

The Children's Rights Workgroup with the US Human Rights Network believes children of color deserve to be treated with dignity. Persistent discriminatory treatment by the US systemically, violates their human right to special care and protection, survival and development. We are concerned with these issues and make the following recommendations:

An estimated 300,000 -500,000 predominately Hispanic children harvest produce in the heat, exposed to pesticides, using repetitive motions for 10-14 hours a day. The high school dropout rate for these children is 4x the national rate^[1]. Due to exemptions to the Fair Labor Standards Act in 1938, the U.S. federal child laws are minimal for agriculture. The federal standard is 12 and younger in some states.

Suggested Recommendations: Contact: Julia Perez, Julia.ecl.perez@hotmail.com

1. Remove the agriculture exemption in the Fair Labor Standards Act which would raise the age for harvesting and hazardous work for hired children taking care to distinguish between farm owner and farm worker children using executive powers if necessary.
2. Ratifying ILO Convention No.29 concerning Forced or Compulsory Labour and ILO Convention No.138 concerning Minimum Age for Admission to Employment.
3. The EPA and DOL should stop current efforts to weaken protections for agricultural workers in terms of pesticides, and the H2-A guestworker.

From July 2017 to June 2018, the U.S. government separated around 4,500 children from their parents at the southern border, under a policy that indiscriminately prosecuted migrants.^[2] In the year that followed, the government separated another 1,100 families based on unsubstantiated allegations of criminal history that were unrelated to the safety of the child or unfounded determinations of unfitness.^[3] Physicians for Human Rights found that these separations met the criteria for torture under the Convention Against Torture, and resulted in trauma responses in children and their caregivers that could take years to repair.^[4]

Suggested Recommendations: Contact: Miriam Abaya, miriama@firstfocus.org

1. Prohibit family separation in the context of migration unless there is a determination of imminent harm to the child by a judge of competent jurisdiction. This standard should put into statute, as well as government policy.
2. Where separation is determined to be warranted under the standard of clear and convincing evidence of imminent harm to the child, ensure that parents can appeal the determination, ensure children and parents have legal representation, and appoint Independent Child Advocates^[4] for children to advocate for their best interests.
3. Ratify the Convention on the Rights of the Child, which would require the United States to make the best interests of children a primary consideration in all decisions and preserve family unity where it is in the best interest of the child.

[1] <http://www.hrw.org/support-care>

[2] <https://www.latimes.com/world-nation/story/2020-01-18/u-s-officials-say-they-are-highly-confident-to-have-reached-tally-on-separated-children-4-368>

[3] <https://theintercept.com/2019/12/09/family-separation-policy-lawsuit/>

[4] <https://phr.org/wp-content/uploads/2020/02/PHR-Report-2020-Family-Separation-Full-Report.pdf>

[5] <https://www.theyoungcenter.org/child-advocate-program-young-center.>