

Human Rights Watch

Children's Rights

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By Victoria Riskin and Mike Farrell, Co-chairs of the California Committee (South) of Human Rights Watch

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Damaris was 13 years old when she began working in the broccoli and lettuce fields of Arizona. During peak season, she would often work 14 hours a day in 100-degree temperatures. For months on end she suffered frequent nosebleeds and nearly passed out on several occasions. Despite illness from exposure to dangerous pesticides, she kept on working. "It was very difficult," she told Human Rights Watch. "I just endured it."

Between 300,000 and 800,000 children like Damaris are working as hired laborers in commercial U.S. agriculture today. These farm-worker children weed cotton fields, pick lettuce and cantaloupe and climb rickety ladders in cherry and apple orchards. They often work 12 or more hours a day, sometimes beginning at 3 or 4 in the morning. They risk serious illness, including cancer and brain damage, from exposure to pesticides, and suffer high rates of injury from working with sharp tools and heavy machinery.

Despite long and grueling days, some child farmers are paid only \$2 an hour. Many of them drop out of school, too exhausted to study. Nearly half of them never graduate from high school. Lacking other options, many are relegated to a lifetime of low-wage field labor that perpetuates the cycle of farm-worker poverty through generations.

Agriculture is the most dangerous occupation open to minors in the United States. Work-related fatalities among child farm workers are five times higher than for children working in non-agricultural jobs, and an estimated 100,000 children suffer agriculture-related injuries annually in the United States. The long-term effects of pesticide exposure are not yet completely known, but have been linked to cancer, brain tumors, brain damage and birth defects. Child farm workers interviewed by Human Rights Watch for a recent study described working in fields still wet with poison and being exposed to pesticide drift from spraying in nearby fields. One 16-year-old boy told us that he mixed and sprayed pesticides several times a week, but wore no mask or protective clothing because his employer told him he had nothing to worry about.

Despite the hazards of agricultural work, current U.S. labor law allows children working in agriculture to work at younger ages and for longer hours than minors in other jobs. Surprisingly, the 14-hour days worked by a 13-year-old are not prohibited by law. Children as young as 12 can legally work unlimited hours in agriculture. In contrast, kids cannot work in the fast-food industry before age 14 and are limited to no more than three hours of work on a school day until age 16. This legal double standard amounts to de facto race-based discrimination, since the vast majority of farm-worker children are Latino and other racial minorities.

This shameful tolerance for abusive child labor in American fields stands in stark contrast to U.S. leadership in combating child labor overseas. The U.S. devotes \$30 million a year to international programs to end abusive child labor--a tenfold increase from just two years ago. Last year, the U.S. became one of the first countries to ratify a new international convention to eliminate the worst forms of child labor, including such practices as child slavery, debt bondage, sexual exploitation and forced labor. Congress recently acted to deny trade preferences to countries that fail to meet their legal obligations to end such abusive child labor.

This commitment to abolish inappropriate child labor abroad must be matched by a commitment to protect children from abusive labor here in the United States. Labor laws that exempt agriculture from basic child labor restrictions date back to 1938, a time when nearly a quarter of Americans still lived on farms, and Congress was understandably reluctant to regulate the ability of children to work their parents' land. The reality today is vastly different. The overwhelming number of child farm workers are not working their families' farms, but are hired laborers in large-scale commercial agriculture.

Earlier this month, Sen. Tom Harkin (D-Iowa)--backed by the Clinton administration and a national coalition of more than 50 child labor organizations--introduced legislation to update child labor laws, to bring protections for child farm workers into line with those for other working children. He also proposes to toughen civil and criminal penalties for willful child labor violations.

Child labor in U.S. agriculture is America's shameful secret. Our laudable efforts to protect children from exploitative labor overseas

appear deeply hypocritical unless matched by efforts such as Harkin's to protect children here at home.

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