

Fairtrade Document Review

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ABOUT THIS DOCUMENT

In the spring of 2020 the Danish Institute for Human Rights (DIHR) and Fairtrade entered into a one-year partnership agreement for the Institute to support Fairtrade in their human rights due diligence efforts. This included a high-level policy gap analysis including document review and interviews with Fairtrade, CLAC and FLOCERT personnel. ***This document summarises main observations of the Institute from the document review.***

Fairtrade is an organisation with a unique setup. It has been described and sees itself in many ways e.g. as a product-oriented multi-stakeholder group, civil-society organisation, non-for-profit organisation, certification organisation and commercial organisation. Further the setup of Fairtrade is diverse with:

- Three regional producer networks that represent farmers and workers in Africa and the Middle East, Asia and the Pacific, and Latin America and the Caribbean
- Over 25 national Fairtrade organizations and marketing organizations that market and promote Fairtrade products in consumer countries
- Fairtrade International, the umbrella NGO that creates the internationally agreed Fairtrade Standards and coordinates Fairtrade worldwide
- FLOCERT, the main independent certifier for Fairtrade, which inspects producers and traders to ensure they comply with Fairtrade Standards

What characterises Fairtrade is the aim at promoting the lives of farmers and workers through trade. This is done through the Fairtrade Standards and the dialogue and certification of commodities against these standards and beyond. Fairtrade works with farmers and workers of more than 300 commodities. The main products promoted under the Fairtrade label are coffee, cocoa, banana, flowers, tea, and sugar.

In 2018, Fairtrade embarked on a Journey to identify how they could better work with the [United Nations Guiding Principles on Business and Human Rights](#) with a specific emphasis on how to further align their work and engagement with business with this framework. This process has led to the development of a Human Rights Due Diligence (HRDD) Working Group and a number of studies and collaborations to develop a HRDD framework for Fairtrade. This document is aimed at supporting and framing the topic of HRDD as it relates to, and is reflected in, the Fairtrade Standards and Standard Operating Procedures as well as other relevant documents.

While Fairtrade can touch upon many elements of the UN Guiding Principles on Business and Human Rights framework, this analysis has focussed mainly on Pillar two dealing with the corporate responsibility to respect human rights, i.e. how companies are expected to avoid infringing on the human rights of others and to address adverse human rights impacts with which they are involved.

The principles under this pillar are relevant to the Fairtrade system in two main ways:

1. *Fairtrade as an organisation.* Fairtrade is expected to meet the responsibility to respect human rights in its own activities e.g. when engaging with its own employees or suppliers.
2. *Fairtrade and commercial relationships.* In its role as a standard-setter, engagement partner and advisor to business, Fairtrade, and in extension FLOCERT, gives credence to global businesses and plays a role in shaping their activities and building their capacity. It therefore has an important ability and responsibility to effect change on the HRDD work of commercial actors.

Where relevant the observations and comments shared below follow this distinction, however, the main focus of this review has been on the latter role of the Fairtrade system on HRDD.

LIMITATIONS AND GENERAL DISCLAIMER

This document is based on a short-term and limited engagement between the Danish Institute for Human Rights and Fairtrade. It is based on a desk-top review of Fairtrade documents as well as perspectives provided in interviews conducted with Fairtrade and FLOCERT Personnel. There have been no external interviews as a part of this review.

The Danish Institute for Human Rights is Denmark's National Human Rights Institution. As part of its legal mandate DIHR can engage directly with private actors. The purpose of this mandate is to address the positive and negative human rights impacts of business operations around the world. DIHR strives to publicly disseminate knowledge based on experiences gained in corporate engagement projects in order to advance human rights in the wider corporate sector. Being an impartial, independent National Human Rights Institution DIHR does not offer public endorsements of specific corporate actors.

This document and the information contained therein are intended as a general guide to the issues addressed. They should not be relied on for legal advice. Questions regarding the legal interpretation, application and implications of the information should be directed to appropriate legal counsel. The Danish Institute for Human Rights is not responsible for any actions taken or omissions made on the basis of this information, nor is it liable for any direct, indirect, consequential, special, exemplary, punitive or other damages arising out of or in any way related to the application or use of this document and the information therein.

FAIRTRADE AND THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The following tables are structured in accordance with the Principles of the UN Guiding Principles on Business and Human Rights. It includes observations from a previous internal analysis developed by Fairtrade as well as observations made by DIHR as a part of the document review.

Within the column on DIHR's Recommendations, the recommendations of DIHR are underlined and references to specific Fairtrade documents or sections of the table are in **bold**.

PILLAR 2: CORPORATE RESPONSIBILITY TO RESPECT

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
<p>GUIDING PRINCIPLE 11 <i>Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.</i></p>		
<ul style="list-style-type: none"> • Theory of Change + Indicators • Due Diligence Guidelines and Procedures: <ul style="list-style-type: none"> ○ Code of Conduct; Commitment Framework Document; Anti-Bullying and Anti-Harassment Template; Anti-Fraud and Anti-Corruption Policy Template; Child and Vulnerable 		<ul style="list-style-type: none"> • Theory of Change contains language that is conducive to respecting human rights, invokes human rights in its discussion of supply chain business practice (pg. 9), mentions that respect for human rights is a key principle (pg. 11), and notes that awareness of human rights is an important output (pg. 22). <u>However, the document could do more to specifically discuss the need to avoid infringing on human rights and addressing human rights impacts. The document would benefit from specifically invoking the UNGPs.</u> • Due Diligence Guidelines and Procedures: <ul style="list-style-type: none"> ○ Code of Conduct- Principle 4 on human rights does a good job noting Fairtrade's commitment to human rights and specifically invokes the UNGPs, UDHR, ILO conventions, and other core documents. <u>However, the document is largely aspirational, and does not discuss measures of due diligence or addressing adverse impacts</u> ○ Commitment framework documents are a step in the right direction. <u>However, it is not clear what the status is for these documents and in most documents, the relationship with human rights could be made clearer, and the would benefit from</u>

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
<p>Adult Protection Policy Template; Complaint and Allegation Procedure Template; Compliance Training Template; Protection from Sexual Exploitation and Abuse Policy Template; Whistleblowing Policy Template; Conflict of Interests Policy Template; Fraud Control Plan</p> <ul style="list-style-type: none"> • Sexual Harassment Policy (Hired Labour Standards requirement 3.1.6) • Worker’s Rights, as mentioned in Textile Standard 		<p><u>an explanation of how the impacts mentioned therein are also human rights impacts (noting the connection to corruption, sexual exploitation, etc.)</u></p> <ul style="list-style-type: none"> • Sexual Harassment Policy (within Hired Labour Standards): This requirement is in line with the requirement to avoid infringing on human rights (e.g. sexual harassment) but <u>would benefit from further detail and does not touch on addressing the impacts.</u> • Workers’ Rights (as mentioned in Textile Standard): Section 3 on Labour rights makes a direct reference to the UNGPs, OECD Guidelines, and ILO Declarations and commits to reporting abuses of human rights and notes “Fairtrade International expects that all your operations unrelated to Fairtrade are also conducted in a way that upholds national law, including international human rights treaties ratified by your government.” The document makes reference to specific human rights such as freedom of association and freedom from discrimination. <u>The document does not mention what Fairtrade will do if negative impacts were found, suggest review to include this.</u>
<p>GUIDING PRINCIPLE 12 <i>The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the international bill of human rights and the principles concerning fundamental rights set out in the international labour organization’s declaration on fundamental principles and rights at work.</i></p>		
<ul style="list-style-type: none"> • Most Important Standards: <ul style="list-style-type: none"> ○ Hired Labour ○ Small Scale Producers ○ Trader 	<ul style="list-style-type: none"> • Fairtrade standards incorporate all ILO guidelines 	<ul style="list-style-type: none"> • Hired Labour Standard <ul style="list-style-type: none"> ○ Meaningful participation of workers—Workers representatives are involved in managing the Fairtrade Premium in accordance with the standards through participation in the premium committee.

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
<ul style="list-style-type: none"> • Other standards for reference: <ul style="list-style-type: none"> ○ Climate ○ Contract Production ○ Gold ○ Textile 	<ul style="list-style-type: none"> • FLOCERT control points have no criteria on social impacts 	<ul style="list-style-type: none"> ○ Right to freedom of association and collective bargaining is respected. “Salaries must be equal or higher than the regional average or than the minimum wage in effect” (see 3.5.1). Purpose cites twin aims of promoting sustainable development and reducing poverty. ○ The requirements ensure that employers pay decent wages, guarantee the right to join trade unions, and make certain that health, safety and environmental principles are adhered to. ○ Follows ILO and ISEAL Code of Good Practice. ○ Empowerment of women “Your company gives special attention to the empowerment of women by means of adequate training, capacity building, guidance, encouragement and assistance as necessary.” ○ No tolerance of sexual harassment (3.1.5) and mandates sexual harassment policy (3.1.6) <u>but does not have activities in place to prevent it—should treat this the way you treat freedom of association.</u> ○ Promises no repercussions for grievance procedures (3.1.7) <u>but very little information on the grievance procedure itself.</u> Grievance procedure (3.5.27) direct and anonymous, allows third party complaints, protects workers, timely remediation, appeals process, sexual harassment procedure ○ Reference to living wage in 3.5.4, wage level increases, “If remuneration (wages and benefits) is below the living wage benchmarks as approved by Fairtrade International, your company ensures that real wages are increased annually to continuously close the gap with living wage. The incremental steps and timeline toward the applicable living wage are negotiated with trade union/elected worker representatives.” ○ <u>Overall, many references to human rights, but not enough detail on: what living up to these rights entails; specific indicators of compliance or noncompliance; incentives for reporting non-compliance</u> • Small Scale Producer Standard: <ul style="list-style-type: none"> ○ Follows ILO Standards and is in compliance with ISEAL Code of Good Practice ○ Section 1.1.7 on land and water rights cites ILO Convention C169 ○ Refers to the Universal Declaration of Human Rights in Section 4.3 Non-Discrimination, specifically citing article 2. Section also states “The “positive

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
		<p>discrimination” of small-scale producer members is therefore intended.” <u>Which is unclear and should be further explained to the reader to avoid adverse impact.</u></p> <ul style="list-style-type: none"> ○ Section 4.3.4 requires the development and implementation of a gender policy. <u>While the guidance provides basic definitions and best practices, it does not include enough practical information for this to be followed through.</u> ○ Overall, some references to human rights, but not enough detail on: <u>what living up to these rights entails; specific indicators of compliance or noncompliance; incentives for reporting non-compliance; how to apply these standards to seasonal workers.</u> <ul style="list-style-type: none"> ● Trader Standard <ul style="list-style-type: none"> ○ Follows ILO standards and conventions and mentions compliance with ISEAL Code of Good Practice ○ Section 3.1.1, Compliance with labour law and ILO conventions only requires awareness of labour laws and no indication of violation. Guidance lists the Fundamental ILO conventions. <u>Does not detail what the requirements entail, or what a violation looks like. Does not provide an incentive to actively look for violation.</u> ○ <u>Very weak on legal compliance, for example section 3.2.1, compliance with environmental law only requires awareness of law and no indication of violations</u> ○ <u>Environmental requirements also weak—3.2.5 only requires trader to maximize use of biodegradable materials, and 3.2.6 requires trader to take actions to reduce carbon footprint</u> ○ <u>Much weaker on human rights—no real references to human rights standards. Very little guidance or strong indicators. No incentives for assessing noncompliance.</u> ● Other Standards: <ul style="list-style-type: none"> ○ Climate Standard: Follows ILO standards and conventions and mentions compliance with ISEAL Code of Good Practice. Section 2.2.5 Indigenous rights, human rights and sites of cultural importance based on ILO Convention C169—<u>positive but very high level, requires respect for these rights, but does not specify or address noncompliance.</u> Section 2.2.7 Local project endorsement requires FPIC and explains this in the guidance but <u>does not go into enough detail on how to do so or address noncompliance.</u> Section 3 Labour Conditions regards the core ILO

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
		<p>conventions as the main reference for good working conditions. Section 2.1.4 Non-discrimination of members states that Fairtrade follows the UDHR on ending discrimination.</p> <ul style="list-style-type: none"> ○ Contract Production: Follows ILO standards and conventions and mentions compliance with ISEAL Code of Good Practice. Section on freedom from forced and compulsory labour references ILO Convention C29. Section 4.3 on Non-Discrimination states that Fairtrade International follows the UDHR on ending discrimination. ○ Gold Standard: Follows ILO standards and conventions and mentions compliance with ISEAL Code of Good Practice. Frequent references to ILO conventions on protection of land rights, affected communities, labour conditions, freedom from discrimination, child labour, freedom of association, OHS. Section on human rights notes that responsible ASM is based on the UDHR and “UN declarations regarding the cultural, social and economic rights of individuals”. ○ Textile Standard: Follows ILO standards and conventions and mentions compliance with ISEAL Code of Good Practice. Frequent reference to ILO declarations and conventions on labour conditions, freedom from discrimination, child labour, freedom of association, OHS. Reference to the UNGPs due diligence approach in section 1.4.2 ensuring subcontractor compliance. Reference to OECD Guidelines and UNGPs in Section 3, Labour Conditions. Section 3.5.2 “wage increases to reach living wage” says company must agree with trade union/workers representative to six-year time frame to come into compliance with living wage benchmarks approved by Fairtrade International, Guidance provides link to Global Living Wage Coalition description and methodology for approaching living wage. Section 3.5.3 requires company to pay at least a living wage to all workers. <p>More details on DIHR observations on specific human rights can be found in the section “Fairtrade and Human Rights”.</p>

GUIDING PRINCIPLE 13
The responsibility to respect human rights requires that business enterprises:
(a) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
<p><i>(b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.</i></p>		
<ul style="list-style-type: none"> • Research on FT Impact, Living Income • Research on FT Impact, Living Wage • Research on FT Impact, Environment • Fairtrade Carbon Credits Programme • Key Issue Documents: <ul style="list-style-type: none"> ○ Child Labour ○ Climate Change ○ Decent Livelihoods ○ Environment ○ Forced Labour ○ Gender Equality ○ Human Rights ○ Living Income ○ Living Wage ○ SDGs ○ Worker’s Rights 	<p>Fairtrade does not fulfil the core expectations of the UNGP, as it has not made a human rights policy commitment, have not formalized an ongoing HRDD process, does not publish comprehensive human rights report, and does not have a remediation process in line with the UNGPs</p>	<ul style="list-style-type: none"> • Research on FT Impact (Living Income, Living Wage, Environment): Shows attempt to understand how Fairtrade can impact the livelihood of farmers by assessing impacts on higher incomes for farmers in Fairtrade-certified cooperatives, environmental impacts, and essential needs. <u>While this does not satisfy the expectations of UNGP 13 in itself, it is an important step in assessing impacts.</u> • Carbon Credits Programme: The Carbon Credits Programme aims to mitigate adverse environmental impacts by allowing companies to purchase Fairtrade carbon credits to take responsibility for the emissions they produce. If they offer Fairtrade products, they can choose to purchase credits to compensate for all the emissions in that product’s supply chain. <u>While this does not satisfy the expectations of UNGP 13 in itself, it is an important step in mitigating (environmental) impacts.</u> • Key Issue Documents: The various key issue documents indicate awareness of human rights or human rights adjacent issues (and in some case their SDG linkages) and link to existing Fairtrade standards and policies to address them. <u>As such, there is an awareness of human rights issues, but not a separate procedure for avoiding them.</u>
<p>GUIDING PRINCIPLE 14 <i>The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise’s adverse human rights impacts.</i></p>		
<ul style="list-style-type: none"> • Small Scale Producer Standard 	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • The Small Scale Producer Standard is specifically tailored to small-scale producers, the majority of which must be smallholders who don’t depend on hired workers. <u>While respect for human rights are still mentioned in section 3.3. Labour Conditions and section 4.3 Non-Discrimination, the scale and scope to which they are referenced is not as great as in other standards applying to larger entities such as plantations (see e.g. Hired Labour standard).</u>
<p>GUIDING PRINCIPLE 15</p>		

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
<p><i>In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including: (a) a policy commitment to meet their responsibility to respect human rights; (b) a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; (c) processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.</i></p>		
<p>See above</p>		
<p>GUIDING PRINCIPLE 16 <i>As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy (...)</i></p>		
<ul style="list-style-type: none"> • Draft human rights policy commitment • Advocacy work: <ul style="list-style-type: none"> ○ “What Strong EU Regulations for Cocoa Could Mean for Farmers and Why Fairtrade Supports It” ○ “No Climate Resilience Without Trade Justice” 	<ul style="list-style-type: none"> • Fairtrade has not made a human rights policy commitment that recognizes the UNGPs • Advocacy work is fragmented • Knowledge of HRDD is too fragmented to consult companies in making human rights decisions 	<ul style="list-style-type: none"> • Fairtrade’s draft policy commitment is an important step in embedding the responsibility to respect human rights through a statement of policy. It contains explicit references to the UNGPs and commitment to HRDD. <u>For further comment on the policy commitment, please see DIHR’s mark-up to the draft policy commitment.</u> • While no other existing document explicitly commits Fairtrade to HRDD, Fairtrade’s advocacy work shows that respect for human rights is an important priority for Fairtrade. For example, “What Strong EU Regulations for Cocoa Could Mean for Farmers and Why Fairtrade Supports It” involved organizing with peer companies to call on the EU to implement mandatory HRDD (along with a regulatory approach to sustainable cocoa) and “No Climate Resilience Without Trade Justice” a joint statement from the global fair trade movement regarding the COP25 climate summit advocates for concrete and ambitious action to redress the concerns surrounding migration and food security risks that haunt the world’s SDG aspirations. <u>However, Fairtrade’s commitment to advocacy work is not consistent globally and is only prioritized in certain countries. We therefore would recommend a more concerted approach to advocacy work.</u>
<p>GUIDING PRINCIPLE 17 <i>In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. (...)</i></p>		
	<ul style="list-style-type: none"> • Fairtrade has not formalized an ongoing HRDD process 	<ul style="list-style-type: none"> • While Fairtrade has not formalized an ongoing HRDD process, DIHR notes that the existing frameworks and processes within Fairtrade contain key elements of HRDD (e.g. assessing impacts, human rights as reflected in the standards, etc.). <u>DIHR recommends that Fairtrade consider more holistically how existing process support on HRDD and can be utilized to develop a more formalized process.</u>

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
		<ul style="list-style-type: none"> • See above: Fairtrade’s draft policy commitment is an important step in embedding the responsibility to respect human rights through a statement of policy. It contains explicit references to the UNGPs and commitment to HRDD. For further comment on the policy commitment, please see DIHR’s markup to the draft policy commitment. • From the interviews we understand that there is a HRDD working group and a dialogue with FLOCERT on HRDD processes. In addition, the collaboration with DIHR includes support in conducting HRDD. The observations are that many elements are there, but that there is a need to look through the lens of human rights and HRDD in existing processes and to build on that in commercial relationships.
<p>GUIDING PRINCIPLE 18 <i>In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should (a) draw on internal and/or independent external human rights expertise; (b) involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.</i></p>		
<ul style="list-style-type: none"> • Evaluation of Youth Inclusive Community Based Monitoring and Remediation System on Child Labour <ul style="list-style-type: none"> ○ Linked: Protection & Safeguarding Policy & Code of Conduct • Memo on FT Impact, Gender • Climate Change Programmes Factsheet • Producer Support Programmes: <ul style="list-style-type: none"> ○ West Africa Cocoa Programme 	<ul style="list-style-type: none"> • Does not undertake systematic, regular human rights risk assessments • YICBMR is a cutting edge means of assessing and minimizing the risk of child labour , forced labour and gender based violence. It entails community members’ committees; focus group • Fairtrade pays attention to vulnerable groups and gender aspects • Collaboration with trade unions and development NGOs could be wider and closer 	<ul style="list-style-type: none"> • While Fairtrade must implement HRDD, the current collaboration with DIHR is a step in the right direction toward identifying and assessing potential adverse human rights impacts • The Evaluation which assessed the work undertaken by the Belize Sugar Cane Farmers Association to establish Fairtrade’s Youth Inclusive Community-Based Monitoring and Remediation System on Child Labour to identify and respond to issues concerning child and youth wellbeing, including child labour, in its sugar cane producing communities was also an important step in identifying and assessing impacts, however, <u>given the salience of child labour as a major human rights impact in Fairtrade’s supply chain, a larger scale and more comprehensive review is necessary.</u> Further, it would be useful to have a <u>more streamlined approach to enforcing adherence to and knowledge of the Protection & Safeguarding Policy & Code of Conduct.</u> • Fairtrade’s research memo on Gender also indicates willingness to identify and assess impacts, particularly its focus on “glass ceiling”. <u>This approach should be systematic and include a specific focus on adverse impacts.</u> Similarly, the Climate Change Programmes Factsheet shows a commitment to assessing Fairtrade’s climate impacts, <u>though a focus on adverse impacts is recommended.</u>

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
<ul style="list-style-type: none"> ○ Women’s School of Leadership ○ FT Finland’s Development Programme + monitoring report of first year ● Research documents: <ul style="list-style-type: none"> ○ ODI: The Impact of Fairtrade: A Review of Research Evidence 2009-2015 ○ Assessing Coffee Farmer Household Income- 2017 ○ Fairtrade Coffee: An Evaluation of the Impact of Fairtrade in Indonesia, Mexico, Peru and Tanzania-2016 ○ 5 YEARS LATER – FAIRTRADE’S CONTRIBUTION TO RURAL DEVELOPMENT 		<ul style="list-style-type: none"> ● The West Africa Cocoa Programme, Women’s School of Leadership and FT Finland’s Development Programme show commitment to positive human rights impacts and a desire to neutralize existing gender and development imbalances, <u>though a focus on adverse impacts is recommended.</u> ● Finally, the prevalence of research documents commissioned by Fairtrade into human rights performance show a commitment to evaluation and impact assessment, though <u>this should be standardized, and a focus on negative impacts is necessary.</u>

GUIDING PRINCIPLE 19
In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes and take appropriate action. (...)

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
	<ul style="list-style-type: none"> • Fairtrade’s systems are designed to do exactly this • Does not always use all of its leverage beyond standards to prevent, reduce or remedy human rights infractions • Fairtrade is a good HRDD tool and has strong credibility 	<p>Fairtrade should keep this principle in mind when formulating a HRDD approach. Further, as stated <u>above, a greater focus on adverse impacts is needed.</u></p>

GUIDING PRINCIPLE 20
In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. (...)

<ul style="list-style-type: none"> • 2018-2019 Annual Report • MEL work • SOP on Audit (FLOCERT) • Living Income Progress Report • Producer Satisfaction Survey 	<ul style="list-style-type: none"> • Fairtrade’s impact is proven • Many companies see Fairtrade as a “black hole” 	<ul style="list-style-type: none"> • The MEL process claims to use relevant findings to influence planning and decision making • Per FLOCERT’s SOP on Audits, follow-up audits occur to evaluate compliance with the major and other compliance criteria where a non-conformity during the last audit was detected and which cannot be verified through documents, or in case of a very high number of non-conformities. • Fairtrade’s 2018-2019 Annual Report also noted a commitment to understanding its impact including through a 2018 report which followed up on a 2012 report on Fairtrade’s impact on rural development. • Fairtrade’s Living Income Progress Report outlines the progress Fairtrade made since developing its Living Income Strategy in 2017. <u>However, the report highlighted only positive changes and impacts.</u> In order to track the effectiveness of various strategies, <u>Fairtrade is encouraged to interact more critically with its projects.</u> • Fairtrade’s Producer Satisfaction Survey could be a useful tool to collect critical feedback.
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GUIDING PRINCIPLE 21
In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should: (a) be of a form and frequency that reflect an enterprise’s human rights impacts and that are accessible to its intended audiences; (b) provide information that is sufficient to evaluate the adequacy of an enterprise’s response to the particular human rights impact involved; (c) in turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

Fairtrade Policies and Procedures Of Relevance	Observations from HRDD Internal Analysis	DIHR Observations
See above	<ul style="list-style-type: none"> Fairtrade should consider publishing regular human rights reports 	<ul style="list-style-type: none"> Though human rights should be inherent in Fairtrade’s activities, we have learned through workshops and interviews that communication on human rights is one of Fairtrade’s greatest weaknesses. This is corroborated by our document review. Per the above, Fairtrade often does not communicate vocally about adverse human rights impacts. A further openness about these challenging issues would support Fairtrade in clarifying to business and other stakeholders the complexity of the issues and not over-promise on the scope and application of the Fairtrade certification.
GUIDING PRINCIPLE 22 <i>Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.</i>		
	<ul style="list-style-type: none"> See Guiding Principle 18 	<ul style="list-style-type: none"> Remediation remains one of the largest issues for Fairtrade. As it currently stands, Fairtrade is only able to offer Grievance Mechanism and Remediation through FLOCERT, whose process is lacking. For further information, see Pillar 3: Access to Remedy analysis, below.
GUIDING PRINCIPLE 23 <i>In all contexts, business enterprises should: (a) comply with all applicable laws and respect internationally recognized human rights, wherever they operate; (b) seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements; (c) treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.</i>		
<ul style="list-style-type: none"> Fairtrade Standards 	<ul style="list-style-type: none"> Where national and international conventions conflict, Fairtrade upholds the higher principle 	<ul style="list-style-type: none"> Fairtrade’s Textile Standard notes that “Companies are expected to fulfil their responsibilities to respect these human rights even where the state does not protect them” in section 3.4 Freedom of Association and Collective Bargaining. The document also makes frequent reference to complying with either the local law or the Standard, whichever is higher (e.g. no children under 15 employed, wages, hourly pay, maternity leave, cotton pricing) Small Scale Producer Standard states, “Fairtrade International requires that organizations and its members always abide by national legislation on topics covered by this Standard. If a Standard requirement contradicts national legislations or regulations, the law is always to be complied with and prevails. Where national legislation conflicts with internationally recognized standards and conventions (for example the fundamental ILO Conventions) or with Fairtrade Standards, the higher criteria prevail. However, if national legislation sets

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		<p><i>higher standards as compared to Fairtrade International, then the national legislation prevails. The same applies to regional and sector-specific practices.</i>" Similar wording is found in the Hired Labour Standard, Standard for Contract Production and Gold Standard.</p>
<p>GUIDING PRINCIPLE 24 <i>Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.</i></p>		
<ul style="list-style-type: none"> • Draft human rights policy commitment 	<ul style="list-style-type: none"> • No comment provided 	<ul style="list-style-type: none"> • Draft human rights policy commitment states "<i>Fairtrade utilizes many tools to mitigate and contribute to the prevention and ceasing of adverse human rights impacts. Our main focus is the farm level, but we also have some interventions to mitigate unfair trading practices, abuse of labour and environmental damages throughout supply chains. We are continuously assessing and adjusting these tools.</i>" The commitment also notes that Fairtrade will chiefly focus on its salient human rights issues. <p>See more on access to remedy below.</p>

PILLAR 3: ACCESS TO REMEDY

Pillar 3 on access to remedy requires both states and businesses to ensure greater access by victims of business-related human rights abuses to effective remedy, both judicial and non-judicial. This analysis covers the principles on corporate level mechanisms. It includes observations from a previous internal analysis developed by Fairtrade as well as observations made by DIHR as a part of the document review.

Within the column on DIHR's Recommendations, the recommendations of DIHR are underlined and references to specific Fairtrade documents or sections of the table are in **bold**.

Fairtrade Policies and Procedures Of Relevance	Previous Observations	DIHR Observations
<p>GUIDING PRINCIPLE 29 <i>To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.</i></p>		
<ul style="list-style-type: none"> • General Complaints Policy (Fairtrade Foundation) 	<ul style="list-style-type: none"> • SOP standards do not include a 	<ul style="list-style-type: none"> • The General Complaints Policy allows for participation from anyone involved in Fairtrade Foundation's work or using its services.

Fairtrade Policies and Procedures Of Relevance	Previous Observations	DIHR Observations
<ul style="list-style-type: none"> • FLOCERT Standard Operating Procedures (SOP) relevant to Pillar III: <ul style="list-style-type: none"> ○ SOP on Allegation ○ SOP on Impartiality 	<p style="margin-left: 20px;">grievance mechanism</p> <ul style="list-style-type: none"> • “As expected from multi-stakeholder initiatives, Fairtrade offers grievance mechanisms that all affected parties and their legitimate representatives can use to raise concerns” 	<p>Complainants can lodge complaints in writing or by email or telephone. Fairtrade Foundation aims to respond within 20 working days or receipt and handles information received confidentially. Complainants are able to file an appeal which escalates the complaint to the senior leadership team.</p> <ul style="list-style-type: none"> • The FLOCERT Standard Operating Procedures: <ul style="list-style-type: none"> ○ SOP on Allegation describes how FLOCERT will receive and process allegations submitted by any party against operators holding a Fairtrade certificate. Workers are encouraged to also share their concerns directly with FLOCERT auditors during an audit. Allegations cannot be accepted in matters where the incident is also pending before a Court. Allegation must be submitted via email using a form which is available on request via email and should be submitted within 4 weeks of initial contact. The case will only be accepted if the facts underlying the incident do not date back more than 12 months. QM may refuse to initiate an investigation for a variety of reasons including lack of sufficient evidence and lack of linkage to Fairtrade standards. Workers are also encouraged to try to solve the conflict first within their own organization before submitting an allegation. Based on the kind and severity of the allegation, appropriate investigation measures are determined. If the operator is found to be in compliance with Fairtrade Standards, the allegation will be summarily dismissed. A finding of non-compliance can lead to a variety of actions, including: a request to the operator of corrective measures, suspension of certification, or decertification. <i>Per interviews, DIHR understands that there can be no interaction with the complainant regarding remediation due to FLOCERT’s impartiality requirement (see below).</i> ○ SOP on Impartiality describes FLOCERT’s adherence to ISO 17065 requirements. It declares that it understands the

Fairtrade Policies and Procedures Of Relevance	Previous Observations	DIHR Observations
		importance of impartiality in carrying out its auditing, certification and verification activities and has mechanisms in place to identify and manage risks to impartiality.
GUIDING PRINCIPLE 30 <i>Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.</i>		
See above		
GUIDING PRINCIPLE 31 <i>In order to ensure their effectiveness, non-judicial grievance mechanisms, both state-based and non-state-based, should be:</i> <i>(a) legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;</i> <i>(b) accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;</i> <i>(c) predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;</i> <i>(d) equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;</i> <i>(e) transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake;</i> <i>(f) rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;</i> <i>(g) a source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;</i> <i>operational-level mechanisms should also be: (h) based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.</i>		
<ul style="list-style-type: none"> • General Complaints Policy (Fairtrade Foundation) • FLOCERT Standard Operating Procedures (SOP) relevant to Pillar III: <ul style="list-style-type: none"> ○ SOP on Allegation ○ SOP on Impartiality 	<ul style="list-style-type: none"> • FLOCERT appeals process may not be as accountable to stakeholders, accessible, or dialogue based • In sum, Fairtrade grievance mechanisms are not as accountable to stakeholders or as 	<ul style="list-style-type: none"> • FLOCERT’s appeals process <u>does not conform to the performance indicators detailed in Guiding Principle 31</u>. Specifically: <ul style="list-style-type: none"> ○ (a) All findings of non-compliance are based exclusively on Fairtrade Standards, such that any human rights violations that are not captured by a standard may be overlooked, thereby limiting the legitimacy of the mechanism. ○ (b) allegations may only be submitted via email and after receiving a form via email. This limits the accessibility of the mechanism such that only those who are computer literate and have access to email may participate. Further, allegations are limited to incidents which do not date back more than 12 months.

Fairtrade Policies and Procedures Of Relevance	Previous Observations	DIHR Observations
	<p>dialogue based as the UNGP expects</p>	<ul style="list-style-type: none"> ○ (c) The myriad of reasons that FLOCERT may reject an allegation, the fact that FLOCERT reserves the right to evaluate each case individually and decide differently if the need may arise and the caveat that workers should attempt to “try to solve the conflict first within their own organization” prevents the allegations process from being predictable. ○ (d) + (e) FLOCERT’s policy of impartiality and adherence to ISO Standards prevents aggrieved parties from having access to information and advice on the pending matter, thereby diminishing the equitable nature of the allegation process, and prevents FLOCERT from acting transparently during and after the allegation process. ○ (f) The SOP on Allegation makes no mention of ensuring that outcomes and remedies accord with internationally recognized human rights, and thus, there is no indication of right-compatibility. ○ (g) + (h) FLOCERT’s policy of impartiality additionally prevents further contact with the complainant, thus detracting from the process being a source of continuous learning or being based on engagement and dialogue. ● <u>Given all of the limitations imposed by FLOCERT’s necessity for impartiality and the limited scope of Fairtrade Standards, Fairtrade is strongly encouraged to come up with its own Grievance Mechanism and remediation process, which should be displayed prominently on its website and which should accord with all of the above performance indicators of UNGP 31. This can be done through improving the General Complaints Policy or creating a wholly separate mechanism.</u> ● <u>In addition, Fairtrade is recommended to consider ways in which to work with producer networks on the topic of access to remedy, including, but not limited to: establishing own mechanisms in alignment with the 8 effectiveness criteria, ensuring that they do not obstruct or hinder access to judicial mechanisms locally. In addition,</u>

Fairtrade Policies and Procedures Of Relevance	Previous Observations	DIHR Observations
		<u>Fairtrade should consider how to support access to remedy for workers through advocacy work at the country and regional level.</u>

FAIRTRADE AND HUMAN RIGHTS

The UNGPs make reference to the baseline responsibility to respect human rights as being the rights contained in the International Bill of Human Rights (IBHR) and ILO Core Conventions.

The table below provides:

- An overview and description of all human rights¹;
- An overview of which policies and procedures are relevant
- Previous observations from Fairtrade’s internal human rights review
- DIHR observations in terms of degree of coverage, gaps and recommendations.

Please note, that certain aspects or elements of particular rights are not necessarily fully covered.

Within the column on DIHR’s Recommendations, the recommendations of DIHR are underlined and references to specific Fairtrade documents or sections of the table are in **bold**.

Relevant human right	Description	Fairtrade’s Observations	DIHR’s observations
Right to self-determination	<ul style="list-style-type: none"> - <i>A right of peoples, rather than individuals.</i> - <i>Peoples are entitled to determine their political status and place in the international community.</i> - <i>It includes the rights to pursue economic, social and cultural development, to dispose of a land’s natural resources and not to be deprived of the means of subsistence.</i> - <i>A particular right of indigenous peoples to</i> 	<p>Right of self-determination (ICESCR 1 and ICCPR 1), Right to freedom of movement (ICCPR 12)</p> <p>Fairtrade standards seek to promote legitimate land use and land tenure:</p> <p>Plantations must have legal and legitimate right to land use and land tenure and respects the land rights of local and indigenous people. Disputes on land are resolved responsibly and transparently. They must have official documentation demonstrating legal rights to the land and evidence of either absence of significant disputes on land use, tenure and access or the free, prior and informed consent of local communities regarding the land.</p> <p>Plantations and SPOs must avoid negative impacts on protected areas and in areas with high conservation value. The latter include areas with high cultural or economic importance to local communities. The production areas must comply with national</p>	<p>DIHR noted Fairtrade’s attention to self-determination and Indigenous people’s rights in various framework standards. In particular, the Climate Standard stood out for its inclusion of Section 2.2.7, Local project endorsement which requires FPIC.</p> <p><u>However, as noted in the UNGP analysis, DIHR would recommend further detail on this. Furthermore, the Standard does not reference specifically the right to self-determination of impacted indigenous populations. Furthermore, DIHR acknowledges and agrees with Fairtrade’s previous determination that mandating compliance with national law does not equate with respecting human rights and would recommend a more stringent standard.</u></p>

¹ The list of human rights and the description used in this report is based on a list provided by the organisation SHIFT in the “UN Guiding Principles Reporting Framework – with Implementation Guidance”, PP 90: http://www.ungpreporting.org/wp-content/uploads/2015/02/UNGuidingPrinciplesReportingFramework_withimplementationguidance_Feb2015.pdf

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<i>self-determination has been specifically recognized by the international community.</i>	legislation in relation to agricultural land use (Y0 Core). HL 4.6.1 and SPO 3.2.33 Note: This criteria is weak, because many Southern countries' land use legislation is very weak. E.g. WWF has been critical of this criteria.	
Right to life	<ul style="list-style-type: none"> - <i>Right not to be deprived of life arbitrarily or unlawfully.</i> - <i>Right to have one's life protected, for example, from physical attacks or health and safety risks.</i> 	<p>Right to health (ICESCR 12), Right to life (ICCPR 6)</p> <p>Fairtrade standards include detailed commitments on occupational health and safety:</p> <p>HL 3.6 has standards for workplace safety – safety instructions communicated, safety equipment provided etc. – health and safety officer, safety instructions, training, drinking water, sanitation, maintenance of premises and systems, emergency exits, evacuation, first aid, accidents and injuries, personal protective equipment, worker health monitoring, hazardous work, pesticide spraying, tools and medical officer (all Y0 Core), Health and safety committee (Y1 Core), medical check-ups (Y1 Core), advice (Y3 Dev), healthcare (Y3 Dev), regular health and safety risk assessments (Y3 Dev), contagious diseases (Y6 Dev) and recreation areas (Y6 Dev).</p> <p>SPO 3.3.27-36 has standards on safe processes and workplaces, workers in vulnerable age or condition, first aid, drinking water and sanitation (all Y0 Core), training, safety instructions, personal protective equipment (all Y3 Core), health and safety representative and improving health and safety conditions (Y3 Dev).</p> <p>Trader standard: 3.1.1 You are aware of the applicable labour laws and fundamental ILO conventions and there are no indications of violations. FLOCERT CC3.1.3.01-03: handling of pesticides and hazardous chemicals:</p> <p>HL 4.2.4-10 and SPO 3.2.4-14 include requirements hazardous chemical training, awareness and personal protective equipment, buffer zones, storage, spills and disposal (HL all Y0 Core).</p> <p>waste disposal:</p> <p>HL 4.4 has standards for hazardous waste storage and disposal (Y1 Core), Waste management plan (Y1 Core) and Organic waste use and disposal (Y3 Dev)</p>	<p>DIHR notes Fairtrade's attention to OHS in various standards documents and inclusion of relevant ILO Conventions as also highlighted in the UNGPs analysis.</p> <p><u>In addition to Fairtrade's previous analysis, DIHR also notes that this right is relevant to indigenous peoples and Fairtrade's impacts on communities and recommends that Fairtrade implement the suggestions in the above section (Right to Self-Determination).</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		SPO 3.2.29-31 has standards for hazardous waste storage and disposal (Y3 Dev) Awareness raising on organic waste re-use (Y3 Dev) Something about premium use, producer support, programmatic support and/or advocacy work?	
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	<ul style="list-style-type: none"> - <i>An absolute right, which applies in all circumstances.</i> - <i>Torture has been held to involve a very high degree of pain or suffering that is intentionally inflicted for a specific purpose.</i> - <i>Cruel and/or inhuman treatment also entails severe suffering.</i> - <i>Degrading treatment has been held to involve extreme humiliation of the victim.</i> 	<p>Rights to liberty and security of the person (ICCPR 9), not being subjected to torture or degrading treatment (ICCPR 7, 10)</p> <p>See related content on non-discrimination, child rights, forced labour and health above.</p>	<p>DIHR notes Fairtrade's attention to OHS in various standards documents as also highlighted in the UNGPs analysis.</p> <p>Textile Standard cites the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975) in Section 3.1 Freedom from Discrimination.</p> <p>Gold Standard mandates that ASMOs and Traders conflict minerals policies include provision demanding no abuse, torture, cruel or inhumane treatment in Section 1.3.8 and Section 2.3.2 (respectively) Conflict minerals and human rights policy.</p> <p><u>It will be important that this right is also well considered and reflected in the development of efforts to support access to remedy.</u></p>
Right not to be subjected to slavery, servitude or forced labour	<ul style="list-style-type: none"> - <i>Slavery exists when one human effectively owns another.</i> - <i>Freedom from servitude covers other forms of severe economic exploitation or degradation, such as in the trafficking of workers or debt bondage.</i> - <i>Rights to freedom from slavery and servitude are absolute rights.</i> 	<p>Right not to be subjected to slavery, servitude or forced labour (ICCPR 8, ILO 3-4)</p> <p>Fairtrade standards ban the use of forced labour: HL 3.2 and SPO 3.3.5-6 ban forced labour, require organizations to explain this to all workers, and require that employment or housing is not made conditional on the employment of the worker's spouse.</p> <p>Related guidance explains that it is considered forced labour if an employer keeps workers in employment by extending loans with unjust terms, retaining their salary, benefits, property or documents, or demanding unreasonable notice periods for termination.</p>	<p>DIHR notes the attention to slavery, servitude and forced labour in the Fairtrade Standards as mentioned in Fairtrade's observations.</p> <p><u>However, based on review and interviews, it appears that the Standards and associated compliance indicators could more strongly point to actual examples of these behaviours and should further incentivize reporting non-compliances.</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<ul style="list-style-type: none"> - <i>Forced or compulsory labour is defined by the ILO as all work or service that is extracted under menace of any penalty and for which the person has not voluntarily offered themselves.</i> - <i>Providing payment does not mean that work is not forced labour if the other aspects of the definition are met.</i> 	<p>Trader standard 3.1.1 You are aware of the applicable labour laws and fundamental ILO conventions and there are no indications of violations. FLOCERT CC3.1.2.01: Company has and implements a policy to avoid forced labour.</p> <p>Standards also note the risks of using recruitment agencies: SPOs must ensure compliance also where contracting agents/agencies are used. Measures may relate to selection of the agent/agency and monitoring or working conditions. SPO 3.3.26</p> <p>Plantations must pay recruitment, agency and visa fees (Y0 Core), do direct contracting, select subcontractors carefully, and keep worker records (Y1 Core) HL 3.5.23-26</p> <p>Are these standards at a suitable level, considering that employers are often unaware of fees incurred by employees – and the raising international awareness on this issue?</p> <p>Protection policy and YICBMR:</p> <p>Fairtrade's Protection policy for children and vulnerable adults outlines how POs are to respond to cases of forced labour, human trafficking, child labour and gender-based violence (withdraw the person from work; remediate; report to FI or PN who contact appropriate experts and/or authorities; mitigate the risk of further cases). Each PN also has a Protection Policy and a Social Compliance Committee at board level (is this true of all the three PNs?).</p> <p>PNs are trained in a rights-based approach. Fairtrade operators are encouraged to develop protection procedures</p> <p>Both SPOs and plantations are encouraged to establish Youth Inclusive Community Based Monitoring and Remediation programmes on child labour, forced labour and gender-based violence. They are often funded from Fairtrade Premium.</p> <p>Fairtrade promotes and facilitates collaboration among supply chain actors. POs are advocating governments and supply chain actors, e.g. to develop national child and forced labour action plans.</p> <p>By 2015, 10 Pos had initiated YICBMR pilots</p>	

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		<p>Do we have partnerships related to forced labour or could we benefit from any? E.g. with IOM or The Leadership Group for Responsible Recruitment?</p> <p>Forced labour includes worst forms of child labour, so see related content on Child Rights</p>	
Rights to liberty and security of the person	<ul style="list-style-type: none"> - <i>These rights involve the prohibition of unlawful or arbitrary detention.</i> - <i>'Lawful' detention is understood to mean that it must be authorized by an appropriate government body, such as the courts, and be capable of being challenged by the detainee.</i> - <i>'Arbitrary' detention is always prohibited.</i> - <i>Security of the person includes protection from physical attacks, threats of such attacks, or other severe forms of harassment, whether or not a person is detained.</i> 	<p>Rights to liberty and security of the person (ICCPR 9), not being subjected to torture or degrading treatment (ICCPR 7, 10)</p> <p>See related content on non-discrimination, child rights, forced labour and health</p>	<p>See sections on Right to equality before the law, equal protection of the law, and rights of non-discrimination; Rights of protection for the child, right not to be subjected to slavery, servitude or forced labour; and Right to Health.</p>
Right of detained persons to humane treatment	<ul style="list-style-type: none"> - <i>This right requires detention authorities to take special measures for the protection of detainees (such as separating juveniles from other detainees).</i> 	N/A	<p>Section 3.2.1 of the Climate Standard, no forced labour, freedom for spouses specifically compels producer organizations to not engage in forced labour, including bonded or involuntary prison labour.</p> <p>The Gold Standard, SPO Standard, Contract Production Standard, Hired Labour Standard, and Textile Standard all mandate no prison labour in their respective sections on "No Forced Labour".</p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
Right not to be subjected to imprisonment for inability to fulfil a contract	<ul style="list-style-type: none"> - <i>This right applies where a person is incapable of meeting a private contractual obligation.</i> - <i>It restricts the type of punishment that the State can impose.</i> 	N/A	<u>This may be relevant for inclusion in the Contract Production Standard.</u>
Right to freedom of movement	<ul style="list-style-type: none"> - <i>Individuals who are lawfully in a country have the right to move freely throughout it, to choose where to live and to leave.</i> - <i>Individuals also have the right not to be arbitrarily prevented from entering their own country.</i> 	See above section on Right of self-determination (ICESCR 1 and ICCPR 1), Right to freedom of movement (ICCPR 12)	The SPO Standard is the only Standard to specifically reference freedom of movement, while citing from ILO indicators in the Guidance to 3.3.5 No Forced Labour. Given the magnitude of this issue, <u>it is suggested to include freedom of movement as an indicator for no forced labour in other standards.</u>
Right of non-citizens to due process when facing expulsion	<ul style="list-style-type: none"> - <i>Aliens (meaning foreigners) who are legally present in a country are entitled to due process (meaning fair legal procedures) before being forced to leave.</i> 	Right of aliens to due process when facing expulsion (ICCPR 13) Not salient?	As discussed in DIHR's GAP analysis, migrant labour is an important issue for Fairtrade, and migrant workers are mentioned throughout the Fairtrade standards. <u>Fairtrade is encouraged to consider the importance of this right and update its Standards with this language.</u>
Right to a fair trial	<ul style="list-style-type: none"> - <i>Required in both civil and criminal proceedings, this includes the right to a public hearing before an impartial tribunal.</i> - <i>Additional protections are required in criminal proceedings.</i> 	Rights to a fair trial (ICCPR 14), freedom from retroactive criminal law (ICCPR 15), and not being imprisoned for inability to fulfil a contract (ICCPR 11) Are there cases where certified companies have exerted excessive influence on judicial processes? Many of our licensees do influence Northern policies..	Right to a fair trial is relevant to Fairtrade in relation to resettlement, although it is a larger issue. For example, in some instances <u>DIHR advises partners that they should have measures to provide displaced community members with legal assistance to enable them to complete administrative requirements prior to land acquisition and, if needed, to seek redress from the courts.</u>
Right to be free from retroactive criminal law	<ul style="list-style-type: none"> - <i>The State is prohibited from imposing criminal penalties for an act that was not illegal when it</i> 	See Rights to a fair trial (ICCPR 14), freedom from retroactive criminal law (ICCPR 15), and not being imprisoned for inability to fulfil a contract (ICCPR 11) immediately above	See above.

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<i>was committed, or from imposing higher penalties than those that were in force at the time.</i>		
Right to recognition as a person before the law	- <i>All individuals are entitled to 'legal personality', or independent legal recognition.</i>	N/A	See above.
Right to privacy	- <i>Individuals have a right to be protected from arbitrary, unreasonable or unlawful interference with their privacy, family, home or correspondence and from attacks on their reputation.</i> - <i>The State is allowed to authorize restrictions on privacy in line with international human rights standards, but 'arbitrary' restrictions are always prohibited.</i>	Right to privacy (ICCPR 17) Protection of personal data is an important issue when developing the transparency of our supply chain data. Fairtrade standards prohibit the requirement of pregnancy, HIV/AIDS or genetic disorder tests as part of job applications (YO Core) HL 3.1 and SPO 3.3	DIHR notes that Fairtrade standards include several measures to protect personal data including those mentioned in Fairtrade's Observations. However, right to privacy is also highly relevant to Grievance Mechanism, particularly the requirement that it be anonymous. <u>Fairtrade must keep in mind this right when designing its Grievance Mechanism and when engaging with producer networks on access to remedy.</u>
Rights to freedom of thought, conscience and religion	- <i>Individuals have a right to choose, practise and observe their chosen religion or belief, to be an atheist or not to follow any religion or belief.</i> - <i>It includes the right to worship and to observe rituals, such as the wearing of particular clothing.</i>	Rights of minorities (ICCPR 27) and Rights to freedom of thought, conscience and religion (ICCPR 18) Several SPOs include and support indigenous groups. For example the members of Manarcadu Social Service Society, a strong community of small-scale coffee and spice producers in Kerala, India, include 144 women and tribal farmers (17% of members). Are there any challenges with or policies/interventions related to this right (in addition to non-discrimination policies and interventions reviewed above)?	While the SPOs include support for indigenous workers, this right also applies to local communities/indigenous populations. See above, Right to Self-Determination.

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
Rights to freedom of opinion and expression	<ul style="list-style-type: none"> - <i>The right to hold opinions free from outside interference is an absolute right.</i> - <i>The right to hold opinions free from outside interference is an absolute right.</i> - <i>Individuals have a right to seek, receive and impart ideas in whatever media or form. The State is allowed to authorize restrictions in line with international human rights standards.</i> 	Rights to freedom of opinion and expression (ICCPR 19) Not salient?	This is a salient right, as it relates to non-discrimination. <u>Further, the right is associated with the non-retributory nature of a Grievance Mechanism and should be maintained by Fairtrade as it develops its Grievance Mechanism.</u>
Rights to freedom from war propaganda, and freedom from incitement to racial, religious, or national hatred	<ul style="list-style-type: none"> - <i>These rights prohibit certain speech that is not protected by the right to freedom of expression</i> - <i>Individuals are prohibited from advocating racial, religious or national hatred that amounts to an incitement to discrimination, hostility or violence.</i> 	Rights to freedom from war propaganda, and incitement to racial, religious or national hatred (ICCPR 20) Not salient?	While not covered directly, the Standards and key documents address dimensions of this right in relation to non-discrimination. <u>As the current guidance on non-discrimination only covers workers, Fairtrade could consider developing separate guidance on non-discrimination in a community context.</u>
Right to freedom of assembly	<ul style="list-style-type: none"> - <i>Individuals have the right to peacefully assemble for a specific purpose or where there is a public discussion, to put forward ideas or to engage in a demonstration, including marches.</i> 	N/A	The standards and key documents address this right in respect of workers on freedom of association. <u>Fairtrade could consider ensuring a broader coverage of this right than what is currently included within the standards and key documents e.g. explicitly reference this right.</u>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<ul style="list-style-type: none"> - <i>The State is allowed to authorize restrictions in line with international human rights standards.</i> 		
Right to freedom of association	<ul style="list-style-type: none"> - <i>Protects the right to form or join all types of association, including political, religious, sporting/recreational, non-governmental and trade union associations. (See also the right to form and join trade unions below.)</i> - <i>The State is allowed to authorize restrictions in line with international human rights standards.</i> 	<p>Right to form and join trade unions (ICESCR 8, ILO 1-2), freedom of association (ICCPR 22) and freedom of assembly (ICCPR 21)</p> <p>Fairtrade goal is to support mature systems of industrial relations. Workers' Rights Strategy (2012)</p> <p>ODI (2017) The impact of Fairtrade: A review of research evidence 2009-2015 finds that "Fairtrade certification in hired labour situations has enabled a cost-efficient expansion of positive Fairtrade effects on labour conditions in agricultural sectors previously closed to third party inspection, and where exploitative labour relations have previously flourished. ... [Further, Fairtrade certification has] improved the management and organisation of co-operatives or producer groups."</p> <p>Fairtrade standards strengthen freedom of association and collective bargaining:</p> <p>No discrimination of union representatives, guaranteeing workers' labour rights (including respect of collective bargaining right in practice), allowing TUs active in the sector or region to meet workers on company premises (Y0 Core) HL 3.4, SPO 3.3.12-16</p> <p>Plantations must sign FoA protocol, display Right to Unionise Guarantee publically in the workplace in appropriate languages, have some form of democratically elected and independent workers' organization, not interfere with FoA (all Y0 Core), either adhere to sectoral collective bargaining agreement or engage in collective bargaining (Y1 Core), provide training for trade union/elected worker representatives (Y3 Dev) HL 3.4 and 2.2.4</p> <p>At SPOs, where recognized TUs do not exist, workers should be encouraged to democratically elect a worker's organization (Y3 Dev), and trained on workers' rights during paid working time (Y6 Dev) SPO 3.3.12-16</p> <p>Fairtrade Premium use must be democratically planned and monitored by elected worker committees (whose members gain</p>	<p>DIHR notes that this right is addressed in the standards as referenced in Fairtrade's Observations, along with the provisions of the Textile Standard specifically speaking to freedom of association. As noted, the Textile Standard is particularly sophisticated when it comes to workers' rights but could go further in <u>mentioning what Fairtrade will do if negative impacts were found.</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		<p>training) and GAs where all workers have an equal working right HL 2.1 and 2.2.3</p> <p>Trader standard 3.1.1 You are aware of the applicable labour laws in your country and fundamental ILO conventions and there are no indications of violations. Full compliance requires active encouragement of unionization and collective bargaining, no interference but support to employee organization, policy to prevent anti-union discrimination and a Quality Management System that monitors implementation FLOCERT CC 3.1.4.01-07</p> <p>We collaborate with trade unions formally through the Workers' Rights Advisory Council, and in South (especially but not exclusively with IUF). Nevertheless, this collaboration could be still wider, closer and more structured.</p> <p>We have many programmes to strengthen workers' rights. Our work has been central, for example in:</p> <ul style="list-style-type: none"> facilitating the first ever Malawi Tea Collective Bargaining Agreement initiating a multistakeholder coalition to drive wage improvements in the horticulture industry in Kenya and Tanzania 	
Rights of protection of the family and the right to marry	- <i>The concept of a family varies. This includes the rights to enter freely into marriage and to start a family.</i>	<p>Right to a family life (ICESCR 10), to protection of the family and to marry (ICCPR 23)</p> <p>Do our standards/interventions include something relevant?</p>	<p>The Textile Standard has many relevant sections including:</p> <ul style="list-style-type: none"> 3.1.1 No discrimination- guidance on no testing for pregnancy; 3.5.24 Maternity Leave, 3.5.25 Increased Maternity Leave; 3.5.26 No termination for pregnancy; 3.5.27 Safe work for pregnant and nursing women; 3.5.28 Nursing Breaks; 3.5.29 Increased Nursing Breaks <p>Standard for Contract Production notes that producer organizations must not test for pregnancy during recruitment.</p> <p>SPO Standard 3.3.2 No tests for pregnancy, HIV/AIDS or genetic disorders</p> <p>Gold Standard 3.3.9 Support to pregnant and breast-feeding women</p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
			<p>Climate Standard 3.1.1 No discrimination, guidance mentions the prohibition of testing for pregnancy, HIV/AIDS or genetic disorders</p> <p>Hired Labour Standard 3.1.2 No tests for pregnancy, HIV/AIDS or genetic disorders; 3.5.16 Maternity Leave</p> <p><u>DIHR recommends including something along the lines of the above in the Trader Standard.</u></p> <p><u>One consideration for all of the standards is adding content on accommodating workers with family responsibilities, e.g. flexible time, time-off to deal with family matters, etc.</u></p>
Rights of protection for the child	<ul style="list-style-type: none"> - <i>A child has the right to be registered, given a name and to acquire a nationality.</i> - <i>Children must be protected from sexual and economic exploitation, including child labour.</i> - <i>ILO standards prohibit hazardous work for all persons under 18 years. They also prohibit labour for those under 15, with limited exceptions for developing States.</i> 	<p>Rights of protection for the child (ICCPR 24, ILO 5-6), Right to education (ICESCR 13 and 14)</p> <p>Fairtrade standards have detailed commitments on child labour and child protection:</p> <p>No children under 15 employed, no dangerous or exploitative work for children under 18 (Y0 Core), ensuring that children do not enter worse forms of labour (Y0/1 Core); and procedures to prevent child labour (e.g. records of all workers) where child labour has been identified as a risk (Y3 Dev) HL 3.3 and SPO 3.3.7-11:</p> <p>Related guidance to SPOs notes that when the likelihood of child labour is high, organizations must tackle root causes, for example by making efforts to improve safe schooling opportunities. Organizations that partner with Fairtrade in safe withdrawal of children from worst forms of child labour need a Child Protection Policy and Procedure, including staff training. Plantations must also implement a Child labour policy, Child labour remediation policy (where child labour has existed), ensure access to primary education for permanent resident workers' children, improve education of all workers' children, and support creche facilities. HL 3.3 and 2.2.8-10</p>	<p>DIHR notes the sophistication and breadth of the child labour protections mentioned in Fairtrade's Observations, particularly the protection policy and YICBMR.</p> <p><u>However, during interviews, it was expressed that Fairtrade can do more to publicly explain the difference between child labour and worst forms of child labour, as Producer Networks had expressed the need for this distinction, given the pervasiveness of child labour. The interviewees emphasized that the distinctions should be made in a way that is culturally sensitive such that it can resonate in the vast array of countries where Fairtrade engages.</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		<p>Trader standard: 3.1.1 You are aware of the applicable labour laws and fundamental ILO conventions and there are no indications of violations. FLOCERT CC3.1.3.01-03: Company has a policy to hinder child labour and ensure legal compliance as well as a Quality Management System that monitors implementation. Premium is often invested in education and healthcare that benefit children.</p> <p>See Protection policy and the YICBMR on the previous page. The YICBMR system addresses both child labour and child protection, as it helps communities identify and change places where children do not feel safe. PO feedback on the participatory methodology has been very positive. "One can feel the generation gap already with older producers, the youth of Ivory Coast are very well aware of Children's Rights and can really bridge the gap to make sure children's views are taken into account".</p> <p>We hold child labour trainings for producers (by 2015 trainings were held in 14 countries to 1120 people, of whom 42% female (127 POs and 8 Miners Org's); by 2016 trainings were given to 1753 people of whom 32% were women).</p> <p>Fairtrade holds focus groups with children and young people in Fairtrade communities, aimed at providing a platform for their concerns and empowering them to influence their own lives.</p> <p>At policy level, we have e.g. supported the Costa Rican government in setting up a child protection programme, the Belizean national agencies and sugar cane industry in responding to child labour cases, and shared learnings with the UK Home Office when it was preparing the Modern Slavery Act.</p> <p>Fairtrade works with several other child rights organizations, such as Save the Children, Plan International and UNICEF, to strengthen our programme interventions as well as PO and PN capacity.</p>	
Right to participate in public life	- <i>Citizens have the right to take part in the conduct of public affairs, including the rights to vote and be</i>	<p>Right to participate in public life (ICCPR 25) Are there challenges with this right?</p>	This right could become relevant for Fairtrade if producers/traders/etc. are restricting the right to vote of workers or are using their influence to distort decision-making away from democratically made decisions.

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<i>elected in free and fair elections, and the right of equal access to positions within the public service.</i>		<u>Fairtrade should consider including wording in the Standards on this right and the expectations on companies that it certifies.</u>
Right to equality before the law, equal protection of the law, and rights of non-discrimination	<ul style="list-style-type: none"> - <i>Individuals have a right not to be discriminated against, directly or indirectly, on various grounds, including race, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status (such as sexual orientation or health status, for example, having HIV/AIDS).</i> - <i>This right applies to the enjoyment of all other rights.</i> - <i>The State is allowed to make distinctions where they are in line with international human rights standards.</i> - <i>ILO standards provide further guidance on the content of the right.</i> 	<p>Rights of non-discrimination, equality and equal protection (ICCPR 25, ILO 7-8)</p> <p>Fairtrade standards ban discrimination: No discrimination, No tests for pregnancy, HIV/AIDS or genetic disorders, No abuse of any kind, and No tolerance of sexual harassment (all Y0 Core) HL 3.1, SPO 3.3.1-4 and Trader FLOCERT CC 3.1.1.01-04</p> <p>Equitable remuneration to local, migrant, temporary and permanent workers (Y1 Core/Y6 Dev) HL 3.5.21, SPO 3.3.25</p> <p>Plantations must implement and raise workers' awareness of sexual harassment and disciplinary policies (Y0/1 Core) HL 3.1 and seek equity in workplace e.g. by promoting qualified people from disadvantaged and minority groups (Y3 Dev) HL 2.2.7</p> <p>Smallholder organizations must not discriminate against any of their members (Y0 Core). They are encouraged to identify disadvantaged/minority groups (Y3 Dev) and have programmes to improve their social and economic position (Y6 Dev). SPO 4.3</p> <p>Trader standard 3.1.1: You are aware of the applicable labour laws and fundamental ILO conventions and there are no indications of violations. Full compliance requires the practices listed in first bullet point (above), measures to ensure compliance with laws, and no termination of employment due to pregnancy (FLOCERT CC 3.1.1.01-06)</p> <p>Trader standard 4.7.2 encourages traders to source from vulnerable groups and support producers' development plans</p> <p>Fairtrade Premium use must be democratically approved in a General Assembly where all workers/members have equal working rights (SPO 4.1.1-6 and HL 2.1)</p> <p>HL 2.1.10: The composition of the Fairtrade Premium Committee reflects the composition of the workforce, taking into account gender, migrant, temporary and subcontracted workers.</p>	<p>DIHR notes that Fairtrade covers dimensions of this right in the standards when describing vulnerable groups (particularly sophisticated when it comes to women), non-discrimination of workers, equal remuneration, etc.</p> <p><u>As the current guidance mainly includes non-discrimination as relates to workers, Fairtrade could consider developing separate guidance on non-discrimination in a community context.</u></p> <p><u>Furthermore, during validation workshops and interviews, it was discussed that Fairtrade should consider including additional guidance on the elimination of Gender Based Violence (GBV). It was noted that this is particularly difficult to assess in small holder farms, as the workers are often family members, and thus experience GBV in a manner that differs from typical workplace examples. Thus, guidance on eradicating GBV must be culturally and contextually specific.</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		<p>Premium funds have in several cases been invested to quell discrimination. For example at Panda Flowers, a Kenyan plantation with 803 workers, Premium has been used to set up and support disabled workers' self-help group.</p> <p>See Protection policy and the YICBMR on the next page.</p> <p>Gender. Fairtrade supports women to challenge historic gender patterns in work roles, ownership and public participation. Gender Strategy sets ambitious targets for increased participation of women in decision making and equitable sharing of benefits of Fairtrade.</p> <p>Plantations are required to give 8 week maternity leave, refrain from terminating employment due to pregnancy or maternity leave, and allow breaks for nursing mothers (Y0 Core). They are encouraged to increase maternity leave towards 12 weeks and empower women through adequate training, capacity building, encouragement and assistance (Y3 Dev) HL 3.5.16-18 and 2.2.6. SPOs members are encouraged to adhere to laws and CBAs on maternity leave, social security and benefits (Y6 Dev) SPO 3.3.20</p> <p>Fairtrade Premium has promoted gender equality through investments e.g. in household equipment, access to water, healthcare, childcare facilities, communal food processing equipment and transport.</p> <p>We have many programmes to empower women. For example, our Leadership Training & Women's Empowerment School has gained positive feedback from coffee growers in El Salvador and is being replicated in several other countries.</p> <p>There are active women's groups at many cooperatives, including Prodecoop coffee cooperative in Nicaragua; Del Campo nut cooperative in Nicaragua and cocoa producers in Côte d'Ivoire.</p> <p>Progress towards gender equity in the banana industry (cases). Six ways Fairtrade is empowering women (article)</p> <p>Could we disclose data on gender ratios (data is available in audit data)? Could we communicate PN gender action plans?</p>	
Rights of minorities	- <i>Members of ethnic, religious or linguistic</i>	See section above on Rights of minorities (ICCPR 27) and Rights to freedom of thought, conscience and religion (ICCPR 18)	See above.

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<i>minorities are entitled to enjoy their own culture, practise their religion and speak their language.</i>		
Right to work	<ul style="list-style-type: none"> - <i>Individuals are entitled to the opportunity to make a living by work which they freely choose or accept. The work must be 'decent work', meaning that it respects their human rights.</i> - <i>The right includes the prohibition of arbitrary dismissal and the rights to just and favourable conditions of work and to form and join trade unions, discussed below.</i> 	<p>Right to work (ICESCR 6) Fairtrade standards deter arbitrary dismissal, requiring employers to keep records of terminated contracts. Records must include the reason for termination and whether the worker is a TU member and/or worker representative (HL 3.1.8 and SPO 3.3.14).</p>	This is covered by Fairtrade standards.
Right to enjoy just and favourable conditions of work	<ul style="list-style-type: none"> - <i>Individuals have the right to fair remuneration and equal remuneration for work of equal value. Remuneration must enable them, and their families, to have a decent living.</i> - <i>The right includes safe and healthy conditions of work, equality of opportunity for promotion, and a right to rest, leisure and holidays.</i> - <i>ILO standards provide further guidance on the content of the right.</i> 	<p>Right to enjoy just and favourable conditions of work (ICESCR 7) Fairtrade is the only certifier in our product range with non-negotiable pricing terms. The Fairtrade Minimum Price applies to most certified products, serves as a safety net against price volatility and has been shown to increase household income and stability. The Fairtrade Premium enables investments that enhance production, boost living standards and empower vulnerable groups. We are frontrunners in working towards living wages and living income. At certified plantations, wages must rise annually to close the gap with living wage (Anker benchmark) in negotiation with TU reps (HL 3.5.1 and 3.5.4.). Smallholders must also adhere to minimum wages, CBAs and regional average wages and raise salaries gradually above them (SPO 3.3.17 and 3.3.34). We participate in calculating living wage benchmark as a founding member of the Global Living Wage Coalition, and participate in the Living Wage lab. Currently we run a pilot (known as Cents</p>	<p>DIHR notes Fairtrade's Observations, as well as the addition of 3.5.2 of the Textile Standard, wage increases to reach living wages and the current Research on FT Impact on living wage and living income.</p> <p><u>DIHR encourages Fairtrade to be bolder in communicating publicly on its work on living wage/income given the uncertainty and public debate on this topic.</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		<p>pilot or Wagagai project) to test a Fairtrade cents bonus fund as a mechanism to reach living wages. We also work to establish living income reference prices and identify realistic mechanisms for reaching them in different products/supply chains (see further details in the Fairtrade Living Income Strategy).</p> <p>HL and SPO standards have commitments on Conditions of Employment and Occupational Health and Safety. For example Regular payments and pay slips (Y0 Core), written contracts (Y0 Core/Y3 Dev) HL 3.5.5-7 and SPO 3.3.19-22</p> <p>Use of permanent workers for all regular work (Y0 Core/Y3 Dev) HL 3.5.22 and SPO 3.3.24</p> <p>Equivalent pay for production based and hourly waged work (Y0 Core) HL 3.5.3 and SPO 3.3.18.</p> <p>However, the SPO standard has gaps in its focus on workers' rights.</p> <p>On plantations also maximum 48 working hours per week, only voluntary and non-regular overtime, overtime rates, annual paid leave, lunch breaks, sick leave, social security for all workers (all Y0 Core) HL 2.5.9-11 and professional development opportunities (Y3 Dev) HL: 2.2.5</p> <p>Trader standard 3.1.1: You are aware of the applicable labour laws and fundamental ILO conventions and there are no indications of violations. Full compliance requires that company respects laws on work hours, pensions and grievance procedures; respects laws and CBAs on conditions of employment and pay deductions; respects laws, CBAs and considers regional averages in setting salaries; offers written contracts; has a clear policy and procedure to guarantee adequate working conditions; undergoes social audits from other schemes FLOCERT CC 3.1.0.01-02</p> <p>Collectively bargained agreements are now in place in 160 Fairtrade certified organisations (of which 86 have a recognised organisational CBA, 34 a sectoral CBA, 16 a non-unionised CBA, and 24 did not report). NOTE: Clarify which org's are included here.</p>	

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		<p>We have many programmes to strengthen work conditions. For example, Fairtrade Textile programme is improving work conditions in Indian textile factories (undertaken more than 29 pre-assessments and individuals development plans at factories, 56 trainings, 5 capacity building exchanges for local trade unions, partnerships to build workers' grievance mechanisms etc). See related content below (e.g. on standard of living, freedom of association, non-discrimination and right to health).</p>	
<p>Right to form and join trade unions and the right to strike</p>	<ul style="list-style-type: none"> - <i>Individuals have the right to form or join trade unions of their choice.</i> - <i>Trade unions must be permitted to function freely, subject only to limitations that are in line with international human rights standards.</i> - <i>Workers have the right to strike, in conformity with reasonable legal requirements.</i> - <i>ILO standards provide guidance on the content of the right, for example, that workers have the right to bargain collectively with their employers and that workers should not be discriminated against because of trade union membership.</i> 	<p>See section above on Right to form and join trade unions (ICESCR 8, ILO 1-2), freedom of association (ICCPR 22) and freedom of assembly (ICCPR 21)</p>	<p>See above on Freedom of Association.</p> <p>Note that while none of the Standards mention Right to Strike, this could be understood as part of right to bargain collectively, which is generally included. <u>However, Fairtrade could also consider adding explicit references on Right to Strike in its standards and documents.</u></p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
Right to social security, including social insurance	<ul style="list-style-type: none"> - <i>This right obliges the State to create and maintain a system of social security that provides adequate benefits for a range of issues (such as injury or unemployment).</i> 	<p>Right to social security, including social insurance (ICESCR 9) Fairtrade standards require plantations to provide legal social security for all workers, including migrant and seasonal/temporary workers.</p>	<p>This is covered extensively when it comes to social security. <u>Additional references could be made to social insurance.</u></p>
Right to a family life	<ul style="list-style-type: none"> - <i>Protection should be given to families during their establishment, and while they are responsible for the care and education of dependent children.</i> - <i>The right includes special protections for working mothers.</i> - <i>The right also includes special protections for children.</i> 	<p>See section above on Right to a family life (ICESCR 10), to protection of the family and to marry (ICCPR 23)</p>	<p>See above on Rights of protection of the family and the right to marry</p>
Right to an adequate standard of living	<ul style="list-style-type: none"> - <i>This right includes access to adequate housing, food, clothing, and water and sanitation.</i> - <i>Individuals have a right to live somewhere in security, dignity and peace and that fulfils certain criteria (such as availability of utilities and accessibility).</i> - <i>Food should be available and accessible to individuals, in sufficient quality and quantity, to</i> 	<p>Right to an adequate standard of living (ICESCR 11) Fairtrade minimum prices and premium improve living standards: “Fairtrade Minimum Prices act as a safety net providing varied direct price benefits to certified producers depending on trends in market prices... considerable benefits from the Fairtrade Premium to certified small producers and workers in hired labour situations,” finds ODI (2017) The impact of Fairtrade: A review of research evidence 2009-2015. Premium is commonly invested in education, healthcare, farm improvements or processing facilities. Many of the funded projects benefit whole communities, not just producers. HL 3.5.28 require that any housing provided for workers is of decent quality, including decent sanitation and drinking water (Y3 Core).</p>	<p>DIHR notes that this right is met through a number of Standards, as mentioned in Fairtrade's Observations. This is additionally captured through Fairtrade's work on living wage (see DIHR observations in Right to enjoy just and favourable conditions of work)</p>

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
	<p><i>meet their nutritional needs, free from harmful substances and acceptable to their culture.</i></p> <p>- <i>The right to water and sanitation was recognized as a distinct right in 2010. Individuals are entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use and to sanitation services that fulfil certain criteria (such as being safe, physically accessible, and providing privacy and dignity).</i></p>	<p>Fairtrade standards encourage sustainable water use: Plantations are required to know their water sources, assess related health risks, optimize water use (all Y1 Core) and handle waste water from processing facilities sustainably (Y3 Core). They are also encouraged to keep informed about the sustainability of local water use, engage in dialogue to improve it where necessary, and optimize irrigation systems. HL 4.3.9-13</p> <p>For full compliance, plantations must use irrigation methods that are significantly more efficient than traditional ones, audit water use regularly, and volunteer to participate in a local sustainable water use study. FLOCERT CC 4.3.4.07-08</p> <p>Smallholder organizations are encouraged to map water sources, improve water use (both Y3 Dev), train producers on health risks related to waste water, handle waste water from central processing sustainably, and keep informed about and participate in improving the sustainability of local water use (all Y6 Dev) SPO 3.2.25.</p> <p>For full compliance, SPOs must draft a sustainable water use plan with community and authorities (FLOCERT CC 3.2.3.06), train at least 80% of members well, and implement procedures for efficient water use (FLOCERT CC 3.2.3.07)</p> <p>Are these water related standards on reasonable level, considering producers' opportunities and global & local water situations?</p> <p>There are many examples of Premium funds being used to support rain water harvesting for homes and schools.</p> <p>Our standards also encourage the reduction of greenhouse gas emissions, which is relevant for living standards:</p> <p>HL 4.7: Take measures to use energy more efficiently (Y1 Core) and reduce greenhouse gas emissions (Y6 Dev)</p> <p>SPO: 3.2.39-40: Take measures to use energy more efficiently in central processing facilities (Y3 Dev), report on practices to reduce GHG emissions (Y6 Dev).</p> <p>In 2015, Fairtrade launched a Climate Standard and a Fairtrade Carbon Credits programme to generate funding for emission reductions and climate change adaptation for farmers and their</p>	

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
		communities. Related activities focus particularly on renewable energy, energy efficiency and reforestation. For example, a partnership between Marks & Spencer and the Oromia Coffee Farmers Cooperative Union has brought locally-produced energy-efficient cook stoves for 20,000 households in Ethiopia, with emissions reduction of 488,000 tCO2.	
Right to health	<ul style="list-style-type: none"> - <i>Individuals have a right to the highest attainable standard of physical and mental health.</i> - <i>This includes the right to have control over one's health and body, and freedom from interference.</i> 	See section above on Right to health (ICESCR 12), Right to life (ICCPR 6)	<p>This right is addressed in a number of Standards, particularly those referenced above in Right to life, however <u>the standards deal mainly with the right to health of workers, as opposed to community members. Fairtrade could consider including this right in the context of communities in its standards and key documents.</u></p> <p>In addition, Fairtrade standards also deal with environmental and biodiversity impacts of projects that relate to the right to health. For example, section 4 Environmental Responsibility of the Textile Standard.</p>
Right to education	<ul style="list-style-type: none"> - <i>All children have the right to free and compulsory primary education.</i> - <i>The right also includes equal access to education and equal enjoyment of educational facilities, among other aspects.</i> 	See section above on Rights of protection for the child (ICCPR 24, ILO 5-6), Right to education (ICESCR 13 and 14)	This right is addressed in a number of Standards, particularly those referenced above in Rights of protection for the child .

Relevant human right	Description	Fairtrade's Observations	DIHR's observations
Rights to take part in cultural life, to benefit from scientific progress, and to protection of the material and moral rights of authors and inventors	<ul style="list-style-type: none"> - <i>Individuals have a right to take part in the cultural life of society and enjoy the benefits of scientific progress, especially disadvantaged groups.</i> - <i>This includes protection of an individual author's moral and material interests resulting from any scientific, literary or artistic production.</i> - <i>This protection extends to the rights of indigenous peoples to preserve, protect and develop indigenous and traditional knowledge systems and cultural expressions.</i> 	<p>Rights to take part in cultural life (ICESCR 15)</p> <p>Not salient?</p>	<p>Right to take part in cultural life is mainly of relevance in connection to communities and cultural heritage and to a lesser extent for workers. It is somewhat addressed in Fairtrade Standards, as detailed above in Right to Self-Determination and in the following:</p> <ul style="list-style-type: none"> • Gold Standard addresses this in 1.4.4 Sites of Special Significance • Climate Standard addresses this in 2.2.4 Indigenous rights, human rights and sites of cultural importance • The Hired Labour, Contract Production, and Small Producer Standards also include references to cultural values in association with their respective sections on Conservation of protected areas.