Statement of the Child Labor Coalition

to the United Nations Special Rapporteur on Extreme Poverty and Human Rights

October 4, 2017

The 38 members of the Child Labor Coalition express their concern over the treatment of an estimated 300,000 to 400,000 child farmworkers in the US. Extreme poverty, extraordinarily weak child labor laws (with respect to agriculture), difficult and dangerous working conditions, and the educational difficulties that accompany child labor and migrancy, puts their health and education at great risk.

A basic fact sheet from CLC-member Human Rights Watch follows:

**Facts about Child Labor in US Agriculture**

* Hundreds of thousands of children under the age of 18 work in US agriculture, often under dangerous and grueling conditions. They hoe cotton and sorghum in scorching heat, cut collard greens and kale with sharp knives, hitch and drive tractors, and stoop for hours picking cucumbers.
* Child farmworkers often work 12 or more hours a day for as little as $2 an hour. Human Rights Watch has found children as young as 11 and 12 working 10 or more hours a day in the fields.
* Agriculture is one of the country’s most dangerous occupations. Child farmworkers risk pesticide poisoning, heat illness, injuries from knives and heavy equipment, and life-long disabilities. They suffer fatalities at four times the rate of children working in other jobs.
* Many child farmworkers drop out of school because of long hours in the fields. Nationally, the high school graduation rate for child farmworkers is only 55 percent.

Current US child labor law has a dangerous double standard that allows child farmworkers to work at younger ages, for longer hours, and under more hazardous conditions than other working youths. For example, you have to be at least fourteen to get a job in a restaurant, and can only work for three hours on a school day. But in agriculture, children can work at age 12 with no limit on the number of hours that they work, as long as they don’t work during school hours.

The CLC has performed advocacy to repair America’s child labor laws and has also worked to ban child labor in US tobacco. Despite the dangers of nicotine poisoning and pesticides, US law allows children as young as 12 to harvest tobacco.

We believe that the failure of the US to amend its child labor laws endangers these vulnerable children and constitutes a human rights violation. In addition, to being extremely poor, these children and their families are often discriminated against because of their ethnic and racial backgrounds. Most migrant farmworkers in the US are from Mexico and Central America and are people of color. Many are immigrants, a majority of the adults are undocumented and about half the children may be as well. Discrimination against immigrants, particularly undocumented immigrants, appears to be on the rise.

We believe their immigrant status, ethnicity, race, age, and lack of voting power factor in to the exploitation of the children and the refusal of the US government to fix the child labor laws to better protect the children—to afford equal protection. In addition, to raising the minimum age for agricultural work, the US has refused to update its hazardous occupations orders to protect working children from agriculture’s many dangerous tasks.

If the special rapporteur would like to visit farmworker children and see the conditions under which they live and work, we would recommend he go to the Rio Grande Valley of Texas. There are farmworker families and extreme poverty in the so-called “colonias” located near the Mexican border. This is one of the poorest areas of the US, with many dificiencies in infrastructure. Given the timing of the special rapporteur’s visit, agricultural activity in northern states will likely be over and farmworkers will be spread across the Southern US, particularly Florida, Texas, New Mexico, and Arizona. Finding farmworker children will require consulting with local NGOs and Migrant Education coordinators in schools.

We urge you to also examine the unaccompanied minors who come into the US. We believe that many of these children, especially males, may end up in farm work. We are also aware that there are significant human rights issues with respect to minors detained by US immigration authorities—particularly regarding the right to legal representation.

On the question of new technologies, the CLC fears that new technologies may make it easier to target and discriminate against the many farmworkers who are undocumented.

We urge you to meet with or consult with the following groups and individuals regarding vulnerable farmworker children and adults:

* The Child Labor Coalition (Reid Maki)
* Human Rights Watch (Jo Becker, Margaret Wurth, and Zama Coursen-Neff)
* The National Migrant Head Start Association
* The National Association of State Directors of Migrant Education (Roger Rosenthal)
* Migrant Legal Action Program (Roger Rosenthal)
* Association of Farmworker Opportunity Programs (Melanie Forti)
* East Coast Migrant Head Start (Norma Flores Lopez)
* First Focus
* Farm Labor Organizing Committee (Justin Flores)
* Familias Unidos Por La Justicia (Washington State)
* United Farm Workers of America (California)
* Motivation, Education, and Training (Texas)
* Coalition of Immokalee Workers (Florida)
* US Conference of Catholic Bishops (Ashley Feasley) –on immigrant detention policies.

When it comes to measuring poverty, we find that living wage calculators are a useful tool, given that minimum wages in many US states are not set high enough to escape poverty. You may find one [here](http://livingwage.mit.edu/pages/about).

The US government does a poor job of providing data on farmworkers, but you may find useful data and data sets from the [US Department of Labor’s National Agricultural Workers Survey](https://www.doleta.gov/agworker/pdf/NAWS_Research_Report_12_Final_508_Compliant.pdf).

We fear that the failure of the US to ratify the Convention on the Rights of the Child (CRC) has made it easier for the US to ignore the economic exploitation of farmworker children. The CLC has actively worked to achieve the ratification of the CRC.

Sincerely,

Reid Maki

Coordinator, Child Labor Coalition and Director of Child Labor Advocacy National Consumers League.

Child Labor Coalition members:

* American Federation of Teachers
* Association of Farmworker Opportunity Programs
* Bank Information Center
* Beyond Borders
* Communications Workers of America
* East Coast Migrant Head Start Project
* ECPAT-USA
* Fairtrade America
* Farmworker Justice
* First Focus Campaign for Children
* Free the Slaves
* Global Campaign for Education—US
* Global Fairness Initiative
* GoodWeave
* Green America
* Greenpeace USA
* Human Rights Watch
* International Brotherhood of Teamsters
* International Initiative to End Child Labor
* International Justice Mission
* International Labor Rights Forum
* Media Voices for Children
* Migrant Legal Action Program
* National Association of State Directors of Migrant Education
* National Consumers League
* National Education Association
* National Migrant and Seasonal Head Start Association
* The Ramsay Merriam Fund
* Solidarity Center, AFL-CIO
* United Food and Commercial Workers International Union
* United Methodist Church, Board of Church and Society
* United Mine Workers of America
* UNICEF USA
* Walden Asset Management
* A World at School
* Winrock International
* World Vision