
¹⁵⁸⁹ U.S. Department of State, "Haiti," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78895.htm>. See also UNICEF, *At a Glance: Haiti: Background*. See also Louis Joinet, *Situation of Human Rights in Haiti*, UN Economic and Social Council, January 24, 2006, 2.

¹⁵⁹⁰ UNICEF, *At a Glance: Haiti: Background*. See also Child Protection Unit official, UN Mission for the Stabilization of Haiti, Interview with USDOL consultant, July 25, 2006.

¹⁵⁹¹ Government of Haiti, *Code du travail*, articles 335 and 341.

¹⁵⁹² U.S. Department of State, "Country Reports- 2007: Haiti," section 6d.

¹⁵⁹³ Government of Haiti, *Code du travail*, article 73.

¹⁵⁹⁴ *Ibid.*, articles 337 and 340.

¹⁵⁹⁵ *Ibid.*, articles 333 and 334.

¹⁵⁹⁶ *Ibid.*, article 4. See also Government of Haiti, *Loi relative à l'interdiction et à l'élimination de toutes formes d'abus, de violences, de mauvais traitements ou traitements inhumains contre les enfants*, (June 5, 2003), article 2.

¹⁵⁹⁷ Government of Haiti, *Código penal de Haiti*, article 282; available from http://www.unifr.ch/ddp1/derechopenal/legislacion/ht/cp_haiti.htm.

¹⁵⁹⁸ Government of Haiti, *Loi relative à l'interdiction et à l'élimination de toutes formes d'abus*, article 2.

¹⁵⁹⁹ U.S. Department of State, "Country Reports- 2007: Haiti," section 5.

¹⁶⁰⁰ Coalition to Stop the Use of Child Soldiers, "Haiti," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=829.

¹⁶⁰¹ Ministry of Social Affairs and Labor official, Interview with USDOL consultant, July 17, 2006. See also U.S. Embassy- Port-au-Prince, *reporting*, February 28, 2008.

¹⁶⁰² U.S. Embassy - Port-au-Prince, *reporting*, February 28, 2008.

¹⁶⁰³ U.S. Department of State, "Country Reports- 2007: Haiti," section 5.

¹⁶⁰⁴ U.S. Embassy - Port-au-Prince, *reporting*, February 28, 2008.

¹⁶⁰⁵ U.S. Department of State, "Country Reports- 2007: Haiti," section 5.

¹⁶⁰⁶ U.S. Department of State, "Trafficking in Persons Report- 2007: Haiti." See also U.S. Embassy - Port-au-Prince, *reporting*, February 28, 2008.

¹⁶⁰⁷ U.S. Department of State, "Trafficking in Persons Report- 2007: Haiti." See also U.S. Embassy - Port-au-Prince, *reporting*, March 6, 2007.

¹⁶⁰⁸ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

¹⁶⁰⁹ U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, accessed March 11, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

Honduras

Incidence and Nature of Child Labor

A September 2007 census by the National Statistics Institute of Honduras reported that the majority of working children in Honduras work in agriculture. Children work in melon, coffee, and sugarcane production, at garbage dumps, and in the forestry, hunting, and fishing sectors, including as deckhands and divers in the lobster industry. Children also work selling goods such as fruit, begging, washing cars, and hauling loads. Some work in limestone and lime production.¹⁶¹⁰ Children, predominantly girls, also work as

domestic servants, where they are sometimes subject to abuse by third-party employers.¹⁶¹¹

Commercial sexual exploitation of children is especially problematic in tourist areas, border areas between neighboring countries, and in big cities such as Tegucigalpa, San Pedro Sula, La Ceiba and the Bay Islands.¹⁶¹² Honduras is a transit and source country for children trafficked for commercial sexual exploitation. Honduran children are trafficked internally, usually from rural to urban settings. Children, most of whom are girls, are also trafficked internationally to neighboring countries, often en route to the United States.¹⁶¹³

***Selected Statistics and Indicators
on Child Labor¹⁶¹⁴***

Working children, 5-14 years (%), 2004:	5.4
Working boys, 5-14 years (%), 2004:	8.2
Working girls, 5-14 years (%), 2004:	2.6
Working children by sector, 5-14 years (%), 2004:	
- Agriculture	63.3
- Manufacturing	8.3
- Services	26.5
- Other	1.9
Minimum age for work:	14/16
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	116
Net primary enrollment rate (%), 2005:	93
School attendance, children 5-14 years (%), 2004:	84.7
Survival rate to grade 5 (%), 2004:	70
ILO-IPEC participating country:	Yes
* Must pay for miscellaneous school expenses	

Child Labor Laws and Enforcement

A 2007 analysis of Honduran law on the minimum age for employment of children by the Social Services section of the Ministry of Labor and Social Security places the minimum age at 14 years; however, laws governing the minimum age for work in Honduras are generally conflictive.¹⁶¹⁵ The Constitution (Article 128) prohibits children under 16 years and those who are in school from working. Similarly, Article 128 of the Labor Code states that 16 years is the minimum age for employment. In contrast, Article 32 of the Labor Code, Article 120 of the Code of Childhood and Adolescence and Article 6 of the Child Labor Regulation, list 14 years as the minimum age to work if authorization is obtained.¹⁶¹⁶ The Constitution and the Labor Law state that labor authorities can authorize employment for children under 16 years when it is indispensable for the subsistence of the family, as long as it does not interfere with the child's education, and is done with the parents' consent; however, authorization will not be granted for children under 14 years of age.¹⁶¹⁷

The legal work hours for adolescents are also conflictive. While according to the Constitution, children under age 17 may not work more than 6 hours per day and 36 hours per week, the Child and Adolescent Code states that minors between 14 and 16 years can only work 4 hours per day, and minors ages 16 to 18 years cannot work more than 6 hours per day.¹⁶¹⁸ The Labor Code restricts work hours to 6 hours per day and 36 hours per week for children ages 14 to 16, but does not provide restrictions on work hours for children ages 16 to 18. According to the Child and Adolescent Code and Child Labor Regulation, night work is prohibited, but minors ages 16 and 17 years can be authorized to work until 8 p.m. under certain conditions.¹⁶¹⁹ According to the Labor Code, minors must have a 2 hour rest period during the work day.¹⁶²⁰ All minors between 14 and 18 years must receive authorization to work from the Secretary of State, Office of Labor and Social Security, and businesses employing children must have a child labor registry.¹⁶²¹

The worst forms of child labor as defined by ILO Convention 182, such as the involvement of children in commercial sexual exploitation and drug trafficking, are prohibited by Honduran law.¹⁶²² Under Article 8 of the Child Labor Code, minors cannot work in unhealthy or dangerous conditions, including: in static positions or on high scaffolding; diving underwater; working in tunnels or underground; in agricultural work that implies health risks; working with heavy machinery, ovens, smelters, heavy presses or glass; exposure to toxic substances, vehicular traffic, loud noise, high-voltage electrical currents, and garbage. Despite these limitations, minors ages 16 or 17 years may receive authorization from the Office of Labor and Social Security to perform dangerous labor under certain conditions.¹⁶²³

According to USDOS, enforcement of child labor laws by the Ministry of Labor is not effective outside the apparel sector. Violations occur mostly in the agricultural export sector, family farming, small-scale services, and commerce.¹⁶²⁴

The law prohibits forced or bonded labor. Honduran law requires recruits to be 18 years in order to enlist voluntarily into the Armed Forces. There is no compulsory conscription.¹⁶²⁵

Individuals who violate child labor laws in traditional work sectors may receive prison sentences of 3 to 5 years and fines.¹⁶²⁶ The law is more strict in prohibiting economic exploitation of children, child prostitution, and child pornography.¹⁶²⁷ The penalty for promoting or facilitating commercial sexual exploitation of children is between 9 to 15 years in prison plus fines. The use of children in pornography is punishable by prison terms of 10 to 15 years plus fines while possessing child pornography is punishable by 4 to 6 years in prison.¹⁶²⁸ The penalty for the use of children for commercial sexual exploitation in tourism is 12 to 18 years in prison, plus fines. Other penalties and fines exist for exposing children to places where commercial sexual exploitation occurs, for using minors in sex shows, or payment of sexual services from minors.¹⁶²⁹

Honduras prohibits trafficking for the purpose of commercial sexual exploitation through Article 149 of its penal code and an anti-trafficking statute enacted in February 2006, but does not prohibit trafficking for the purpose of labor exploitation although the two are often linked. USDOS reports that there has been some progress in the enforcement of the revised penal code which addresses trafficking in persons.

The Office of the Special Prosecutor for Children in Tegucigalpa has four analysts working on cases of children sexually exploited for commercial purposes.¹⁶³⁰ By the end of 2007, the Government rescued 15 minors in Tegucigalpa in seven different cases. The Government also increased anti-trafficking training for police and prosecutors, among other government officials.¹⁶³¹ The Government's Division against Abuse, Trafficking and Commercial Sexual Exploitation conducted operations throughout the country. Honduran consular officials have been trained to identify trafficking victims and refer them to NGOs for repatriation.¹⁶³² In 2007, the Government also launched a national trafficking system to track cases in San Pedro Sula and Tegucigalpa.¹⁶³³

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

Honduras is implementing a National Plan of Action to Eradicate Commercial Sexual

Exploitation of Children. The Plan was introduced in 2008 and will last seven years. It has five strategic objectives: promoting inter-institutional cooperation among governmental, non-governmental, and civil society organizations; guaranteeing justice for child victims of commercial sexual exploitation and trafficking; preventing risk factors in the child population; promoting child participation in the creation of networks of support against commercial sexual exploitation and trafficking; and assistance for victims to facilitate their social reintegration.¹⁶³⁴ The Government also coordinates with NGOs and the IOM to place trafficking victims in shelters and reintegrate them into society.¹⁶³⁵

The Government of Honduras is currently participating in a USD 8.8 million regional project implemented by ILO-IPEC which seeks to combat commercial sexual exploitation through a variety of activities including capacity building and legal reform. In addition, the project aims to withdraw 713 children and prevent 657 children from commercial sexual exploitation in the region.¹⁶³⁶ The Government of Honduras also participates in a USD 500,000 ILO-IPEC project funded by the Government of Canada that focuses on combating child labor through strengthening labor ministries and workers.¹⁶³⁷ During the reporting period, the Government participated in an ILO-IPEC Phase II USD 2.6 million regional project and a Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.¹⁶³⁸ The Government also collaborated with the Organization of American States in a USD 300,000 regional project funded by USDOS to build capacity and international cooperation across the foreign ministries of the nine participating governments to prevent trafficking in persons.¹⁶³⁹

In addition, the Government of Honduras is participating in a 2004-2008 USDOL-funded USD 5.7 million regional project implemented by CARE to combat child labor through education. The project targets 2,984 children for withdrawal or prevention from exploitive child labor.¹⁶⁴⁰

As part of an effort to build capacity to improve labor law compliance among the CAFTA-DR partners, USDOL is also providing USD 2.6 million for a project to strengthen outreach efforts in the

agriculture sector in the region, where child labor is a serious problem.¹⁶⁴¹

¹⁶¹⁰ ILO-IPEC, *National Report on the Results of the Child Labour Survey in Honduras*, San José, May 2002, 39-41; available from <http://www.ilo.org/ipecoinfo/product/searchProduct.do?type=normal=&selectedMonthFrom=1=&selectedMonthTo=1=&selectedCountries=234&selectedThemes=91&selectedMediaTypes=12&selectedMediaTypes=73&keywords=&userType=3&resultPerPage=20&selectedSortById=4>.

See also U.S. Department of State, "Honduras," in *Country Report on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5, 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/>.

¹⁶¹¹ ILO-IPEC, *Trabajo Infantil Doméstico en Honduras: A Puerta Cerrada*, 2003.

¹⁶¹² ILO-IPEC, *Explotación Sexual Comercial de Niños, Niñas, y Adolescentes en Honduras*, 2002, 30, 33; available from http://tejiendoredes.net/documentos/explotacion_sexual_hn.pdf.

¹⁶¹⁴ U.S. Department of State, "Honduras (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>.

¹⁶¹⁴ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Honduras, *Constitución*, (January 11, 1982), article 128; available from <http://www.georgetown.edu/pdba/Constitutions/Honduras/hond82.html>. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, Decreto No. 73-96, (September 5, 1996), article 128; available from <http://www.iin.oea.org/badaj/docs/lcodhn96.htm>.

See also Government of Honduras, *Código de Trabajo y sus Reformas*, Decreto No. 189, (July 15, 1959), article 32; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/29076/64849/S59HND01.htm#t3>. See also Ministry of Education, *Educación Básica*, [online] 2003 [cited March 26, 2008]; available from http://www.se.gob.hn/index.php?a=Webpage&url=BASICA_home. See also UNESCO, *EFA Global Monitoring Report, Literacy for Life*, Geneva, 2006; available from <http://unesdoc.unesco.org/images/0014/001416/141639e.pdf>.

¹⁶¹⁵ Office of Labor and Social Security official, Letter to Primero Aprendo Project Coordinator, July 25, 2007.

¹⁶¹⁶ Government of Honduras, *Código de Trabajo*, article

32. Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 120. Government of Honduras, *Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-211-01, (October 10, 2001), article 6. See also U.S. Department of State Official, E-mail communication to USDOL Official, August 5, 2008.

¹⁶¹⁷ Government of Honduras, *Constitución*, article 128(7). See also Government of Honduras, *Código de Trabajo*, article 32. See also U.S. Department of State Official, E-mail communication, August 5, 2008.

¹⁶¹⁸ Government of Honduras, *Constitución*, article 128. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 125.

¹⁶¹⁹ Government of Honduras, *Código de Trabajo*, article 32. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 125. Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*, article 7(c).

¹⁶²⁰ Government of Honduras, *Código de Trabajo*, article 130.

¹⁶²¹ Office of Labor and Social Security, *Reglamento sobre Trabajo Infantil en Honduras*, (December 11, 2001), article 6. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 126.

¹⁶²² Office of Labor and Social Security, *Reglamento sobre Trabajo Infantil*, article 10.

¹⁶²³ Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 122. See also Office of Labor and Social Security, *Reglamento sobre Trabajo Infantil*, article 8.

¹⁶²⁴ U.S. Department of State, "Country Reports- 2007: Honduras," section 6d.

¹⁶²⁵ Coalition to Stop the Use of Child Soldiers, "Honduras," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=830.

¹⁶²⁶ Government of Honduras, *Código de la Niñez y de la Adolescencia*, articles 126, 128, 134. See also Office of Labor and Social Security, *Reglamento sobre Trabajo Infantil*, articles 29-43.

¹⁶²⁷ Government of Honduras, *Código de la Niñez y de la Adolescencia*, articles 134, 141. See also Government of Honduras, *Reforma al Código Penal*, Decreto No. 243-2005, (2005); available from http://genero.bvsalud.org/lildbi/docsonline/1/8/681-OIT_DECRETO_234_2005.pdf.

¹⁶²⁸ Government of Honduras, *Reforma al Código Penal*, articles 148, 149-D.

¹⁶²⁹ *Ibid.*, articles 149-A, 149-B, 149-E.

¹⁶³⁰ U.S. Department of State, "Honduras (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>. See also U.S. Department of State, "Country Reports- 2007: Honduras," section 5.

¹⁶³¹ U.S. Department of State, "Country Reports- 2007: Honduras," section 5.

¹⁶³² Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Honduras."

¹⁶³³ U.S. Department of State, "Trafficking in Persons Report- 2007: Honduras." See also U.S. Department of State, "Country Reports- 2007: Honduras," section 5.

¹⁶³⁴ Interinstitutional Commission against the Commercial Sexual Exploitation of Children and Adolescents in Honduras, *Plan de Acción Nacional Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Honduras*, Tegucigalpa, 2006, 31-38; available from http://white.oit.org.pe/ipecc/documentos/plan_esc_honduras.pdf.

¹⁶³⁵ U.S. Department of State, "Trafficking in Persons Report- 2007: Honduras." See also U.S. Department of State, "Country Reports- 2007: Honduras," section 5.

¹⁶³⁶ 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, San José, 2005.

¹⁶³⁷ ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

¹⁶³⁸ Ibid.

¹⁶³⁹ U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, [online] February 2008 [cited March 10, 2008]; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

¹⁶⁴⁰ U.S. Department of Labor, *Project Revision Form: Proyecto Primero Aprendo*, Washington, DC, 2007.

¹⁶⁴¹ Social Accountability International, *Project CULTIVAR: Advancing Labor Rights in Agriculture in Central America*, Project Document, New York, August 8, 2007.

India

Incidence and Nature of Child Labor

According to the Government of India, the largest number of working children can be found in the state of Uttar Pradesh, followed by Andhra Pradesh, Rajasthan, and Bihar. The Government also found that most children working in rural areas are in agriculture and related activities such as livestock tending, forestry, and fishing.¹⁶⁴² Children also work in service industries such as hotels, food service, and tourism.¹⁶⁴³ Working children are found in industries such as quarrying of sandstone and other materials; gemstone polishing; *zari*-production, consisting of embroidering or sewing beads and colored threads to fabric; *sari*-weaving; hybrid seed production; and in the manufacturing of matches, bricks, carpets, locks, glass bangles, fireworks, leather goods, *bidis* (cigarettes), footwear, garments, sporting goods, brassware, and other metal goods. The government has identified many of these industries as hazardous for children.¹⁶⁴⁴ Most working children can be found in the informal economy, and the ILO reports that children's work is increasingly occurring in home-based production rather than organized factory settings.¹⁶⁴⁵ Other activities in which children work in the informal

economy include vending food and other goods; repairing vehicles and tires; construction; food preparation; scavenging and rag-picking; shoe-shining; car washing; begging; and domestic service. The majority of children working in domestic service are girls ages 12 to 17 years, though some are reportedly as young as 5 or 6 years, and many work very long hours and suffer abusive treatment.¹⁶⁴⁶ A large proportion of the working children engaged in waste-picking are from the scheduled castes and tribes, which are communities that have traditionally suffered from societal discrimination.¹⁶⁴⁷

Some reports indicate that large numbers of children work under forced labor conditions in India.¹⁶⁴⁸ Past reports have identified forced or indentured child labor in floriculture; quarrying; agricultural activities; fishing; circuses; shops; carpet weaving; salt production; gemstone cutting; and the manufacture of fireworks, glassware, silver goods, matches, *bidis*, leather goods, silk goods, and bricks.¹⁶⁴⁹ More recent reports suggest the existence of forced or indentured child labor in hybrid seed production and *dhabas* (small roadside food stalls).¹⁶⁵⁰ High-profile police raids in and around New Delhi in late 2006 and 2007 found children