

Features

Child workers in danger on tobacco farms

In Indonesia – a country of more than 250 million people – nearly two-thirds of men and boys ages 15 and over smoke tobacco products daily.¹ Every pack of cigarettes sold in Indonesia, as in many countries around the world, contains a warning that the product may be harmful to human health.² These packs of cigarettes, and those sold outside of Indonesia, should contain a second warning: “This product may be made with child labour.”

Indonesia is the world’s fifth-largest tobacco producer, with more than half a million tobacco farms nationwide.³ Though national laws prohibit children from performing hazardous work, thousands of children in Indonesia, some just 8 years old, work in hazardous conditions cultivating and harvesting tobacco that goes into products sold in Indonesia and abroad. Indonesian and multinational companies purchase tobacco from Indonesia, and none of these companies do enough to ensure that the tobacco they use in their products was not produced with hazardous child labour.

Hazardous work:

While not all work is harmful to children, the International Labour Organization’s (ILO) Worst Forms of Child Labour Convention, ratified by Indonesia in 2000, defines hazardous work as “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.”⁴ Human Rights Watch found that children working on tobacco farms in Indonesia perform tasks that pose serious risks to their health and safety.⁵

Tobacco in any form contains nicotine,⁶ and when workers handle tobacco plants, they can absorb nicotine through their skin. In the short term, absorption of nicotine through the skin can lead to acute nicotine poisoning, called Green Tobacco Sickness. The most common symptoms are nausea, vomiting, headaches, and dizziness.⁷

Human Rights Watch interviewed 227 people, including 132 child tobacco workers in Indonesia, ages 8 to 17, for a report published in May 2016. All children interviewed described routinely handling tobacco leaves and plants, particularly during the harvest and the curing process. Approximately half of the children said they had experienced at least one specific symptom consistent with acute nicotine poisoning while working in tobacco farming. Many reported multiple symptoms. For example, Rio, a tall 13-year-old boy, worked on tobacco farms in his village in Magelang, Central Java, in 2014. He told Human Rights Watch: “After too long working in tobacco, I get a stomach ache and feel like vomiting. It’s from when I’m near the tobacco for too long.” He likened the feeling to motion sickness, saying “It’s just like when you’re on a trip, and you’re in a car swerving back and forth.”⁸

The long-term effects of nicotine absorption through the skin have not been studied, but public health research on smoking suggests that nicotine exposure during childhood and adolescence may have lasting consequences on brain devel-

1 The World Bank (2015): Indonesia: Country at a Glance. www.worldbank.org (Accessed 19.09.2016); World Health Organization (WHO) (2015): WHO Report on the Global Tobacco Epidemic, 2015. Country Profile, Indonesia. www.who.int (Accessed 22.01.2016)

2 World Health Organization (WHO) (2015): WHO Report on the Global Tobacco Epidemic, 2015. Country Profile, Indonesia. www.who.int (Accessed 22.01.2016)

3 Food and Agriculture Organization of the United Nations, Statistics Division (FAOSTAT) (2013): Food and Agricultural Commodities Production / Countries by Commodity. <http://faostat3.fao.org> (Accessed 15.12.2015); Email from Indonesian Ministry of Agriculture, to Human Rights Watch, 19 October 2015

4 International Labor Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Worst Forms of Child Labor Convention), adopted 17 June 1999, 38 I.L.M 1207 (entered into force 19 November 2000), ratified by the United States on 2 December 1999, art. 3

5 Human Rights Watch (2016): The Harvest is in My Blood: Hazardous Child Labor in Tobacco Farming in Indonesia, 24 May. www.hrw.org (Accessed 19.09.2016)

6 Human Rights Watch telephone interview with Dr. Thomas Arcury, director, Center for Worker Health at Wake Forest School of Medicine, 24 February 2014

7 See for example, Arcury, T A, Quandt, S A and Preisser, J S (2001): Predictors of Incidence and Prevalence of Green Tobacco Sickness Among Latino Farmworkers in North Carolina, USA. *Journal of Epidemiology and Community Health* 55(11) pp 818–824; Arcury, T A, Quandt, S A, Preisser, J S and Norton, D (2001): The Incidence of Green Tobacco Sickness Among Latino Farmworkers. *Journal of Occupational and Environmental Medicine* 43(7) pp 601–609; Arcury, T A, Quandt, S A, Preisser, J S, Bernert, J T, Norton, D and Wang, J (2002): High levels of transdermal nicotine exposure produce green tobacco sickness in Latino farmworkers. *Nicotine & Tobacco Research* 5(3) pp 315–321; Gehlbach, S H, Williams, W A, Perry, L D, Freeman, J I, Langone, J J, Peta, L V and Van Vunakis, H (1975): Nicotine Absorption by Workers Harvesting Green Tobacco. *The Lancet* 305(7905) pp 478–480

8 Human Rights Watch interview with Rio, 13, Ismaya, 13, Sugi, 14, and Akmad, 14, Magelang, Central Java, 14 September 2014



▲ An 11-year-old girl ties tobacco leaves onto sticks to prepare them for curing in East Lombok, West Nusa Tenggara.
© 2015 Marcus Bleasdale for Human Rights Watch

opment.⁹ Studies have found that non-smoking adult tobacco workers have levels of nicotine in their bodies similar to those of smokers in the general population.¹⁰ Child tobacco workers in Indonesia also said they handle and apply pesticides, fertilizers, and other chemical agents used on tobacco farms. A number of children reported feeling sick immediately after handling or working in close proximity to these chemicals.

Children are particularly vulnerable to harm from exposure to toxins like nicotine and pesticides because their brains and bodies are still developing. Pesticide exposure has been associated with long-term and chronic health effects including respiratory problems, cancer, depression, neurologic deficits, and reproductive health problems.¹¹

9 Goriounova, N A and Mansvelder, H D (2012): Short- and Long-Term Consequences of Nicotine Exposure during Adolescence for Prefrontal Cortex Neuronal Network Function. *Cold Spring Harbor Perspectives in Medicine* 2(12) pp 1–14; Dwyer, J B, McQuown, S C and Leslie, F M (2009): The Dynamic Effects of Nicotine on the Developing Brain. *Pharmacology & Therapeutics* 122(2) pp 125–139; United States Department of Health and Human Services (2014): The Health Consequences of Smoking – 50 Years of Progress. A Report of the Surgeon General. www.surgeongeneral.gov (Accessed 28.09.2015)

10 Individual variation would be expected based upon the use of personal protective equipment, season, and contact with tobacco, and abrasions on the skin, as well as other factors. Schmitt, N M, Schmitt, J, Kouimintzis, D J and Kirch, W (2007): Health Risks in Tobacco Farm Workers – A Review of the Literature. *Journal of Public Health* 15(4) pp 255–264

11 McCauley, L A, et al (2006): Studying Health Outcomes in Farmworker Populations Exposed to Pesticides. *Environmental Health Perspectives* 114(6) pp 953–960; Karr, C (2012): Children's Environmental Health in Agricultural Settings. *Journal of Agromedicine* 17(2) pp 127–139

Many children also suffered pain and fatigue from carrying heavy loads or engaging in repetitive motions for prolonged periods of time. Few of the children interviewed, or their parents, understood the health risks or were trained on safety measures. Most of the children worked outside of school hours, but Human Rights Watch found that work in tobacco farming interfered with schooling for some children.

Child labour and the tobacco supply chain:

Tobacco grown by small, independent farmers in Indonesia enters the supply chains of Indonesian tobacco companies of various sizes, as well as the world's largest multinational tobacco companies. The largest tobacco product manufacturers operating in Indonesia include three Indonesian companies – PT Djarum, PT Gudang Garam Tbk, and PT Nojorono Tobacco International – and two companies owned by multinational tobacco companies – PT Bentoel Internasional Investama, owned by British American Tobacco, and PT Hanjaya Mandala Sampoerna Tbk, owned by Philip Morris International. Other Indonesian and multinational companies also purchase tobacco grown in Indonesia.

Most tobacco in Indonesia is bought and sold on the open market through traders. However, some farmers sell tobacco directly to companies under contract. Human Rights Watch shared its findings with 13 companies, and 10 responded. None of the Indonesian companies provided a detailed or comprehensive

response, and the largest two, Djarum and Gudang Garam, did not respond at all despite repeated attempts to reach them. The multinational companies that responded prioritize purchasing tobacco through direct contracts, but all purchase some tobacco on the open market, and none of them are able to trace where the open market tobacco they purchase was produced, or under what conditions.¹² When companies do not know where the tobacco they purchased was produced, they have no way of knowing whether human rights abuses, like child labour, occurred in their supply chains.

Most tobacco grown in Indonesia is used for domestic production, but a large quantity is also exported.¹³ This means that consumers in the United States, Europe, and beyond, could be purchasing tobacco products produced with child labour.

The responsibility of companies and investors:

The United Nations (UN) Guiding Principles on Business and Human Rights, which the UN Human Rights Council endorsed in 2011, recognize that all companies should respect human rights, avoid complicity in abuses, and ensure that any abuses that occur in spite of these efforts are adequately remedied. The Guiding Principles specify that businesses should exercise human rights due diligence to identify human rights risks associated with their operations, take effective steps to prevent or mitigate those risks, and ensure that the victims of any abuses that occur despite those efforts have access to remedies.¹⁴ The Guiding Principles are widely accepted as a legitimate articulation of businesses' human rights responsibilities.

Since 2009, based also on previous studies in Kazakhstan¹⁵ and the US¹⁶, Human Rights Watch has met and corresponded with multinational tobacco companies, to urge them to take

meaningful steps to eliminate hazardous child labour from their global supply chains. Some have adopted new protections for child workers, but none prohibit children from all work involving direct contact with tobacco.

To comply with the responsibilities under the UN Guiding Principles, all tobacco companies should adopt global human rights policies—or revise existing policies—to prohibit hazardous child labour anywhere in the supply chain, including any work in which children have direct contact with tobacco in any form. Companies should establish or strengthen human rights due diligence procedures with specific attention to eliminating hazardous child labour in all parts of the supply chain, and regularly and publicly issue detailed reports on their efforts to identify and address human rights problems in their supply chains.

Shareholders can play an important part in driving company practice in the right direction. They can raise concerns with other engaged investors and with the company investment relations team, or introduce a shareholder resolution calling on companies to implement clear human rights due diligence policies and procedures. Shareholders can also choose to divest from companies engaged in human rights violations.¹⁷

Given that labour violations have been documented in tobacco farming in a number of countries, financial institutions investing in tobacco companies can help ensure that effective due diligence is applied to this sector. Investors can push companies to provide information on their policy and practice regarding the elimination of child labour in their supply chains. Investors can have real leverage, using their voices to press tobacco companies to continue to develop and implement effective human rights due diligence processes.

→ Margaret Wurth
Human Rights Watch, USA

12 Copies of Human Rights Watch's correspondence with the companies is available in an online appendix to the 2016 report. www.hrw.org. Human Rights Watch (2016): *The Harvest is in My Blood: Hazardous Child Labor in Tobacco Farming in Indonesia*, 24 May. www.hrw.org (Accessed 19.09.2016)

13 Indonesian Ministry of Agriculture, Directorate General of Estate Crops (2014): *Tree Crop Estate Statistics Of Indonesia 2013–2015*. Jakarta, December 2014. <http://ditjenbun.pertanian.go.id> (Accessed 16.12.2015)

14 UN Human Rights Council (2011): *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. – The UN Human Rights Council endorsed the Guiding Principles in resolution 17/4 of 16 June 2011: UN Human Rights Council (2011): *Human Rights and Transnational Corporations and Other Business Enterprises. Resolution 17/4, A/HRC/17/L.17/Rev.1*; UN Human Rights Council (2008): *Mandate of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises. Resolution 8/7, A/HRC/RES/8/7*

15 Buchanan, J et al (2010): *Hellish Work. Exploitation of Migrant Tobacco Workers in Kazakhstan*. Human Rights Watch. July 14. www.hrw.org (Accessed 29.12.2016)

16 Human Rights Watch (2015): *Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming*, 9 December. www.hrw.org (Accessed 13.10.2016); Human Rights Watch (2014): *Tobacco's Hidden Children: Hazardous Child Labor in United States Tobacco Farming*, 13 May. www.hrw.org (Accessed 13.10.2016)

17 See supra note 15