Table 2. International Standards of Child Labor in Agriculture

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<table>
<thead>
<tr>
<th>Standard</th>
<th>Source</th>
<th>Description</th>
<th>Relevance to Agriculture</th>
<th>Criticism</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The best interests of the child as a primary consideration</strong></td>
<td>Art. 3 of the CRC</td>
<td>One the main general principles, which is codified in many national legislations, and has a very strong binding power.</td>
<td>Family farms, though exempt from the most of regulations, are not always operated with accordance to this principle.</td>
<td>Best interests of the child in family farm settings are controversial. Family farms are considered so common that they are exempted from any international regulations at all. However, this principle has to be in foundation of any regulations and activities with regard to children.</td>
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| **Protection from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.** | Arts. 24 & 32 of the CRC; Art. 3 of the Convention No. 138; Arts. 1 & 3 (d) of the Convention No. 182; ILO Recommendation No. 146; ILO Recommendation No. 190 | Persons **under 18** may not be involved in “any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals.”  
ILO states, parties to the ILO Convention No. 182, are required to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour,” including “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” as a matter of urgency.  
“Hazardous work” is the work which is “likely to harm the health, safety or morals of children”. ILO recommends: “…full account should be taken in assessing the nature and circumstances of work.” | Numerous international organizations, projects and NGOs draw publicity attention to hazardousness of agricultural activities. For instance, “some hazards in agriculture are the exposure to pesticides, the use of dangerous machinery or tools (like knives), carrying heavy loads, the presence of snakes, and so on. Children working in agriculture are at risk of accidents.” | Connection with the widely ratified CRC makes this ILO principle more universal. However, failure to establish what kinds of work are considered hazardous and must be eliminated at the first place, makes it declarative. Moreover, there is no explicit definition of “hazardous” work, and only non-binding recommendations have particular suggestions with regard to this kind of work. |
taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.” It also states that “consideration should be given, inter alia, to: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”

| Minimum age standard | Art. 2 (3) of the Convention No. 138 | “The minimum age … shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years”. Exceptions: 1) developing states may initially specify a minimum age of 14 years; 2) National laws or regulations may also | Convention No. 138 specifies that its provisions shall be applicable as a minimum inter alia to “plantations and other agricultural undertakings mainly | Taking into account the dangerous character of almost all agricultural activities, it may be thought that the Convention is explicit on the exclusion of children from this kind of activities. Convention No. |

| | Exceptions: 1) developing states may initially specify a minimum age of 14 years; 2) National laws or regulations may also | are the ones suffering most injuries.” “Child agricultural workers frequently work for long hours in scorching heat, haul heavy loads of produce, are exposed to toxic pesticides, and suffer high rates of injury from sharp knives and other dangerous tools. Their work is grueling and harsh, violating their rights to health, education, and protection from work that is hazardous or exploitative.” |

Though none of the mentioned conventions explicitly prohibit child labor in agriculture, the specific language of the conventions urge states to take immediate and effective measures to eliminate child labor in any dangerous to health agricultural activities.
permit the employment or work of persons 13 to 15 years of age (12 to 14 for the developing states) on light work; 3) work in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age is exempted from regulation; 4) family farms and small-scale holdings producing for local consumption are also exempted from regulation; 5) the Convention explicitly excludes children from “any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals,” setting the age limit for these type of work at 18 years.

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<th>Education</th>
<th>Universal Declaration on Human Rights of 1948; UN Covenant on Economic, Social and Cultural Rights of 1966; Art. 28 of the CRC;</th>
<th>&quot;Education is a basic human right. Like all human rights, it is universal and inalienable – everyone, regardless of gender, religion, ethnicity or economic status, is entitled to it.&quot;</th>
<th>Reports of ILO, FAO, UNICEF and other international organizations and NGOs provide a lot of information on involvement of children from as early as 5 years old in producing for commercial purposes. Hence, the minimum age standard for children working in agriculture is 15 years (14 for developing states), unless the work involves activities that are likely to jeopardize children’s health and safety.</th>
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<td>138 revised the previous Minimum Age (Agriculture) Convention of 1921, which had stated that the minimum age for work in any public or private agricultural undertaking was 14 years. Hence, Convention No. 138 made a big progress by raising the minimum age for child labor in agriculture. However, the Convention has many claw-back clauses, giving a lot of discretion to the states. For instance, under Art. 3 (2) the states can decide themselves the types of employment or work which is likely to jeopardize the health, safety or morals of young persons.</td>
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<td><strong>Working hours limit and Minimum wage</strong></td>
<td>Art. 7 (3) &amp; 8 (2) of the CRC; Recommendation No. 146</td>
<td>Convention No. 138 gives a right to decide the issue of working hours to the national governments, stating that: “the competent authority shall … prescribe the number of hours during which and the conditions in which such employment or work may be undertaken,” with regard to the employment or work of persons 13 to 15 years of age on light work and to artistic performances exception. ILO Recommendation No. 146 also requires “the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities” only for the purposes of Art. 7 of the Convention No. 138.</td>
<td>In agriculture majority of children work as part of a family unit, and do not get separate payment, and their working hours are not controlled by the employer. Though some are hired as wage laborers and are employed on a full time basis. This children usually perform the same work as adult workers, only in rare instances do they receive the same wages as their adult counterparts; more commonly the wages they are paid are one-half to one-third below those paid to adults. None of the ILO conventions specifically set the exact limit of working hours and a minimum wage standard for children involved in agriculture (or even any other industry). The wages issue of child labor is not covered by the conventions at all. Dramatic rise in the use of contract labor throughout the world has many negative consequences for children. “Their families move frequently, often to several locations in the course of a year. On the job, they often receive neither compensation, medical care, overtime pay, rest breaks, rest days, nor education.”</td>
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<td><strong>Protection from economic</strong></td>
<td>Art. 32. of the CRC;</td>
<td>The expression “economic exploitation” combines two distinct elements: economic Child labor is recognized by the Provisions of the CRC and ILO Conventions are vague,</td>
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<td>exploitation</td>
<td>4th session Report of the Committee on the Rights of the Child</td>
<td>and exploitation. <em>Economic</em> implies the idea of a certain gain or profit through the production, distribution and consumption of goods and services. This material interest has an impact on the economy of a certain unit, be it the State, the community or the family. For its part, <em>exploitation</em> means taking unjust advantage of another for one's own advantage or benefit. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment. xxv Committee as an economic exploitation of children. xxvi Agriculture is one of the biggest spheres where child labor is employed. so that they do not provide any guidelines on how to improve the existing standards. They have many claw-back clauses, giving a lot of discretion to the states.</td>
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1 For instance, majority of population of Sub-Saharan Africa is still rural, and their way of life implies that children follow their farming parents. And often those kids do not even have an alternative to that: schools are located in long distance from their farms. Domestic work for girls in many societies determines future social status of a female. “Often, the girl receives no pay, because it is simply a family arrangement to make her ready for her future as a submissive wife.” See Committee on the Rights of the Child, *Economic Exploitation of Children*, Excerpted from CRC/C/20, 4th Session, 4 October 1993, http://www.unhchr.ch/html/menu2/6/crc/doc/days/exploit.pdf (last visited November 30, 2008) (hereinafter – CRC Recommendation).


vi Recommendation No. 146, supra.

vii Recommendation No. 190, supra.


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\*x\* Convention No. 138, Art. 2 (3).

\*xi\* Ibid.

\*xii\* See Ibid., Art. 7 (4).

\*xiii\* Ibid., Art. 7 (1). Light work is “(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” which is (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.”

\*xiv\* Ibid., Art. 6. Such work should be “an integral part of (a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.”

\*xv\* Ibid., Art. 5 (3).

\*xvi\* Ibid., Art. 3 (1).

\*xvii\* This age limit may be lowered to 16 years only if “the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.” Ibid., Art. 3 (3).

\*xviii\* Ibid., Art. 5 (3).


\*xxi\* See Convention Concerning Minimum Age for Admission to Employment, Art. 7 (3).

\*xxii\* See Ibid., Art. 8 (2).


\*xxiv\* Ibid.


\*xxvi\* See Ibid. Other types of exploitation of children mentioned by the Committee of the Rights of the Child are child pornography and the use of children for criminal activities, as in the case of drug trafficking or situations such as the sale of children, child bondage or child prostitution.