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Child Labor in the Modern Era:  
A Focus on the U.S. and the International Arena

By

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To my loving parents

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Child Labor in the Modern Era:  
A Focus on the U.S. & the International Arena

Micheline Harbie

ABSTRACT

The employment of children in adult fields has long been an issue in countries across the globe, including the United States, and it has been brought to the attention of the international arena time and time again. However, child labor is still widespread regardless of the fact that it's the 21<sup>st</sup> century. Enough literature is available to portray the many efforts taken in attempt to bring a halt to this dilemma, but the gaps in the executions of domestic and foreign child labor policies have been omitted. To tackle these gaps, I use historical, qualitative, and quantitative research methods, starting with a background on child labor and an analysis of child labor in public international law relative to the United States' involvement. After subsequently focusing on underage labor in the US and in US foreign policy, with the use of case studies to show its pervasive presence, the Realist school of thought is resorted to for showing the constraints posed on Liberalism's outtake. Following the theoretical analysis, results show that the process of Globalization is propelling the need for underage labor due to MEET increasing consumer demands along with other factors. Results also show that although Globalization negatively affects child labor, it also comes with some positive effects.

**Keywords:** Agriculture, Bonded Labor, Child Labor, Education, Globalization, Health, Humanitarian Intervention, ILO, IMF, Liberalism, NAFTA, Poverty, Realism, Sovereignty, United Nations, Urbanization, World Bank, WTO.

## TABLE OF CONTENTS

<b>Chapter</b>	<b>Page</b>
<b>1 Introduction</b>	<b>1</b>
1.1 Importance of Topic	7
1.2 Literature Review	8
1.3 Theoretical Framework	14
1.4 Methodology	17
<b>2 The Backdrop of Child Labor</b>	<b>20</b>
2.1 Child Labor Denotations	20
2.2 Forms of Labor	22
2.2.1 Agricultural and Domestic Labor	27
2.2.2 Bonded Labor	28
2.2.3 Manufacturing, Mining and Quarrying	29
2.2.4 Street Children and Child Prostitution	30
2.3 Nature and Causes of Child Labor	34
2.3.1 Poverty	35
2.3.2 Debt	37
2.3.3 Illiteracy, Lack of Law Enforcement & Gender Discrimination	38
2.3.4 Overpopulation	40
2.3.5 Adult Unemployment and Urbanization	42
2.3.6 Ethnic and Cultural Influences	43
2.4 Effects of Premature Labor	46
2.4.1 Poverty, Illiteracy and Unemployment	46
2.4.2 Isolation and Homelessness	48
2.4.3 Health Obstruction	48
2.4.3.1 Malnourishment and Disease	49
2.4.3.2 Abuse and Psychological Impairment	50
2.4.3.3 Exposure to hazardous Chemicals and Conditions	51
2.5 Worst forms of Child Labor: Child Trafficking	53
<b>3 America's Relation to Child Labor in Public International Law</b>	<b>61</b>

3.1 US Role in International Laws and Programs Prohibiting Child Labor	61
3.1.1 The Universal Declaration of Human Rights	62
3.1.2 UN Convention on the Rights of the Child	66
3.1.2.1 Non-Discrimination	69
3.1.2.2 Identity and the Best Interests of the Child	71
3.1.2.3 Freedom of Expression	72
3.1.2.4 Protection of Wellbeing	72
3.1.2.5 Right to Education	74
3.1.2.6 Protection from Exploitation and Hostilities Involvement	75
3.1.2.7 The Optional Protocols	77
3.1.3 ILO Minimum Age Convention	79
3.1.4 ILO Convention of the Worst Forms of Child Labor	81
3.1.5 African Charter on Rights and Welfare of Children	83
3.2 The Role of the US with International Trade Organizations, Accords, and Laws	85
3.2.1 World Trade Organization (WTO)	85
3.2.2 The World Bank (WB) and International Monetary Fund (IMF)	89
3.2.3 The North American Free Trade Agreement (NAFTA)	92
<b>4 Child Labor in the United States</b>	<b>96</b>
4.1 Historical Context	96
4.2 US State and Federal Labor Laws	99
4.2.1 Fair Labor Standards Act of 1938	99
4.2.2 Child Labor Bulletin 101	102
4.2.3 Child Labor Bulletin 102	104
4.2.4 US Laws at a Glance: Federal vs. State Laws	107
4.3 US Domestic Child Labor	109
4.3.1 Estimates and Facts	109
4.3.2 US Agriculture Child Labor Cases	113
4.3.3 U.S. Non-agricultural Child Labor Trends	118
<b>5 Child Labor and US Foreign Policy</b>	<b>123</b>
5.1 US Foreign Labor Regulations	123
5.1.1 The Alien Torts Claims Act	123
5.1.2 The Generalized System of Preferences (GSP)	125
5.1.3 The Trade and Development Act (TDA) of 2000	127

5.1.3.1 Africa Growth and Opportunity Act (AGOA)	128
5.1.3.2 US-Caribbean Basin Trade Partnership Act (CBTPA)	129
5.2 Foreign Cases	131
5.2.1 Case Studies	131
5.2.2 Additional Cases Overview	141
5.3 Limits to US Jurisdiction: Sovereign Immunity	144
<b>6 Why Child Labor is Still Present- the US Stance in Theory</b>	<b>151</b>
6.1 Political Realism	151
6.1.1 Realism vs. Liberalism	151
6.1.2 Child Labor in Morgenthau's Six Principles of Political Realism	152
6.2 Limits Posed on Institutional Liberalism	157
6.3 Constraints Under International Law	159
6.4 Marxism and Capitalism	162
6.5 Globalization	164
<b>7 Conclusion</b>	<b>170</b>
<b>Works Cited</b>	<b>181</b>

## LIST OF TABLES

<b>Table</b>	<b>Table Title</b>	<b>Page</b>
Table 1	Child labor distribution by level of national income, 5-17 years age group 2012	88
Table 2	Children in employment, child labor and hazardous work by region, 5-17 years age group, 2012	88
Table 3	Injury estimates for youth workers under 20 years old	112
Table 4	Key U.S. Impact Facts	126
Table 5	Number and percent distribution of working children 5 to 17 years old by type of work and age group, Philippines: 20	143

## LIST OF FIGURES

<b>Figure</b>	<b>Figure Title</b>	<b>Page</b>
<b>Figure 1</b>	Children under 18 years living in poverty, 1959-2010	37
<b>Figure 2</b>	Maplecroft - Global Map of Child Labour Index 2012	42
<b>Figure 3</b>	Types of jobs held by youths in 1990	119

# Chapter 1

## Introduction

The epidemic of human slavery seems to be a never-ending global issue. One form, and among the most common today, is child labor. Statistics continue to be on the rise as child labor has become ever-more present especially in the retail and raw material industries. Most of the products we, as consumers, purchase on a regular basis contain some form of child labor in their production methods. In most states, namely those in Asia, Africa, and Latin America, this violation of human rights is seen as a natural part of life, and one may say, part of the local culture. Many families actually depend on child labor to survive. Children as young as five years old have either been sold or manipulated into working under hazardous conditions. Take for instance, the Philippines where an estimated 426,000 children undergo child labor consistent with abuse and violence all while living on the streets in 2005 (“ICCLE - The International Center on Child Labor and Education”). It goes in conjunction with the presence of child trafficking and use of child soldiers as a growing epidemic. Children getting stripped of their childhoods becomes so commonplace

States and organizations such as the International Labor Organization and UNICEF have tried to reduce/stop the existence of child labor in particular, but

something at the core seems to be hindering the process of amelioration. The United States has made countless efforts in trying to stop the problem by applying child labor regulations as part of its domestic and foreign policy, and by working with such agencies. Two centuries ago, the US was established on a foundation of human rights, which continue to be a chief part of its domestic and foreign policies. However, shown by the rates of underage labor persisting in and out of America, when it comes to the enforcement of its policies towards this issue, children's rights seem to be frequently downplayed.

Child labor is largely present in the agricultural sector and sweatshops of the US, involving the presence of foreign migrants, namely from Latin America, most of which are illegal. On foreign grounds, American companies have been using child labor to increase their profits, besides its presence in the informal sectors of those states. As a democracy and world superpower, the United States stands among the chief examples of human rights advocates. It is equipped with all the means necessary to make the world listen to its calls to end underage labor, especially if it starts the work from its own territory.

Most states follow in America's steps to reach a bit of the stance called the "American Dream." As James Truslow Adams put it, in 1931, the American Dream means *"life should be better and richer and fuller for everyone, with opportunity for each according to ability or achievement regardless of social class or circumstances of*

*birth.*” (Sathre-Vogel) The US has the moral obligation as a world superpower to make sure that these ethical standards are met. This powerful country was once able to abolish slavery on its grounds. Much similar advancements have been made on a global scale.

**So, why is child labor still occurring in and out of the US today?** Taking into consideration the fact that human rights are a critical part of American foreign policy, what are the main restrictions the US faces when fighting child labor? Some cultures in foreign states find it necessary for children to work. Are they mainly responsible for hampering with American initiatives in collaboration with international organizations, or are there also other international laws that serve as impediments to progress? In theory, under the ideas behind the Realist and Liberalist schools of thought, is it enough for the US to have a moral obligation as a world superpower to help end the predicament? Or does maintaining domestic interests hold a higher significance to America than the defense of human rights, especially in a globalized world? Tying it all together, how is the process of globalization affecting the widespread nature of child labor?

The ILO estimated that around 246 million children were working underage worldwide prior to 2000, and about 171 million were found to be doing harmful work (“Conflict and Economic Downturn Cause Global Increase in Reported Child Labour Violations – 40% of Countries Now Rated ‘extreme Risk’ by Maplecroft”). Currently, the number has decreased to roughly 168 million and 85 million doing hazardous work (IPEC). Child labor is an issue that should be part of the world’s past, as developments

of all kinds have taken place up until now. In 1990, 150 states, including the US, met in Jomtien for the World Conference on Education and promised education for all by 2000, and then, 185 governments met in Dakar in 2000 to promise education for all by 2015. These are all part of the Millennium Development Goals ("State vs. Federal Child Labor Laws: Which Apply?"). As its title states, they are goals; goals which are constantly set but seldom accomplished completely. Education is a basic human right that is continuously pushed by America, but it is a violated right, proven by the 72 million children who do not have access to a quality education in the world. ("More Children into Primary School"). Child labor causes children to miss the opportunity of receiving an education and ultimately ruins their chances of reaching a prosperous future; altogether increasing the phenomenon of world poverty, which is already the main cause of child labor.

Even though states like the US ratify ILO and UN conventions, at the end of the day, they can go on without being fully reprimanded for not meeting their end of the bargain. There isn't enough international pressure to stop this predicament from continuing. After all, when several conventions that are specific to this problem are ratified by numerous actors, change should be a given. However, the change is proven to be minimal. Since the mentioned organizations are part of a decentralized system in international affairs, their authority is undermined as they have no legitimate power over the state; at least not like a centralized government does. This is shown predominantly

by the fact that the US and Somalia are the only two countries which have not ratified the Convention on the Rights of a Child (CRC) (“Convention on the Rights of the Child,” Amnesty International).

In the Realist stance, security and interest are seen as the primary goals of each state, which directly affect American law formations and the treatment of worldwide issues. Though the US and organizations have taken initiatives, including trade actions, to improve/end this issue, a block to their attempts is looking at *child labor as a necessity for their economic survival*, rather than as an ethical problem. The abuse and hazardous conditions young children must endure to drive the interests of those who are economically potent, shadows the reality of this growing problem. These children are missing out on having healthy childhoods and enjoying their innocent youths. Although the US has signed conventions and acts that stop the importation of goods from states that have been proven to use child labor in the production of those goods, it is not always the case.

Take for instance, Bangladesh, where children have been found sewing clothes at 11 years old and even younger for American companies like Walmart, Hanes, Puma and J.C. Penney. Regardless of the sad truth, organizations created to monitor child labor, like the Worldwide Responsibly Apparel Production (WRAP) monitoring group seemed to overlook the presence of underage labor in that particular region. (“Children Found Sewing Clothing For Wal-Mart, Hanes & Other U.S. & European Companies - National

Labor Committee”). Even though the US clearly prohibits 11 year-olds from working in retail factories under those conditions in its own territory, the behavior still takes place in the factories of its own companies abroad. So, there is a blatant *double standard* when it comes to the relationship between America’s domestic policy and its foreign policy: underage labor is clearly prohibited on its own grounds, as stated by the Department of Labor’s decree in Minimum Age Standards, but when found on foreign grounds, it is insufficiently chastised.

The US has been ranked 141 out of the 197 states found to have child labor itself. “US labor laws specifically exempt farm workers from minimum age requirements that govern all other underage employment in the country.” (“Child Labor is Making A Disturbing Resurgence Around The World”). The lack of law enforcement in this area is the grounds for why numerous Latino child laborers work long hours and in dire conditions in agriculture (McKenna). All this taken into consideration, a multitude of factors go side-by-side in affecting *why not enough is being done to end child labor in the US and in states with which it has trade ties*.

The Realist school of thought, namely, Political Realism, places into perspective the limitations on enforcement of policies and limitations on the authority of public international law. However, this school of thought does not stand alone in explaining the continuation of the battle on child labor from US fronts. Matters of jurisdiction and the issue of sovereign immunity are to be considered among hindrances to law enforcement. However, Realism does put into perspective the matter of placing personal interests for

domestic security first.

## **1.1 Importance of Topic**

This topic is crucial to be researched about since we are in the 21<sup>st</sup> century and child labor is still existent, despite measures that are being taken to diminish it. Powerful states like the US do realize how harmful child labor is and try to help with spreading their ethical values. However, why moral obligations are not fully met, simultaneously with keeping economic/political stability and ties, must be looked into in depth as this thesis aims to do. Facts are given on the existence of child labor and suggestions are constantly made but with no substance to fill the gaps of why policies are set but not met. The importance of looking at this issue from a Realistic approach rather than from a Liberal one is necessary to be able to see the limits posed by relying on morals as being a key factor in public international law and their ties to American foreign/domestic policies. It is not enough to just have published yearly reports on goods and countries involving child labor along with statistics of where it is present, or to state the organizations that are working on it.

Telling American consumers to stop purchasing commodities from companies that have been flagged for using child labor in producing their goods in order to end the issue is too idealistic and virtually impossible. Americans are already used to buying from these big names and if hypothetically, they were to stop purchasing from these major companies, how long would that boycott last for? Maybe a few months or so, but

if that change was feasible, then wouldn't have Americans already responded to this request made over the years?

This thesis aims to highlight the limitations and importance of really seeing child labor as a form of slavery and in defining states' responsibilities in signing of treaties, as a fulfillment of a gap. Also, the placing of trade actions to force states to comply with labor standards will be touched upon, simultaneously showing the commitments kept by organizational efforts in collaboration with the US. It will portray how there is a conflict with the implementation of trade barriers on states that use child labor, proposed by the US initially to increase work opportunities domestically. So, in order to find the gaps in policy formations, it is necessary to find the missing links between international law efforts and American foreign policy with the basis of child labor case studies inside the US and abroad.

## **1.2 Literature Review**

In order to give a background on child labor to start the thesis, statistics and regular trend reports are provided by many sources like the ILO and UNICEF. Along with the statistics, useful definitions are also adopted by several other sources like Merriam Webster, Oxford and Cambridge. These facts are needed to not only show how child labor is defined, but also to use statistics on how it is on the rise ("2010 Facts on Child Labor"). These research materials have proven to be helpful in showing the gap

between the stated number of child laborers around the world versus how many there really are, including the effect of child gender differences on that number. Brian Willis & Barry Levy provided such statistics showing that the number of children rescued from brothels that were infected with HIV in Southeast Asia goes up to 90% (Willis & Levy). According to Van C. Evans, UNICEF estimated about 100 million children to be living on urban streets around the world in 2009 (Evans). Though these statistics are crucial, the same can be said in what is missing: they are statistics that show the issue getting worse but without fully explaining the real cause behind it, as this thesis will explain in tackling the case of the US in specific (“A Summary of the United Nations Convention on the Rights of a Child”).

Case studies with child laborers and policymakers are to be presented to discuss the pervasiveness of child labor in states abroad with which the US has connections. For instance, Siddharth Kara’s work, *Eyewitness Account*, shows that children have been working in Indian carpet-weaving factories and other sources, namely NGOs like the Anti-slavery Society, have found carpet manufacturers in Pakistan who use child labor to provide for American importers and retailers (“Children in the Carpet Industry”). Samra Fayyazuddin Et al. show the relation with how the U.S. has reacted in the past, specifically through the Clinton administration’s withdrawal of Pakistan’s Generalized System of Preferences (GSP) benefits because the country was found to have child labor.

Moreover, industries such as those involved in cocoa productions, are common in adopting child labor. Case studies showing how American companies like Hershey's and Nestle are included for analysis to show how American enforcement measures for penalizing the use of child work have only succeeded to a certain extent, congruent to the findings of the International Labor Organization (North).

Famous American retailers like Victoria's Secret and Apple have also been found by NGOs like the Child Labor Commission, to be abusing the US's own labor regulations in the production of their goods ("Child Labor Coalition Announces Top 10 Child Labor Stories of 2011"). These case studies are crucial in understanding the double standard posed by America's domestic and foreign policies. In addition, the Department of Labor found that companies like Phillip Morris have child labor present in tobacco plants in Kazakhstan and have been working with the state's government to enforce labor laws and inspections. While the DOL claims that governments should be responsible for enacting laws on child and forced labor, this data will be used to show the insufficiency of solely making recommendations.

The US Department of State claims the importance of the promotion of human rights as it "*seeks to: Promote greater respect for ... **children's rights**, and the protection of minorities...*" Moreover, the US Bureau of Democracy, Human Rights and Labor focuses on maintaining relationships with organizations which push for human rights ("Human Rights"). Although, other literature goes in contrary to the assertions

made by such stances the US takes. For instance, The National Center for Farmworker Health, Inc. gives estimates on the thousands of children under the age of 18 working on US farms to support the multibillion dollar industry of agriculture. Literature from the organization is available and necessary to explain the dire conditions these children are exposed to like harmful pesticides, hazardous tools and machinery as well as musculoskeletal injuries. It namely shows the discrepancy with protecting children's rights on American soil as part of domestic law, but with the exception of those working in agriculture ("Child Labor in Agriculture"). Literature with case studies of migrant children will be used and is also included in these measures; a problem prevalent with immigrants in the US exploited into forbidden/inconspicuous labor in the agricultural industry (Adame).

As shown by context provided by the US Department of Labor, the US adheres to several acts and orders that govern its foreign policy in terms of child labor. Text is available on the Trade and Development Act and its significance in assuring that in order for states to be able to trade with the US, they must address the worst forms of labor. Following such context, literature on other treaties like the Generalized System of Preferences takes effect along with other crucial acts like the US Tariff Act of 1930 (Department of Labor). In combination with other tools used by the US government, as explained by the Congressional Research Service, such as foreign country reporting and foreign product blacklisting, this literature will be used to show the gaps in US foreign policy with actually implementing these acts (Wylter).

As part of US foreign policy, it has placed economic sanctions mostly on states whose politics run contrary to that of the US in respect to non-democracies, like Iran, North Korea, Cuba, and so forth. Although when it comes to placing trade/economic sanctions on states who blatantly use child labor for exporting goods to the US, it is not as common to find those limited authorizations placed by the US for political reasons (Baradaran & Barclay). The list of goods produced by child laborers and the states where they're produced is extensive. The US Department of Labor has been publishing a yearly report stating the goods made by children with their corresponding states, but where these products are going, is not distinguishable (DOL). It's crucial to utilize the missing links on the locations of where these products are going to show the limitations placed on the U.S. to monitor the issue.

In depicting the signing of conventions between the US and chief organizations, the gap in text found seems to be the driver of why child labor is still on the rise in regards to US imports of goods that involve some form of child labor, as well as the labor present on American grounds. Acts and conventions have been taken record of, but really, their violations are not reprimanded ("Child Protection from Violence, Exploitation and Abuse"). As present in literature, this lack of punishing the US for violating conventions, will be used to show the limits posed on organizations to reinforce policies since they are decentralized actors in international affairs.

Take for example the literature explaining the North American Free Trade Agreement (NAFTA) that includes a Labor Side Agreement blatantly prohibiting child

labor. This agreement has a mechanism especially made to enforce the labor laws on its members: the Evaluation Committee of Experts (ECE). However, the organization does not have centralized power to assure enforcing the laws so violators mostly go unpunished, and if they are scolded, the changes are usually temporary (Stenzel). The only advancements stated in the literature are the complaints made to commissions in charge. Although these complaints are common, the laws of some organizations like NAFTA are unenforceable in most situations as the results found in this thesis will show (Bolle, 6-20).

There is completed literature on organizational efforts to stop child labor, namely from the UN and the ILO. For instance, the International Labor Organization's International Program on the Elimination of Child Labor (IPEC) is touched upon in many corresponding articles. The World Trade Organization has given the ILO full jurisdiction over trade policies. Although, IPEC makes promises in its 2010 Global Action Plan and technical cooperation priorities as premised by the Hague Global Child Labor Conference ("About the International Programme on the Elimination of Child Labour (IPEC)"), it could take many more countless years to reach these plans, as history proves. This is shown as the case with the preparations made by other programs as well. This thesis utilizes such facts to show proof of possible impediments to progress (Morsolin).

Although there is literature on law enforcement initiatives such as the

Independent Monitoring Association for Child Labor, (IMAC) there is not enough information on why these kinds of mechanisms are yielding minimal results. Even though literature involves guidelines that are intended for policymakers as well as social planners that design child labor policies and action plans, these are proven to be gaps in research since their results are partial (“About the International Programme on the Elimination of Child Labour (IPEC)”). They stand among the main slits to be tackled in this thesis through the use of theory to help explain limitations on US efforts and the gaps found in the research modes discussed. The reason behind looking into the failure of law enforcement mechanisms is not just to show what’s dragging the process of getting rid of child labor even further, but to also relate these failures to suggestions for solutions to the problem, which are provided in the conclusion of this thesis.

### **1.3 Theoretical Framework**

The Realist school of thought affirms that anarchy defines the international system as being characterized by a self-help system where states each worry about power to reach their goals of security and survival. In this state of anarchy, political realism particularly asserts that no central potent government exists to enforce global rules, characterizing the behavior of states with one another. As long stated by Thomas Hobbes and Machiavelli, morality comes after self-interest. This school of thought poses limits to the works of liberal institutionalists who believe that states work together and cooperate for their best interest, taking morals into a higher priority.

The work of realist Ronald Niebuhr, "*Moral Man and Immoral Society-A study in Ethics and Politics*," (1932) challenges this claim by declaring that liberalists are too utopian in their ideas. Most Realists agree with Niebuhr that liberalists really overestimate the potential of humans to work peacefully and collectively in a genuinely moral manner; interests always override morality. In the case of child labor, this is in reference to economic interests of each state (Mavridis).

Political Realism justifies how states in Africa, Asia and Latin America contain child laborers with the knowledge of their presence by American retailers and importers. Both domestically and internationally, politicians and nation-states use all means necessary to maximize their power and interests, meaning protecting rights where they will get something in return to augment their power. Case studies involving children working on cottonseed fields in India, for example, show the inhumane conditions these children work under to fulfill the needs of the more potent (Bahree).

As Political Realism asserts, nation-states seek territorial integrity and autonomy, which causes power bases to compete. In relation to territorial integrity, there are issues of sovereignty and limitations that get in the way of American efforts to protect human rights. Social Darwinism added to this notion in the 19<sup>th</sup> century by stating that political and social growth is a struggle in which only the fittest/strongest survive, which became a branch of political realism. Political realists maintain that politicians, nations, or cultures first ensure the security of their own needs and interests before looking at others' needs (Mosely).

This is not to say that the Realist school solely blames America for the continuation of child labor. The violation of these acts and conventions, preserved by influential organizations, are seldom castigated due to the lack of NGOs' legitimate law enforcement authority over states. This is where the Realist school places further restraints on the Liberal school of thought, by showing that institutions/nonstate actors are not just as powerful as state actors. However, there seems to be a close tie with other contemporary theorists from our time to explain these matters, too.

Though the Realist and Liberalist schools of thought explain the widespread issue of child labor, in each school's respect, it is not to be forgotten that we now live in a globalized world, which challenges the implications made by the mentioned philosophies to a great extent. Globalization has without a doubt had a tremendous effect on child labor, especially considering the fact that borders are now practically non-existent (theoretically speaking) and that states have more limitations on their sovereignty. So, the Realist school is a bit weakened in this case since states' sovereignty is namely undermined. Seeing as how states are now more interconnected and there is a rising demand in the consumer sector, the use of child labor rises in parallel to meet the needs of worldwide populations. Globalization has also simplified increasing awareness to the masses on the issue of underage labor across the globe, through mediums such as television, the web, social media, and print. This thesis will be going more in depth into this fairly new school of thought that provides for a modern extension to the schools of Realism and Liberalism.

## 1.4 Methodology

This thesis is divided into two parts: the first part consists of a background of child labor and its place in public international law with relation to America's role, and the second focuses on child labor practices inside the US as well as out of the US by its own companies. Taking an *explanatory approach* to begin with, the different definitions of child labor will be discussed along with its nature and causes. To understand that there are many different forms to this predicament, the types of child labor will be touched on along with its overall effects on children. This section is to go over the worst forms and wider context of child trafficking as well as the use of children in armed conflict. Cultural influences in the global context are necessary to be portrayed to further stretch the historical context of child labor in the world. The *quantitative method* is to be applied throughout the research by providing some statistics, both in table form and throughout the text, on the incidence of child labor and the time frame of its occurrence.

The second section of Part 1 will take a *legal stance* in explaining child labor in the framework of public international law. It is crucial to delineate human rights laws in the international arena that have influenced the issue in a great manner. This section aims to show where the US stands in enforcement of these laws in relevance to treaties which define slavery and the responsibility of each state. The role of organizations in collaboration with the US will also be concentrated on to show how premature labor has been tackled by chief global organizations to show the importance of collective action.

Part two of this thesis aims to show the issue on the scale of how much control/jurisdiction the US actually has over child labor and will adopt theory based on the school of Realism to explain America's behavior. This part of the research takes a more *qualitative approach*. To go over child labor inside the US, historical research will also play a role in looking into the background of child labor in the US and how current laws/acts such as the Fair Labor Standards Act, came about as a result of the presence of child labor back then. The reason for taking history into consideration is to see why it is repeating itself in the present and what it means for future prospects. Subsequent to going over America's domestic labor laws, case studies of child labor on American soil will be brought up. How the US at many times respects its laws on its own grounds, and does not in regards to expat labor in the agricultural sector as well as in urban sweatshops, is to be shown by such cases.

Different aspects such as *ethnographic studies*, pertaining to how human rights is a key part of the American foreign policy and how cultures of some states view child labor as a normal part of supporting the family, will be included. This is shown by its use of key policies like the Trade and Development Act. Ethical inquiries will also be focused on in terms of America's advocacy of democracy and rights to education for all, along with its moral obligations, but how this is done more on its own territories with exceptions. The question of America's moral responsibility to assure the protection of children's rights on its own territory and on the territories of states it has ties to as well,

is going to be highlighted by the case studies of child labor practices outside of the US by its own companies. Though, the US does have limitations to its jurisdiction abroad, as proven by the concept of Sovereign Immunity and the Alien Torts Claims Act.

The *qualitative method* of this thesis will be based on philosophical research; mainly, the Realist school of thought to explain how economic/political interests affect child labor incidents in and out of American soil. Namely, how ‘realpolitik’ is the priority and how organizations being decentralized authorities pose limitations for progress. Moreover, the work of experts of the field will be applied. In parallel with the work of policymakers, the theories of both Political Realists and Institutional Liberalist philosophers/scholars will be employed to discern the boundaries these schools of thought pose on one another in the topic at hand. Finally, taking into thought all of the above, recommendations for creating new projects and criteria to be met to stop child labor once and for all will be included in the Conclusion of the thesis after obtaining the full analysis of gaps.

# Chapter 2

## The Backdrop of Child Labor

### 2.1 Child Labor Denotations

When one thinks of the phrase “child labor,” negative images of children being greatly mistreated, like being sold into slavery or prostitution, are usually the first to come to mind. However, defining it shows that many factors are deliberated in order to decide whether or not certain work children take part in should be labeled as labor, which is why scholars do not name just one activity under its kind. Even though several sources provide their own interpretations, they all generally come in accordance with the fact that it is an inhumane act involving the ill treatment of underage individuals. A concise definition is provided by the Macmillan dictionary, which states that child labor is the “employment of children, especially children who are legally too young to work” (“Child Labor,” Macmillan). However, the UN and other chief sources of data on the issue have added some sub-categories to this definition.

The UN defines a ‘child’ as someone who is under 18 years old, and clearly maintains that the work these children are exposed to is generally harmful to their mental, physical, social and moral state (“Child Labour,” ITUC). As part of its organization, the UN has officially inhabited the ILO Conventions’ definitions of child

labor and clearly maintains that this type of work generally occurs in the informal sector. Although, the ILO points to services, agriculture, and industrial sectors as being areas of focus while discussing the worst forms of child labor (“Child Labour,” UN News Center). The ILO takes into consideration the different types of work children are part of and implies that not all types should be seen as a form of child labor to be abolished.

As stated by the ILO, child labor is “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development” (Hilowitz). While some work is more demanding and tougher than others, even morally and physically damaging, the remaining kinds of work are seen as beneficial to children. When children’s schooling, health and personal development are not tampered with, then labor is seen in a positive light. These activities include children helping their families around the home or working out of school hours or on holidays to make some extra pocket money. It helps the wellbeing of children’s families and enhances their development by providing them with work experience and skills to be productive in their adult lives (“What Is Child Labour”).

According to Oxford University Press, child labor is “the employment of children in an industry or business, especially when illegal or considered exploitative” (“Child Labour,” Oxford Dictionaries). The University of Cambridge states the issue as still an immense problem in the global economy that shouldn’t be ignored. It defines child labor as giving children work that is supposed to be done by adults (“Child

Labour,” Cambridge Dictionaries). When children’s work gets in the way of their schooling, obliges them to leave school prematurely or manage attendance simultaneously with long hours of heavy work, it is considered to be a reprehensible form of child labor. Moreover, in its extreme forms, this type of labor at times constitutes the separation of children from their families and leaves children on the streets. Many times, children are exposed to hazardous conditions and illnesses (“Child Protection Information Sheet”). The ECLT (Eliminating Child Labor in Tobacco Growing) Foundation agrees and adds to the above by stating that child labor is mainly the *economic exploitation* of children that interferes with their overall development. It goes to assert that the work in its nature is completely damaging to kids’ future livelihood (“What is Child Labor?”, ECLT Foundation).

Eric V Edmonds and Nina Pavcnik, authors of “Child Labor in the Global Economy” for Harvard University’s Journal of Economic Perspectives, believe that child labor should not be solely classified as work that’s harmful to children. Rather, they state that one should look at all forms of labor to analyze the effect of the work on the children. For instance, prostitution, stone quarrying, and rag picking are all seen as hazardous and exploitive, and should therefore be labeled as separate forms of child labor, instead of generalizing (199-200). This itself comes in accordance with Article 4 of the ILO Convention 182, asserting that states with child labor should track the types

of labor independently to form policy while providing for a more general definition (“ILC87 - CONVENTION 182”).

The ILO affirms that a child’s age along with the kind of work performed and hours completed should be taken into consideration to decide whether ‘work’ is to be coined ‘child labor.’ The conditions these children work under and objectives sought after by each state are also regarded, while taking into thought that the response to these criteria differs in each country around the globe (“What is Child Labour,” ILO). According to the ILO, *“Whilst child labor takes many different forms, a priority is to eliminate without delay the worst forms of child labor as defined by Article 3 of ILO Convention No. 182:*

*(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;*

*(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;*

*(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;*

*(d) 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.”* (A Future without Child Labour)

UNICEF divides the definition of labor into three parts: child work, child labor, and the worst forms of child labor. Similar to the ILO, UNICEF is not against children working if it does not negatively affect children in terms of their health, development or

education. In concord with Article 138 of the ILO Convention, children must be at least 12 years of age to be permitted to take part in light work, which is what UNICEF calls “child work.” This refers to children who are 13 to 15 years old and whose work will not harm their development or health (“ILO Convention 138 Minimum Age for Admission to Employment”). However, this is not to say that child work does not have repercussions on school attendance, especially when work exceeds 27 hours. Article 138 does not just regard school attendance as the sole core for receiving an education, but also takes into consideration the attendance of training programs approved by higher authority to be a form of schooling. A study by BMC International Health and Human Rights found that orphaned and abandoned children below 12 years of age and those who worked over 14 hours a week to get paid were less likely to attend school. Although, UNICEF’s definition has provided a standard for lawmakers to prohibit work that interferes with children’s education (Whetten, et al.).

On the other hand, it defines “child labor” as a concept that goes in breach with Articles 138 and 182 of the ILO Convention. Namely, this includes all children who are below the age of 12, or those between 12 and 14 years old who perform work that is more than light, and of course, those children who take part in the worst forms of child labor (“Worst Forms of Child Labour Convention: 1999”). UNICEF affirms that children from 5-11 years old that are engaged in some form of economic activity or who do chores at home for over 28 hours weekly are considered to be underage (“Statistics by

Area - Child Labour - The Challenge”). Finally, the worst forms of child labor are those that involve the enslavement of children, trafficking, and forcible recruitment. Furthermore, worst forms of labor include children who are forced into prostitution or coerced to take part in any illegal acts that may be hazardous to their wellbeing (“Child Protection Information Sheet”).

The Council on Foreign Relations (CFR) states that “oppressive child labor” is the form of labor where employees must work under the age of 16 under employers, not considered parents or legal guardians. Those who take part in hazardous work as considered by the Secretary of Labor, specifically children between the ages of 16 and 18, fall under the category of being part of oppressive child labor (Schmitz et al.). This kind of work includes mining, manufacturing or any other that may be damaging to their health. However, if the employer holds an unexpired certificate showing that the person they have employed is above the oppressive child labor age as deemed by the Secretary of Labor, then the behavior is permitted. Employment of laborers between the ages of 14 and 16 in jobs that are not in mining or manufacturing may be allowed if the Secretary of Labor issues an order or regulation stating that the employment is restricted to hours that do not interfere with children’s school or health/wellbeing (“29 CFR 779.505 – ‘Oppressive Child Labor’ Defined”).

In order to decide whether an activity is harmful to a child’s wellbeing, many researchers look into what a child would be regularly doing if they were not working,

rather than just focusing on direct physical harm. This is due to the controversy in deciding what is considered to be harmful work and what signifies “light work.” In relation to ILO Convention 182, “light work” is seen in terms of labor that does not get in the way of children’s education. So this analysis portrays what the child would be doing outside of work (going to school) in order to signify if they are being harmed (Edmonds).

Each definition hereto explained involves its own dimension of what is to be perceived as child labor. For the sake of the analysis of this thesis, the operational denotation to be utilized is that provided by the ILO stating that child labor is, “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development” (Hilowitz). This definition encompasses a general, yet precise outlook on the toll child labor takes on the lives of children in its different modes, as highlighted in the next section.

## **2.2 Forms of Labor**

As stated above, child labor takes on many forms. UNICEF places labor in three different categories, which include work within the family, work within the family but outside of the home, and work outside the family. When work takes place within the family, it is seldom considered by anyone to be a form of child labor since the child is working in a domestic household. In spite of this, the type of work being done must once

again be considered, since children who are helping raise their home's income are usually doing farm-work or performing the production and processing tasks of products. These primary products sometimes fall under the 'market work' category because their production is used in the market, or many times, they are just used for the family's consumption. This kind of work generally takes place in rural areas, rather than urban ones (Edmonds & Pavcnik, 199-220).

### **2.2.1 Agricultural and Domestic Labor**

If children work within their families but remotely from their households, they are either part of labor such as construction work, agriculture, or more informal occupations like waste recycling. They are sometimes self-employed. About 70 percent of child laborers are estimated to work in agriculture, forestry, hunting, and fishing. This amounts to about 170 million children. For example, in the fishing sector, children in Indonesia are part of deep-sea fishing. In Ecuador and Mexico, they harvest bananas and tobacco ("Kind of Child Labor," 2005). Migrant child labor is also another common type of work and involves the movement of children from rural to urban areas to seek employment, or from small towns/cities to larger areas. It is currently prevalent inside the US; namely in the agricultural sector where children pick fruits and vegetables ("Archives- Policy Notes").

According to the Child Rights International Network (CRIN), “Millions of children around the world work in households other than their own, doing cleaning, laundry, cooking and other domestic chores; caring for children; tending the garden; and running errands; amongst other tasks” (“Child Labour: Child Domestic Workers - the Dawn of a New Convention?”). They work as early as six years old and most start labor by age 12. The International Labor Organization, states that more girls under the age of 16 are employed to do domestic work than any other job in the world. This is because they are mostly part of child trafficking or a part of bonded labor (“Kinds of Child Labor”).

### **2.2.2 Bonded Labor**

Children either move with their families or on their own. If they don't do so for employment purposes, it's generally for the reason of escaping bondage; so, their services are performed in exchange for loans. Many times, if a parent is no longer able to work, the debt is passed down to their child/children (also known as “intergenerational” bonded labor) (Genicot, 1-8). “Bonded child labor” is defined by the South Asian Task Force as a type of labor that entails a child under 18 years old to work in order to relieve a debt pegged to themselves or to their family members (“Definition of Bonded Child Labour”).

Almost all forms of forced labor are bonded, but this is not to say that this kind of labor must be forced. It may also include children working against a particular social commitment like being part of a caste, religious or ethnic practice. This kind of labor is imposed with or without the consent of the child and hinders their development and basic human rights. It is namely a modern form of slavery that mixes customary unfair labor relations with societal practices and is far too common in almost all South Asian societies, to the point where it is seen as a regular lifestyle. This is especially the case in India, Pakistan, and Nepal (“Definition of Bonded Child Labour”). Bonded labor is like a creditor-debtor relationship that involves illegal contract provisions. The child taking on the debt of their parents does not have the right to choose their employer nor can they negotiate their contract’s terms (Finn 1-21).

### **2.2.3 Manufacturing, Mining and Quarrying**

Child labor in manufacturing companies is becoming more widespread around the world as children are made to work under factory conditions. For instance, they take part in producing products like glass or making bricks. Many work in apparel factories to make clothing in states like Bangladesh and even make shoes in the Philippines. Other children make surgical equipment and work in factories that produce fireworks and they must work with dangerous materials like matches. Currently, among the most publicized types of manufacturing labor are children working in cottonseed fields in India and making soccer balls in Pakistan (“Kinds of Child Labor”).

Even in the mining industry, child labor is just as customary. In countries in South America, Africa and Asia, children mine gold and salt, and work under very dangerous conditions. They labor either above or under ground in unstable mines for long hours, breathing in toxic chemicals, and many times, they must dig large pits. Their labor also includes using toxic mercury to extort the gold as well as having to crush and move weighty ore ("Mali: End Child Labor in Gold Mines | Human Rights Watch"). "Some stand for hours in water, digging sand or silt from riverbeds and then carrying bags of mud on their heads or backs to sieving and washing sites" ("Child Labor in Gold Mining: The Problem").

Stone quarrying is another harmful sector of work in which children must not only make gravel, but also quarry stone for construction substances ("Mining and Quarrying," 1996). Children carry rocks on their backs or crush them with hammers. The rocks they carry could weigh up to a ton and they are forced to take them to a hazardous grinder. In 2005, the ILO estimated that more than one million children work in this dangerous job description. These children inhale harmful dust particles on a daily basis and risk dying by working a mile underground ("Breaking Rocks – Child Labor in Mines and Quarries – Media Voices for Children").

#### **2.2.4 Street Children and Child Prostitution**

Child workers in the informal sector are often undercounted, but the disposition that there are a growing number of street children in the world, especially in Africa, Asia, and Latin America, is a well-recorded fact. Tens of millions of children globally go into the streets as they're enticed to be completely liberated from the turmoil of poverty and broken families (F. Ferrara, V. Ferrara 1-21). In areas like Nigeria, street children work in tasks such as scavenging, water fetching, carrying loads, begging, conducting buses and all sorts of other economic functions. Street children in regions like India, also perform other errands like having to collect firewood and tend to animals as well as dye cloths, vend on streets and take part in domestic labor. A key problem is that many children go to live under bridges, in vacant buildings, or on the streets, and leave their homes to do so (Hindman 229-230).

In most cases, these children leave their homes due to verbal or physical abuse including sexual abuse. Homelessness ultimately makes them more susceptible to facing additional abuse when having to go into manipulative child labor. According to USAID, street children can be divided into four categories:

- (i) A '*child of the streets*' is one who has no family to sustain and ends up moving from one place to another whether if it's to live in homeless shelters or deserted buildings. The street is their only home.

- (ii) A '*child on the street*' signifies one who works on the streets most days/nights and could occasionally go back home to sleep or visit their family (usually to escape abuse from home or poverty).
- (iii) Being '*part of a street family*' means that the child lives with his or her family around the city on sidewalks or under bridges, and works along with their family members in such settings.
- (iv) Children that are in 'institutionalized care' are those who risk going back to being in a situation of homelessness ("Street Children and Homelessness").

Given the socio-economic position of these children's families, being on the streets becomes normal in their eyes. In 2009, UNICEF estimated that around 100 million children were living on urban streets worldwide. There is question on whether these street children have increased in number, or if people have just become more aware of their presence. Their exact number is almost impossible to track. They take part in a large array of work such as shining shoes, washing windows, and selling goods on roadsides (Evans).

Those who still have ties with their families, believe that since their work is increasing the family income, what they are doing is right; that is, if they have family ties at all. In addition, the friendly relationships they make while working on the streets serve as an incentive for them to continue in order to be part of a more welcoming

environment and they even make connections this way to build extra pocket money. In 2011, an estimated one of every sixty people on the planet was found to be a street child. Within the first four years of enduring street life, half of these street children die (Lebrun 95-97). Street children actually drop out of school many times to take part in street trading. Over ninety percent of street children are not in school and work in both rural and urban areas (Hindman 91-93).

More than one million children are sold into prostitution on a yearly basis. They are either taken from their rural homes into cities or sold abroad, for prostitution or for purposes like being used in child pornography as well. It is highly difficult to track the accurate number of children involved in prostitution. However, children under the age of 15 in Thailand, for instance, work as prostitutes and consist of up to 800,000 of Thai children (Green). According to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000), child prostitution is “the use of a child in sexual activities for remuneration or any other form of consideration” (Ennew). Article 3(b) of ILO Convention 182 clearly states, “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances,” is among the worst forms of child labor (Worst Forms of Child Labour”).

Child prostitution as a form of labor has many appearances. This takes account of children who are forced into early marriage or those who become too dependent on adult

guardians, whether emotionally or economically. Children in this field of labor are demanded by threats or through the promise of rewards, by adult figures. These adult figures range from being family members, social workers, or strangers who children many times meet through the internet (“USDOJ: CRM: Child Exploitation and Obscenity Section”). The involvement of minors in the variety of forms of child prostitution sometimes arises from their desire to earn cash to be able to afford products common in popular youth culture. These children fulfill the image of being slaves in brothels, but the spreading of child prostitution shows its many modes in that there are varied locations, customers, and mechanisms that make up its context. Child prostitution frequently falls under the category of bonded labor and affects both boys and girls (Ennew).

### **2.3 Nature and Causes of Child Labor**

Currently, over one in five children work around the world and most of them live in poor states (Edmonds & Schady). The occurrence of child labor has become increasingly hard to track and estimate since a large percentage of domestic service labor, in particular, has a hidden nature. The nature of the invisibility of child labor in the domestic sector, places impoverished families in a more disadvantageous situation. Because it is underestimated and invisible in form, employers take more advantage of their workers than other job owners, and treat them abusively. Given that domestic workers are not protected by national labor laws, their employers do not fear the threat

of being reprimanded for exploiting them. Not only are these laborers underpaid and silenced, but they do not even have access to file their complaints to any source of help (“Child Labour: Child Domestic Workers - the Dawn of a New Convention?”).

A great amount of factors contribute to the pervasiveness of child labor. Besides the fact that domestic labor has a more hidden form and allows for child labor abuse, the underlying causes include poverty and debt. Illiteracy, the lack of law enforcement and gender discrimination are also added to the record, along with societal push factors like overpopulation, adult unemployment and urbanization. With poverty starting as the trigger, these aspects are at some point tied to one another in a way that creates a domino effect; perpetuating the never-ending saga of poverty and child labor.

### **2.3.1 Poverty**

It comes as no surprise that poverty is the foundational cause of child labor today. Indicated by the United Nations’ 2005 statistics, extreme poverty makes up over one-fourth of the world’s population (“Causes of Child Labour”). Children from destitute homes have no choice but to work since it is their only means of survival. Many employers choose to hire these children since they are more vulnerable than adults and therefore easier to exploit. Numerous hirers use the excuse that they need to employ children for certain jobs that require their ‘agile’ fingers (“Myths Associated with Child Labor”). This excuse is used by children’s families as well; namely those who own

goods in agriculture, furniture, machinery, livestock and additional tangible products. Impoverished families view children as an economic commodity (Evangelista De Carvalho Filho). Homes that depend on agriculture as the main source of revenue are among the most poor. High fertility rates in such households become reasons for why children start to work early to support the home's income, rather than going to school ("Children in Poverty..... It Starts at Home").

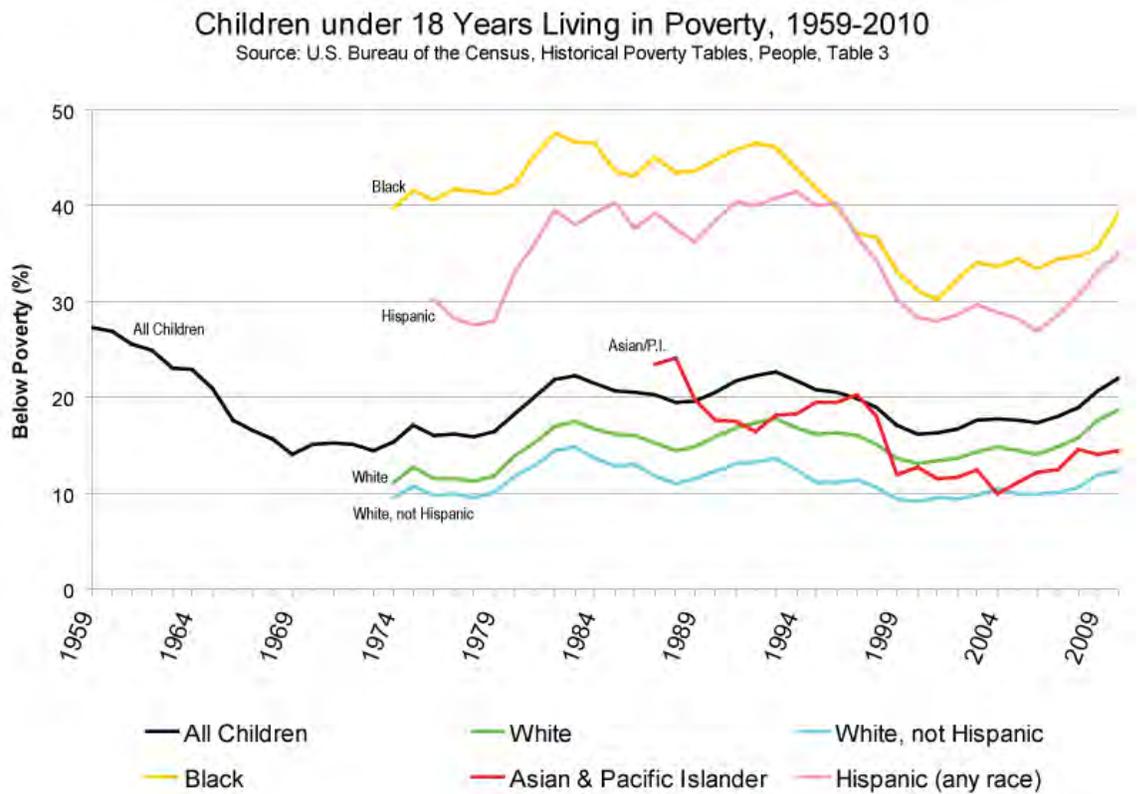
It is a long-found fact that children from poor households are more likely to take part in unsafe child labor than those who come from well-off backgrounds. Generally, poverty indicators include the construction of family households, family access to water, and marital statuses. Children engaged in child labor more often come from homes with a deprived foundation, with a single parent as the head of the household who is usually inactive financially. This parent has more dependent children and more reliance on those children to work (Akarro & Mtweve 199-206).

In 2011, the U.S. Census Bureau found that 22 percent of all children in the US, which amounted to about 16.4 million, lived in poverty at the time. Almost half of these children lived in conditions of extreme poverty and over 6 million were under 6 years of age. To show the trends in poverty rates, which visibly increased for children under 18 years old from 1959-2010, the Census Bureau displayed the results in the below figure. Since the U.S. gathers these statistics regularly, it should be a spec easier to coordinate

for decreasing the poverty rate for children to get them out of the zone of underage labor.

(“How Many Children Are Poor?”)

**Figure 1**



Source: "How Many Children Are Poor?" *Institute for Research on Poverty*. Institute for Research on Poverty, n.d. Web. 05 May 2014. <<http://www.irp.wisc.edu/faqs/faq6.htm>>.

### 2.3.2 Debt

The main problem with bonded labor, specifically, is that loan interest rates are so high, they accumulate every year and repaying them becomes virtually impossible. This kind of labor starts with family taking a loan from an employer usually to pay for what they cannot afford, such as food, healthcare, a funeral or wedding etc. Since the family has no other asset to pay off the loan, they must pledge the work of their family members (either adults or children) (“IV. Forced and Bonded Child Labor”).

These workers must keep working until the debt is completely paid off and generally under dangerous conditions, little pay and long hours. If they can no longer work and the debt is not totally paid off, the work is passed down to their descendents (“Understanding Bonded Child Labour in Asia”). The cycle continues as debt actually rises rather than decreases since workers’ illiteracy and poor math skills are taken advantage of by employers who many times deduct from the laborer’s salary for “poor work” or to pay off equipment. Children eventually work as slaves and never know when their debt would be completely paid off (“Definition of Bonded Child Labour”).

### **2.3.3 Illiteracy, Lack of Law Enforcement and Gender Discrimination**

In relation to the issue of poverty, most parents cannot afford to send their children to school and think that if their children work, they could learn more than they would in school. These parents see the realities of everyday life and having a good work ethic as more important than receiving an education. The problem of not being able to

receive an education stems from the fact that many of these schools are far from children's reach in terms of being too remote, and/or the lessons taught at schools are not given in the child's native language. To impoverished families, this makes getting an education rather than working seem unappealing, along with the fact that some school curriculum is unpractical at times ("Anti-Slavery").

Another major issue is the fact that free education is limited in most of the states where child labor is most common. Moreover, child labor is generally the result of gender discrimination and the increase of school systems that encourage social inequalities. Not all girls in such societies receive the same education boys do, and therefore, their literacy rates are practically half of that of males ("Child Labor, Gender, and Health").

The roots of child labor come from ignorance and illiteracy along with the lack of proper political/legislative will and insufficient living wages. To begin with, there is poor enforcement of laws to protect children in sectors of work like agriculture. The absence of proper empowerment of laws additionally accounts for the deficiency in literacy rates due to governments, which do not recognize the necessity for everyone to have equal access to education ("Child Labor- What is Child Labor?"). Since poverty-stricken families are generally illiterate, namely women, parents do not understand the importance of receiving an education and therefore gear their children in the direction of

work. Seeing as how they themselves are uneducated, illiterate parents cannot realize the importance of the overall development of their children (Saxena).

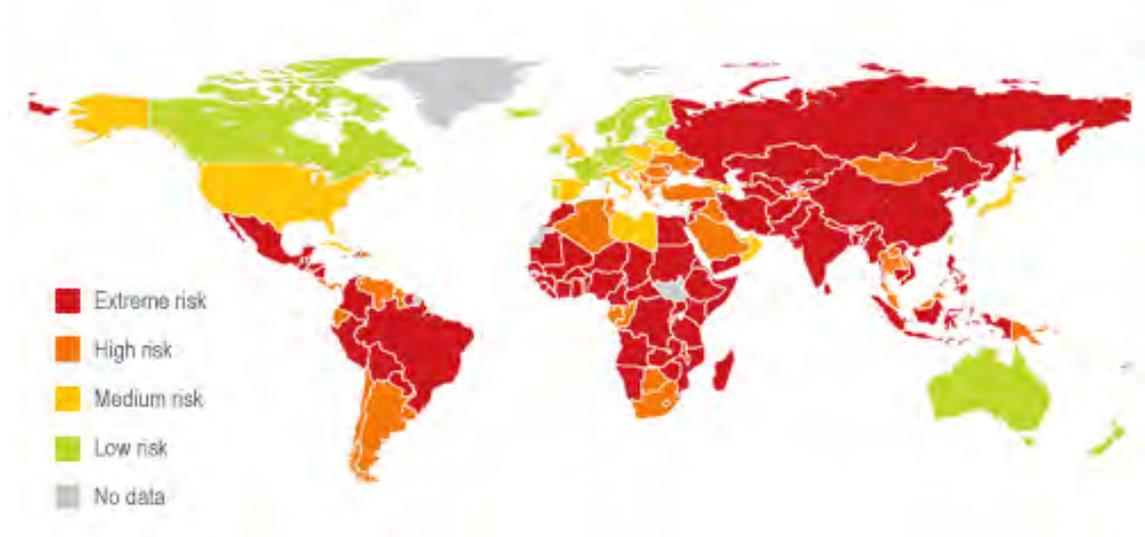
Literacy is a requirement for the maintenance of health of women and their children. Girls who go to school have a better chance of understanding educative materials that discuss important matters like how their health and that of their children can be affected by child spacing. Exposure to constructive health behavior which girls are deprived of in many states, serves as another reason for the prevalence of child labor. Uneducated women do not comprehend the benefits of decreasing the number of children they have, as educated women do, so they end up having more offspring who are also less likely to go to school due to poverty (“Asia Child Illiteracy and Child Labour Are the Continent's Main Social Ills - Asia News”). These children are then forced to work. Not only are women less likely to be educated, but also, many mothers are malnourished and actually die while giving birth. This leaves their children alone to fend for themselves in the real world with a decreased chance of attending school as well. So, poverty serves as the foundation of the ripple effect that leads to child labor, whether it stems from lack of education or malnourishment (“Child Labor, Gender, and Health”).

#### **2.3.4 Overpopulation**

Overpopulation goes side-by-side with poverty in reigning at the top of the list of the key causes of child labor. Seeing as how poor families have a lot of children, they cannot just rely on one family member to support the family. Children are therefore sent to do all sorts of work, which is enough pressure to place on them besides impairing their development. A large amount of child laborers sadly come from broken families where they face harassment from parents or relatives. Overpopulation in poor regions of the world causes scarcity, so children are sent alone to find food and shelter (“Causes of Child Labor”).

Some areas in the world are at a higher risk than others to hold high child labor rates. According to ILO estimates, rural areas are more prone to have child labor as well as urban areas in which law enforcement authorities have limited access to. The below figure shows which areas globally count as high-risk for having underage labor (“Child Labour,” Human Rights and Business Dilemmas Forum).

**Figure 2: Maplecroft - Global Map of Child Labour Index 2012**



Source: "Child Labour." *Human Rights and Business Dilemmas Forum*. Maplecroft, n.d. Web. 06 May 2014. <<http://human-rights.unglobalcompact.org/dilemmas/child-labour/#.U2pJ1q2SyLE>>.

### **2.3.5 Adult Unemployment and Urbanization**

Adult unemployment and the process of urbanization both cause premature labor. For one thing, many factories prefer to hire children rather than adults, since it is more affordable for them to hire kids at cheaper wages. This manipulation is more noticeable in urban neighborhoods in retail factories where garments are produced. Adults are sometimes forced to send their children to work in their place because of this

predicament. All in all, the lack of adult employment often forces adults to send their children to work, much correlated to the issue of poverty (Basu).

Unemployment benefits and employment opportunities in certain developing countries do not exist, so the cycle of child labor becomes inevitable. Not only do factory owners exploit children, but so do seniors who are able to work but prefer to rest at home instead. They end up sending children to work for them and to feed the mouths of the family (Mohapatra & Manusmita). Although there have been proven ties of urbanization with increased child labor rates, it is arguable that states with higher rates of urbanization have lower rates of child labor since children often work in the rural sector. However, it seems as though this view disregards the fact that urbanization calls for more jobs, with job-owners looking for more profit. These owners therefore opt to hire children with lower wages (Bass 74-76).

### **2.3.6 Ethnic and Cultural Influences**

One cannot look at child labor without considering the influence of the traditional norms of societies from which it spurs. Many societies believe that children are better off working than going to school, and that it allows the child to make their time more productive. These children are generally depended on to help other family members at a very young age and follow in their parents' footsteps, with the lack of education ("Child Labour," UN News Center). In countries like Ethiopia, this is the case.

Ethiopian culture encourages children to gain skills through working, even if it means being given work at home at an early age. That way, they may help their parents get out of poverty (“Causes and Consequences of Child Labor in Ethiopia”).

Many cultures argue that children will need work experience more than school experience in order to get better jobs in the future. The belief contends to the idea that employers take the amount of experience a child has more into consideration than their attained education. Research has actually proved this theory to be correct in that many times, adolescents with more work experience are more capable of getting jobs than those who do not have it, at least for the short-term. However, the same statistics show that although work familiarity is crucial for temporary success, children who have an education are a lot more likely to succeed in their professional lives in the long-term (Hobbs, McKechnie & Lavalette 70-71).

In societies such as those in Zimbabwe, boys who are just 10 years old actually own/work on land and with cattle. This is usually the case for ‘agricultural’ societies where families are habitually the main producers, so the children of the household are automatically drawn into the production process, whether purposely or not (“Zimbabwe: Child Labour on the Rise”). In Nigeria, children have been found working from as early as 4 years old. Some other societies see gender as a critical issue. For instance, female roles are set, so if girls are to become educated, popular belief states that they would not be able to perform their customary duties. So girls are taught at a very early age certain

'housework' like sewing and cooking, while boys are prepared for other jobs in apprenticeship as craftsmen ("Prevalence, Types and Demographic Features of Child Labour among School Children in Nigeria"). Countries like Morocco have traditional values that employ young girls as household maids. Since these girls usually come from poor rural areas, the work is seen as necessary to escape poverty, as with most other child labor jobs ("Morocco: Abuse of Child Domestic Workers | Human Rights Watch").

A study conducted by Biomed Central in 2005 found that girls are more likely to be engaged in child labor than boys are, with a visible difference of 4.7%, namely in street trading. As gender plays a major role in the traditions of these societies, boys are at most times favored, so the fact that for the largest part, girls are sold off to work is not shocking ("Prevalence, Types and Demographic Features of Child Labour among School Children in Nigeria"). Boys also face being sold into labor, but because tradition states that girls are to get married and eventually be in their in-laws' home, they don't have to attend school (World Day Against Child Labour 2009: Give Girls a Chance"). Muslim families in African societies are found to have a larger rate of child labor as well, mostly due to the family size and some traditions of wife seclusions, which places a great load on children of such families (Lange).

In Muslim areas in Nigeria for example, underage girls are mostly pushed into street trading as it is viewed as a means to meet a potential partner. Girls are trained into conducting small-scale economic labor to enhance the family's financial standing.

Studies show that in general, employers choose young girls to work rather than boys because they are seen as more compliant than their male counterparts. The docile nature of these girls is a direct consequence of societal tradition, which nurtures them into being more submissive. In African culture, girls are pushed into economic tasks since they are more acquiescent and susceptible to being controlled by their parents (“Prevalence, Types and Demographic Features of Child Labour among School Children in Nigeria”).

Ethnic factors in many societies play a major role in affecting child labor as well. This is the case in South Africa for instance, where black children are more likely to be found working underage than white children are because of historical divisions in social and economic ties between the whites and other sectors. A similar circumstance occurs in India where caste differences are the reasons for why tribal children and Muslim children work more than others. In Brazil, blacks work more than other groups, but race is not the only decisive and influential issue; language is also a discriminatory factor in many cultures. For example, in Ecuador, children who don't speak Spanish work more. Even ancestry plays a role in other parts of the world like in Canada, where children work more if they don't come from European descent (Hobbs, McKechnie & Lavalette 52-54).

## **2.4 Effects of Premature Labor**

### **2.4.1 Poverty, Illiteracy, and Unemployment**

Poverty and illiteracy are not just causes of child labor, but they are also consequences (“Consequences of Child Labor”). UNICEF states that, “today’s children embody tomorrow’s world. Uneducated, malnourished, poor children are likely to become tomorrow’s uneducated, malnourished, poor adults” (Minujin et al.). As stated earlier, poverty is the main root. Since parents of child laborers themselves are brought up illiterate, they are unable to get jobs and therefore send their children to work, which ultimately takes away the chance of their offspring being able to receive an education as well. So, the children grow up to be illiterate too, minimizing the odds of getting proper jobs in their adult life; therefore creating the cycle of intergenerational poverty. In addition, poverty forces children into high-risk jobs, as those in mining, agriculture, and manufacturing (“Consequences of Child Labor”).

Long hours of work hinder a child’s educational and social development. “U.S. adolescents who work more than 20 hours per week have reported more problem behaviors (e.g., aggression, misconduct, substance use), and sleep deprivation and related problems (falling asleep in school).” (“Health Issues: Physical Differences between Children and Adults May Increase Children’s Work-related Risks”). These students are more prone to drop out of school early to work. The Center for Understanding Child Work (UCW) has conducted research on the damaging effects of child labor on education and found that “around one-quarter of the world’s out-of-school primary age population – 15 million in total – is involved in child labor.” The largest

amount of children working out-of-school was found to be in Sub-Saharan Africa where over a staggering 10 million children work. Those of wealthier households not only have a better chance of attending school, but even if they do work, they don't tend to drop out (G. Brown).

#### **2.4.2 Isolation and Homelessness**

Since many children work in their employers' homes, they become too dependent on them to obtain their basic needs. Simple daily activities like having the ability to contact family and friends or going to school and accessing regular services are not available for these children to access at their discretion; they have to first get permission from their employer. These children are isolated so they are automatically denied the basic right of trying to reach for help (Edmonds & Pavcnik 199-200). Other children are forced into homelessness to escape hardships from home or some just don't have families. These children often turn to drugs to anesthetize their pain from the adversities they deal with on a daily basis. The International Child and Youth Care Network confirms that, "studies have found that up to 90 percent of street children use psychoactive substances, including medicines, alcohol, cigarettes, heroin, cannabis, and readily available industrial products such as shoe glue" ("Street Children and Homelessness").

#### **2.4.3 Health Obstruction**

#### 2.4.3.1 Malnourishment and Disease

Child labor unmistakably affects children negatively in numerous ways, but no matter what form of labor they are performing, their health is always the first and most widely struck. Street children in particular have the poorest health since they not only work in polluted areas, but they are also malnourished. They are underweight and have stunted growth, which gives them the appearance of a much younger age. These children work around animals, sewages, and trash, so they are exposed to a variety of diseases. Since they are too poor to afford vaccines or medical treatment, they are barely cured from illnesses. Many have actually never been vaccinated before and even if they could afford it, they seldom trust health practitioners anyway. Many times, children who receive treatments at home are put in a lot of pain, as home remedies like rubbing metal on skin are common in some cultures. So, they would prefer to do without it (“Street Children in India: Street Children Problem, an NGO Working for Indian Street Children”). Malnutrition negatively affects the efficiency of these children’s work performance, which is often ignored by employers. Getting underpaid mixed with working long, exhausting hours and not being able to afford or have the time to eat properly all contribute to the malnourishment these children endure (Genicot, “Malnutrition and Child Labor”).

Children involved in prostitution have a much higher risk of catching infectious diseases, namely, sexually transmitted diseases (STDs). According to a study by the

Economic and Social Commission for Asia and the Pacific (ESCAP), “50–90% of children rescued from brothels in parts of Southeast Asia are infected with HIV” (Willis & Levy). Children infected with STDs don’t have access to medical care so they have higher chances of acquiring HIV, and some even try to self-medicate. Those who do catch HIV have increased risks of acquiring tuberculosis. In worst cases, these children pass the diseases to their infants and clients as well, also developing forms that are drug resistant. Prostituted girls face the risk of pregnancy, and since they are usually malnourished, abuse substances, and have no prenatal care, they are placed in so many other risk groups. Numerous girls are forced to miscarriage or opt for abortions, which are generally performed unsafely, then leading to additional health complications (Willis & Levy).

#### 2.4.3.2 Abuse and Psychological Impairment

Street children and those involved in prostitution are placed in much higher risks to not only catch illnesses, but they undergo a great amount of physical abuse from the violence imposed on them in their environments, too, which results in psychological harm. Girls often live in crowded brothels in poor living conditions. Furthermore, these children suffer many psychological issues. They have feelings of hatred towards themselves and towards their families for selling them into their lifestyles. Their inner sense of rejection causes denial and fears of being resold again, as these children’s predicaments give them the sense of never being good enough to be loved. Studies show

that girls with these constant fears were especially found to have nightmares. The feelings of being unaccepted lead to severe depression and tendencies of attempting suicide, if not, actually committing it, since these children see no other way out of their weary situation (Green).

The physical ramifications are sometimes even worst. If they refuse to submit to demands of their masters or clients, they are often beaten, starved or tortured. The situations they are placed in have direct short-term and long-term effects on their mental states. Children generally develop low self-esteem, feelings of despair due to their minimal access to help (“USDOJ: CRM: Child Exploitation and Obscenity Section”). Many who come under the hands of corrupt adults are forced into doing criminal activities, which either get them killed or involved in illegal acts like stealing and dealing with drugs. Being exposed to drugs often leads to addiction among these children, and their hands access dangerous weapons. Beggars and street-traders even go through abuse from cops who see them as pesticides to society (Mattar).

#### 2.4.3.3 Exposure to Hazardous Chemicals and Conditions

Laborers who work in mines, construction, manufacturing and stone quarries are not just exposed to harmful chemicals, but they also undergo muscle and bone aches from the arduous work they are forced to do. They often go through exhaustion from the long hours of work and from laboring in the sun in extreme heat conditions, eventually

leading to dizziness. Salt miners constantly get blisters from walking barefoot on salt flats due to the corrosive nature of salt. The skin on their hands cracks for the same reason and their vision is damaged due to discoloration of the iris (“Child Labour in Salt Mining: The Problem”). Children who work in gold mining work with mercury, which attacks the central nervous system. The Global March Against Child Labor Organization states that these “child laborers run the risk of mercury poisoning, which results in a range of neurological conditions, including tremors, coordination problems, vision impairment, headaches, memory loss, and concentration problems” (“Children Engaged in Unsafe Mining”). Those involved in stone quarrying also suffer from dehydration from working in the sun. “They risk accidents from the use of explosives and they are constantly exposed to fine dust that can cause chronic respiratory infections, notably silicosis” (“Child Labor in Stone Quarrying”).

Lastly, among the most highly affected health-wise, are children working in agriculture. These children work with harmful tools like chainsaws and knives along with heavy machinery. Even if they are injured, they have pressure to continue to work quickly. They undergo repetitive motion injuries, dizziness and dehydration from working in extreme heat conditions, most of the time leading to death. The repetitive motion causes musculoskeletal pains in their backs, hands, knees, necks, shoulders, and so forth (“Child Labor in Agriculture”).

Human Rights Watch (HRW) estimated that these children work for at least 10 hours a day in such conditions and are susceptible to death at around four times more the rate of their working youth counterparts. In addition to working with harmful tools, children inhale harmful pesticides, by taking them in through the wind or working in fields that have not completely dried. Since children are closer to the surface than adults in terms of size and volume, it is easier for them to catch more toxins. At times, pesticides are sprayed on them, adding to the risk having the contamination remain in their systems for long periods of time (“Take Action: End Child Labor in US Agriculture”).

The different definitions associated with child labor along with the variety of forms that make up its denotations highlight how important it is to bring a stop to this matter. The nature, causes, and effects of premature labor prove how detrimental it is to the lives of children and the types of environments they are a part of. The disposition of child trafficking, in particular though, as among the worst forms of labor is a key division to be painted in the following section.

## **2.5 Worst Forms of Child Labor: Child Trafficking**

As noted earlier, according to UNICEF, a child is someone below the age of 18. Terre Des Hommes International Federation estimates that at least one million children are trafficked worldwide (“Child Trafficking: A Contemporary Form of Slavery”). Child

trafficking is considered a crime against humanity. It regards the purposes for which a child has been moved in an organized manner: “a child has been trafficked if he or she has been moved within a state, or across borders, whether by force or not, with the purpose of exploiting the child” (“Note on the definition of child trafficking”).

Generally the movement could consist of someone receiving a payment for the selling of the child after agreeing to exploit them. Today, trafficking is most widely known as ‘modern-day slavery.’ About eighty percent of trafficked victims are women and children who are namely *coerced* into labor or sex trafficking (Johnson). In 2000, the US government drafted the Trafficking Victims Protection Act (TVPA), which addresses the worst types of trafficking. It states that they consist of:

*“The recruitment, harboring, transportation, provision, or obtaining of a person for sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or labor or services...for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”* (“Fact Sheet: Child Victims of Human Trafficking”).

Anyone who takes part in facilitating the movement of a child with the knowledge of what they did would most likely harm the child, whether these contributors are corrupt officials or employers, etc., they are considered to be traffickers. Executors can be criminals (small-scale) or organized crime organizations. If those

involved don't have the intention of moving the child for exploitive purposes, then they are not considered to be traffickers ("Note on the definition of child trafficking"). In stating that a child is vulnerable, then he/she either does not have close relatives at the destination they are going to, the financial means to return home, nor knowledge of the local language to communicate for help. Moreover, these children generally do not have access to necessary services like healthcare or an education (Dottridge).

These children endure physical harm at a large level and many times, the existence of the risks tied to trafficking is invisible in form, as in countries like Bangladesh where commercial sex child trafficking is common. A Rapid Assessment was carried out by ILO-IPEC to understand the harm these children were put under. The report showed that, "the following techniques (were) used on 12 and 13-year-olds: sedatives injected into them; sexual abuse; starvation; threats and fear; physical abuse; house arrest; forced use of drugs and alcohol; and verbal abuse" ("The Role of C4D in Prevention of Trafficking of Adolescent Girls Draft Background Paper for the 12TH UNRT on C4D"). Statistics from a study conducted by the International Organization for Migration (IOM) to show the rates of re-trafficking in the world, concluded that out of the 79 cases reported, 14 involved children. Children are more likely to be re-trafficked than adults and again suffer the lack of access to education and a healthy future with opportunities (Jobe).

Though there is no certain proclaimed timing for exploitation, meaning it could occur at anytime during the trafficking process. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the 'Trafficking Protocol' of 2000) clearly states the different aspects of exploitation that are based on the means, the act itself, and the purpose of trafficking. "It is the first global legally binding instrument with an agreed definition on trafficking in persons" ("United Nations Convention against Transnational Organized Crime and the Protocols Thereto"). The UN General Assembly adopted the Trafficking Protocol before it came into force on December 25, 2003. Following so, it also became known as the UN TIP Protocol. The purpose of the Protocol is to have an agreement on defining trafficking in order to have an international effort in fighting trafficking, in terms of finding perpetrators and prosecuting them. Also, it is to protect the fundamental human rights of the victims who are trafficked ("United Nations Convention against Transnational Organized Crime and the Protocols Thereto").

The state parties agree that in order to prevent trafficking and protect those victims' rights, they must first look at the states of origin and the final destination of these persons, along with areas of transit to be able to punish their traffickers. The UN Convention against Transnational Organized Crime is actually the center of the Protocol's first article since its provisions are applied throughout the entire Protocol ("Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,” University of Minnesota). Usually, the means of trafficking, which the Protocol includes in its classification, are through coercion or fraud with the act of transporting or harboring the victims (“Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,” UN). There is a common misconception that child trafficking involves kidnapping, when in fact, the majority of cases do not. The purposes of trafficking can include sexual exploitation, exploitation of labor/services, slavery/its different forms, or removing the organs of the trafficked child. ‘Labor exploitation’ as discussed above, itself has its own divisions (“The Palermo Protocol”).

Under the foreword by Graca Machel, wife of Nelson Mandela, author Mike Dottridge stated that the illegal work of migrant children in sectors where they cannot receive protection is somehow the by-product of government policies. Contrary to popular belief, if governments actually remove some border restrictions or legalize the sex industry, then child trafficking would be less likely to occur (Dottridge). Either way, at the legal level internationally, child trafficking is treated much the same as trafficking in adult women. The difference between trafficking in women and in children, is that since children are more vulnerable, they become more reliant on adults and therefore

cannot defend for themselves. Children cannot see the initial risks of their situations (“Child Trafficking: A Contemporary Form of Slavery”).

The causes of child trafficking are much the same as those of child labor in broad since after all, labor and trafficking are coexistent terms. There is no one cause for trafficking because cultural, societal, and economic factors all come into play. In most instances, the factors are dependent on countries in which the children are trafficked. Some states have weak laws, and many children end up being passed as adults when trafficked because of the lack of birth certificates. Normally, children are unaware of the dangers of the jobs they may be entering and they often ignore the risks of a given job because they would almost do anything to escape poverty (“Human Trafficking”).

Children could be escaping poverty or dangerous conditions, a lack of human rights, or oppression. Internal armed conflicts as well as political unrest or even natural disasters are all possible catalysts for the exploitation of children. This is because children are often displaced, if not orphaned, due to the destabilization of the populations which they are a part of, so it makes them much more vulnerable to go on the streets for survival and fall in the hands of traffickers. If these children do have parents, but come from homes of extreme poverty, parents usually sell their children. This is not just done to make money for themselves, but to try to assure a better lifestyle for their children (“Addressing the Root Causes”).

Child trafficking is a dominant phenomenon around the world, and even occurs in the United States. The negatives of having illegal migration and porous borders push the chances of children entering the cycle of exploitation. The US Department of Justice asserts that human trafficking comes in second on the list of the fastest growing criminal industries in America. Half of those trafficked are children who have been forced into the \$32 billion dollar business that tolls higher than the arms industry (Axtell).

When the police find children involved in domestic sex-trafficking in particular, mostly girls, they usually place them in jail for prostitution charges instead of treating these victims as minors. International law declares that because these girls are under 18 years old, they should be considered to be children, under local law they are not. Many girls in the US flee dysfunctional homes and are misled by pimps and boyfriends who pretend like they are protecting them, that is, if they're not kidnapped as early as 9 years old. Most are between the ages of 12 and 14 (Frundt).

This was the case for American Tina Frundt, who was trafficked in her own country at the age of 14 when she dated a man 10 years her senior and fled with him to Ohio after he brainwashed her with promises and gifts. He told her she would go meet his family, when instead she joined three other girls he put out for prostitution. The girls had to meet a daily quota and if they didn't, they would get punished and abused. They were often raped and unable to run away from their situation since they were just

children and the fear of what would happen to them if they fled, overwhelmed them, so they didn't (Johnson).

Due to cases like these, as well as those involving the trafficking of immigrants, the US Department of State has been publishing a Trafficking in Persons (TIP) report every year under the auspices of Secretary Hilary Clinton to connect with foreign states on fighting human trafficking; as will be further discussed later in the thesis ("Trafficking in Persons Report"). However, though these efforts are commendable, this is not to say that they are fully sufficient. The next chapter will elaborate on child labor in the context of public international law including the roles certain implemented programs and agreements have taken on prohibiting underage work.

# **Chapter 3**

## **America's Relation to Child Labor in Public International Law**

### **3.1 International Laws and Programs Prohibiting Child Labor**

Child labor has been an area of focus in public international law for quite some time now. Chief organizations have used human rights as a foundation for their international law instruments to make a difference in this ongoing issue. The United Nations has stood at the face of efforts against child labor along with other key organizations, like its sub-association, the International Labor Organization (ILO), which has created the International Program on the Elimination of Child Labor (IPEC) in 1992. Being the largest program of its kind at a global level, the goal of IPEC was to create a worldwide movement that would battle child labor and is currently involved in 88 states. “The number and range of IPEC’s partners have expanded over the years and now include employers’ and workers’ organizations, other international and government agencies, private businesses, community-based organizations, NGOs, the media, parliamentarians, the judiciary, universities, religious groups and, of course, children and their families” (“About the International Programme on the Elimination of Child Labour (IPEC)”).

Along with the work of groups such as Human Rights Watch, the International Labor Rights Fund, and the Fair Labor Association, these organizations have created many projects to combat child labor on a global scale. They have set exemplary regulations, not only with projects, but even with the formation of conventions and dialog. They raise awareness through providing statistical data and research with thematic studies and programs that monitor and evaluate child labor.

International trade laws are crucial in determining where the world stands in terms of restricting the trade of goods in states that allow the use of child labor, specifically. This is where the work of renowned establishments such as the World Trade Organization (WTO), the International Monetary Fund (IMF), the World Bank (WB), and the North American Free Trade Agreement (NAFTA) comes in. They are the leaders in setting the roles and impacts of international trade laws and have worked side by side in pushing for the enforcement of these decrees. This chapter will go over the efforts of the mentioned organizations and discuss the impacts of public international law on child labor and how the United States has played a role in the discussed enforcement mechanisms.

### **3.1.1 The Universal Declaration of Human Rights**

The Universal Declaration of Human Rights was passed in 1948 by the UN General Assembly, after it was originally bestowed on all nations to follow but had no

force by law. Today, it still serves as a standard for all nations to follow; namely to protect the civil, political, social, cultural, and economic rights of humans. The United States is among the signatories of the human rights instrument. Upon the passing of the Declaration, the UN Human Rights Commission passed two enforcement mechanisms. The International Covenant on Civil and Political Rights (ICCPR) was namely passed to be centered on issues like the right to freedom, life, speech, and voting, while the International Covenant on Economic, Social, and Cultural Rights (ICESR) was based more on food, education, shelter as well as health. These two mechanisms officially became international law in 1976 (International Human Rights Law- Bill of Human Rights”).

The Declaration of Human Rights declares the importance of inherent rights of all human beings with the focus of how the world is now filled with a common discounting of human rights as a whole. Namely, this Declaration proclaims that children are in need of special care and help since they cannot fend for themselves as adults can (“Universal Declaration of Human Rights United Nations High Commissioner for Human Rights”). The Declaration of the Rights of the Child states that a child has limits due to their mental and physical immaturities. So children need special protection prior to and following their birth (“International Law”).

The Universal Declaration insinuates that most people in the world aspire to have freedom of speech and freedom from fear. All nations who are a part of the Declaration

have agreed to respect everyone's human dignity and have vowed to work with the UN to do so. Article 4 of the Declaration states that "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms" (Peterson). In regards to the worst forms of child labor, this 'universally respected' article states that treating any human being as a slave, as most child laborers are treated, is clearly prohibited. To be specific, the United Nations High Commissioner for Human Rights defines modern slavery as inclusive of child labor and servitude and the sale of children, along with the child labor factions of migration and repressive prostitution (Peterson).

Moreover, Article 7 enforces the notion that no one is an exception to being treated equally in terms of protection from discrimination under the law. In addition, following articles under this pronouncement affirm that all humans have the right to being paid equally for the same work and have the freedom to choose employment, most importantly with fair and favorable conditions to work in where their dignity is not undermined ("The Universal Declaration of Human Rights, UDHR, Declaration of Human Rights, Human Rights Declaration, Human Rights Charter, The UN and Human Rights"). As the following chapter will show, even though the US is a state party to the Declaration, it still has instances of underage labor where minors are underpaid as compared to their older peers, which clearly breaks the pretense of Article 7.

Perhaps among the most important clauses included in the proclamation is Article 26, discussing the freedom of all humans to receive an education, which must be

given for free at the elementary level at least, or at the early points of learning (“UN Declaration of Human Rights, Official Articles & International Law”). Since education practically becomes a non-existent option for children who work, it is crucial for states that are bound by this proclamation to make certain that education is accessible by all. The irony is imposed by the fact that the US is well known for protecting education and making sure it’s accessible by everyone, yet the child labor instances on its territory undermine this right. As a hindrance to access to education, child labor is indirectly challenged by this article since it stands as an inhibitor to human development. The last article of the Declaration visibly confirms that no state or person is allowed to defy any of the human rights and liberties enforced by it. This means that all governments have the responsibility to make sure that the rights of the children on their own territories are to be protected (“The Universal Declaration of Human Rights, UDHR, Declaration of Human Rights, Human Rights Declaration, Human Rights Charter, The UN and Human Rights”).

In 1966, the United Nations adopted the International Covenant on Civil and Political Rights, as compatible with the Universal Declaration of Human Rights. Children’s rights are protected by a number of articles in the Covenant, but Article 24 namely stands in detailing the protection of children by the state, as minors, regardless of their races or origins. There’s a large occurrence of children who are taken into labor without having a birth certificate, so the second part of this article is specific to this case

in that it asserts that all children have the right to a birth certificate at the time of their naissance (“International Covenant on Civil and Political Rights”).

### **3.1.2 UN Convention on the Rights of the Child**

The United Nations Convention on the Rights of the Child of 1989 (CRC) sets the standards for freeing children from economic exploitation. It is “the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights” (“Convention on the Rights of the Child,” Amnesty International). Not to mention, this Convention is the most extensively ratified one worldwide with over 192 signatory countries, except for the United States and Somalia (“International Laws and Programs on Eliminating Child Labor”).

On Somalia’s defense, the reason it didn’t ratify the Convention, according to UNICEF, is namely attributed to the fact that its government does not have the capacity at the moment to ratify an international instrument. However, the United States signed the Convention on February 24, 1997, which was somewhat of a sign that the US had plans to ratify it. The step that followed the signing of the instrument was for the President and his advisors to set up a Statement of Reservations, Understandings and Declarations. “Once Senate consideration is completed in the affirmative, the President will ratify the Convention. As of April 1, 1997, the Convention has not been presented to the Senate” (“Convention on the Rights of the Child,” Amnesty International).

Generally, the US must scrutinize and examine all international treaties thoroughly before ratifying them, so it's a long process that may take several years to ratify a treaty after it's signed. For instance, the Convention on the Elimination of all Forms of Discrimination Against Women still hasn't been signed by the US, but it was signed years before. The US usually takes longer than other countries to ratify treaties since it ascertains that the treaties' terms meet both its state and federal laws. When necessary, it will add new legislation before it gives its full affirmation because it sees a treaty as separate to American law. That serves as the reason behind taking the measures it sees fit for the state to inhabit the treaty even if it takes years ("Convention on the Rights of the Child," Amnesty International). For the sake of going into specifics on how the United States ratifies international human rights treaties differently than other states do, it starts out with the government signing the treaty and then sending it to the lawyers of the Justice Department for review to namely determine if there are any provisions that may protect the rights of American citizens more than US state or federal laws that are already existent. Once that's done and additional reservations or declarations are made, that becomes part of the ratification package sent to the Senate ("Convention on the Rights of the Child," Amnesty International).

Several examples exist, such as the Torture Convention, which basically have the same ratification process that calls for making sure that the treaties or convention do not override US laws. In this case, when the Torture Convention was sent to the Senate for

ratification, the American government drafted a reservation that stated the Convention would only prohibit cruel and unusual punishment so as to not override the American constitution. Organizations like Amnesty International verify that environmental factors must be taken into consideration when it comes to looking at impediments to ratifying the CRC, since there are many public misconceptions about the Convention and its intents. So, it's come across a level of rejection by the Senate and the public, meaning that the political environment in the US must come to consensus before the Convention can be ratified ("Convention on the Rights of the Child," Amnesty International).

The Charter of the United Nations serves as a basis for the principles set forth by the CRC, which namely denominate that all humans are entitled to "equal and unalienable rights" of justice, peace and inherent freedom and dignity ("Convention on the Rights of the Child," CRIN). The United Nations Children's Emergency Fund (UNICEF) keeps its mission to protect the rights of all children. This includes helping them reach their full potentials and widening their opportunities. The purpose of passing the CRC was to name the basic human rights all children have, which both governments and individuals must respect. It is made up of 54 Articles and 2 optional protocols, which outline how underage individuals should be fully guarded from abuse and their best interests must be respected to allow them to develop harmoniously ("A Summary of the United Nations Convention on the Rights of a Child").

The Convention centers on how individuals under 18 years of age do not have the same capacities as adults to defend for themselves when basic rights are abused. “The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child” (“Convention on the Rights of the Child, CRIN”). It aims to tackle the issues of healthcare and education along with the civil and legal rights of children as a whole. In specific, it defines a child as being under the age of 18 and calls on states specifically to protect children’s rights (“The Convention on the Rights of the Child Guiding Principles: General Requirements for All Rights”).

#### 3.1.2.1 Non-Discrimination

The start of the Convention focuses on not looking at a child’s race or origin to determine whether or not the law should protect him. Nor should the child’s political and social backgrounds, religion, or disability be factors of discrimination. Every state that is part of the Convention should take all measures needed to guard the child from discrimination based on beliefs of the child’s parents or legal guardians and their statuses or expressed opinions. So namely, children should not be held accountable of the positions of those responsible over them (“Convention on the Rights of the Child,” CRIN).

In regards to the best interest of the child, state parties should use the maximum amount of their available resources to take legislative/administrative action to ensure rights of the children are protected. As part of this clause, institutions that are liable for the care of children and their protection are to be held responsible for any harm done to these children, whether it involves health or safety. They should additionally act as a form of extended family for children who need their help, having the same responsibility for caring for the child's development and guiding them ("Convention on the Rights of the Child," CRIN).

The United States generally deals with such issues by putting children in foster care when the justice system sees it fit to do so. So generally, when parents cannot provide for the needs of their children, the state takes action. However, though foster care seems like a pretty straightforward solution to dealing with the issue of child labor in the US, a lot goes into children's qualifications for receiving it. To begin with, financing foster care is a very complicated system that involves eligibility laws that differ from state to state. Each state receives its funding from the federal government at differing rates, and since different children have different cases and require varying care, it makes the system even more complex. "By one estimate, annual state and federal expenditures for foster care total more than \$9 billion under Title IV-E of the Social Security Act alone. On top of that, even more money is spent for publicly-subsidized medical care for foster children and food stamps, cash welfare, and child care payments

to the families that care for them” (Lash). In terms of abiding by this aspect of the Convention on the Rights of the Child (disregarding the fact it hasn’t been ratified yet), a reason it would not completely suit the US to ratify the instrument is that the burden of having more children enter the foster care system would be too high. So it’s easier to just have them help out their families with making a living (Lash).

### 3.1.2.2 Identity and the Best Interests of the Child

The main agreement among states is that the child has the innate right to live. If the child is deprived of his/her identity, each state should make sure that their nationality is to be re-established. When children are trafficked or taken into labor, not only is the absence of a birth certificate an issue, but so is the separation of the children from their parents without any say in the manner (“Convention on the Rights of the Child,” HRweb). The Convention binds the states in taking responsibility to make sure that the separation of children from their families should not be against their will, rather there should be a form of judicial review to ascertain that certain laws and procedures are put into place (Buck 88-90). Cases where children face neglect or abuse by their parents/guardians are the type to be taken into the legal consideration mentioned. Article 11(1) chiefly relates to the issue of human trafficking: “States Parties shall take measures to combat the illicit transfer and non-return of children abroad” (“Illicit Transfer and Non-return of Children Abroad: Text of Article 11”). Subsequently, children that are forced to work across borders have the right to return to their respective homes.

In this case of child trafficking, all 50 US states have been found to be sources and transit sectors of the problem. Children found to be working on the streets or even in restaurants and hotels, provide for cheap labor and less of a burden on federal expenses. So, this perhaps gives even more leverage for American law enforcement to act as though the problem isn't as major it is.

#### 3.1.2.3 Freedom of Expression

If children have the capability to express themselves, the Convention affirms that they have the right to do so even if it means someone must represent them in a court. This is crucial to the issue of child labor, since although these children are capable (age and maturity-wise) of speaking for themselves and their situations, they are not given the chance to. Children are restricted to speak freely under these articles only in the pretenses where they might harm the reputations of others or the protection of public order (Detrick). What comes as a striking clause in the Convention, is the role of mass media in children's lives and how they all have the right to access media in terms of gaining information that will enrich their lives in terms of how to enhance their wellbeing. This is in regards to national and international sources that promote the spiritual, physical, mental and social health of children; all which child laborers do not have access to (Buck 143-144).

#### 3.1.2.4 Protection of Wellbeing

When the health of children is threatened, all states are responsible for making sure they are free from exploitation and abuse. If these states find it necessary, they may resort to placing the child in foster care in the case where their guardians cannot care for them properly, or if they ill-treat them or force them into exploitive labor (“Fact Sheet: A Summary of the Rights under the Convention on the Rights of the Child”). Seeing as how child laborers are always threatened in terms of their wellbeing, it is key to note that this Convention lists as high priority children’s right to receive the highest standard of health. This means having equal access to all health services, including those which combat disease and malnutrition (Blanchfield).

In 1996, the U.S. Department of Health and Human Services found that comparing to white children, Hispanic and Black children in America were less likely to receive healthcare. So, minorities were always at a higher risk of not getting a usual source of healthcare. Further research showed that children who were more likely to have access to a usual source of health care were those with private health insurance. Those who had public health insurance or that weren’t insured at all had little to no chance of getting access to a usual source of health care. Ten percent of all children under the age of 18 did not have a usual source of healthcare since their parents could not afford it (Section 2 - Children's Access to Health Care). In 2012, the Department found that this number dropped to 2%, which was equal to about 1.2 million children. Three percent of children had delayed medical insurance due to worries about how much

it would cost. About five million children didn't have health insurance in the US. Hispanic children made up the bulk of those uninsured and actually accounted for twice the amount of White and Black children who were uninsured. ("Summary Health Statistics for U.S. Children: National Health Interview Survey, 2012").

The Department and similar sources of statistics on children's healthcare show the percentage of minorities that are deprived of equality in receiving proper care for their wellbeing, but these sources fail to show that some of these children are generally working underage, which causes them to need additional healthcare due to injuries they incur while at work. This is why it comes as no surprise to find that Hispanic children often have less access to healthcare, since many of them who work in the American agricultural sector don't can't get medical care for multiple reasons including the fact that some belong to families that are illegal migrants or just can't afford it. Ratifying the UN Convention on the Rights of the Child, would create greater financial pressure on the U.S. to guarantee that all children receive necessary healthcare, regardless of their backgrounds.

#### 3.1.2.5 Right to Education

In reference to Article 26 of the Universal Declaration of Human Rights, Articles 28 and 29 of the CRC focus on the importance of access to education by all children. In the cases where children need financial assistance to receive their education, they must

be provided with it. Measures must be taken to make sure children are attending school, so the dropout rates must be reduced as such (“Convention on the Rights of the Child (CRC), Articles 28 and 29 | Dignity In Schools”). Moreover, states are obliged to work together at an international level to make sure that there is worldwide access to knowledge of technology and overall teaching techniques to eventually diminish ignorance and illiteracy rates (“Fact Sheet: A Summary of the Rights under the Convention on the Rights of the Child”).

In pushing for access to primary, secondary and higher education, most states agree that this is done in order for the child to develop his or her talents and personality as well as an overall respect for human rights, pushed by these legal instruments themselves. Children have an increased opportunity to develop respect for the natural environment as well (“Annex IX”). Not to mention the importance of children’s rights to play and recreational time as well as rest, which is highlighted in Article 31 of the Convention (“The Right of the Child to Rest, Leisure, Play, Recreational Activities”). The only issue with learning more about respect for the environment and getting a general education is being able to go to school. When American companies allow children to work in and out of the US, they take part in the process of depriving them of their education, whether it’s knowingly or unknowingly.

#### 3.1.2.6 Protection from Exploitation and Hostilities Involvement

Article 32 of the CRC is perhaps the most pertinent clause that comes in direct relation to child labor. It maintains that, *“1. States Parties recognize the right of the child to be protected from economic exploitation and 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”* (“Laws / Health”). States must accordingly provide minimum age requirements for entry into employment and must regulate the number of hours that are to be deemed appropriate for work along with accepted conditions of labor. Successively, states are to shield children from any involvement in the use of illicit substances, including the trafficking and production of these drugs (“Convention on the Rights of the Child,” CRIN).

As referenced in the previous chapter, children who work prematurely often turn to drugs to pacify the pain caused from their situations. Governments have the duty to make sure that children turn to other habits like attending school, instead. In addition, those children who are exploited sexually are also to be protected by the state parties of the CRC (“Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography”). All measures, bilateral and multilateral, must be taken to protect children from any type of coercion to take part in illegal sexual activities, prostitution or pornography. Each child should be defended from undergoing any form of inhuman/degrading treatment or punishment. Just the fact that child laborers are treated as such in a regular basis shows the significance of this clause. States have further

obligations to make sure those child victims who go through degrading and cruel treatment receive physical and psychological recovery as well as reintegration into society (Viti 1-4).

Children are generally taken in as soldiers due to their vulnerability and ease of abduction. The CRC asserts with no exception, the prohibition of the use of children in being part of armed conflicts. Children below the age of 15 are not to be recruited into military units and hostilities. The state parties of the CRC should rescue those who are already involved in this form of exploitation. They should take further action to make sure children who undergo this extreme form of exploitation receive necessary rehabilitation (“AMICC: The International Criminal Court and Children’s Rights”). Children who get into some form of trouble with authorities, should be treated with their age being taken into consideration as well as their dignity. They are to be entitled with basic rights including legal defense or assistance when in need. Moreover, these children should receive help rather than just focusing on castigating them, so they may be reinstated into their societies and have a chance of having decent futures (“The Convention on the Rights of the Child Protection Rights: Keeping Safe from Harm”).

#### 3.1.2.7 The Optional Protocols:

##### *Armed Conflict*

In addition to the 54 Articles that are divided into three parts, the final one consisting of clauses for implementation measures, the CRC has two optional protocols. The Protocol on Armed Conflict is comprised of 13 articles itself. Its focus is to ensure that no child under 18 is forced into the state's armed forces. If the state chooses to increase the minimum age at which it permits the voluntary recruitment of children into the armed forces, then it must ensure the recruitment is completely voluntary and have safeguards in place to ascertain this decree. This form of recruitment should be completely permitted by the child's parents who are to be fully informed in detail of the child's duties while performing military service ("Optional Protocol on the Involvement of Children in Armed Conflict").

Armed groups not part of the state military forces cannot under any circumstance recruit children. State parties of this protocol are therefore authorized to take any necessary measures so as to stop this type of recruitment. Moreover, "Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment" ("Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict").

*Sale of children, child prostitution and child pornography*

The state party has the responsibility to stop any act of offering and receiving children for purposes that include their sexual exploitation, the profitable sale of their organs, or *forced child labor*. In addition, any criminal act that involves the offering or selling of a child into prostitution or taking part in any form of child pornography business is to be chastised by the state parties. Whether these acts occur domestically, on a private basis, or transnationally, the state parties of the Protocol must ensure that law reprimands such criminal offenses (“Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography”). Any measures to hold perpetrators liable, must be conducted, and state parties must push for *international cooperation* on this manner. In comparison to the Protocol on Armed Conflict, state parties must put forward a statement to the Committee on the Rights of the Child that provides the details on the measures they took to apply the Protocol (“Optional Protocol to the Convention on the Rights of the Child”).

### **3.1.3 ILO Minimum Age Convention (No. 138)**

Adopted in Geneva in 1973, the International Labor Organization governed the Minimum Age Convention concerning Minimum Age for Admission to Employment (“Minimum Age Convention, 1973 (No. 138)”). The first Article reasonably states the purpose of the Convention: “Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or work

to a level consistent with the fullest physical and mental development of young persons” (Kaul 513-516). So signatory members should keep minimum age requirements as standard on their territories. The minimum age is regarded as being no less than the age of being able to complete compulsory schooling, or in other words, no less than 15 years old. The exception comes for members whose economies are not sufficiently developed and therefore would prefer to put the minimum age at 14 (Haspels & Jankanish).

Although, with choosing such provisions members must present a report to the ILO stating that their reason for choosing that age is subsistent. Moreover, they are to later ascertain which branches of their economy or jobs in particular they will add these provisions to. Article 5 asserts the mentioned requirements and further affixes that provisions to the Convention should be at a minimum when it comes to the following work sectors: “mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers” (Servais 140).

However, the form of work which is more likely to jeopardize the health and safety of young people, is set to be at least 18 years old at all positions. If work is not to be harmful to the health of young persons, then national laws could permit employment in areas of ‘light work’ for persons between 13 and 15 years old (“C138 - Minimum Age

Convention, 1973 (No. 138)"). Article 9 stresses that all necessary actions should be taken to ensure that the terms of this Convention are not violated, and penalize such infringements. In addition, national authorities and laws must present and provide information on those who are responsible for complying with the Conventional clauses (Humbert 93). Over 100 states, except for the United States, have ratified the Minimum Age Convention as evaluated in the following chapters. Over two decades following this caucus, the International Labor Organization administered another conference outlining protection of children from the worst forms of child labor ("International Laws and Programs on Eliminating Child Labor").

#### **3.1.4 ILO Convention on the Worst Forms of Child Labor (No. 182)**

In 1999, the Convention on the Worst Forms of Child Labor became the fastest-approved convention in the ILO's history and included the ratification of the US. Its basis is calling for the quickest and most efficient efforts to bring an end to the worst forms of child labor (Pier). To begin with, Article 3 of this Convention, as stated in section 1 of Chapter 1 of this paper under "Child Labor Denotations," clearly sets the worst forms of labor as slavery and its different forms as well as the sale or trafficking of children, using them for prostitution or pornographic purposes, using children in illicit acts such as in the production of illegal drugs. All the international law instruments discussed so far come in agreement with the final section of this article declaring that the

worst forms of labor involve placing children in work that is simply harmful to their health and safety as a whole (Rosenblatt).

National laws should determine whether certain forms of labor should be labeled under these categories after state authorities consult with involved employers and laborers and refer to standards of international law (Melander & Alfredsson). All members of the Convention have the responsibility to create programs that monitor the execution of its terms. These programs must be coordinated with related government institutions and employers and labor parties (J. Cohen 139-141). Furthermore, if the programs are violated, state members should take necessary measures to place sanctions as penalties. They should not only make sure children are prevented from engaging in the worst forms of labor, but like the other law instruments, members have to provide a form of rehabilitation initiatives and such for reintegration. They should identify children at special risk of being taken into the worst forms of labor (“Convention (no. 182) for Elimination of the Worst Forms of Child Labor”).

This Convention takes into consideration the basic need of children to receive an education, and how the removal of child labor requires an acknowledgment of this need. Increased economic growth is a catalyst in ending the worst forms of child labor according to this Convention, to ultimately facilitate social progress and bring an end to poverty (child labor’s underlying cause) (“ILO Convention No. 182 on the Worst Forms of Child Labor”). In the case of the United States, at least in regards to its present state,

the economy is not at its best. So the fact that the ratification of this Convention would probably yield the best results when economic growth is at a high, is not ideally applicable at the current time. This serves as a possible explanation for why the United States has some missing links with ensuring that the worst forms of child labor are completely halted in and out of its territory.

### **3.1.5 African Charter on Rights and Welfare of Children**

According to the African Committee of Experts on the Rights and Welfare of the Child (ACRWC), “Africa is the only continent with a region-specific child rights instrument” (“The African Charter on the Rights and Welfare of the Child (ACRWC)”). In other words, this agreement is the first regional children’s rights treaty. It is also known as the African Children’s Charter (ACC) and contains around the same principles as the United Nations Convention on the Rights of the child, but is more specific to the African context (“Representing Children Worldwide”). So, for the sake of avoiding repetition, only the articles that stand out to be in direct relevance to child labor will be discussed. To start with, this Charter covers all areas from defining how each child should be protected from discrimination to discussing a child’s responsibilities. They also include a child’s duty to work for the family’s unity and assist their family in case they are in need; depending on the child’s age and capability to do so. These responsibilities consist of the child’s task of serving their community by enhancing it with their physical skills and intellect (“African Charter on the Rights and Welfare of the

Child, OAU Doc. CAB/LEG/24.9/49 (1990)"). The United States may well be focused on the cultural belief of children being part of the family work unit to help with advancing the family's standing, so when it comes to conducting business in African countries, in particular, the hegemon may be looking at child labor as more widely accepted in such countries. Ultimately, that serves as grounds for not worrying about getting reprimanded for the use of underage labor by American corporations. Article 4 of the African Charter focuses on protecting the best interests of the child as a priority to the discussed manners and following, their survival and development are key areas of concern to be protected. Crimes committed by children cannot have them sentenced to death (Senyonjo).

Although the U.S. may rely on the pretense that child labor is somewhat more widely accepted in certain areas of Africa, this Charter also pushes for the freedom of expression of the child; African laws must allow children to defend for themselves and express their own opinions on being discriminated against. Children's privacy should also be protected under the ACC, meaning employers cannot meddle with the affairs of the child and their family (Heyns). Article 15 of the ACC is solely on child labor. Section 1 states: "Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development" (Yusuf). Drug abuse, child abduction sale and trafficking, and sexual exploitation are among the topics of the

articles following 15 up to those that conclude this agreement (Starmer & Cristou). In addition to this milestone accord, the most widely known global trade and monetary organizations have made several efforts to eliminate child labor. Some however, have yet to make the issue a part of their key policies, regardless of the recommendations made by their own members.

## **3.2 The Role of the U.S. with International Trade Organizations, Accords, and Laws**

### **3.2.1 The World Trade Organization**

Although “all WTO member governments are committed to a narrower set of internationally recognized “core” standards — freedom of association, no forced labor, no child labor, and no discrimination at work (including gender discrimination),” these labor standards are currently not part of the WTO rules (“Understanding the WTO: Cross-cutting and New Issues- Labour Standards: Consensus, Coherence and Controversy”). Member governments, generally from North America and Europe, believe that the WTO should have regulations specific to eliminating discrimination and abuse in the workplace. It goes without saying that these abuses refer to forcing children to work. WTO members have been suggesting that the organization should form a “working group study” to be able to test the issue of child labor at a wide scope. These governments believe that by making labor standards a chief part of the Organization, it would serve as a form of motivation for members to take the issue more seriously and

enhance work conditions. However, this topic is under high debate in the WTO, and has been so since its creation after officials met in 1994 at the Ministerial Conference of the General Agreement on Tariffs and Trade (GATT) (“Trade and Labor Standards Subject of Intense Debate”).

To begin with, developing state members think that dealing with labor standards should not be the responsibility of the WTO. This is because they see trade and the labor standards as cover-ups for protectionism by developed states. Developing states believe that it would give the more industrialized states an economic comparative advantage to manipulate the lower wages (Understanding the WTO: Cross-cutting and New Issues-Labour Standards: Consensus, Coherence and Controversy). When these beliefs are put forth on the table, they discourage states like the US from pushing for stronger labor standards for states to abide by, especially when each one has its own agenda. The United States was actually a chief force during the creation of the World Bank and has a strong say in its actions. Developing states see improved labor rights and conditions as possible only if there is economic growth. Under this belief, if states have subordinate labor standards, placing sanctions, in their view, would just increase the rates of poverty and decrease chances of improving employment conditions (“International Trade and Core Labor Standards”). When it comes to the decreased rates of employment in some countries, American corporations abroad which use child labor can simply use this as a basis for hiring children to decrease state expenses and have higher employment rates.

In 1996, when ministers met in Singapore for the WTO Ministerial Conference, they stated that: “We renew our commitment to the observance of internationally recognized core labor standards. The International Labor Organization (ILO) is the competent body to set and deal with these standards, and we affirm our support for its work in promoting them...In this regard, we note that the WTO and ILO Secretariats will continue their existing collaboration” (Leary & Warner). Although at the end of the day, the question of whether or not the ILO’s standards could blend well with the regulations of the WTO still stands. After all, the WTO states that its main function is to handle global trade matters among states and make sure the trade runs efficiently (“The WTO... .. In Brief”). Since a lot goes into the regulation of trade, sure, saying that it’s a simple task is more easily said than done. It could be that the WTO focuses on this main aspect of its milestones in order to evade going into the trouble of creating a deeper analysis and study for how to rid its recipient countries of child labor.

On the other hand, the WTO still needs the estimates of ILO labor studies to be able to work in a joint effort to promote better work conditions. The below table, for instance, goes to show the ILO’s take on how economies may be effected in both developed and underdeveloped states due to the prevalence of child labor. Countries with lower labor standards could attract more Foreign Direct Investments and increase their exports, therefore leaving a dilemma for the economies of developed states

(members of the WTO) (Seear). This chart comes in relation to estimates provided by organizations such as the World Bank and IMF, as well.

**Table 1: Child labor distribution by level of national income, 5-17 years age group, 2012**

National Income Category	Total Children	Child Labor	Child Labor
	('000)	('000)	(%)
<b>Low income</b>	330,257	74,394	22.5
<b>Lower middle income</b>	902,174	81,306	9.0
<b>Upper middle income</b>	197,977	12,256	6.2

**Table 2: Children in employment, child labor and hazardous work by region, 5-17 years age group, 2012**

Region	Children in Employment		Child labor		Hazardous work	
	('000)	(%)	('000)	(%)	('000)	(%)
<b>Asia and the Pacific</b>	129,358	15.5	77,723	9.3	33,860	4.1
<b>Latin America and the Caribbean</b>	17,843	12.5	12,505	8.8	9,638	6.8
<b>Sub Saharan Africa</b>	83,570	30.3	59,031	21.4	28,767	10.4
<b>Middle East and North Africa</b>	13,307	12.1	9,244	8.4	5,224	4.7

Note: (a) The regional totals sum to less than the world totals because the latter include states that are outside of the four main regions reported here.

(Source: "Marking progress against child labour - Global estimates and trends 2000-2012." *International Labour Office, International Programme on the Elimination of Child Labour (IPEC)* - Geneva: ILO, 2013. <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_221513.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_221513.pdf)>

### **3.2.2 The World Bank (WB) and International Monetary Fund (IMF)**

The World Bank has openly stated that it recognizes the issue of child labor as being a direct result of poverty and it has made efforts in trying to reduce poverty among other novel initiatives. The Bank created the Global Child Labor Program (GCLP) as being the center of everything from training to a broad range of child labor activities. The main job of the GCLP is to become more involved in the affairs of children, and corresponding development programs concentrated on by the WB's equipped Special Protection Unit. These efforts go side-by-side with other partnerships ("World Bank and IMF loans: Look who's paying the tab"). Improving incomes and decreasing hunger are mottos of the World Bank and the U.S. has helped with pushing this process forward. In October 2012, the U.S. led the way in urging the international arena to provide funding for the WB's Global Agriculture and Food Security Program (GAFSP), which was eventually supposed to lead to about \$475 million ("GAFSP: Improving Incomes, Reducing Hunger").

Other partnerships include the Understanding Children's Work Project, which shows the Bank's comparative advantage in researching on child labor. This is namely based on an economic stance. Ever since the 1990s, Bank researchers have provided great input to the literature by looking at how the issue of child labor perpetuates poverty and how it affects decision-making at households, rather than looking at it as an issue other than being an economic one. The question remains however, that even though the

WB does have extensive research on the topic, are its lending rules in any way shaped by its child labor findings? Moreover, is its policy discourse with governments affected greatly especially in terms of global development methods (Heymann & McNeill)?

The Bank in coordination with UNICEF and the ILO conducted data research to find out how the number of children working and the factors causing them to do so, are correlated to the economy. The Bank concludes that children work rather than go to school because they find that the economic incentives in doing so are greater than the benefits they expect to gain from school. Due to the constraints at home, parents agree with sending their children to work rather than send them to school, which they cannot afford anyway. So back to the issue of culture, if children and their families find it more acceptable to work rather than go to school, that becomes more of an issue outside the reach of developed countries like the US. The WB finds that child labor is higher in the regions of Sub-Saharan Africa and South Asia because of their low-income states (Fares & Raju). To further expand its research initiatives, the Bank works with another prominent organization: the International Monetary Fund. In working together, they have the power to decide the economic policies of poor states, to which they offer aid and loans (“World Bank and IMF loans: Look who's paying the tab”).

The International Monetary Fund was founded in 1947 along with the WB, after the Bretton Woods Conference. This is a bank that states turn to when they have no other alternative to get out of bankruptcy or if they are having problems with paying off their

debt (Hobbs, McKechnie & Lavalette). However, because of this, the IMF is blamed most of the time for continuation of child labor; not for creating it per se, but for making its existence more prominent in export industries to fulfill its economic policies. The IMF regulates short-term loans to governments. The labor of children in the regions of these poor governments supports global economic sectors since they work greatly for export-oriented businesses owned by their states' local elites. Governments become more dependent on their work for profit to meet IMF terms. The U.S. gets blamed at times as well, since many industries are American-owned. In 1991, the IMF took control of India's economic policy. Consequently, the government cut social spending and chose to make efforts in increasing exports. These decisions caused a child labor epidemic as export industries chose to hire children to pay much lower wages so that their country can finance its foreign debt, as most Asian governments have done (Prashad).

In contrast with the IMF, the WB provides long-term loans to governments, but evidently it has been found to provide such loans to industries that use child labor. When this happened in an Indian silk industry in 1997, the Bank made sure to hire an official to ascertain that it does not lend to businesses that use children to work for them ("Small Change Bonded Child Labor in India's Silk Industry"). The Bank and the IMF both tried to make other sustainable efforts to reprimand the use of child labor in states they lend to. Regardless, they have been found to push governments to cut back more on public spending. This means governments do not spend on education programs, leaving poor

children with no choice but to work in order to relieve themselves and their families of poverty (Easterly). In areas like the Ivory Coast, the government liberalized the cocoa and coffee sectors in 1994 under the auspices of the IMF and as a result, there was an increase in agricultural poverty as well as a surge in child labor. Reductions in government spending also declined educative quality and limited the ability of children to attend school (“The World Bank and IMF Policies in Cote D’Ivoire: Impact on Child Labor in the Cocoa Industry”).

On the other hand, the IMF deals in great part with lowering inflation. According to scholars, inflation is the worst form of tax on poor households, so by alleviating it, living standards are allowed to grow. In dealing with such economic issues, increasing living standards and decreasing inflation gives children a chance to attend school and not have to work prematurely (Castle). So it’s a double-edged sword, as these monetary organizations provide assistance, but in shaping the economic policies of the states they lend to, they simultaneously cause an indirect increase in child labor rates. In addition to these organizations, a chief accord involved in child labor policies is the North American Free Trade Agreement.

### **3.2.3 The North American Free Trade Agreement (NAFTA)**

The North American Free Trade Agreement between the US, Mexico and Canada was put into effect in 1994 creating the largest free trade area in the world. It

marked the first time a labor agreement is attached to a trade agreement. The importance of this contract is that it takes worker's rights into consideration and not only increases investment flows and exports, but it also increases total trade, while considering progress for the labor sector to protect children's rights ("NAFTA: A Decade of Success").

The North American Agreement on Labor Cooperation (NAALC) was created as a supplementary treaty to allow NAFTA members to place their own labor laws, but they must promote 11 basic principles to be followed in the long-run. Even though this agreement is more general, it allows placing sanctions as enforcement mechanisms on three of those 11 principles: those that relate to child labor, minimum wages, and safety and health under occupation (Bolle, "NAFTA Labor Side Agreement: Lessons for the Worker Rights and Fast-Track Debate"). It clearly prohibits the use of forced labor unless it falls under an excused case of emergency. Under its first Annex, the NAALC includes a clause as well on protecting children and young persons by urging member parties to place restrictions on employing those who are underage and by considering factors that may risk their mental, moral and physical development. This includes maintaining educational and safety necessities (Annex 1: Labor Principles).

The NAALC has dispute resolution bodies that monitor different principle groups, in other words, they have specific areas of focus. The Evaluation Committee of Experts (ECE) is used for the regulation of Group II and III principles, whereas the Arbitral Panel (AP) goes over placing sanctions mainly on Group III principle violations.

Since these standards are covered by mutually-respected labor laws, the AP looks at where there is a recurring failure pattern and may offer recommendations. For issues like child labor and minimum wage, the Panel may give a monetary assessment as a penalty against a state that fails to meet NAALC requirements. If it is not paid, sanctions are automatically placed on the state. The greatest amount of penalties could lead to the state being suspended from NAFTA subsidies for a year's worth of monetary penalties ("Annex 39: Monetary Enforcement Assessments"). The results of the NAALC have for the most part been successful in terms of good enforcement measures. "Mexico reported a 30% reduction in the number of workplace injuries and illnesses in the first three years after NAFTA was signed, suggesting greater enforcement of its worker rights standards relating to occupational safety and health" (Bolle, "Overview of Labor Enforcement Issues in Free Trade Agreements").

It's clear to see how effective collaborative efforts between developed states and lower-developed states are in getting closer to the cure for total reduction in child labor rates on a global scale. Although the U.S. has been working with the international community on the mentioned instruments, it faces the mentioned questions and challenges even after ratifying the most-widely endorsed international law instruments. As for having yet to ratify the Convention on the Rights of the Child nor the ILO Convention No. 138 Concerning Minimum Age for Admission to Employment, it has its reasons, but may still be in the works of giving its final stamp of approval. In the mean

time, it's crucial to go over the American domestic law instruments pertaining to child labor on U.S. territory as the following chapter will do.

# Chapter 4

## Child Labor in the United States

### 4.1 Historical Context

Child labor is not a new phenomenon in the US and at the time of its outset, it was not such a controversy. It has existed in the nation for over two centuries. Child slavery seems to be a foreign concept in the minds of most Americans today, but during colonial times, children worked as indentured servants and namely labored in the agricultural sector. In order to boost the agricultural economy, children would work on their family farms as well as on the farms of other harvesters to whom they would be habitually hired. Between the ages of 10 and 14, boys in particular, would start apprenticeships in fields that were seen as vital to the American economy (Yellowitz).

With the age of industrialization, children moved from rural areas to urban areas where they began to work in factories as owners preferred to hire them due to their cheaper salaries and their manageable nature. Children were seen as less likely to strike than adults, and if their employers wanted to manipulate their salaries, they had more of a chance to because of their limited arithmetic skills (“Child Labor in U.S. History”).

In the mid-nineteenth century, reformers persuaded natives that children should receive a primary education as it was more beneficial to the advancement of the US. As a result, many states began inhabiting minimum age labor standards and nominal

requirements for children's school attendance. The first state child labor law came into existence in 1836 in Massachusetts, which required that factory child workers below the age of 15 go to school at a minimum of three months per year. Prior to that law, the state of Connecticut created legislation that made it mandatory for all children working in factories to receive reading, writing, and mathematic instructions. Pennsylvania's 1848 law on requiring children to be at least 12 years old to work in textile factories marked the first official minimum age decree. More states soon followed in the steps of those who were ardent about ending child labor and even inhabited legislation such as factory inspection systems (Hindman 45-47).

However, the problem was that most of these laws were only adapted in some states and had many loopholes. Even in the states that used these laws, proper enforcement mechanisms were absent (Yellowitz). Furthermore, a new group of child workers entered the US at the time as Irish immigrants started coming in the 1840s after being forced to escape a devastating famine. Irish children could not attend school since they were forced to work in sweatshops and in mines. Soon enough, Irish Americans began labor movements (Gayle). After 1880, Southern and eastern European child workers followed the Irish's entry into the US. Since many of them came from rural settings, they had around the same mentality towards child labor as Americans had in the 18<sup>th</sup> century ("United States Immigration Before 1965").

As factory work involving child labor began to get opposed in the North, many

factories moved down South. In 1832, New England unionists who opposed child labor declared that children should not have to work in factories from dawn till night, and that this type of behavior deprives them of their physical and mental health as well as eliminates their recreational time. By the 20<sup>th</sup> century, American kids were working in fields such as mining, glass and textile factories, newsboys and messengers, agriculture and canneries. In the early years of the 1900s, the number of American child workers surged (“The Hidden Problem of Child Farmworkers in America”).

This increase in child laborers namely came from the expansion of America’s industries mixed with the new influx of underage workers. Most of these children were between the ages of 10 and 15. According to Walter Trattner, author of “*Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (1970), “in southern cotton mills (in 1900), 25 percent of the employees were below the age of fifteen, with half of these children below age twelve. In addition, the horrendous conditions of work for many child laborers brought the issue to public attention” (Yellowitz).

The National Child Labor Committee was created in 1904 and started a movement of child labor committees who pledged to bring state legislation towards the issue. (About NCLC) It launched National Child Labor Day three years after its establishment. The Committee was adamant about bringing political action by using public opinion and mobilizing media routes. For instance, many of these organizations

would utilize photography to show the children's sad faces and cruel conditions they worked under. Additionally, they would send out pamphlets and mailings to get in touch with the public and with influential lobbyists. [National Child Labor Committee (NCLC)] In 1916, Congress passed a federal law that sanctioned minimum age law violators. This law namely forbade the movement of goods in and out of the state if minimum age laws were not respected. This law was in effect until 1918 when the Supreme Court deemed it unconstitutional two times. When Congress passed an amendment for states to be able to regulate their own child labor laws through federal government power, it failed two times, both in 1924 and in 1937 (Mayer). Nonetheless, the US passed the Walsh-Healey Act (1936) to ban the government from purchasing products made by premature children ("Subpart 22.6-Walsh-Healey Public Contracts Act").

## **4.2 U.S. State and Federal Labor Laws**

### **4.2.1 Fair Labor Standards Act of 1938**

The Fair Labor Standards Act (FLSA) was the next historical legislation to be passed by Congress in 1938 and became a landmark domestic act. Some provisions have been made since the act came into being. "The FLSA, as amended, protects children by setting conditions under which they may be employed and, in certain types of work, prohibiting their employment altogether" (Whittaker 9-11). It mainly marked the first

time that regular federal law regulated minimum age requirements of employment and the number of hours children are permitted to work (“American Federation of Government Employees”). It also refers to the prohibition of the use of oppressive child labor by employers. “Oppressive” is not really denoted in the act, but it clearly states that children are not to be employed in mining and manufacturing industries. Though it is not clearly defined in this Act, the US adapts the relevant terms of its ratification of the ILO convention on the Worst Forms of Child Labor (No. 182). These clauses define the worst forms of labor as oppressive practices such as slavery, trafficking, bonded labor, and so forth, as mentioned in the past chapters (“U.S. Ratifies ILO Convention against the Worst Forms of Child Labor”).

According to the FLSA, children cannot work in fields that the Secretary of Labor proclaims to be hazardous to their health and wellbeing. Other than these standards, the usual minimum age as the FLSA asserts is that of 16 years. If work is not deemed as oppressive by the Secretary of Labor and does not interfere with children’s schooling or health, they can be permitted to work between 14 and 16 years old. In relation to the FLSA, ILO Convention No. 182 refers to children namely under the age of 18, but takes the vulnerability of girls into specific consideration (“Eliminating the Worst Forms of Child Labor 71-72”).

The FLSA is part of the commerce clause of the US Constitution and has certain exemptions. Children who are not involved, for instance, in activities that occupy

interstate commerce, are not included in the Act's coverage. Those who work under the employment of their parents or parental figures that have legal guardianship over them, are not protected by the FLSA. This refers to children between 16 and 17 years old in particular, who help their parents with household chores, for example, and are otherwise not involved in any hazardous work as decided by the Secretary of Labor ("Child Labor in Nonagricultural Occupations in North Carolina"). Children who work as actors or any other related fields like radio or TV productions are also not protected by the Act. In the 1990s, provisions were made to the Act to allow children between 14 and 15 years to work in sports-related events including professional sporting affairs. Generally, children in the US can also deliver newspapers to consumers without enterprise coverage from the child labor provisions ("29 USC § 213 – Exemptions").

The FLSA has great authority over the minimum age standards declared by the United States Department of Labor (DOL), since it authorized the federal child labor provisions (child labor laws). These provisions do not oblige minors to attain working permits or papers, even though a lot of states do. The provisions also do not "apply to any employee whose services during the workweek are performed in a workplace within a foreign state or within a territory named in section 13(f) of the FLSA" (Dankner.) So much so that the DOL's Wage and Hour Division, under the auspices of the US Employment Standards Administration, created Child Labor Bulletins No. 101 and No. 102 to directly address the terms of agricultural and non-agricultural employment. For

all such jobs, youth who are 18 years or older can take part in any occupation for an unlimited number of hours as long as the work is not hazardous (Mayer, Collins, & Bradley).

#### **4.2.2 Child Labor Bulletin 101:**

##### **Requirements for Non-Agricultural Occupations under the FLSA**

Pertaining to non-farm jobs, minors between 14 and 15 years old, can work outside of school hours in several occupations that do not involve mining or manufacturing practices. In regards to occupations, this age group cannot be involved in other forms of work like processing industries, boilers or engine rooms that are related to maintaining machine equipment, and working in operating motor vehicles/providing services through such means (“Youth Employment Provisions for Nonagricultural Occupations”). Minors cannot conduct any machinery that is power-driven or perform activities that include washing of outside windows/window sills. They cannot work in meat cooling and processing sectors or in work that requires the loading and unloading of heavy goods. Being part of public messenger services is out of the question as is working in jobs related to warehousing, all forms of transportation of persons and property, construction, and public affairs (“Child Labor Laws in the Paid Employment of Youth Under 18”).

In terms of time, specifically, these minors cannot work “BEFORE 7 a.m. or

AFTER 7 p.m. *except* from June 1 through Labor Day when the evening hour is extended to 9 p.m. (time is based on local standards; i.e., whether the locality has adopted daylight savings time)” (“Child Labor Provisions for Nonagricultural Occupations Under the Fair Labor Standards Act”). The working hours clauses get more specific, for instance, as another states that children cannot work over 18 hours a week during a school week. In pertinence to the hour-time standards, school hours are decided by the public school region where a minor works. Those who are between 14 and 15 years old, but have graduated high school or have had school attendance waived by state authorities for proper reasons, serve as exceptions to the schooling provisions (“Child Labor Provisions for Nonagricultural Occupations Under the Fair Labor Standards Act”).

For 16 and 17 year olds, there are meticulous Hazardous Occupational Orders listed by the Secretary of Labor and featured in the US’s Code of Federal Regulations (“Fact Sheet #57”). Presently, seventeen HOs exist that relate to non-agricultural employment and they include jobs which have to do with storing and making explosives as well as operating meat-processing machines and associated meat-sale occupations. The logging industry falls under the HOs list, too, as does the exposure to radioactive substances. However, there are certain provisions that allow minors to work in areas of business and sectors that use machines for processing wooden products. Moreover, there are also HO exemptions for laborers between 16 and 17 years old that are “student-

learners or apprentices” in specific job positions (Leppink).

Employers may be protected from being penalized for unintentionally violating child labor laws if they have age or employment certificates showing that their employees are at the minimum age. They can obtain the certificates from their respective state law. Following the FLSA, employers can be penalized for violation through several measures. They can face civil money fines or injunctions that stop the transportation of interstate commerce goods. Injunctions could also be called for in coordination with sanctions against the employer in court, which could be labeled criminal sanctions (“Child Labor Provisions for Agricultural Occupations Under the Fair Labor Standards Act”).

#### **4.2.3 Child Labor Bulletin 102:**

##### **Requirements for Agricultural Occupations under the FLSA**

The FLSA creates minimum ages for employment in agriculture, and like Bulletin 101, the Act offers coverage except for when exemptions apply. All employees of farms are protected by the FLSA when the employee takes part in work that involves producing, manufacturing, and moving goods that are meant for interstate commerce. If the enterprise they work for makes at least \$500,000 a year (not including taxes), these employees who work in any business that deals with the handling of goods are protected under the Act, especially those who are directly hired by a farmer (or by a substitute in

charge) (“National Child Labor Committee (U.S.)”). Employees hired by farmers are the ones generally taking part in work that involves soil cultivation and harvesting crops, rearing livestock/poultry, and overall, work that’s pertinent to the farm or that’s done for the farmer off the land. The FLSA entitles migrant as well as seasonal agricultural laborers with the same protection it gives to all other farm workers (“Child Labor Provisions for Agricultural Occupations Under the Fair Labor standards Act”).

The Act however, does not protect young laborers who work as babysitters or cut the lawns of farmers as a form of entrepreneurship. Moreover, even though some states do not require that underage workers get working permits/papers, the labor provisions do not. In agriculture, the federal child labor provisions **do not** “limit the number of hours or times of day (other than outside of school hours) that young farm workers may legally work, though a few States do” (Raye). The agricultural provisions of the FLSA do not protect children of any age who work on the farms of their parents or legal guardians who hire them. Despite so, there are minimum age standards for other agricultural jobs. For instance, minors under 16 years old can perform any farm-related job and minors who are 14 can work in any agricultural job outside school hours except for those which the Secretary of Labor considers hazardous (Uchtmann & Parr).

Children at the ages of 12 and 13 who have written consent from parents or legal guardians can work on farms outside of school hours. Those under 12 “May be employed outside of school hours with parental consent on a farm where employees are

exempt from the Federal minimum wage provisions” (Lucht). In regards to wage payments, an underage employee’s pay can be calculated an hourly, monthly, day rate etc, but it must at least be equal to the minimum wage. Those who are under 20 years old can be paid \$4.25 an hour for the first 90 days of work with their employer. Under a certificate issued by the US Department of Labor, full-time students and apprentices, as well as disabled workers can be paid below the minimum wage. Agricultural laborers are not protected by the overtime provisions of the FLSA (“Agricultural Employers Under the Fair Labor Standards Act (FLSA)”).

The Hazardous Occupation Orders for Agricultural Employment (HO/As) differ from those of non-agricultural employment in that they are made up of 11 orders. They start with the prohibition of operating tractors of over 20 horsepower and specify banning children from using machines like corn or cotton pickers, feed grinders, fork lifts and so forth. Additionally, these orders ban other acts like loading timber, and driving motor vehicles with passengers aboard (Carrabba). Children cannot work in toxic environments and food storage atmospheres. Specifically, they cannot handle agricultural goods that are named on Categories 1 or 2 levels of toxicity. If warning labels include danger warning figures or words such as “poison,” children cannot work with products containing such labels. The last HOA (11) states that “transporting, transferring, or applying anhydrous ammonia,” is forbidden (Harshma et al.).

These orders do not apply to minors hired by their parents or legal guardians.

Student-learners are also exempt from such orders as are 14 and 15 year-olds who hold certificates from the U.S. Office of Education Vocational Agriculture Training Program. Those who hire children who have completed these programs must have a copy of such certificates (“Employment of Minors”).

#### **4.2.4 US Laws at a Glance: Federal vs. State Laws**

Although federal labor laws are crucial, state laws are just as significant as they work side-by-side. Since each state has a law that is enforced by its labor department, there are differences in their protection levels as well as the requirements that change depending on the state. There are provisions of the child labor law that are more restrictive in some states than in others. This is principally true when it comes to enforcing agricultural and non-agricultural employment laws. As these laws tend to overlap, businesses in states must all follow the same state laws, but not all are forced to submit to federal child labor laws. In spite of this, “If both the state and federal child labor law applies to the same employment situation, the more stringent standard of the two must be obeyed.” (“State vs. Federal Child Labor Laws: Which Apply?”).

According to the United States Department of Labor, regulations that offer more protection to underage laborers are generally the ones followed when there is a discrepancy between the application of state and federal laws (“FLSA - Child Labor Rules Advisor”). There has been much controversy on the enforcement of the federal

child labor provisions that cover agricultural practices. The same enforcement mechanisms that applied to Bulletin 101 pertain to Bulletin 102. However, with child labor cases occurring in American agricultural and non-agricultural sectors, the effectiveness of the enforcement of such laws is largely questioned.

It is safe to say that in many cases, state laws are stronger than federal laws. The state of Iowa's child labor laws, for example, cover all state employers whereas federal laws have specifications. In accordance to the state, 14 and 15 year olds can work for up to 4 hours on school days, but according to federal law, they may only work 3 hours. The state law also allows written state orders in order to permit prohibited labor. The federal segment, on the other hand, does not issue waivers ("Brief Comparison of Federal & State Child Labor Laws"). Other states put limits on how many hours youth under 18 can work, but federal law does not prescribe it. Rules depend on the age and occupation of youth laborers. Federal child labor provisions on agricultural employment have more exceptions than state laws do, but these federal laws (whether applied to agricultural or nonagricultural employment) do not apply to employees once they are 18 or older. These laws also generally do not necessitate working permits ("FLSA - Child Labor Rules Advisor").

Recently, with the dwindling US economy, lax child labor enforcement measures are almost normal. For instance, Maine's law change on child labor employment grabbed the media's attention in 2011 as TIME Magazine reported that children under

18 were permitted to work for 24 hours a week instead of 20 hours and could work until 10:15 pm instead of 10:00pm. The FLSA has been coming under scrutiny the past few years, as many companies have been pressuring loosening youth work hour restrictions. Fast-food industry businesses are among the main ones arguing for the loosening of such rules since they want to have more liberty in hiring high school students to work longer late-night hours. Rather than arguing that education is more important for youths' lives, these businesses state that work experience is primary in significance (A. Cohen).

Even though federal and state laws have differing roles in the enforcement of child labor laws, they are critical in explaining the role of authority to protect children's working rights in the US. The mentioned predicaments are mere examples and explanations of how child labor practices have and still are taking place on American soil, as to be analyzed further in the following section.

### **4.3 U.S. Domestic Child Labor**

#### **4.3.1 Estimates and Facts**

The thought of children working in a first-world country, specifically on the territory of the present world hegemony, seems to be a far notion. Unfortunately so, underage labor is common in America's urban and agricultural sectors. Despite the laws and regulations mentioned, children still work in the US under sordid conditions for long hours and just get half, if not under half, the standard minimum wage ("Children's

Rights”). “HRW (Human Rights Watch) estimates that at least 9% of farm workers are children, and this number may be significantly higher.” (Adame) According to the United Nations, 400,000 of these children work on US farms and many of them are actually the children of American citizens. Since the US prefers to keep the prices of its food products at a competitive level globally, it has resorted to using the work of South and Central American immigrants who ask for lower wages, as well. Children get paid a flat rate for every crop unit they pick, which sometimes is under the minimum wage standards (“The Problem of Child Labor in US Agriculture”).

There are 500,000 children working on their families’ farms in the US with absolutely no age limit in existence. This number is an estimate, but as maintained by HRW, there are no official statistical sources for such data, because of the hidden aspects of children’s work in the industry (Traina). Even though the FLSA practically stopped underage labor in mining and manufacturing, it barely did anything for children in agricultural work, except place a 12-year-old minimum age requirement to do most of the labor if it’s under family farms. There are too many tasks these children perform that go underestimated in risk. In fact, over 500 child farmworkers died in the US between 2001 and 2006. Some accidents involved children getting crushed by machinery. As said in earlier chapters, these children often suffer from health conditions such as asthma and inhale pesticides on a daily basis, eventually damaging their health in the long-term. Even though their parents are aware, their excuse is that they would rather their children work in harvest, even if it’s under damaging surroundings, in order to get a good work

ethic and money for the home (Schick).

In 1974, Senator of Oregon, Bob Packwood, made headlines when he argued in a US Senate hearing that child residents of Oregon should take part in working the fields to help with the strawberry harvest. He not only stated that it would be beneficial to the state's economy, but that it would be a constructive experience for children. At the time, a federal law prohibiting the work of children under the age of 12 on farms had taken effect, but the state was able to get an injunction against it for kids to help with that year's strawberry harvest. Since then, not much has changed when it comes to poor health conditions and poor inspecting measures as forms of enforcement against child labor violations (Frazier). Children work on farms for up to 12 hours a day for less than \$2 per hour and just 55% of these agricultural laborers graduate from high school ("Facts About Child Labor in US Agriculture").

These children have less work experience and are exposed to dire working conditions without ever being exposed to training on safety measures or how to beware of the hazards caused by pesticides. Even though youth injuries have decreased in agriculture over the past decade, agricultural injuries still make up for causing the second highest fatality rates among young laborers. The National Center for Farmworker Health estimated that there were about 15,876 injuries among workers under 20 years old in 2009 ("Child Labor in Agriculture").

**Table 3: Injury estimates for youth workers under 20 years old**

Type of Injury	2001	2004	2006	2009
Bruise	3,237	1,896	2,631	1,668
Sprain/strain	3,158	3,313	3,563	1,771
Fracture	8,583	7,185	6,116	5,094
Cut	4,874	6,617	4,838	2,848
Multiple injuries	2,479	3,336	1,492	0
Other injuries	6,896	5,244	4,254	4,495
Total	29,227	27,591	22,894	15,876

*Source: "Child Labor in Agriculture." Farmworker Health Factsheets (2012): 1-7. National Center for Farmworker Health, Inc. <<http://www.ncfh.org/docs/fs-Child%20Labor.pdf>>.*

These estimates show progress in lowering the amount of injuries inflicted on underage workers, but seeing as how agricultural labor laws are the most flexible, it is no surprise to find children working on American fields. This is particularly true among migrant workers and in American states, like New York, Oregon and Arizona, where agriculture is a chief aspect of the economy ("Migrant Farmworkers in the United

States”). With between 1 and 3 million Mexican migrant farm workers leaving their homes to work on the fields of the US yearly, they make up the largest percentage of migrant farm workers in America. The others come from states like the Dominican Republic, Haiti, Jamaica, Puerto Rico, Guatemala, and even from states in the US (“Child Labor in Agriculture”).

What they all hold in common is coming with the dream of being able to earn enough money to send back home to their families, be able to buy homes or land and provide food for themselves and families before they can return to their homelands. Even though they aspire to give their children a secure future, the children of these farm workers receive an inferior education, lowering their prospects. From fear of being displaced or deported, child laborers and their families do not report violations when they undergo abuse, receive insufficient housing, are exposed to an illegal amount of pesticides, and are ultimately excluded from labor laws (Gonzalez).

#### **4.3.2 U.S. Agriculture Child Labor Cases**

When migrant labor camp owners are asked, they generally deny that kids are working and say that they are attending school while their parents work on the crop fields. Take for example the case of Elvin Jesus Mendoza Sanchez who was just 8 years old (4 years under the legal limit) when he started working in Oregon’s farms in 2011, and his sister started as well, at the age of 10. They would work with other children under extreme heat conditions, “Elvin's small hands, wearing stained and torn latex gloves, (would feel) between thorns for berries to place in the bucket harnessed over his

shoulders and around his waist, laden with 15 pounds of fruit” (Schick).

This only became apparent when their father and foreman, Leonido Mendoza Morales, took journalist Anthony Schick on a ride in his truck through the green fields where the numerous kids were working. His children would have to bring in fruit buckets under his name, and they usually started working as early as 6am, after they would wake up at 3am to help their siblings get ready for a migrant educational program. Children like them often go unnoticed since federal and state inspectors rarely go to farms to check for their presence. Some agencies like Oregon’s Bureau of Labor and Industries make sure if there are child labor violations only when they get complaints (Schick).

In other US states, children are further exposed to working directly with toxic pesticides and face fatality rates of four times more than their working youth counterparts. Some interviewed by HRW complained about covering their noses and faces when they smelt it, and would get dizzy, but regardless, they were not told the pesticides were harmful, nor were they asked to stop working. This is shown in the documentary of director U. Roberto Romano: “The Harvest/La Cosecha,” as he followed the lives of three farmworker children between the ages of 12 and 16. The children and their families spoke of their conditions. Perla Sanchez (14 years old) said that she was not able to study and graduate, so she had to stay working on the farms due to the lack of education. In an interview with the *Ecologist*, Romero said, “the larger corporations externalize their responsibility and turn a blind eye. And a lot of the smaller farmers I

dealt with don't feel like they can refuse the families that extra income if parents bring their children to work. It's a system that is designed to perpetuate a cycle of poverty and failure" (Lammers). Zulema Lopez, age 12, and 16-year-old Victor Huapilla suffered the same predicament as Perla. The children are shown working and cooking their dinners as well as having to pack and move countless times while going on the roads in old, weary trucks to start working in the next harvest (Philpott).

Although children like Elvin and Perla were dragged into hazardous, poverty-stricken conditions, some are not lucky enough to survive. This was sadly the case for Curvin Kropf, who was crushed to death at just 15 years old when he fell off heavy machinery that he was operating alone on a family farm in Illinois. He is just one of around 100 workers under 18 years old killed on US farms. This is besides the 23,000 estimated to be injured enough for hospital admission, as recorded by the Center for Disease Control and Prevention statistics (Traina). Human Rights Watch studies show that between 2005 and 2008, 43 children (under 18 years old) died in agriculture, and made up just 27% of all the deaths among young workers during those four years ("HRW: Child Labor in US Agriculture"). A 17 year-old girl also died in California in 2008 after laboring for 9 hours pruning grape vines. "Her supervisor delayed her seeking medical care, and when she finally reached the hospital she had a core body temperature of 108 degrees" ("Fields of Peril: Child Labor in US Agriculture: Summary").

The extreme temperatures the youth worked under, as investigated, showed how many children who work in farms are susceptible to suffering dehydration, heat strokes,

or brain damage; ultimately death. In states like Texas the temperature goes up to 110°F and in Michigan, children work in the snow. At 16 years old, Elias N. said that the worst days for him were the hot ones. He would pick corn throughout the day and stated that it would feel as if there was no air as the field surrounded him with weeds and little space to move (“Fields of Peril: Child Labor in US Agriculture”). A fifteen year old girl in Texas who picks cotton said that she couldn’t remember the last time she was registered for school on time and that she can’t keep up to the point where she does not even know how to divide and is a sophomore in high school. Another interview with a mother of an 11-year-old girl who also hoed cotton to support her younger brothers, said that she felt like she took her daughter’s childhood away. This mother is one of many who cannot afford to raise their family and send their children to school (“US: Child Farmworkers' Dangerous Lives”).

In terms of the living environment at work, HRW stated that many of these children and their families said they would have to labor without drinking water and toilets, and would rarely ever have access to healthcare. There were also many cases of sexual harassment, especially among young girls (“HRW: Child Labor in US Agriculture”). The report, “Fields of Peril: Child Labor in US Agriculture” by Human Rights Watch provides interviews with 59 children (all below 18) who work on commercial farms all over the US, namely in Florida, Michigan, North Carolina, and Texas (Eckholm & Coursen-Neff). The children interviewed were as young as 7 years

old. The report features photographs as well of seventeen-year-old children selling strawberries on migrant work camps. These children typically start working on farms during adult hours, after school when they're 11 or 12 years old, and in summers or weekends. The children were observed to be doing mostly the same motions daily for long hours. These motions included kneeling, moving their arms constantly, and stooping, which leads to pain in the children's backs, arms, feet, etc., at very early ages ("Fields of Peril: Child Labor in US Agriculture").

CNBC also went undercover to investigate child labor in a North Carolina tobacco farm to speak to the children on the fields. These children chose to work there but it's because they had no other choice due to their financial necessity. One of them, Yesenia Cuello, started working at 12 years old since her mother was a single mom raising 5 kids alone. All of the children interviewed, including another 12 year-old boy, said they were mostly working to support their families. The owner of the farm in which this investigation took place told CNBC that he was providing tobacco to three major companies: Phillip Morris International, Alliance One International and U.S. Tobacco Cooperative. Usually the farms that supply these companies have a farm contractor to take care of supplying the agricultural labor. When CNBC asked the farm owner about where he was getting the labor, he almost hung up the phone call. Even though these farm owners generally hire contractors as third party-cooperatives to take care of labor matters, it is still their responsibility to make sure child labor provisions are enforced (Korber).

The long-term threat to the health of US underage farm workers' children, migrants, and teens working summer jobs, comes from the lack of sufficient safety rules. Since there is no official data available to show the work of underage children and their work has a migratory nature, their actual number is undetermined. It is mostly the interviews and farm visits by reporters that bring awareness to the matter. Moreover, farm lobbyists have also been a key part in blocking restrictions on the types of work underage laborers can perform (Biewen).

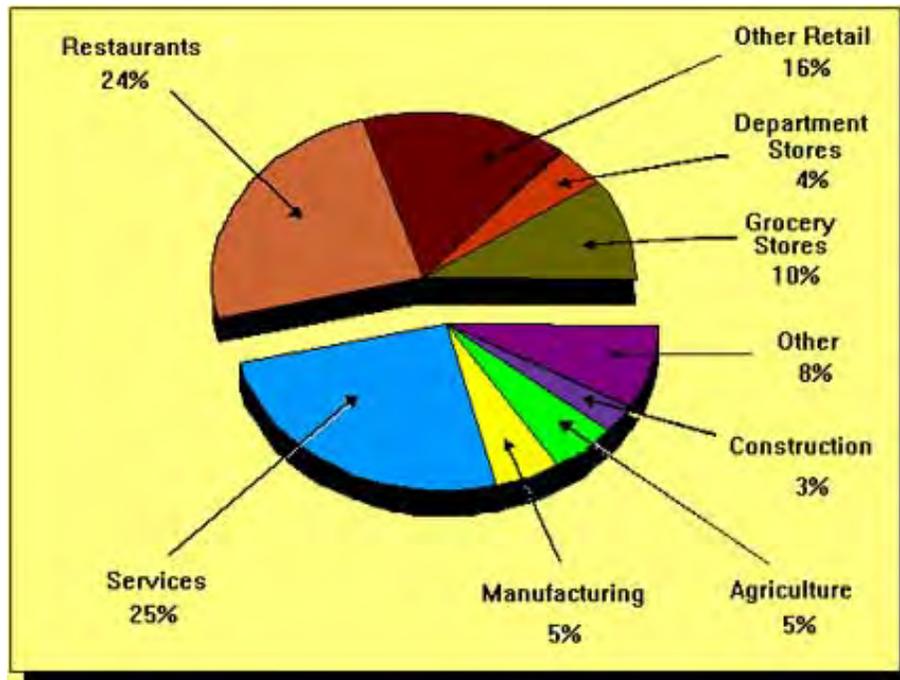
Everyone involved seems to have some incentive in allowing children to work in farms. Namely, farmers need the cheapest and fastest ways to have their crops picked, poor farm workers depend on the money their child workers to earn for the household. They can easily manipulate the economically poor immigrants because of their vulnerability and necessity for survival. This serves as a reason for why many farm owners fake reports on the real number of hours their young employees are working. They do not bother offering them with job-benefits. Some immigrants have been found to have just one social security number, if they do at all, to cover the entire family. The residency condition of Mexican-born workers along with other immigrants stages a critical role in stopping child labor in the agricultural environment (Cousen-Neff).

### **4.3.3 U.S. Non-agricultural Child Labor Trends**

The child labor laws of non-agricultural industries are not much stricter than agricultural laws, and as stated earlier, child work isn't something new. Take for example the year 1990, in which most youth were estimated to be working in the retail

trade industry; namely in grocery shops and restaurants. The Children’s Safety Network featured data from the 1990 Census showing the kinds of work children under 18 were employed under at the time.

**Figure 3: Types of jobs held by youths in 1990.**



(Adopted from: "Child Labor Research Needs Recommendations from the NIOSH Child Labor Working Team." *NIOSH Publications and Products*. Centers for Disease Control and Prevention, n.d. Web. 04 May 2014. <<http://www.cdc.gov/niosh/docs/97-143/backgr.html>>.

According to Human Rights Watch, rather than being able to work on farms for unlimited hours outside of school from at least 12 years old, at Burger King for instance, children as young as 14 years old can work but for just three hours a day during school days (“Facts about Child Labor in US Agriculture”). A study conducted by the

National Survey of Working Adolescents in 2003 investigated mostly American adolescents working in the retail or service industries. About 37% of employees were working under violation of the Hazardous Occupation Orders (HOO), meaning they work with hazardous equipment or in forbidden jobs. In addition, 40% work in violation of working permits. Those who worked in the service industry reported more night-work violations than those who worked in retail. The “use of a power-driven food slicer or grinder was the most common violation specific to grocery store and food-service work (17.5%)” (Rauscher, Runyan, & Bowling).

Older youth workers generally gave more reports on HOO violations than the younger laborers who reported more violations of night work. Also, girls were less likely to report any kind of the stated violations than boys were. Interestingly enough, White respondents gave account to fewer violations than minorities did, which raises the issue of the manipulation of migrant laborers, as of those involved in US farming. In these forms of research, however, there are always limitations. Despite that fact, it remains clear that employers greatly failed to address the FLSA child labor provisions (Rauscher, Runyan, & Bowling).

The American fast-food industry is home to these violations with its growing demand for cheap labor. The largest employer in the U.S. and global fast-food giant, McDonald’s, has constantly been the target of lawsuits being pegged with fines and penalties for forcing children to work overtime without sufficient pay using hazardous equipment and working during school days. For instance, in 2010, a McDonald’s

franchise in Phoenix was fined \$30,500 in back wages for such violations (Hare). With growing competition among fast-food chains, 'dollar menus' have become increasingly popular. However, since they are not so profitable for franchisees as it costs over a dollar for them to make and sell, taking advantage of teen workers is a more appealing option (Hancock).

The world's largest retailer and American giant, Wal-Mart Stores Inc., was also fined in 2005 with 24 violations for breaking child labor laws in Arkansas, Connecticut, and New Hampshire over a four-year time period. Eighty-five teenagers were working with chain saws, forklifts, and other harmful equipment in those states' Wal-Mart stores (Associated Press). After agreeing to pay the federal penalties, Wal-Mart also said that it would train its store managers on complying with child labor provisions. Moreover, an agreement was made stating "that the company will receive 15 days' notice "of any audit or investigation at the stores covered by this agreement," which was ultimately called a "sweetheart deal." Other American stores like Sears and Foot Locker Worldwide were also charged with the same allegations in 1999 and 2000. According to the federal agreement made, were also to be notified 10 days before an investigation was to take place at their stores. Needless to say, much criticism erupted over the question of how exactly the notifications were an effective form of enforcement against child labor violations (Joyce).

In 2008, after a seven-month investigation of the company Agriprocessors, 57 child laborers were found by state labor investigators to be working in its meatpacking

plant in Iowa. Agriprocessors is home to America's largest kosher meat plant. The Iowa Labor Commissioner at the time, Dave Niel, said that a number of child labor laws were found to be broken at the plant. This included having minors work with prohibited utensils like knives and saws, as well as work in forbidden occupations that exposed them to hazardous chemicals. The previous year the company fired four laborers for being underage, but the irony is that Agriprocessors had actually provided false credentials to have evidence that the laborers were old enough to be employed (Preston). In Iowa, to work in the slaughter divisions of meat plants, employees must be at least 18 years old, since it is the most dangerous work field in the United States (Jackson).

It's crucial to understand how early on child labor began taking place in the US and how the first actions against its predicament came about. America's state and federal laws undoubtedly play a fundamental role on the issue of underage labor, both inside and outside the agricultural sectors. So, reviewing the different domestic case studies of underage labor is necessary for seeing its widespread, hidden, and underestimated nature. Just as significant, to realize its presence on a global context, child labor's place in US foreign policy must be analyzed thoroughly as it is in the following chapter.

# Chapter 5

## Child Labor and US Foreign Policy

### 5.1 US Foreign Labor Regulations

#### 5.1.1 The Alien Torts Claims Act

The Alien Torts Claims Act (ATCA) of 1789 “grants jurisdiction to US Federal Courts over any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States” (“Global Policy Forum”). There have been recent initiatives to use the ATCA to be able to sue corporations in states outside the U.S. for violating international law, which could ultimately increase corporate liability. This Act has to date been used by the U.S. against firms that knowingly commit extreme violations of human rights. Regardless of the fact that international law has a broad scope of conduct that constitutes human rights violations, it regards breaches on the laws of nations, which include genocide and crimes against humanity, all taken into justice at federal courts as universally condemned transgressions. Companies cannot be held liable just for investing in states where human rights violations take place. Federal courts have enough power to dismiss cases that do not contain legitimate evidence. So, the rule of law states the only companies that can face lawsuits are those that deliberately participate in acts that infringe on human rights (Collingsworth).

Repressive work environments are widespread, but international credentials that back other ATCA labor-related assertions do not have enough specific claims to raise them to the caliber of violations under the law of nations, also known to fall under *jus cogens*. When it comes to America's jurisdiction over labor-related cases, specifically over multinational corporate employers, international laborers may seek suit against employers in U.S. federal courts if they charge them with violating customary international law. These workers must prove that they are aliens or non-citizens of America and namely allege a tort (Pagnatarro). According to Cornell University of Law, "torts are civil wrongs recognized by law as grounds for a lawsuit" ("Tort Definition"). Since these harms bring about damages to the wellbeing of individuals, they can become punishable crimes.

To be able to have these torts claimed under federal jurisdiction, under the ATCA, there can only be one tort claim presented per plaintiff. Seeing as how many American multinational companies have their businesses incorporated on U.S. grounds, many are focuses of federal jurisdiction. This is especially true when an American company is responsible for controlling the labor policies of a certain unit and when preemptory norms, like the act of slavery, are dishonored, making them accountable to the ATCA. In vice versa, if a foreign corporation has an agent in the United States, it could also face liability. However, since a large number of these corporations usually have foreign partners, federal courts do not have jurisdiction over them (Pagnatarro).

One of the most monumental labor-related ATCA lawsuits is that of Bridgestone-Firestone (to be further elaborated below), found to use child labor on Liberian plantations. The International Labor Rights Fund (ILRF) filed the case in California, in a U.S. district court, after stating that the company's use of child labor abroad was equivalent to slavery practices. This claim made it a viable ATCA suit in U.S. courts since slavery is considered to be a violation of a preemptory norm. The ILRF also filed similar cases against other American companies like Wal-Mart using the same grounds for suit (Baue).

### **5.1.2 The Generalized System of Preferences (GSP)**

The Generalized System of Preferences (GSP) is an agenda created under the Trade Act of 1974 and brought into action in 1976 to power economic growth in developing states. These include about 127 beneficiary states/territories. The program supports the favored duty-free of over 5,000 goods imported from those states ("Generalized System of Preferences"). It also sustains jobs in the U.S. through the incorporation of the use of those goods in U.S. businesses. In 2005, GSP products contributed to more than 80,000 jobs in the U.S. according to the Chamber of Commerce. Seeing as how the products that are permitted for preferential duty-free status under the GSP include manufactured goods, precious stones, jewelry, a wide range of agricultural and fishery products, as well as a variety of types of carpet, child labor is a chief issue of concern when it comes to deciding the eligibility of states (Elliot).

**Table 4: Key U.S. Impact Facts**

Total Value of U.S. Imports under GSP in 2012:	\$19.9 billion
Total Value of U.S. Duty Saving from GSP in 2012:	\$749 million
Estimated Number of U.S. Jobs Linked to GSP:	82,000

(Source: "The U.S. Generalized System of Preferences Program." *The Trade Partnership* (2013): n. pag. *The Coalition for GSP*. Web. 27 Apr. 2014. <[http://tradepartnership.com/pdf\\_files/GSP%20Annual%20Report-February%202013.pdf](http://tradepartnership.com/pdf_files/GSP%20Annual%20Report-February%202013.pdf)>)

Table 4 depicts how important the GSP program is to America's domestic interests in terms of the large number of jobs linked to the program and the total revenue the U.S. gained from the imports that entered the state in that single year. Considering the fact that the U.S. has a total duty saving of \$749 million, it depicts the economic benefit the country gets from the system of GSP. So, it may just seem as a logical move for the U.S. to turn the blind eye towards the state parties that use child labor, even though not having child labor is a clearly stated requisite for qualifying for GSP status ("The U.S. Generalized System of Preferences Program").

To determine a state's qualification to be part of the GSP program, the administration must investigate the initiatives of states to respect internationally-recognized norms of laborer's rights which include the freedom from forced labor and respecting a minimum age for the hiring of children. Moreover, states must have acceptable work conditions pertinent to tolerable work hours and minimum wages in

addition to having safe and healthy work environments to ensure employees' wellbeing (Elliot). In 1995, when Pakistan was found to be using child labor in state-subsidized industries, specifically in carpet-weaving, sporting goods, and surgical equipment industries, the Clinton administration withdrew the state's GSP benefits. Since then, the U.S. has reportedly placed import tariffs worth over \$50 million on Pakistani goods imported into the United States. Following this case, in 2007, the International Labor Rights Fund filed a petition to the office of the United States Trade Representative (USTR) to eliminate Uzbekistan's GSP status for using child labor in its cotton harvest industry (Fayyazuddin et al.).

Several factors affect the chances for states to improve their workers' rights based on the GSP program. To begin with, if a human rights organization is involved and the targeted state is politically open, meaning it also has labor standards that are not politically sensitive, the GSP program may have added leverage on the rights of laborers. Furthermore, a state is more likely to fall under this category if it is greatly reliant on the U.S. market and if it has the capacity to implement the agreed-upon changes. Traditionally, cases that involve child labor have been less successful in reaching visible improvements since they are more rooted in institutional, political, and social circumstances (Elliot).

### **5.1.3 The Trade and Development Act (TDA) of 2000**

The Trade and Development Act was signed on May 18, 2000 by President George W. Bush and requires that states be committed to eliminating the worst forms of child labor. If they do, then they are entitled to being a part of certain U.S. trade preference plans. This Act also entails the commitment of U.S. Secretary of Labor to provide an annual report that lists the commitments of these beneficiary states, as proof of their initiatives. Due to this requirement, the Findings on the Worst Forms of Child Labor has been published by the Department of Labor each year since 2002. It portrays 144 states and territories, providing the goods and services, which entail the use of such labor in those respective states. Additionally, this report includes information on the laws, enforcement mechanisms, and policies/programs these states have implemented. In 2011, the report basically introduced a new way to review individual government actions (“The Trade and Development Act”).

#### 5.1.3.1 Africa Growth and Opportunity Act (AGOA)

The African Growth and Opportunity Act became Title 1 of the TDA of 2000 and gave African states the motivation to keep their efforts to stimulate economic growth by keeping free open markets (“The First U.S.-Sub-Saharan African Trade”). The TDA “authorized a new trade and investment policy for sub-Saharan Africa under the AGOA and the expansion of trade benefits to the states in the Caribbean Basin under the CBTPA.” The trade programs basically allow for the preferential levy treatment of textile and apparel goods that have been sewn/cut in beneficiary states outside of the

U.S.; namely, those which involve the production of such materials using fabrics like yarn not made in America, and that are made in short supply, not in large quantities for commercial use (“Durant”).

In 2006, the Department of Labor (DOL) and the Bureau of Democracy, Human Rights, and Labor of the U.S. Department of State (DRL) hosted the Multi-stakeholders Cocoa Forum that focused namely on the pushing for safe labor practices in cocoa productions in the region of West Africa. A number of American chocolate and cocoa producers attended the summit, and since then, the DRL has followed the progress of companies and their associates to examine the worst forms of child labor in the cocoa-producing regions of Ghana and Cote d’Ivoire. The Forum that followed in 2007 gave the opportunity for states to converse about any issues they may have had in implementing their efforts and how to overcome any impediment. “Pursuant to Congressional appropriations language, DOL announced in 2006 the funding of a \$4.3 million 3-year project to oversee public and private efforts to eliminate the worst forms of child labor in the cocoa sector in Cote D’Ivoire and Ghana” (“Child Labor: U.S. Policy and Action”).

#### 5.1.3.2 US-Caribbean Basin Trade Partnership Act (CBTPA)

Under the TDA auspices, the Caribbean Basin Trade Partnership Act was also created in 2000 to provide recipient states with duty-free access to most goods from the American market. It intended to further develop the economic growth of the United

States' neighboring states in the Caribbean region ("Caribbean Basin Initiative (CBI)"). As a part of America's trade preference programs, this act also subjects beneficiary states to eradicating the worst forms of child labor in their industries. Many U.S. companies have invested in the Caribbean due to the Caribbean Basin Initiative (CBI). The foreign direct investment (FDI) has therefore enlarged the textile and apparel industries in the Caribbean, which attracted investors due to the nature of low wages paid in the export-process industries (Dypski).

The DOL reported occurrences of the worst forms of child labor in some of these states, such as in Haiti and the Dominican Republic. Children, especially in the Dominican, are exposed to forced labor in the agricultural industry and they are exploited in the commercial sex business ("Dominican Republic"). However, these children are not currently part of the apparel export industry, as found by the 1996 Department of Labor report on child problems. So, the eligibility status of the Dominican Republic and other beneficiary states of the CBTPA, like El Salvador, Guatemala, and Honduras, was not undermined. This was backed by the fact that these states endorsed the work of the Worldwide Responsible Apparel Production (WRAP) program, which is an independent inspection group that monitors the implementation of labor standards as contained in the CBTPA (Lamar 1-3). With the help of such associations, the U.S. is able to observe its own companies that have factories abroad

and those from which it imports goods. However, child labor is still evident in those foreign states as shown in the following cases.

## **5.2 Foreign Cases**

For years now, the U.S. has been importing goods from around the world made from the work of child laborers. These include electronics from China, fruits harvested in Mexico, and cotton being harvested in India to produce apparel (Veiderman). Most American companies aware of the goods being made from the work of children's hands under inhumane conditions have taken efforts to crackdown on these acts. The following cases discuss child labor in states with which the US has been trading, including some of America's most renowned corporations.

### **5.2.1 Case studies**

#### **Case 1: McDonald's & City Toys Ltd.**

McDonald's not only violates child labor provisions in its restaurants but it has also been found to employ child laborers as young as 14 years old in sweatshops in Southern China to make promotional toys. City Toys Ltd., the company in charge of making these toys, was found to employ children in the special economic zone of Shenzhen. The South China Sunday Morning Post reported that these laborers had to work seven days a week for 16 hours each day, earning just 1.5 renmambi (24 US cents) an hour to make the toys (Moy). Their beds were wooden without mattresses and they

would be crammed with 15 other children in 200-300 square meter rooms with a rent of about \$9.79 a month. When the company's director, Jack Lau, was asked about using underage worker, he said he was unaware of the matter and would look into it. Additionally, City Toys was found to forge identity documents of these children. Many children like An Luping (14 years old) admitted to using the identification of friends or relatives to get hired. An "said she landed the job with the borrowed name of her 17-year-old village friend and a forged identity card" ("McDonald's Employing Child Labour to Produce Toys").

## **Case 2: Philip Morris International**

Philip Morris International was also found to be using the work of children starting at 10 years old, in the tobacco fields of Kazakhstan, Central Asia. One migrant laborer said that her identification papers were confiscated by a farmer, who also withheld pay so she would continue working in poor conditions. Philip Morris's spokesperson, Peter Nixon, said that they are opposed to child labor and actually have regulations that prohibit the purchase of tobacco from farms that employ children. However, the farms that exposed child laborers to harmful pesticides and fertilizers were still supplying tobacco for the production of cigarettes in a factory of Philip Morris in Kazakhstan. By paying on a piecework base during harvest time, parents were motivated to bring their children to work on the tobacco fields (Kramer).

Researchers from HRW documented about 72 different cases of children working on these tobacco farms, many of which were migrants from neighboring Central Asian states, including poverty-stricken Kyrgyzstan. Safety violations occurred as child laborers wore open-toe shoes while using sharp objects, and they were constantly exposed to toxic levels of nicotine. Workers labored for 18 hours day in the heat of July and August. Many children were hired under debt bondage (Clark).

### **Case 3: Wal-Mart Stores Inc.**

Wal-Mart Stores Inc. was not only found to be using child labor in its US stores, but allegations were also made against the company for being supplied from factories in China. In 2007, many Chinese factories that supplied over 12 American corporations, including Wal-Mart, Disney, and Dell, were stopped for using unfair child labor practices. The employees were found to be working for about 16 hours a day receiving less than the minimum wage. In China, this wage is equivalent to 55 cents an hour. The same year, Huayna Gifts, a factory in China that produces Christmas tree ornaments for Wal-Mart and other stores, was accused along with 14 additional factories for using child labor. The students interviewed from a high school close by the factory confirmed that some of their 16-18 year-old classmates worked there for most of the summer (Barboza).

Children also labor in factories that supply Wal-Mart in other parts of Asia. “According to a new National Labor Committee report, an estimated 200 children, some 11 years old or even younger, are sewing clothing for Hanes, Wal-Mart, J.C. Penney, and Puma at the Harvest Rich factory in Bangladesh” (“Children Found Sewing Clothing For Wal-Mart, Hanes & Other U.S. & European Companies - National Labor Committee”). The children are regularly beaten and work 12 to 14 hours daily, if not all night or for longer shifts seven days a week, just receiving about 6.5 cents an hour. If these children asked to receive more than that amount, seeing 36 cents an hour as enough to take them out of poverty, they would be beaten or even fired. Conditions are so terrible that children would sometimes have to work from 8:00am to 4:00am the next morning, sleeping on factory floors before they were woken up to start their next shift at 8:00am. They would get abused or threatened to be fired for other reasons as well, like for not meeting production deadlines, making small mistakes, or even for taking too long when using the filthy bathrooms, which didn’t even have toilet paper or soap (“Harvest Rich Child Labor Update – Bangladesh”).

#### **Case 4: Focus on China**

Many NGOs have documented the conditions these children live under like not even being able to afford toothbrushes or paste, having to brush their teeth using their fingers or fire ashes. The Worldwide Responsible Apparel Production (WRAP) monitoring group has been blamed to be a failure in terms of monitoring corporate

compliance with child labor provisions, since it did after all, certify Harvest Rich, regardless of the mentioned violations (“Train Wreck for Corporate Monitoring”). The governments of states like China and Bangladesh have proven to have weak regulation measures and the workers’ bargaining power is too small to make a difference. Rapid foreign investment in China is adding to the child labor problem, not to mention the country’s booming export industry with the United States. This includes the selling of products like fireworks as well as garments and textiles, toys, sports goods, and games. Child labor has been found in factories that produce all such exported goods (“As China's Economy Grows, So Does China's Child Labour Problem”).

The United States Department of Labor stated that in 1992, children were reported to be making fireworks in Chinese factories, which the U.S. imported for about \$67 million dollars at the time. The dangerous nature of fireworks production caused an explosion in one factory in Hebei, China, which ultimately killed a child and injured numerous other young girls ranging from ages 11 to 13. Schoolteachers even forced some of these children to work for below minimum wage to produce firecrackers and other explosives. In 1993, the U.S. spent about \$4.3 billion to import apparel and textiles from China (“China”). “A 1993 article in the periodical Dapeng Bay reported that at Chungsan City, a foreign textile enterprise employed about 160 child laborers, and that a 14 year old was killed after her hair became tangled in her machine” (Rosen).

Many other allegations reached the International Child Labor Study staff to discuss the use of child labor in making toys, sports equipment, and games in Chinese factories for export to the U.S., which reportedly spent about \$3.9 billion to import these goods in 1992. When a Business Week article published the conditions of children working in these factories in 1988, a “Boycott Campaign” came about, which pushed for the boycott of toys produced in China. However, this seemingly did not have a lasting effect (Rosen). At the time, China had threatened the U.S. with trade reprisals on these goods for stating that it would supply Taiwan with F-16 jet fighters. Yet, the U.S. did not threaten the import of goods made from the children in China (Sterngold). Moreover, the U.S. is aware of the discrepancies in China’s national child labor laws, which require children to be at least 16 years old for employment, and the fact that it ratified the ILO Convention No. 138 Concerning Minimum Age for Admission to Employment (“Internationally Recognised Core Labour Standards in the People’s Republic of China”).

#### **Case 5: Apple Inc.**

Most recently, a Chinese company was found to be using about 74 children, all below 16 years old, to manufacture products for the American technology giant, Apple (Garside). According to British newspaper, *The Guardian*, an internal audit service reported that in the last year, about 106 children were found working in 11 Chinese factories that supplied Apple. Many of these children were employed based on forged

identity cards. After finding out that underage workers were knowingly hired by Human Resources officials in Chinese factories, Apple conducted the investigations and vowed to end the issue. “One Chinese supplier, a circuit board component maker called Guangdong Real Faith Pingzhou Electronics, was axed by Apple after 74 children under the age of 16 were recruited to work on its production lines” (Garside).

#### **Case 6: Nike, Inc.**

Nike comes next on the list of being tagged to child labor practices in its production lines. In 2006, the company admitted to importing soccer balls made by children in their homes in Pakistan. Nike took immediate action when it found out about the labor violations and as a result, it decided to end its business ties with Saga Sports, the company that supplied it with soccer balls stitched by underage workers. There was a concern with having children working from homes, too, as a Nike spokesman said that allowing this makes it more difficult to track safe labor environments. The Premier League, which was supplied with the soccer balls from Nike, stood by the corporation to support its action against child labor in foreign factories (Clark).

#### **Case 7: Gap**

The global fashion company, Gap, admitted to unknowingly using child labor in producing its children’s clothing line in its Indian factories. An investigative reporter in Delhi came across the child workers and published the story in the British newspaper,

the Observer and he gave ABC News video footage showing children at the ages of 11-13 stitching shirts in the dark rooms of a Gap factory (Singh). One child named Amitoch (10 years old) sewed garments for Gap for over 16 hours a day after being sold by his family into bonded labor. He explained how his only belongings were a plastic comb torn blanket and a penknife. The flooded toilets even polluted the corridors where these children had to work. Neither of them was paid, basically treating them as slaves with just some bowls of rice topped with flies to eat and a roof to sleep on (McDougall).

All the child laborers in that particular factory had come from a very poor state in India called Bihar where traffickers often go to capture children for cheap labor. The parents of these underage workers are often lied to by traffickers who falsely promise better lives for their children and say that they would be able to make some money to send back home. Even the train on which the Gap's premature laborers were brought is known to carry children to garment plants in Delhi ("Gap: Report of Kids' Sweatshop 'Deeply Disturbing'"). The company apparently had a slip in that particular Delhi factory since it is known to have about 100 inspectors monitor over 2,000 of its factories worldwide since 2004. Moreover, Gap's policy is known to remove children from the workplace if they are found to be working underage by one of the company's contractors. If this is the case, the children are given access to an education and wages instead, while being able to have work opportunity in the future when they reach the legal age (H. Brown).

### **Case 8: Victoria's Secret**

Another famous American brand, Victoria's Secret, was found to use children in the production of the company's underwear in Burkina Faso. African children as young as 13 years old, like the case of Kambire (a young African child laborer), were forced to plant and pick cotton to sell to Victoria's Secret. The US Department of Labor later found that Burkina was one of over 12 states that used child labor in cotton production (Winter). The organization, Fairtrade International certified the cotton, but when allegations of child labor being used in the process to supply Victoria's Secret were made, they said that they were unaware of the violations. There are some exceptions that sometimes protect companies from American sanctions based on labor provisions abuse. For instance, "if the content in a product suspected to have been made with forced labor doesn't give it a competitive advantage, the merchandise can be exempted from the law" (Simpson, Dontoh & Bliss).

In 2009, the retailer's Valentine's Day campaign consisted of 25 million garments completely done by the work of malnourished children who worked in the sweltering heat while farmers beat them with branches ("Victoria's Secret Accused of Using Materials From Farms Relying on Child Labor"). The subsistence farmers who supply cotton for Victoria's Secret exploit children by using the excuse that they need to force them to work on their fields since they lack the resources to cultivate fair-trade cotton. The irony comes from the fact that the practice became common in Burkina Faso

despite the 2009 "Charter of Fair Trade Principles" which was agreed upon by Fairtrade International and the World Fair Trade Organization (WFTO). The principles visibly protect children's rights and state that any involvement of child labor must be both monitored and revealed so as to make sure the wellbeing of children is secure and they have access to education (Levs).

### **Case 9: Firestone**

The world's largest tire and rubber manufacturing company, Bridgestone Corporation, was also a target of criticism from human rights groups for using child labor in Liberian rubber plantations to supply its affiliate, Firestone Rubber and Tire Company. Thousands of minors were found to be allegedly working in slave-like conditions. Since the 1920s, Firestone was known to be dependent on the labor of the illiterate and poverty-stricken workers of the West African state. The workers had to use primordial tools to remove large masses of latex from rubber trees all in the presence of toxic pesticides and fertilizers (Rizvi). Seeing as how many of these workers cannot meet their daily quotas, they end up sending their own children on the plantations to help with the work; in their eyes, they can either do that or have the option of starving. Firestone workers are even told that it is recommended to send their children to work when they cannot meet their goals (Zirin).

Even though the company denied allegations of knowledge of child labor, in 2005, the ILRF filed suit against Firestone. A U.S. court condemned the company's treatment of children working as young as 6 years old in hazardous conditions. The judge was shocked to just have evidence of 23 children working on the Liberian plantations out of the thousands of workers found to be working there (Warren). The ILRF claimed that "an eight hour day has 480 minutes in which to visit 650 trees twice, in addition to other required tasks such as cleaning the taps, applying pesticides and fertilizers to the trees, and carrying 75-pound buckets of latex to collection points up to a mile away--all for \$3.19 a day" (Baue). The United Nations Convention on the Rights of the Child and the ATCA were the main human rights instruments discussed in the Firestone case (Warren).

### **5.2.2 Additional Cases Overview**

It is not shocking to find child labor in India since "more than 20 percent of the economy is dependent on the labor of children, according to one estimate" (H. Brown). Save the Children organization said that there are around 80 million child laborers in India. Ten to fifteen of them are crammed in small rooms for long hours and are forced to do meticulous work. India is known to be the world's child labor capital and has been blacklisted by the U.S. government for the past 3 years for using child labor. The U.S. is India's largest importer of garments and since it is reducing those imports, India's export

economy has been suffering. However, it still has not stopped the instances of child labor in the state, mostly the hidden cases (Sen).

Although the destination of products made by children in Asia, Africa, and Latin America is not always accurately recorded, the U.S. Department of Labor has published reports of the main goods produced by child labor in foreign states with which the U.S. trades. To begin with, the U.S. imports carpet from India and the former is the second-largest importer of cocoa beans in the world, spending about \$741 million on cocoa beans from Cote d'Ivoire in 2011 alone ("Cocoa Production"). It also imports cocoa from Cameroon, Ghana and Cameroon; all listed on the major states that use child labor in their production of cocoa beans. The rice, which the U.S. imports from India, also most probably uses child labor in its cultivation process according to the Department of Labor, as well as the coffee beans imported from Latin American countries like Colombia and Mexico (McCarthy).

Moreover, the Global March Against Child Labor Organization stated that, "in 1992, the Philippines exported almost \$2 million worth of non-monetary gold and approximately \$16 million of gold and silver jewelry to the United States" ("Children Engaged in Unsafe Mining"). The children who worked at the mines made just between 40-50 pesos a day, which is equivalent to less than \$2.00. The Philippines is among the many countries in the world with a large number of child laborers. In fact, over fifty

percent of children who work are considered ‘child laborers,’ according to the NSO & ILO-IPEC 2011 Survey on Children (SOC), as shown in the data table below.

**Table 5: Number and percent distribution of working children 5 to 17 years old by type of work and age group, Philippines: 20**

Type of Work and Age Group	Number (In thousands)	% to Total
<b>Total working children</b>	<b>5,492</b>	<b>100.0</b>
Type of Work		
Child Labor	3,210	58.4
Hazardous Labor	2,993	54.5
Other Child Labor <sup>1</sup>	217	3.9
Not Child Labor	2,283	41.6
5-9	453	8.2
Type of Work		
Child Labor	189	3.4
Hazardous Labor	187	3.4
Other Child Labor	2	0.0
Not Child Labor	265	4.8
10-14	2,476	45.1
Type of Work		
Child Labor	1,393	25.4
Hazardous Labor	1,327	24.2
Other Child Labor	66	1.2
Not Child Labor	1,083	19.7
15-17	2,563	46.7
Type of Work		

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Note: <sup>1</sup>Children who have worked for long hours (more than 20 hours a week for those in ages 5 to 14 years and more than 40 hours a week for those in ages 15 to 17 years)

Child Labor	1,628	29.6
Hazardous Labor	1,479	26.9
Other Child Labor	149	2.7
Not Child Labor	935	17.0

Adapted from: "The Number of Working Children 5 to 17 Years Old Is Estimated at 5.5 Million (Preliminary Results of the 2011 Survey on Children)." *Republic of the Philippines, Philippine Statistics Authority*. National Statistics Office, 18 July 2012. Web. 04 May 2014. <<http://www.census.gov.ph/content/number-working-children-5-17-years-old-estimated-55-million-preliminary-results-2011-survey>>.

### **5.3 Limits to U.S. Jurisdiction: Sovereign Immunity**

To state the obvious, the United States has several laws that govern fair trade matters, which are tagged to a variety of child labor abuse cases. Regardless of the standards, foreign cases of child labor used on U.S. imports are still prominent due to some limitations on America's jurisdiction over the matter. Monitoring the presence of child labor in farms and factories seems to be an issue of chief concern.

The U.S. Department of Homeland Security has ICE Homeland Security Investigations division to concentrate on such matters. "The department is responsible for enforcing Section 307 of the Smoot-Hawley Tariff Act, a 1930 law banning the importation of goods manufactured by forced labor" (Simpson, Dantoh & Bliss). The government is permitted to impose fines or confiscate goods. Rachelle Jackson, chief director of UL Responsible Sourcing, an organization based in Los Angeles and that specializes in inspecting factories for the U.S. and Europe, stated that it is difficult to

acquire evidence on forced labor cases. This is because most companies accused of using child labor do not allow American investigators to check their plants. The majority of U.S. federal officials agree that it is crucial to cooperate with a state that holds child labor violations before going on with any accusations (Simpson, Dantoh & Bliss).

The concept of sovereignty is one that has had an array of meanings throughout history. According to the Stanford Encyclopedia of Philosophy, having ultimate control over a territory constitutes the notion of sovereignty. In other words, it is defined by a state's political power. Its concept became most notable with the creation of the Peace of Westphalia (1648), and when the works of philosophers like Bodin, Hobbes, Luther, and Machiavelli came about. Luther and Bodin described the importance of how only a supreme authority of a territory should be able to rule over it and strengthen its community without outside intervention (D. Philpott). Hobbes agreed with Bodin in that he stated that the sovereign would be accountable only to natural law and to God. Namely, he stated that the sovereign and God both hold absolute power remote from the law, so they equally hold the responsibility of acting justly. This ultimately creates a paradox in with the presence of child labor being an unjust quandary (De Ville).

The Peace of Westphalia, developed after the Thirty Years' War, created a structure of sovereign entities, namely creating the constitution for the new European states system at the time. It influenced the structure of the current international system. (Beaudry). The treaty allowed a description of sovereignty to hold different divisions

including internal and external. Namely, when referring to the sovereignty of an authority within its borders (the internal aspect), the external part comes into play when an outsider cannot interrupt the governance of that particular influential actor. So, in the case of child labor occurring in foreign states, the U.S. has a responsibility to respect the internal and external sovereignty of the states' territories (Brownlie 203-215). The Treaty of Westphalia set the basis for the notion of outside meddling in a nation's affairs as illegitimate in an international state of anarchy, where there is no central high authority existent to control the affairs of lower powers. It was later followed by article 2(4) of the Charter of the United Nations that forbids attacks on "political independence and territorial integrity" (Forlatti, Picchio, & Sicilianos).

Additionally important is Article 2(7), of the UN Charter that austere limits interference by other states. It states that, "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII" ("Charter of the United Nations"). Chapter VII deals with aggression and threats to peace. In compliance with the Treaty of Westphalia, sovereign states make up the international system and their sovereignty is based on mutual recognition of one another. However, when there is a breach of peace and violation of human rights, the UN Charter holds states liable even with respect to

their sovereignty (“Charter of the United Nations”).

When states signed two landmark agreements in the 1960s, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, they all agreed that they would respect the human rights of their people (“Chapter IV- Human Rights- International Covenant on Economic, Social and Cultural Rights”). However, they kept the reservations that this would be done without infringement on their sovereignty from other states. So, their constitutional powers would not be undermined in terms of keeping autonomy. All human rights covenants that followed these also made the same assertions about state signatories being able to keep their sovereign authorities while valuing the rights of their population (D. Philpott).

Territorial sovereignty is a major area of concern when it comes to the limitations imposed on the U.S.’s authority over the affairs of foreign states. To be exact, under customary international law, territorial sovereignty refers to land territory as well as the sea and airspace pertinent to the land. The term “territory” has an array of meanings in that it contains islands, rocks, reefs, etc. State territory is combined with the government and population that are between its borders, which ultimately make up the international definition of a state. Sovereignty describes the legal competence a state has over its territory and its immunities. In the case of the states containing child labor with the knowledge of the US, consent becomes an area of chief concern (Brownlie 447-455).

After considering the significance of state sovereignty along with the consent of states for mutual recognition and their crucial roles in legal instruments, it is only logical to ask if a waiver to sovereign immunity exists. When it comes to the present international immunity law, politics is the main driver of decisions made. It has been a question based on the treaty commitments between states. To be frank, the relationship and jurisdiction the U.S. has towards states it invests or trades with depends namely on existing agreements it has with each of those states (Bolton, Samama, & Stiglitz 15-18). Treaty obligations may be kept when the preemptory norms of international law are not interfered with. When it comes to child labor, the norms existent under international customary law, as discussed earlier, basically provide the rules states are obliged to meet. In other words, each state is responsible for punishing any acts of child labor on its own ground. In the realist stance, US company interests are best served in this regard due to the notion of non-interference. The sovereign state itself is the sole unitary rational actor. The simple fact that private actors are namely responsible for instigating the worst forms of child labor along with public officials, not by the state itself, asserts that the state is bound by international law to take action (Diller & Levy).

Perhaps the US has therefore relied on such an imposed obligation of individual state responsibility. International human rights norms in this case are relevant to child labor practices as regulated by the UN Charter, ILO Conventions, and other international instruments. With slavery, these norms go against other cruel treatments of human

beings, like torture, slavery, forced labor and trafficking. These all make up the concept of *jus cogens*, which has not yet included child labor in particular (Stone).

According to the Legal Institute of information of Cornell University, “*jus cogens* (from Latin: compelling law; English: peremptory norm) refers to certain fundamental, overriding principles of international law, from which no derogation is ever permitted” (“Jus Cogens”). This category of international law came into force in 1969 and since then, it has not been clear as to how much punishment or which sanctions should be explicitly placed on states that violate its implications. Although there is almost a universal accord on what these norms are, the genuine matter that makes up this classification is not quite agreed upon. Genocide, crimes against humanity, and the prohibition on the use of force, are all examples of *jus cogens*, but child labor specifically, has not been explicitly placed in its context (Diller & Levy). This is because the trafficking of humans is not always identified as slavery and for child labor to be considered equal to genocide and crimes against humanity, it would have to be identified as slavery. In its worst forms, as under the auspices of the ILO, it is, therefore rendering it as reprehensible.

In 1976, Foreign Sovereign Immunities Act (FSIA) came into place under the auspices of U.S. Congress. Its structure was chiefly based on the predisposition that states are generally immune to lawsuits, except if they fall under given exceptions as in violating international law, for instance. Even though state officials have tried to include

human rights violations to fit into the statutory exceptions of the FSIA for the past several years, attempts have not been successful in making these rights waivers to foreign immunity (Naomi). If the protection of human rights is such a crucial part of international relations, how is it not a concrete part of relegating immunities in regards to premature labor?

The “international agreement” exception, in which immunities are subject to agreements that the U.S. is a part of, is not enough to stand alone as a premise for the U.S. to take action. The violations of the small yet large categories of *jus cogens*, should be substantial to stand alone as waivers of sovereign immunity. To courts, the implied waiver provisions of the FSIA remain to be an appealing theoretical suggestion, but these courts still do not hold the state liable or see them as enough reason to waive state immunities (Naomi). Besides child labor being party of *jus cogens*, the ability of governments to renounce their state immunity and submit to the jurisdiction of the U.S. when they see fit, seems to be the best hope for having child labor stand as a case for the U.S. to take suit for (Tomuschat).

## Chapter 6

# Why Child Labor is Still Present- The US Stance in Theory

### 6.1 Political Realism

#### 6.1.1 Realism vs. Liberalism

In international relations, several theories hold their place in tradition and are differentiated by their unique explanations of the behavior of powerful actors and their global political relations. Realism in particular, is the oldest school of thought that holds a variety of interpretations coming from a lengthy list of philosophers including Thucydides, Niccolo Machiavelli and Thomas Hobbes. They set the foundation for the greatest realist thinkers who followed, including Morgenthau, Waltz and Rousseau. Although more recent interpretations of realism somewhat differ, the basis of its definition is maintained. It is also known as 'political realism.' Namely, this school of thought focuses on the role of the state as the most important actor and how human nature constrains politics. The main concern of states is pursuing their own self-interests as well as focusing on maintaining their security. Overall, in this view, states are always in the struggle for power (Synder 149).

The school of Liberalism, on the other hand, highlights cooperation as the ideal way to resolve conflict. Rather than looking at the struggle for power as being the main

driver of disagreement among states, Liberalists hold that the conflict of interests is the main source of dispute. Liberals see preferences to be different in each state as they are based on the interests of individuals and groups that make up state societies themselves. They look at how preferences are spread out in society and to what extent these individuals represent their societies. In international law, liberalists believe that if state interests are aligned by assuring that the interests of individuals and groups are properly portrayed, then the promotion of cooperation is feasible and a common ends can be reached. In the context of trade, scholars of liberal international relations highlight evading trade wars by making sure that the decision-making processes of a state is not controlled by interest groups or policy-makers with trade interests (Moseley).

### **6.1.2 Child Labor in Morgenthau's Six Principles of Political Realism**

These schools of thought play a great role in being applied to reasons behind state behavior towards child labor. Realism, in particular, usually applies reason to facts in order to give them meaning (F. Ferrara, V. Ferrara 1-21). To begin with, Political Realism, holds six principles, brought about by Hans Morgenthau's "*Politics Among Nations: The Struggle for Power and Peace*." Firstly, this school of thought regards politics as being governed by objective laws that are rooted in human nature, and that in order to understand a society, one must look at the laws it is governed by. Since realism sees theory as giving reason to facts, examining the political actions of statesmen is key to being able to summarize what their objectives probably were in making their foreign

policy decisions. Morgenthau looks at it from the perspective of putting ourselves in the place of that decision-maker and thinking what rational decisions we would make in the situation they are pitted against; placing rational predictions against rationality is key to determine the nature of foreign policy decisions and give international politics its meaning (Morgenthau 17-18).

So, rationality lies behind the international instruments used to fight against child labor, but why it is not considered to fall under the category of *jus cogens*, is still not explained by this principle. Having states like the U.S. alter trade relations with states for using child labor resonates as a reasonable enforcement measure, but at the same time, Morgenthau's second point questions the extent of this rationality (Morgenthau 20-26).

The second principle places politics in a separate category from other international concepts such as economics. Politics is explained in terms of interest defined by power. Classical economists, like John Stuart Mill, contradict this principle by looking at the creation of economic laws as related directly to motives/interests; namely looking at the avaricious side of human conduct (Politics Among Nations). So arguably, from the classical economic perspective, one can look at America's trade preference systems as a way of keeping its economic interests while making a statement of power. For instance, when the U.S. places trade tariffs on goods for labor violations instead of completely stopping its trade relations with a certain state, it is a form of

keeping its economic preferences. The state therefore maintains its power through these interests.

There is always the concern of motives and the issue of ideological preferences. Morgenthau stresses that motives cause great disillusion and that we can never know the true motives of others or even of our own. This is somewhat contradicting to the first principle. According to principle one, we should put ourselves in the place of decision-makers to determine the rationality behind their choices, but if motives were deceiving, then there would be no accuracy to any analysis of decisions in this respect. Meaning, that to look at the decisions of policymakers in terms of foreign policy-making towards states with child labor, we cannot know their true motives. Professor of Public Policy in Pepperdine University, Robert Kaufman, actually criticized Morgenthau's principles for being unrealistic in explaining that U.S. leaders' basis for foreign policy is morally and politically sound (Kaufman 24-38).

The third principle emphasizes "interest defined as power is an objective category which is universally valid, but it does not endow that concept with a meaning that is fixed once and for all" (Morgenthau et. al. 43). So, Morgenthau sees humans as not being good in nature, rather, he believes that conflict comes from power, which is the control of man over man. The fourth principle follows by stating that political realism is aware of the importance of morals in politics. There is deep tension between what is required of a state from moral grounds and what is necessary for successful

political action. Ethics in regards to politics judges the morality of acts through their political outcomes (Lauletta).

When consumer industries, such as McDonald's, Apple, and Wal-Mart, utilize the work of underage laborers and are reprimanded for doing so, it shows that the political outcomes (the fines charged by federal courts) proves the extent in which morals play a role in American laws. When taking into consideration the lax enforcement measures of the states abroad where these industries operate, it could be blamed on the more lenient legal systems; seeing as how it is generally the work of American officials that brought some justice to such cases. However, this is not to say that morality plays the majority of the part when it comes to US actions towards stopping child labor.

Morgenthau's fifth principle says that political realism, as characterized by interest defined in terms of power, saves us from moral surplus and political idiocy. One cannot apply the moral aspirations of a state to the moral regulations the universe is run under (F. Ferrara, V. Ferrara 17-21). In this view, "we are able to judge other nations as we judge our own and, having judged them in this fashion, we are then capable of pursuing policies that respect the interests of other nations, while protecting and promoting those of our own" (F. Ferrara, V. Ferrara 17-21). The simplicity of this equation would make it seemingly straightforward to comprehend why nations interact the way they do with each other, in the Realist sense. Arguably, if this is applied to the

issue of child labor, the U.S. is to first address the problem with more political pressure on regulations on its own grounds, before looking to outside territories; most notably in its agricultural sector where the same employee overtime laws that apply to other laborers do not apply in that area, for instance.

The last principle preserves that the political sphere is autonomous according to the political realist who asks how a strategy will affect the potency and interests of a nation. Political realism shows the difference between a nation's moral viewpoints and its interests (Lauletta). The U.S. clearly adheres to human rights instruments such as the Universal Declaration of Human Rights and the ILO Convention on the Worst Forms of Child Labor (No. 182), but seeing as how it has not ratified the UN Convention on the Rights of the Child nor the ILO Minimum Age Convention (No.138), Morgenthau's sixth principle is debatably applicable in this sense. Why would the U.S. ratify ILO Convention No. 182 and not Convention No. 138? These instruments have a morally-equivalent foundation.

It is however, never too late, since many countries ratify Conventions long after they're passed. So perhaps the US is still working on getting those Conventions ratified, but the context of ILO Convention No. 138 show some instances that may not make it convenient for America to sign it with regard to laborers working underage in the agricultural sector. Take for example, Article 3.1 of the Convention which states: "The minimum age for admission to any type of employment or work which by its nature or

the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years” (Bekele & Myers 90). Clearly, U.S. laws do not go by this one hundred percent.

## **6.2 Limits Posed on Institutional Liberalism**

In the international arena, states create relations with other states since no international actor can survive on its own in a world of competition; it must have allies and have the capacity to counter foes. So each state looks for its security whether it's in terms of politics or economics, both of which include the need for the state to make friends to help push for its safety and prosperity. Just like humans cannot survive alone and need other individuals to help fulfill their economic, biological and psychological needs, states need other states to survive. States ultimately behave like humans since after all, they are composed of human beings. In the international system, there is no central authority present to govern the behavior of states with one another, so international actors exist in 'anarchy.' To Realists, states are part of an 'international anarchic system.' In theory, they are legally equal regardless of their size and access to resources, but in reality, as the current order portrays, there is an unequal distribution of power. Powerful states dominate the weaker ones (Amin, Naseer, & Ishtiaq).

At the end of the day, power politics come into play and since there is an uneven division of power, actors look for ways to maximize their own potency to secure their

national interest. Both Realists and Liberalists claim that states subsist under anarchy and that no world government exists to oversee their behavior. Since there is no supreme authority to apply its orders over international actors, all actors can exercise their sovereign duties without external interference. Kenneth Waltz, philosopher and founder of neorealism (also known as structural realism), claims that an ordered system made up of a structure and its interacting units altogether composes politics. Waltz differentiates the domestic and international political structures, stating that the domestic one is centralized and hierarchic, while the international structure is just the opposite (Young & Vorgitech).

The hierarchy refers to the power structure where rulers impose legislation on those they rule over. In the case of the United States, the hierarchy is made up of the state itself, Congress and the President, and the American citizens who have the rules passed down to. When saying that the domestic system is more centralized, it means that even though states create their own laws, they must still submit to the government based in Washington D.C. Society is therefore ordered because of this power division. On the other hand, the international system has a decentralized government, so it is directly contrary in the fact that there are no absolute laws that govern all citizens worldwide (Young & Vorgitech).

This gives the world a chaotic nature in which states each have their own laws and do as they please individually. As observed with cases in and outside the United

States, companies that violated labor laws were either taken to court, fined, or called out in public as breaching agreements, but we have seldom heard of the complete shutdown of such companies/factories. In accordance to neorealism, governments have the say to do with those companies as they please, just as the U.S. can alter its agricultural and non-agricultural laws as it wishes to (Waltz).

### **6.3 Constraints Under International Law**

Generally, states give companies an equal status of legal persons who are governed by domestic laws; so, each company is subject to its incorporation's national law. Therefore, a corporation's domestic legal structure holds the company responsible when it causes damage to an outside actor. Criminal liability goes alongside civil and administrative responsibility as imposed on corporations by the domestic legal system of many states. Although historically, states have not really reprimanded MNCs directly under the auspices of international law. Rather, they've more often complied with the *laissez faire* principle (Pigrau et al. 2-16).

States that have the most capabilities, like the United States, have the greatest potency to control smaller states and eventually alter the structure of the political system. According to Neorealists like Waltz, the fact that the international system is decentralized in nature plays a role in why international laws governing child labor, such as the Convention on the Rights of the Child and ILO Conventions No.138 and No.182,

are not as effective as having a centralized authority. Seeing as how the international system is characterized by anarchy, states each have their own governments to enforce child labor laws, but they may enforce them as they see fit with the benefit of having sovereignty (Waltz). Arguably, even if states are parties of international measures against child labor, if they violate such agreements or human rights norms, they can only be reprimanded to a certain extent.

The school of liberal institutionalism comes in stark contrast with Realism by refuting the theory that the struggle for power is the foundation of international politics. In the 1970s, this school of thought brought an alternative to Realism in arguing that although states are a chief part of international affairs, emphasis should be given to international organizations and global governance as controlling the international arena (Devitt). Namely, institutionalists like Hedley Bull, look at how there are common goals in the international system and international organizations assist cooperation among states to meet these objectives and interests.

There is no separation between high and low politics to enforce political agendas. Instead, Bull touches on how communication is the basis for the relationships in international society and how society shapes diplomacy. Since, diplomats have channels like the United Nations to make multilateral exchanges, it serves to their advantage. However, Bull asserts that when foreign policy is seen as claiming a hegemonic global authority or pushes for self-interest, it cannot succeed; there must be mutual interests

(Temperley). So according to this assertion, when the U.S. and its trade partners have mutual benefits when working together with knowledge of child labor being part of that work, it makes it even more difficult to stop the problem since each state actor serves as a motivator to its partner.

The founders of neoliberalism, Robert Keohane and Joseph Nye, believe that the main barrier to cooperation among states is their ability and tendencies to cheat on their commitments, or non-compliance. They focus more on the complexity of states' interdependent nature (Dunne, Kurki & Smith). Liberal institutionalists greatly emphasize how critical multilateral and diplomatic efforts are in reaching common interests in international relations. Institutionalists center on international organizations like the United Nations and the World Bank to take the lead in enhancing diplomatic efforts to further expand initiatives in promoting human rights in addition to other crucial international issues (Devitt).

Realists like Professor Kaufman disagree while pointing out the limits of international organizations. He stated "neither the UN nor any international organization in the foreseeable future will possess the power, the consensus, or the will among its members for collective security to work" (Kaufman). Morgenthau sees the UN Security Council as a medium for states to pursue their diverging interests through other means and as this occurs, he asserts that they will then turn to defend their interests in a unilateral manner (Ehrbar 2-30). When looking at the issue of child labor, these views

are not far from being viable. In the case of the U.S. particularly, these views are also quite true since history proves that even though America is a state signatory of several UN instruments, it works unilaterally when abiding by certain treaties' implications.

## **6.4 Marxism and Capitalism**

Karl Marx is mostly known for developing theories that advocate communism, later moving more towards philosophies on politics and economics. Under his theory of 'historical materialism,' Marx emphasizes the nature of society to rise and fall as it develops, ultimately obstructing the development of human productivity power. Overall, he sees this process as going through different modes of production exemplified by class struggle. "Marx's economic analysis of capitalism is based on his version of the labor theory of value, and includes the analysis of capitalist profit as the extraction of surplus value from the exploited proletariat" (Wolff).

Following that economic theory, Marx predicted that capitalism is bound to break down and be replaced by communism. So what would this mean for the world of child labor practices? The different modes of production, which Marx emphasizes to be under capitalism, include human laboring. He states that this mode is unique to all others in that it is more estranged. It is more signified to be in the forms of products that are produced by the labor acts. Overall, human laboring appears to be in the value form (Ehrbar 2-30). Specifically, Marx aims to focus on the conditions of the production

process. This is to say that the only subjects of production are individuals themselves who have mutual relationships. These relationships are based on the individuals' needs to renew themselves while they enhance the wealthy part of the world (Brown, Fleetwood, & Roberts).

Under Marxism, the presence of child labor is largely dependent on the fact that those who have greater economic power exploit those who do not have that power. Marx calls the work for a regular period of time, "necessary labor," in which employees work the necessary decent hours. However, when they are forced to work extra hours, as in the case of children, this is known as "surplus labor," since surplus value is being produced for the capitalist class. Economically speaking, surplus labor is the foundation of profit. Marx sees the power of labor as the only commodity that can create more use than it's worth. Other commodities do not hold the same power of producing extra value. The surplus value theory of profit is based on the presumption that profit is created when a laborer works for a time period longer than or disproportional to the amount of time necessary to equate their wage (Wolff).

The discrepancy this surplus value theory poses is the fact that child labor today, for the most part, is overlooked at in terms of equating the wages of children with their hours of labor, even in the United States. So in the real economic life, product prices differ greatly from the real value of labor conducted to create those goods. (King & Ripstein). Things often appear to be in a distorted form according to Marx, not as they

really are. So the gruesome realities of how such forms of child labor exploitation could still be existent today are largely reliant on the present nature of capitalism under this theoretical view.

Despite the presence of capitalism, child welfare programs exist in the US in each state, as required by federal law. As a field of social work, public child welfare agencies provide protection to children suffering from abuse or neglect. The agencies address issues such as adoption, kinship and foster care, along with programs that treat children and parents alike undergoing any sort of trauma. Family support programs are also available under the welfare agencies, which work with schools, courts and early intervention programs (“Child Welfare Education & Research Programs”). However, not much literature exists to show whether or not welfare programs have a positive effect on combating child labor, but it is safe to predict the logical. Greater investments made to enhance the lives of children by granting access to education and health protection, namely brings improvements to child growth. Child labor does for a fact decrease the welfare of children, but in a world of capitalism, as theory categorizes it, having an increase in foreign direct investments may actually help raise the income of impoverished households, which ultimately allows children to attend school rather than work (Hoddinott et al.).

## **6.5 Globalization**

It would be quite deficient to just take into account the schools of Realism and Liberalism along with the works of renowned philosophers without correlating them to the role of globalization. Seeing as how we live in an interconnected world, there is no way to escape the effects of the dominant phenomenon of this present century. Practically every commodity purchased, every decision made by leading policymakers along with those who hire child laborers themselves, and every historically viable theory that made its mark in the present, is influenced one way or another by globalization. The term “globalization” was coined by the late Theodore Levitt, who was a professor at the Business School of Harvard University. He defined business that’s becoming globalized as referring to “the changes in technology and social behaviors that allow multinational companies like Coca Cola and McDonald’s to sell the same products worldwide” (Feder).

In terms of globalization’s effects on child labor, in particular, scholars like Levitt seemed to have differing outlooks. According to Professor Eric V. Edmonds from the Department of Economics at Dartmouth College, globalization affects child labor in more than one way. To begin with, he states that globalization enhances the opportunity for employment along with increasing earnings for poor families in developing states. Depending on variations that normally take place in the local market, globalization can either reduce or augment child labor (Edmonds & Pavcnik).

The second way in which globalization affects child labor is through causing affluent states to easily influence the domestic laws of developing states. These developing states generally experience an increased pattern of foreign direct investment, which increases employment opportunities in turn. Other times, a poorer state can amplify the prices of its export goods. Foreign investment is usually proportionally affected by a state's export patterns; when a state enters the international market, foreign direct investments usually enter more, too (Edmonds & Pavcnik, "Globalization and the Economics").

Today, a large amount of developing states have an agricultural comparative advantage. "Increased earning opportunities may increase the demand for child labor and the wages paid to children...Children may be forced to take over some of the activities usually performed by adults within their household" (Edmonds 29). On the other hand, globalization has been found to have positive results in decreasing child labor. In one view, when parents have increased work opportunities and therefore, higher earnings, their children are less likely to be forced into working to help sustain their household. If that's the case, these children are more likely to focus more on school and having a brighter future. This stems from the fact that parents can focus more on getting substitutes for the products that children are generally used for to produce or use the higher income to replace that made by the children. Due to globalization, children receiving higher earnings at work give opportunities for other children to attend school,

instead. In such cases, foreign intervention is unnecessary to stop child labor in poorer states (Edmonds, “Globalization and the Economics” 29).

Globalization’s effect on child labor is two-fold. States that have child laborers actually have a competitive advantage over those that do not, since investors turn to underage labor to cut costs. Many developing states have lax labor standards and an abundance of labor supply. It is no secret that an increase in FDI and trade liberalization have increased the demand for child labor and their low wages. So, this aspect of globalization is a catalyst for encouraging the continuation of underage labor, since developing states generally have a higher rate of unskilled labor. Impoverished families therefore prefer to send children to work rather than attend school (Dagdemiir & Acaroglu).

On the other hand, FDI sometimes decreases child labor by increasing the work sector’s output and therefore increasing family incomes. Households with higher incomes mostly result in families sending their kids to school since they have higher access to international capital markets. So parents do not find the need to send their children to work. In regards to trade liberalization, it could increase the incidence of child labor, but namely in the short term. For the long term, studies show that the incidence of underage labor isn’t affected as much. Another direct effect of globalization on child labor is the effect emigrants have on the issue. Globalization has allowed for the migration of skilled laborers, which ultimately reduces the number of child laborers in

the world (Dinopoulos & Zhao). However, it depends on the nature of that migration. In the U.S., the immigration of those Mexican families working in the agricultural sector for instance, doesn't result in the decrease of child labor. Rather, these families place their children to work more.

Authors of '*Does Globalization Increase Child Labor? Evidence from Vietnam,*' Eric Edmonds and Nina Pavcnik conducted a study on the effect of trade liberalization from globalization on child labor in Vietnam. They found that when Vietnam lifted rice export restrictions in 1993 to promote domestic food security, rice farmers had constraints on exporting their crops. As a result, Vietnam's rice exports increased about double the amount from 1993-1998. The worldwide demand for the state's rice caused a thirty percent increase in its price. Since households that produced the rice gained more income, they found it unnecessary to have their kids help out with the job. Child labor consequently dropped about nine percent, which was equal to about 2.2 million children in Vietnam. In parallel, there was a drastic rise in school attendance (Davis).

Nevertheless, this was not the case in urban areas where underage labor rates increased because there was a higher load on the income of many families that received less benefits due to the increase in rice prices. Many households found it more advantageous to put their children to work and enhance their finances even more. They overlooked the other opportunities available for children to earn other salaries. All in all, Edmonds and Pavcnik found that if richer states place trade sanctions on the poorer ones

to pressure them, it could be more beneficial in stopping child labor. They state that, “these trade measures are likely to lower the price of the exported good, so our results suggest that sanctions could instigate more rather than less child labor” (Davis). So, if the U.S. places more trade restrictions on certain developing states it trades with, it is more likely to help decrease the number of child laborers. It seems as though it sometimes stays away from doing so to avoid high import prices.

Lastly, globalization plays its part in human rights as the use of the notion of humanitarian intervention is becoming more widespread, especially among the governments of countries like the United States. Infringing on a state’s sovereignty has been justified through the means of humanitarian intervention. The concept has historically stirred some controversy among nations and actually grew stronger after the Rwanda genocide in 1994. In 2005, the UN adopted an Outcome Document, which included a ‘responsibility to protect doctrine,’ and stated that it “was every state's responsibility to protect its citizens from "genocide, war crimes, ethnic cleansing, and crimes against humanity" (Bajoria & McMahon). In the case of child labor, it is clearly a crime against humanity. Further elaborated on in Chapter VII of the UN Charter, if a state fails to protect its own citizens from such matters, the international community then holds the responsibility of protecting the people of the neglectful state (Bajoria & McMahon). So, in the face of globalization, sovereignty is weakened in some respects as

states' borders are increasingly porous and foreign attention to human rights issues is on the rise.

# Chapter 7

## Conclusion

It goes without saying, there are numerous factors that influence the perpetuation of underage labor in the world, both in and out of the US. The theories used to analyze this form of modern day slavery are insightful in offering ample food for thought. However, philosophical analyses are obviously not enough to bring a complete halt to the issue, nor are laws, regulations, and initiatives focused on ending child labor.

Realism certainly explains how states maintain their economic interests by using their trade laws in ways that punish foreign states for utilizing child work just to the extent whereby American interests, as well as the trading states' interests, would remain intact. At the end it is an issue of privatization when it comes to feeding the United States' interests. Why would America have the incentive to ratify a convention like the Convention on the Rights of the Child if children are helping increase its economic growth, and ultimately its security? As Morgenthau put it, politics is interest defined in terms of power, which is "the measure of prudence that saves us from moral excess and political folly" (Kaufman 26). This is perhaps the chief underlying statement in explaining why it seems to be less of a priority to help protect the rights of children put to work.

It is irrefutable to notice that states like the US do hold human rights in high esteem, especially since they are among the main actors in the international arena that fight for keeping such rights, but it seems as though this is done namely when it is fitting to America's political and economic advantage. Much relevant to the theory of Marxism, the current situation shows how child labor falls under the concept of class struggle and the manipulation of the weak (lower class) by the strong (upper class). In a capitalist world, it's easier for top-notch companies, which have higher access to resources and the means to manipulate the less fortunate, to take advantage of the situation and disregard the fact that children are working in such dreadful conditions. After all, if a corporation is gaining an immense amount of profit thanks to the cheaper amount of work offered by these children, why would it even bother stopping the trend of hiring underage workers? Since these corporations are generally protected by the state, it creates the ripple effect of shutting doors in these children's faces.

As discussed earlier, children are easier to exploit than adults are, which gives more reason for industries to take advantage of them in a time of growing demand. Two major issues arose in the case of worldwide demand for chocolate, namely, the Cocoa Protocol. Under this protocol, NGOs like the National Child Labor Committee and Free the Slaves, requested that governments require the adoption of social labels to let consumers know that their chocolate/candy was made child labor free. They also asked that governments ban cacao from states that cannot prove fair trade. The pleas are not

ideal though, in the sense that such social labels are thought to interrupt the terms of the WTO. Waiting for approval by these larger organizations, which are in charge of finalizing trade decisions, has become standard for most NGOs fighting against child labor (Campbell & Athreya 1-2).

Having a product-specific law like the Cocoa Protocol may help decrease child labor in one area, but it won't assure that children will stop working in other segments (Campbell & Athreya 1-2). For one, there are cultural and economic factors that are ongoing in terms of perpetuating poverty. In the case of cocoa, its true price has historically been low and remains to be so. Additionally, farmers in West Africa do not make the effort to agree to higher prices. So at the end of the day, their laborers are overworked, and they turn to children as an even cheaper form of labor, ultimately providing farmers with higher work efficiencies. These children are generally the ones whose childhoods are more of a luxury since their parents' income is insufficient, and they therefore lack educational opportunities (Aaronson).

In 2008, the International Labor Rights Forum ascertained that though the intent of the Cocoa Protocol was to assure consumers that their chocolate was made without the use of forced child labor, it did not meet its goal of doing so. In fact, no activities were conducted to improve labor conditions in any chocolate-producing company (Campbell & Athreya 1-2). This is a clear example of the limited power international organizations have on working to stop child labor due to a lack of a central authority to

govern the world; especially in a capitalist world, as explained by Marx. Economics is, for the most part, a founding principle for the reason underage work exists.

Eric Edmonds and Nina Pavcnik from the National Bureau of Economic Research conducted a study on the relation of rice prices and child labor and Vietnam. As a start, it is widely known that child labor is most common in developing states that have very low per capita GDPs. Furthermore, the population of these states usually acquires its income from agriculture. In Vietnam, in particular, 70 percent of the population relies on agriculture. Reductions in Vietnamese child labor came from an observed increase in relative prices of rice. For instance, a considerable 9 percent decline in child labor came in correlation with a 30 percent increase in the price of a kilogram of rice. Comparably speaking, it was also found that when rice prices rose, so did household incomes (“Does Globalization Increase Child Labor?” 5-13).

### **Suggestions for Solutions**

With all the analyzed issues, it seems that the conclusive solution, according to Morgenthau’s principles, is about the most accurate to date in relevance to child labor: to stop the struggle for power internationally, there must be a reliance on both a balance of power and diplomacy, in which states give valid reasons for maintaining the national interest. States must have the ability to compromise on those subjects that are not

imperative to their beings and view foreign policy, not just from their own sides, but from the sides of other states, too (Kaufman 27).

Liberalists' belief in international cooperation for mutual gains is mostly undermined by the Realist theory, and further diluted by Marxism and globalization; all directly correlated in the present era. An obvious influence of globalization is that which falls upon spreading awareness on child labor by expanding the media's reach across the world. This has not only shed light on the issue, but it has greatly helped bring about joint efforts among organizations to help end underage labor.

When public opinion has a strong voice, it namely places enough pressure to act to terminate the problem. For example, when reports were published several years ago claiming that destitute children in West African plantations were forced to work on cocoa bean fields, consumers along with activists and American officials were infuriated. So after debate, they adopted the Cocoa Protocol in 2001, to ascertain that chocolate products were not made by child labor (Aaronson). Top chocolate companies and governments even made sure to provide for education and training programs in poor states where the child labor was taking place. "In September 2011, eight companies in the chocolate and cocoa industry including ADM, Barry Callebaut, Cargill, Ferrero, The Hershey Company, Kraft Foods, Mars, Incorporated, and Nestlé have pledged US \$2 million to a new Public-Private Partnership (PPP) with the ILO to combat child labor in

cocoa growing communities in Ghana and Côte d'Ivoire" ("Africa: Child Labor in Cocoa Fields").

Regardless of such efforts, since poor states in West Africa are reliant on agricultural commodities like cocoa for their economic wellbeing, collapsing that particular industry could actually exacerbate the problem by preventing child labor on a small scale and damaging many other lives on a larger scale. The fact of the matter is that in the case of an increasing worldwide demand for commodities like chocolate, it is a light at the end of the tunnel for developing states that have those goods to export. So, the ripple effect comes in once again when the rise in demand is tied to an increase in the need for quick supply, which could namely be possible through the increased use of cheap labor (Aaronson). So which solution is more logical, if any? Such industries that are responsible for a country's GDP can't be collapsed, so there must be a way of properly funding them, such as by worldwide organizations like those discussed in the past chapters. Gearing international aid efforts towards providing decent salaries for adult workers could help these children go to school instead of work, while keeping the job opportunities open for adults.

Another question that may arise from suggesting the increase in aid efforts is how feasible that may be, especially during the current widespread economic crises. Charity houses are an effective form of gathering funds to help, as many such as Anti-Slavery International and Free the Children, have been doing. However, if states that are

more economically well off could use an agreed-upon percentage of their trade profits as a form of funding, that may lend a great helping hand to such charities. Namely, if the U.S. imports products from developing countries with child labor, but at lower tariff rates than its standard, then it may also be of great assistance.

As mentioned earlier, organizations like UNICEF, have been trying to end the problem with projects like 'End Trafficking,' which is the U.S. fund for UNICEF's proposal to raise awareness about the issue and get communities to collaborate on the protection of children. The project namely involves teaching people the signs of how to tell children are being trafficked to help bring forth the opportunity for these children to receive needed help ("Child Trafficking: End Trafficking"). This project is an effective attempt by the U.S. to help bring an end to the problem and indirectly push for education on the issue, which is a key move for making a change.

Educating individuals, not just on U.S. territory, but also in countries around the world, is key for showing the negative sides of child labor and getting more projects going for ending the problem. Once U.S. efforts reach their ultimate potential, it can reach more regions across the globe. When educated even more, American consumers would be more likely to ask about the origins of their items and suggest more ethical alternatives for those that adopt child labor. In addition, when American consumers purchase items that are 'Fair Trade Certified' or include a 'Fairtrade Mark,' they are

more likely to be taking part in good purchasing practices that don't involve buying items with origins of child labor.

Being educated on the issue of child labor can have many positive effects. In addition to buying products wisely, Americans can also start to contact their local legislators to ascertain that the products that are entering their local stores do not have child labor behind them. If enough American groups get organized, they can meet to not just contact local legislators, but also pressure the businesses abroad that conduct their work in regions that have child labor. Pressure is especially a useful tool for shareholders of certain companies that hold a strong voice based on their positions in those companies. They can easily voice their opinions to make sure that their corporations refrain from using child labor.

The ILO's IPEC different campaigns and advocacy projects like its latest 'Uniting to End Child Labor: Keep the Pinwheel Moving!' could also be turned to as an example for how to mobilize groups for their voices to be heard. The process of Globalization should be taken advantage of in the sense of using the interconnectedness of the world and placing it in the favor of child victims. Children of all ages have been involved in IPEC's newest project, which expands knowledge about child labor among children's peers. These youth groups turn to decision-makers to sway them to make a change. An excellent aspect about this solution is its ability to spread across different countries and motivate all age groups. When decision makers see that even the youngest

of generations are pushing for bringing an end to child labor, the youth's many voices could be heard even more than adults' pleads.

Notwithstanding all the data (case studies, statistics, domestic and international laws) along with the theories that broaden the analysis, the chief research question of this thesis must be revisited. The reason child labor is still a concern in and out of the US today, and which factors are the main ones propelling its continuation cannot be deciphered by just one answer to serve as a sufficient response. A multitude of issues are tied together to form a chaotic web of possible reasons. This itself leads to the final inquiry of whether or not there is any hope for a future free of child labor. There are several projects, like those conducted by the Eliminating Child Labor in Tobacco Growing (ECLT) Foundation and the ILO's IPEC, (ECLT 2013) that have achieved some results, helping to decrease the number of child laborers worldwide since 2000. Efforts like raising awareness, using direct action and education, alleviating poverty and developing institutions for cooperation, have proven to be fairly successful thus far.

In a world of rising capitalism and where the supply of commodities must meet the demand, the chance for a drastic change is still feasible. Globalization's influence is inevitable, and although it may have some positive effects on child labor, in the long run, the negative effects roughly overshadow the positives. On the other hand, given that the number of child laborers has decreased in many parts of the world, there's certainly a promising future for ending the problem once in for all. The U.S. should definitely start

with domestic changes, namely altering its agricultural laws, and be more reprehensible towards states with which it has direct relations, whether in terms of trade or foreign direct investments. Surely, the U.S. has been benefitting because of privatization, but simultaneously, it has still been making the proper efforts to end child labor. So, to push these efforts a step further, despite certain restraints this powerful hegemon may come across, would without a doubt have an immense effect on ending the problem. Combined with placing human rights and morals as a higher priority than its economic interests and working further with international efforts, a revolution can finally be realized.

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