



# CHILD LABOR IN NORTH CAROLINA AGRICULTURE: HUMAN RIGHTS FRAMEWORKS FOR THE GIRL CHILD

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“Most Americans still envision farms as safe, nurturing places. The Children in the Fields Campaign has shown that the myth of the agrarian idyll does not extend to the children of America’s migrant and seasonal farmworkers.”

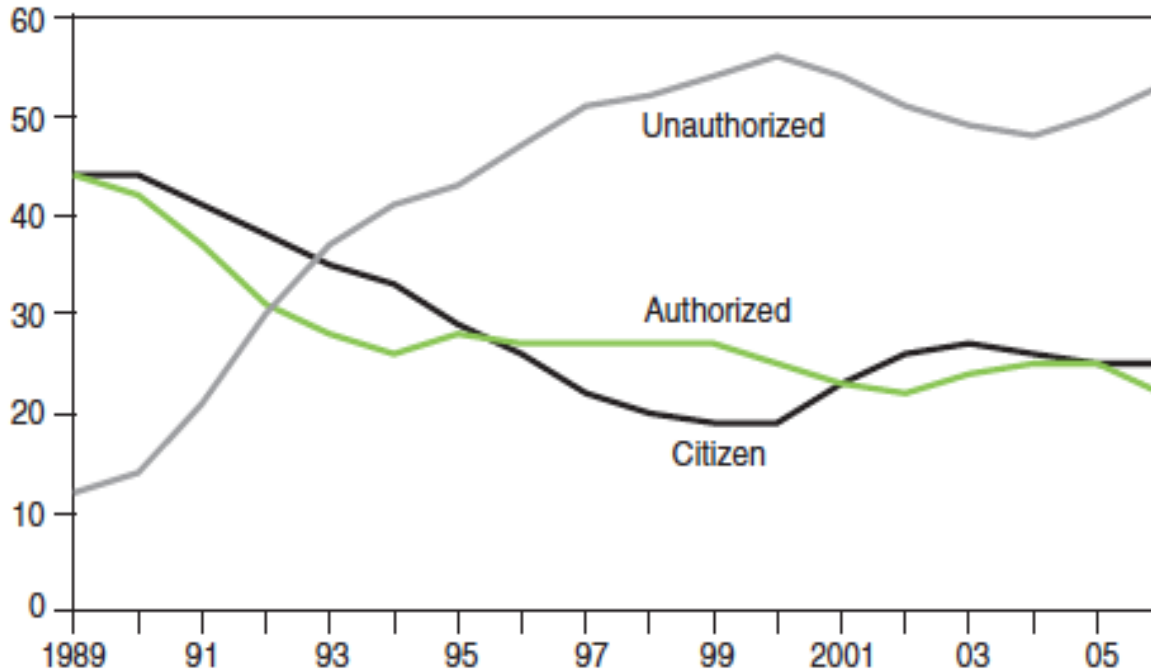
– Children in the Fields, 2007

# US Agricultural Labor Statistics

Figure 9  
Legal status of hired crop farmworkers, 1989-2006

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Percent of hired farmworkers



Source: ERS analysis of National Agricultural Workers Survey data, 1989-2006.

- 2-3 million US farmworkers
  - 40% noncitizen
    - 95% Hispanic
- Predominantly adult men

# Child Labor in US Agriculture

- Exact number unknown
  - National Agricultural Workers Survey (NAWS)
    - Excludes children < 14
  - Current Population Survey (CPS)
    - Excludes children < 15
- Majority of child farmworkers are US citizens
- Majority of children report starting to work full time at age 11-12



# North Carolina Agriculture

- NC ranks 6<sup>th</sup> in nation # migrant farmworkers
  - 150,000 farmworkers + dependents each growing season
    - No comprehensive state counts for children
- NC Agricultural Contributions
  - 22% state income
  - >\$59 billion annually to NC economy
    - ~\$12,000/farmworker



# Federal Child Labor Laws



[www.afop.org](http://www.afop.org)

## ■ Title 29, Code of Federal Regulations

- **Children 12-13:** Parental consent, outside of school hours
- **Children 14-15:** No parental consent, outside of school hours
- **Children  $\geq 16$ :** No restrictions, including in hazardous agricultural occupations

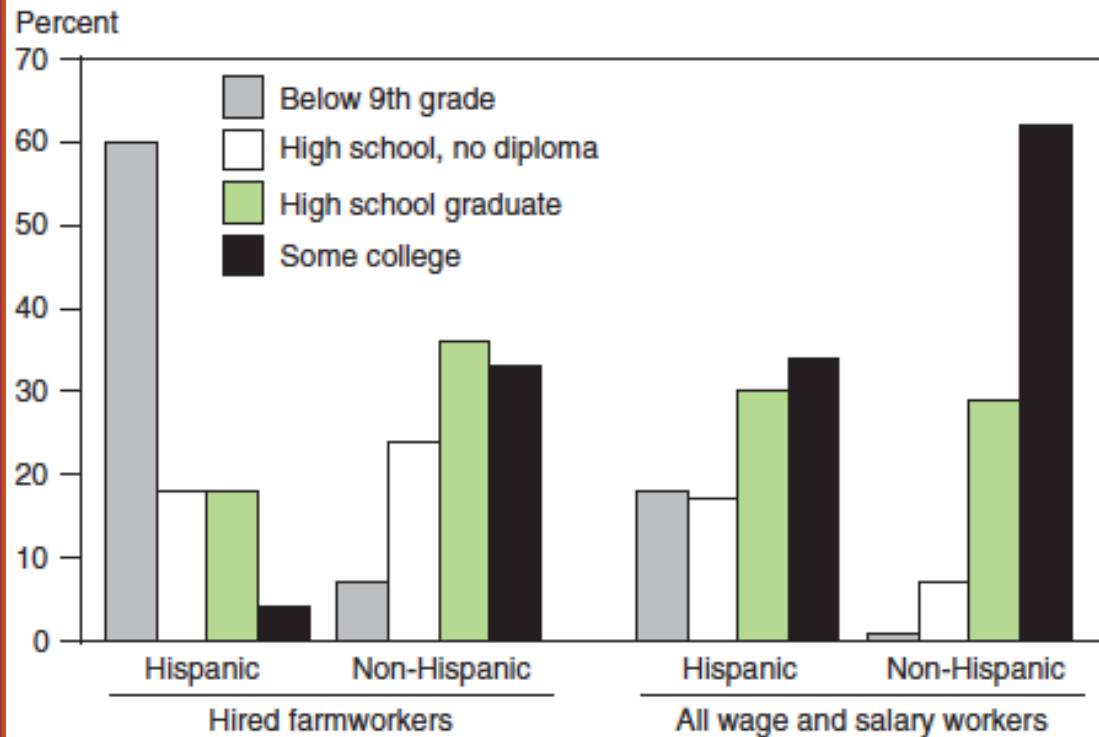
## ■ Fair Labor Standards Act

- Does not guarantee minimum hourly wage for children
- Prohibits employment of minors in “oppressive child labor settings”
- Piece rate payment and minor employment agricultural exemptions



Figure 7  
Educational attainment by Hispanic ethnicity, 2006

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Source: ERS analysis of annual averages from 2006 Current Population Survey Earnings File data.

“By the time a migrant child is 12, he/she may work in the fields between 16-18 hours per week, leaving little time for school work.” [NC Farmworker Institute, 2007]

## Injury

- **NC farmworker fatality rate > national average**

## Pesticides

- **Children 3x more likely to develop cancer**
- **Female farmworkers 3x more likely to develop breast cancer**

## Harmful conditions

- **Heat stress**
- **Poor field sanitation**

## Women's Health

- **Reproductive health risk factors**

## Accessing Services

- **Insurance**
- **Barriers**



**Young girls  
particularly at  
risk**

Harassment

Assault and  
Violence

Exploitation

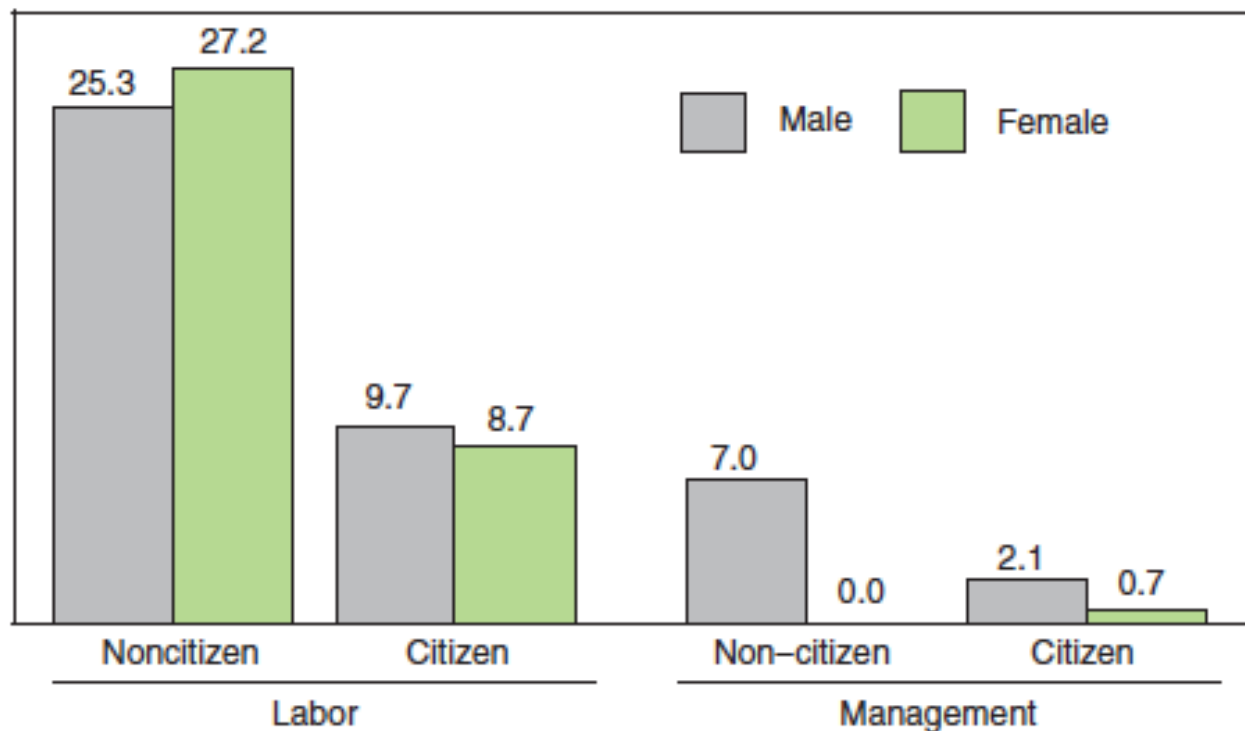
- Federal anti-discrimination law
  - Immigration status irrelevant
  - No legal protections from Immigration & Customs Enforcement
- Obstacles to asserting rights
  - Geographic, linguistic, cultural
  - Power differentials
  - Poverty
  - Deportation vulnerability
  - Don't know abuse is illegal

Figure 18

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**Poverty status for hired farmworkers, by citizenship status, occupation category, and sex, 2006**

Percent



# Human Rights Considerations & International Legal Obligations

- UDHR [1948]
- Convention Against Discrimination in Education [1960]
- ICCPR [1966] \*\*
- ICESCR [1966] \*
- International Convention on the Elimination of all Forms of Racial Discrimination [1969] \*\*
- CEDAW [1979] \*
- CRC [1989] \*
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [1990]
- UN Beijing Platform [1995]
- ILO Convention on the Worst Forms of Child Labor [1999] \*\*

*\* = Signatory*

*\*\* = Ratified*

# CEDAW

## ■ Legal Protections

- To refrain from engaging in any act or practice of discrimination against women and to ensure that **public authorities** and institutions shall act in conformity with this obligation. - *Art.2.E.*
- To repeal all **national penal provisions** which constitute discrimination against women. - *Art.2.G.*

## ■ Education

- The **reduction of female student drop-out rates** and the organization of programs for girls and women who have left school prematurely. - *Art.10.F*

## ■ Reproductive Health

- The right to protection of health and to safety in working conditions, including the **safeguarding of the function of reproduction**. - *Art.11.1.F.*



# Student Action with Farmworkers

*Working together for justice in agriculture*

- 501(c)(3) non-profit – Durham, NC
- Mission
  - Bring students and farmworkers together
  - Improve conditions
  - Build diverse coalitions
- Goals
  - Provide farmworkers and families access to resources
  - Encourage student commitment to justice and social action
  - Provide farmworker students opportunities
- Programs
  - Legal aid, health clinics, farmworker unions, advocacy groups





# FARMWORKER ADVOCACY NETWORK

*Reform for North Carolina's Farmworkers*

- Statewide advocacy network
- Collaboration to bring workers' voices to the legislative process
  - Public education, advocacy, and research
  - Monitor government agencies with influence over workers' rights
- Secured passage of amendments to NC Migrant Housing Act
- Promote legislation to reduce pesticide risks
- Promote worker health and safety



# Legislative Options



- Children's Act for Responsible Employment (CARE)
- Youth Worker Protection Act
- Migrant and Seasonal Agricultural Worker Protection Act
- Increased fines
- US Dept. Education – Office of Migrant Education



# Conclusions

- *“Agricultural Exceptionalism”*
  - Lack of legal protections for children working in agriculture
  - Lack of accurate and disaggregated population data
  - Lack of women- and girl-specific farmworker research
- The Girl-Child and CEDAW
  - Valuable opportunity to consider the status and rights of our most vulnerable populations
    - Increasingly apparent human rights harms to farmworker children