

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Honduras has been a member of ILO-IPEC since 1997.²⁰⁸³ In 1998, the government established the National Commission for the Gradual and Progressive Eradication of Child Labor. The National Commission coordinates all activities to combat child labor and to mainstream working minors into educational programs.²⁰⁸⁴ The Commission is currently participating in ILO-IPEC projects, with funding from USDOL, to prevent and remove children from full-time work in the melon sector of Choluteca and in commercial coffee farms in Santa Barbara.²⁰⁸⁵ With technical assistance from ILO-IPEC and funding from USDOL, the Honduras National Institute of Statistics is working in consultation with the Ministry of Labor and Social Security (MOLSS) to conduct a national child labor survey.²⁰⁸⁶ Honduras is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.²⁰⁸⁷ With other donor funding, ILO-IPEC is carrying out projects aimed at raising awareness, collecting information, and providing direct services to children involved in domestic work in the homes of third parties,²⁰⁸⁸ the lobster industry, and garbage dump scavenging.²⁰⁸⁹ The government collaborates with the NGO *Compartir* on a child labor project in the garbage dump of Tegucigalpa.²⁰⁹⁰ The Government of Honduras also published its National Plan of Action for the Gradual and Progressive Eradication of Child Labor in 2001.²⁰⁹¹

In June 2001, the Honduran Private Business Council promoted a Declaration signed by the MOLSS, the First Lady of Honduras, and the ILO to immediately eradicate the worst forms of child labor.²⁰⁹² In September 2001, in collaboration with the Honduran Private Business Council, the MOLSS implemented a campaign to increase

²⁰⁸³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 25, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁰⁸⁴ Decreto Ejecutivo Número PCM-017-98, Presidencia de la República (Honduras: 1998), 2 and 4, decreed the creation of the National Commission. In June 2000, the Ministry of Labor and Social Security published a report on its efforts to eliminate child labor and develop government capacity in the areas of inspection, surveys, awareness-raising, and coordination between agencies. See German Leitzelar Vidaurreta, Minister of Labor, official submission to US Embassy Tegucigalpa Labor Attaché, September 19, 2003, pages 9-11, and Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*, 2000.

²⁰⁸⁵ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, project document, HON/00/P50/USA, Geneva, July - September 2000. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Honduras*, project document, HON/99/05/050, Geneva, 1999.

²⁰⁸⁶ ILO-IPEC, *SIMPOC Central America*, project document, CAM/99/05/050, Geneva, 1999. See also National Institute of Statistics, *Mercado Laboral Infantil medido por la Encuesta Permanente de Hogares de Propósitos Múltiples*, Tegucigalpa, 2002.

²⁰⁸⁷ In Honduras, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, Geneva, 2002, pages 26-28.

²⁰⁸⁸ ILO official, electronic correspondence to USDOL official, September 16, 2002. See also ILO-IPEC, *Trabajo infantil domestico en Honduras*, San Jose, 2003, 13.

²⁰⁸⁹ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1487*, June 2003.

²⁰⁹⁰ Government of Honduras, *Esfuerzos en la Eliminación de las Peores Formas de Trabajo Infantil*, September 2002. In addition, with funding from ILO-IPEC, *Compartir* carried out a study on the conditions of work at the Tegucigalpa garbage dump. See *Compartir, Niñez Trabajadora en el Depósito de Basura de Tegucigalpa, Estudio de Focalización y Condiciones de Trabajo*, ILO-IPEC, Tegucigalpa.

²⁰⁹¹ National Commission for the Eradication of Child Labor, *Plan de Acción Nacional Para la Erradicación Gradual y Progresiva del Trabajo Infantil en Honduras*, Tegucigalpa, December 2001.

²⁰⁹² U.S. Embassy- Tegucigalpa, *unclassified telegram no. 0944*, March 2002. See also Eris Gallegos, "Firma de Declaración: Empresarios se comprometen a erradicar las peores formas de trabajo infantil," *El Tiempo* (San Pedro Sula), 2001.

industry awareness on the worst forms of child labor.²⁰⁹³ Within the same year, the Legislative Assembly published specific regulations on child labor, which outline activities prohibited for children and adolescents and sanctions for employers who violate these rules and regulations.²⁰⁹⁴

With funding from the Spanish Agency for International Cooperation, the government of Honduras has carried out public awareness and information collection on child labor. The government has also collaborated with UNICEF on capacity building and public awareness activities, and with Save the Children—UK on activities related to its national plan of action and child labor in the lobster diving sector.²⁰⁹⁵ USAID's Basic Education and Policy Support Activity (BEPS) child labor team has conducted child labor studies in the Southern cone of Choluteca, Valle, and in Mosquitia.²⁰⁹⁶ During 2003, the Government of Honduras and NGOs held seminars on the prevention and eradication of the trafficking and commercial sexual exploitation of children in Tegucigalpa, La Ceiba, and Valle.²⁰⁹⁷

The government has initiated several programs in order to improve children's access to quality basic education. The Ministry of Education makes available radio and long distance learning for children in rural areas with few schools and provides disadvantaged families with stipends for school supplies.²⁰⁹⁸ Regional committees of child defense volunteers also try to encourage parents to send their children to school.²⁰⁹⁹ The Ministry of Education has developed an Education for All plan to increase access to primary education; improve the quality of pre-school and primary education by encouraging new teaching methods, improving curriculum, and reducing dropout rates, repetition, and desertion; reduce illiteracy; and expand basic education services and training in essential skills for youth.²¹⁰⁰ In October 2003, the Government of Honduras signed a Memorandum of Understanding with representatives of the World Bank and other donor agencies that coordinates the support of various partners to help Honduras reach its Education for All goals.²¹⁰¹

²⁰⁹³ U.S. Embassy—Tegucigalpa, *unclassified telegram no. 3211*, October 2001. See also U.S. Department of State, *Country Reports on Human Rights Practices—2002: Honduras*, Washington, D.C., March 31, 2003, Section 6d [cited April 3, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18336.htm>.

²⁰⁹⁴ Government of Honduras, *Poder Legislativo Decreto No. 199-2001*, (December 11, 2001), as cited in *La Gaceta*, Diario Oficial de la República de Honduras. See also U.S. Embassy—Tegucigalpa, *unclassified telegram no. 0944*.

²⁰⁹⁵ Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*. The government is collaborating with UNICEF on a public information campaign against trafficking and commercial sexual exploitation, and it has tried to raise awareness of children and women's rights and risks associated with illegal migration. See U.S. Embassy—Tegucigalpa Labor Attaché, electronic communication to USDOL official, February 19, 2004.

²⁰⁹⁶ Basic Education and Policy Support Activity, *Planning educational strategies for working children in Honduras*, 2002 [cited June 19, 2003]; available from http://www.beps.net/child_labor/labor_education_honduras.htm.

²⁰⁹⁷ U.S. Embassy—Tegucigalpa Labor Attaché, electronic communication to USDOL official, February 19, 2004.

²⁰⁹⁸ U.S. Embassy—Tegucigalpa, *unclassified telegram no. 3211*.

²⁰⁹⁹ *Ibid.*

²¹⁰⁰ UNESCO, *Education for All 2000 Assessment: Country Reports-Honduras*, prepared by Secretary of Public Education, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited June 25, 2003]; available from http://www2.unesco.org/wef/countryreports/honduras/rapport_1.html. Education for All is an international effort to promote, among other goals, universal primary education by 2015. See World Bank, *Education For All*, [online] [cited December 2, 2003]; available from <http://www1.worldbank.org/education/efa.asp>.

²¹⁰¹ World Bank, *Honduras, Donors Commit To Education For All*, Washington, DC, November 3, 2003; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20135356~menuPK:34459~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.

Incidence and Nature of Child Labor

In 2002, the Multiple-Purpose Household Survey reported that 15.4 percent of children ages 5 to 17 years in Honduras were working.²¹⁰² According to this survey, 56.2 percent of all working children are employed in agriculture, forestry, hunting, or fishing.²¹⁰³ Working children are also employed in cattle farming, manufacturing, mining, electricity, gas, construction, commerce, transportation, finance, or service industries (including domestic service).²¹⁰⁴ To supplement family incomes derived from family farms or from small businesses, two-thirds of working children work without compensation.²¹⁰⁵

According to the Government of Honduras, the worst forms of child labor in Honduras include: commercial sexual exploitation (particularly in major cities and the tourist sector along the North Coast); fireworks manufacturing (in Copán); marine diving (on lobster boats in the Mosquitia coast); work in limestone quarries and garbage dumps (in the two large cities of Tegucigalpa and San Pedro Sula); mining and dirt extraction (South and East regions); the sale and handling of pesticides (Copán, La Ceiba, and Choluteca); construction; and agricultural work (in the coffee and melon industries).²¹⁰⁶ The harvesting of sugar cane is another dangerous area of child labor.²¹⁰⁷ Children have also been used to sell drugs in Olancho and Comayagua.²¹⁰⁸

Casa Alianza estimated in December 2003 that there are approximately 8,335 child victims of commercial sexual exploitation.²¹⁰⁹ There is evidence of child prostitution in tourist and border areas.²¹¹⁰ Honduras is primarily a source country for girls trafficked for commercial sexual exploitation. Honduran girls are trafficked by criminal groups to Mexico, other Central American countries, and the United States for the purpose of prostitution.²¹¹¹ Children have also been reportedly trafficked to Canada for prostitution and the sale of drugs.²¹¹²

Education is free and compulsory²¹¹³ in Honduras until the age of 13.²¹¹⁴ In 2002, the Government of Honduras increased its national school capacity by 50,000 children and allocated 23.7 percent of its total yearly expenditure

²¹⁰² This percentage represents 356,241 children in this age group. ILO-IPEC, *Informe Nacional sobre los Resultados de la Encuesta del Trabajo Infantil en Honduras*, San Jose, September 2003, x, 24 [final draft, publication pending in November 2003].

²¹⁰³ *Ibid.*, 26.

²¹⁰⁴ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 2159*, June 2000. See also FUNPADEM, *Pobreza y Subsistencia: Trabajo Infantil y Adolescente en los Departamentos de Cortes, Copan, y Santa Barbara*, San José, Costa Rica, 2001, 56–60.

²¹⁰⁵ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 2159*. See also ILO-IPEC, *Informe Nacional sobre los Resultados de la Encuesta del Trabajo Infantil*, 26.

²¹⁰⁶ National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*, 97–98. See also U.S. Embassy–Tegucigalpa, *unclassified telegram no. 3211*.

²¹⁰⁷ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 2025*, August 2003.

²¹⁰⁸ National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación Gradual y Progresiva del Trabajo Infantil*, Tegucigalpa, 2000, 17.

²¹⁰⁹ Casa Alianza, *Casa Alianza Honduras reveals the facts on child sexual exploitation*, [online] December 16, 2003 2003 [cited February 20, 2004]; available from <http://www.casa-alianza.org/EN/human-rights/sexual-exploit/docs/16122003.phtml>.

²¹¹⁰ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5. See also National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación de Trabajo Infantil*, 17.

²¹¹¹ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Honduras*, Washington, D.C., June 11, 2003, [cited June 23, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²¹¹² U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6f.

²¹¹³ *Constitución de la República de Honduras, 1982*, Capitulo 8, Artículo 171, No. 7, [cited June 26, 2003]; available from http://www.honduras.net/honduras_constitution.html.

²¹¹⁴ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5. See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, September 2001, 8. Which states that 14 is the average age for finishing primary school.

to basic education through the ninth grade, including the salaries of teachers and administrators.²¹¹⁵ In 2000, the gross primary enrollment rate was 106.0 percent, and the net primary enrollment rate was 87.6 percent.²¹¹⁶ Attendance rates are not available for Honduras. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹¹⁷ Among working children, an estimated 34 percent complete primary school.²¹¹⁸ The average number of years of schooling in Honduras is 4.8 years (6.7 in urban areas and almost 3 in rural areas).²¹¹⁹

A lack of schools prevents many children in Honduras from receiving an education; as do costs such as enrollment fees, school uniforms, and transportation costs.²¹²⁰ The government estimates that 65,000 children between the ages of 6 to 12 fail to receive an education.²¹²¹ The poor quality of education and the lack of vocational education are other areas of concern.²¹²²

Child Labor Laws and Enforcement

The Constitution and the Labor Code set the minimum age for employment at 16 years, with the exception that children 14 to 15 years of age are permitted to work with parental consent and Ministry of Labor permission.²¹²³ If a child 14 to 15 years is hired, an employer must certify that such children have finished, or are finishing, compulsory schooling.²¹²⁴ Children under the age of 16 are prohibited from night work and from working in clubs, theaters, circuses, cafes, bars, in establishments that serve alcoholic beverages, or in jobs that have been determined to be unhealthy or dangerous.²¹²⁵ Children under age 16 are limited to working 6 hours a day and 30 hours a week.²¹²⁶ The Children's Code prohibits a child younger than 14 years of age from working, even with parental permission,²¹²⁷ and establishes fines,²¹²⁸ as well as prison sentences of three to five years for individuals who allow or oblige children to work illegally.²¹²⁹

²¹¹⁵ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5.

²¹¹⁶ USAID, *Global Education Database* Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>. [hardcopy on file]. See also World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²¹¹⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²¹¹⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project document, 2.

²¹¹⁹ FUNPADEM, *Pobreza y Subsistencia*, 63.

²¹²⁰ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project document, 2.

²¹²¹ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5.

²¹²² ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project document, 2.

²¹²³ *Constitución de la República de Honduras, 1982*. See also *Código de Trabajo de la República de Honduras*, Decreto No. 189, (July 15), Título III, Capítulo 1, Artículo 128 [hard copy on file]; available from <http://www.labor.sieca.org.gt>. See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, 5. See also U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹²⁴ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹²⁵ *Código de Trabajo de la República de Honduras*, Título III, Capítulo 1, Artículo 128 and 29.

²¹²⁶ *Constitución de la República de Honduras, 1982*.

²¹²⁷ Government of Honduras, *Código de la Niñez y de la Adolescencia, 1998*, Articles 120 and 34. See also U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹²⁸ Fines between USD 281 and USD 1,404 may be imposed on firms that violate the Children's Code. These fines double if the firm is a repeat offender. See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

²¹²⁹ *Código de la Niñez y de la Adolescencia, 1998*, Articles 120 and 34. See also U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

The Minor's Code criminalizes child prostitution and child pornography.²¹³⁰ Violation of these laws can carry 5 to 8 years of imprisonment.²¹³¹ Honduran law also includes provisions that prohibit trafficking in persons, which can carry 6 to 18 years of imprisonment, as well as fines.²¹³² However, prosecution and law enforcement efforts are weak due to weak police and court systems, corruption, and lack of resources.²¹³³

The MOLSS is responsible for conducting child labor inspections.²¹³⁴ The Ministry has an insufficient number of inspectors for the entire country,²¹³⁵ and is not able to effectively enforce laws in rural areas or at small companies.²¹³⁶ Despite these problems the ministry opened a regional office and reinitiated inspections on lobster boats in the Mosquitia area in 2001, where boat captains illegally employ boy divers. Early in 2001, the MOLSS conducted a special inspection of the melon industry and has since conducted additional inspections of both the melon and sugar cane industries, in order to reduce the incidence of child labor in these sectors.²¹³⁷

The Government of Honduras ratified ILO Convention 138 on June 9, 1980 and ILO Convention 182 on October 25, 2001.²¹³⁸

²¹³⁰ Article 148 criminalizes child prostitution, while Article 143 criminalizes pornography. See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2902*, August 2000.

²¹³¹ Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, 7.

²¹³² U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6f. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

²¹³³ U.S. Department of State, *Country Reports- 2002: Honduras*. See also U.S. Department of State, *Trafficking in Persons Report: Honduras*. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

²¹³⁴ Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*.

²¹³⁵ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

²¹³⁶ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹³⁷ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

²¹³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.