com-trabalho-escravo/>. Accessed on: Oct. 27, 2022.
16. The farm in question is Fazenda Floresta. DALLABRIDA, Poliana. Produtor certificado e membros de grandes cooperativas estão entre os flagrados com trabalho escravo no setor do café. Repórter Brasil, 22 October 2021. Available at: <https://reporterbrasil.org.br/2021/10/produtor-certificado-e-membros-de-grandes-cooperativas-estao-entre-os-flagrados-com-trabalho-escravo-no-setor-do-cafe/>. Accessed on: Oct. 30 2022.
17. Illy, email response to SOMO, 7 December 2023.
18. Rainforest Alliance, email response to SOMO, 6 and 13 December 2023. Rainforest Alliance furthermore noted that it developed a specific policy for Brazil in relation to forced labour which went into effect in 2021. See <https://www.rainforest-alliance.org/resource-item/policy-audits-for-certificate-holders-based-in-brazil/>
19. The farm in question is Fazenda Klem. Repórter Brasil. Fazendas de café gourmet e certificado em MG são flagradas com trabalho escravo. Oct. 2022. Available at: <https://reporterbrasil.org.br/2022/10/fazendas-de-cafe-gourmet-e-certificado-em-mg-sao-flagradas-com-trabalho-escravo/>. Accessed on Sept. 11, 2023
20. Rainforest Alliance, email response to SOMO, 6 and 13 December 2023.
21. Neumann Kaffee Gruppe, email response to SOMO, 4 December 2023.
22. The farm in question is Fazenda Olhos D'Água. Repórter Brasil. Fazendas de café gourmet e certificado em MG são flagradas com trabalho escravo. Oct. 2022. Available at: <https://reporterbrasil.org.br/2022/10/fazendas-de-cafe-gourmet-e-certificado-em-mg-sao-flagradas-com-trabalho-escravo/>. Accessed on Sept. 11, 2023
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Colophon

Bitter brew Modern slavery in the coffee industry

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SOMO

The Centre for Research on Multinational Corporations (SOMO) investigates multinationals. Independent, factual, critical and with a clear goal: a fair and sustainable world, in which public interests outweigh corporate interests. We conduct action-oriented research to expose the impact and unprecedented power of multinationals and show the underlying structures that enable them. Cooperating with hundreds of organisations around the world, we ensure that our information arrives where it has the most impact: from communities and courtrooms to civil society organisations, media and politicians.

KNSM-iaan 17
1019 LA Amsterdam
The Netherlands
Tel: + 31 (20) 6391291
Email: info@somo.nl
Website: www.somo.nl

Conectas

Conectas exists to preserve, implement and extend human rights. More than a non-governmental organisation, we are part of a lively and global movement that continues in the fight for equal rights. Connected via a broad network of partners, spread across Brazil and around the world, we are always available, and we participate in various decision-making debates that advance the path of human rights from the Global South perspective. We work to secure and extend the rights of all, especially the most vulnerable. We propose solutions, avert setbacks, and denounce violations to create transformations.

Caixa Postal 78462
São Paulo (SP)
Brasil
Tel: +55 (11) 3884-7440
Email: contato@conectas.org
Website: www.conectas.org