



The Coca-Cola Company

**Review on Child and Forced Labor and
Land Rights in the Honduras Sugar Industry**





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About UL

UL is a premier global independent safety science company that has championed progress for more than 120 years. Its nearly 11,000 professionals are guided by the UL mission to promote safe working and living environments for all people. UL uses research and standards to continually advance and meet ever-evolving safety needs. We partner with businesses, manufacturers, trade associations and international regulatory authorities to bring solutions to a more complex global supply chain. For more information about our certification, testing, inspection, advisory and education services, visit <http://www.ul.com>.

UL’s Responsible Sourcing group’s mission is to be the global leader in advancing sustainable business practices within supply chains worldwide. UL’s Responsible Sourcing group provides auditing and advisory services in six areas of expertise; social responsibility and accountability, risk identification and management, environmental responsibility, brand protection and supply chain security, extractives and raw materials sourcing, and capacity building and continuous improvement.

Disclaimer

This document is for general information purposes only and is not intended to convey legal or other professional advice.



Introduction

The Coca-Cola Company (TCCC) has established industry-leading commitments to both protect the land rights of farmers and communities in the world's top sugarcane-producing regions, and address child and forced labor issues in the countries associated with sugarcane production, as cited in the U.S. Department of Labor's List of Goods Produced with Child Labor or Forced Labor. These industry-leading commitments have helped to advance TCCC's ongoing efforts to drive transparency and accountability across its global supply chain.

In support of this goal, TCCC contracted UL's Responsible Sourcing group to conduct a research study examining the incidence and impact of child labor, forced labor and land rights in Honduras. Combining field research with robust qualitative research and stakeholder engagement, this study is intended to help improve TCCC's commitments¹ in the area of human rights and sustainable agriculture. The study includes country specific information on the legal framework for child labor, forced labor and land rights, as well as social and economic factors contributing to these issues, initiatives and organizations working to address these issues, and the actual presence of these issues in the country and TCCC's supply chain specifically. UL's Responsible Sourcing group conducted desktop and onsite research, including onsite assessments at mills and farms within TCCC's supply chain, in order to gather the information presented below.

This report was written by UL's Responsible Sourcing group. For more information on UL's expertise and thought leadership, please see [here](#).

¹ TCCC already implements a Supplier Guiding Principles program that sets human rights and workplace rights requirements for direct suppliers.



Executive Summary

Child Labor

In Honduras, poverty, cultural factors and a weak educational system are the main social and economic factors that contribute to the incidence of child labor. Poverty, family size, and the lack of other economic activities in rural areas are a frequent reason for all members of the family, adults and children alike, to participate in the sugarcane harvest. Parents often choose to send their children to work rather than to school for an additional source of income. In the sugar industry, a cutter's wage is directly tied to the amount of sugarcane that is cut per day or the amount of groves worked. Therefore, many children who are present in sugarcane fields act as "helpers" to their parents,

without receiving wages, even though they are performing the same type of work. Access to education in Honduras is limited. The number of schools and placements for students do not meet the demand for all children between the ages of 7 and 14. This issue is most prevalent in rural areas. The National Institute for Statistics (INE) reported in 2014 that 15.3% of children in Honduras (379,598) between the ages of 5-17 were active members of the labor force.

Honduran law prohibits child labor under the age of 16 and limits work of minors aged 16-18. For the purposes of this study, TCCC included all minors under age 18 found to be present and

working in their supply chain. During field research in TCCC's supply chain, UL found only two cases of minors under age 18 working on farms that supply to TCCC. In one case, UL found one minor, aged 17, performing hazardous work at a farm owned and operated by a supplying mill. In the second case, UL found one child between the age of 12 and 14 present and selling refreshments to cutters at a farm leased and operated by a supplying mill. No systematic child labor was found in sampled farms of the TCCC supply chain. All mills in TCCC's supply chain have policies in place that meet international standards. The mills also prohibit hiring cane cutters younger than 18 years of age.

Forced Labor

Forced labor is often not immediately apparent, and therefore identification of forced labor incidences in practice requires a multi-faceted approach that involves first, information gathering through documentation review, private interviews and visual observation, and second, the analysis of the information to assess for indicators and actual occurrences of forced labor. During the farm sampling activity in Honduras, UL did not identify any occurrence of forced labor. However, industry-specific issues of excessive working hours and potential incorrect wage payments were noted, which

may pose a risk for forced labor, following the International Labour Organization (ILO) Guiding Principles to Combat Forced Labour.

Stakeholders acknowledged that workers endure harsh working conditions during the sugarcane harvest season that could potentially lead to situations similar to forced labor. UL found that the lowest average wage per farm was USD \$54.95 a week. Based on a regular workweek of 44 hours, this wage rate is above the legally mandated wage rate. However, if workers engage in overtime, and it is reported in the industry that workers

frequently work upwards of 13 hours per day, workers' hourly wages could fall below the legally mandated rate. Even though UL did not encounter any cases of forced labor in Honduras, the visited mills and farms have limited processes to oversee and protect workers from abusive employment conditions. At the time of field research execution, two out of the three mills visited did not have a written policy against forced labor. Only one mill has a policy that partially protects the well-being and rights of workers.



Land Rights

Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Many of Honduras' land tenure issues stem from insecure land rights, weak land rights formalization capacity, and ineffective land transfer laws. Despite several land reforms and the implementation of a few private initiatives to redistribute land among small-scale producers, inequitable concentration of land remains a major problem. Landless squatters sometimes occupy land without a legal right. In Honduras, there is a restriction on the number of acres that one company or person can own. This restriction, however, can be waived if the company applies to the Secretariat of Agriculture and Livestock for a special permit to surpass this limit. The lack of a clear legal framework and ambiguous laws

make due diligence processes in the country difficult. In May 2012, the National Agrarian Institute (INA) began an expropriation process of lands from sugar mills. 3,644 hectares of land from one mill (Mill 1) that is part of TCCC's supply chain and 2,969 hectares from another mill (Mill 4) that is not part of TCCC's supply chain were expropriated. Both mills appealed the decision to the National Agrarian Council (CNA), who ruled in favor of Mill 1 and annulled the INA's ruling. Mill 1 is now participating in the Programa de Desarrollo del Campo (rural development program), a project that gives access to 758 acres of land to farmers in the area, offering opportunities for sustainable progress to approximately 500 families.

In TCCC's supply chain, the three visited mills had possession of documentation demonstrating legal ownership or

legal use rights (lease) of the land. Two out of the three mills visited acquired land over the past 20 years. Based on document review and interviews, these lands were not contested by indigenous or marginalized communities, and documents to prove legal acquisition were presented during the visit. All three mills are planning on acquiring additional land in the near future. All three mills carry out a formal mapping procedure that considers various land expansion options with a specific focus on environmental factors. The only social factor considered is the proximity to neighboring communities. When purchasing land, the mills prefer to purchase property that is far from farming communities and is already used for cultivation. In the studied TCCC supply chain, there is no evidence or claims of land grabs.



Methodology

The purpose of this study was to provide a country specific baseline within TCCC’s sugar supply chain in Honduras of the possible existence of: individuals under age 18 who are working (i.e. child labor), forced labor, and land rights issues. This scope included farms as well as the sugar industry overall in the country. The findings from the study were intended to inform TCCC of the possible need to mitigate child labor, forced labor, and land rights issues where they appear to exist in Honduras.

To examine incidences and the impact of child and forced labor and land rights issues at the country, industry and supply chain level, UL conducted customized field research at sugar mills and sugarcane farms between December 2013 and March 2014, and conducted interviews with relevant stakeholders onsite in Honduras in November 2013, and remotely in September and October 2015. Additionally, UL reviewed publicly available information on child labor, forced labor, and land rights issues in the sugar industry in Honduras between 2013 and 2015. The research included reviewing information on: Honduras’ legal framework with regards to child labor, forced labor, and land rights; identification of prevalent child labor, forced labor, and land rights issues in Honduras’ sugar industry; initiatives in place to address these issues; and specific actions being taken to protect or help victims.

The report was first finalized in March 2015, then reviewed by select stakeholders until September 2015, updated with additional stakeholder interviews and data and re-issued for stakeholder review with a second finalization date of December 2015. This is the second version of the report. TCCC reviewed and commented on all report drafts.



The research and stakeholder engagement elements were extended to all sugar producers including supporting farms, plantations, and cooperatives in the country. However, field visits were only conducted at TCCC suppliers, including all supplying mills, with management engagement, and a sampling of the mills’ supporting farms and plantations, with management and worker engagement.²

² Mill workers were not included in the scope of worker interviews.



PHASE 1

Research of Publicly Available Sources and Stakeholder Engagements

In the first phase, UL evaluated publicly available information on:

- The legal framework in Honduras with regards to child and forced labor, land rights, and illegal settlements.
- Prevalent child and forced labor and land rights issues in the sugar industry.
- The initiatives in place to address these issues in Honduras and the types of actions these organizations are taking to protect or help victims.

UL also consulted the following stakeholders to corroborate information and to obtain additional country- and industry-specific information about prevalent child and forced labor and land rights issues:

- Association of Sugar Producers of Honduras
- Bonsucro
- Casa Alianza Honduras
- Catholic Relief Services
- Central Nacional de Trabajadores del Campo
- Centro de Desarrollo Humano
- Confederación Unitaria de Trabajadores de Honduras (CUTH)
- Food and Agricultural Organization of the U.N. (FAO)
- FUNAZUCAR
- Plan Honduras
- Save the Children-Honduras
- Secretariat of Education
- Secretariat of Labor and Social Security
- Solidaridad International
- U.S. Department of Labor Bureau of International Labor Affairs
- U.S. Embassy in Honduras



PHASE 2

Supply Chain Mapping

In the second phase, UL mapped TCCC's sugar supply chain to the farm level. A self-assessment questionnaire (SAQ) was developed and delivered to the three supplier mills in Honduras. The SAQ collected information on:

- General characteristics of the mills;
- Production expectations for the upcoming harvest;
- Policies and initiatives around child and forced labor and land rights issues; and
- Information on each of the supplying farms, including contractual relationship with employees, management of the labor force, and increases in farmland size.

All three mills supplying to TCCC in Honduras in 2013/2014 participated in this supply chain mapping process.

PHASE 3

Onsite Research

Once UL identified TCCC's sugar supply chain, UL carried out visits to each of the mills that TCCC sources from in Honduras. Additionally, UL sampled 10 farms per mill, through onsite visits, according to scheduling availability and responsiveness, and the three major types of farms that supply to the mills: mill-owned (7.8% of TCCC's supply chain), mill-leased (20.1% of TCCC's supply chain), and independent farms (72.1% of TCCC's supply chain). The goal behind this sampling methodology was to account for the different types of labor relationship between workers and employers. A cross-section of 30 farms from 859 identified in TCCC's supply chain (3.5% of farms in TCCC's supply chain) was included in the research, and while small, it composed a feasible sample size that could provide initial diagnostic and background information on the issues of interest, and aligned with time and budgetary constraints.



The intention was to have approximately 40% of the audited farms be owned or leased by the mill, as these farms would have similar employment relationships. The other 60% of the audited farms would be independently owned, as the mills reported that they were unaware of how these farms managed their labor force, which resulted in a higher allocation of onsite assessments. However, two of the three mills in Honduras source only from owned or leased farms, resulting in approximately 80% of the audited farms being owned or leased by the mill. Further, in the case of one mill that uses a labor contractor, the assessments were distributed across the six contractors used, with some contractors having a second round of assessments to ensure that all of the labor practices were assessed. Visits to the mills and farms focused on evaluating the policies and management systems in place to control and minimize the risk of child labor, forced labor, and land rights violations. UL also used the visits to the farms as an opportunity to quantify the number of workers that were underage at the time of hire as well as workers that were in forced labor situations.

RELATIONSHIP BETWEEN MILLS AND FARMS	PERCENTAGE OF TCCC'S SUPPLY CHAIN
Mill-owned farms	7.8%
Mill-leased farms	20.1%
Independent farms	72.1%

RELATIONSHIP BETWEEN MILLS AND FARMS	OF THE 30 FARMS VISITED BY UL (%)
Mill-owned farms	80%
Mill-leased farms	
Independent farms	20%



The visits to the mills evaluated the following topics:

- Policies the mills have established to address the use of forced and child labor and land expansions and disputes.
- The type of due diligence the mills carry out to determine the presence of child labor, forced labor, and land rights issues.
- The ways the mills communicate, train, and monitor their expectations regarding these three issues to the farms and all associated employees.
- The type of management systems the mills require the farms to establish in order to make sure that the mill's policies, the client's specific requirements, and all legal requirements are being met.
- The grievance mechanisms established to provide sugarcane cutters confidential tools to report violations of their working rights or the mill standards and policies.
- The approaches used to remediate farms that violate the mill's social responsibility requirements.
- The use of labor contractors, and their compliance to the mills' policies.
- Plans mills have to increase the amount of land they own or operate.

The visits to the farms evaluated the following topics:



Management Systems

The **mill policies** implemented at the farm level.

The types of **mechanisms** used to alert farm personnel of standards that the farm must comply with.

Verification of employee **age documentation**.

The way the farms **communicate, train, and manage the legal requirements** in the areas of child labor, forced labor, and land rights.

The type of **grievance mechanisms** in place, either mill or farm managed, to allow workers to report violations to the social policies in place.



Forced Labor

Whether workers are in **debt** and the amount of debt that they are in.

Type of **abusive practices** found on the farms.

Working conditions on the farms.

The type of **employment relationship** between employees and employers.



Child Labor

Number of children between ages 14-17 working on the farms.

Number of children below 14 working on the farms.

Types of tasks that individuals under age 18 who are working are performing.

Hazard level of tasks and work performed by individuals under age 18 who are working.



Land Rights

Documentation and evidence demonstrating legal ownership or authorized use of land.

If **new land was acquired** since 1994.

If land(s) were **contested** by native or indigenous communities.

If land was acquired or used with the **consent** of these communities.

If expanding farms take into account **social and environmental impact**.



MILL VISITS

During the mill visits, researchers carried out the following activities:

- **Document review:** The researchers reviewed policies related to forced labor, child labor, and land rights as well as documents indicating legal ownership and authorizations to use the land.
- **Interviews:** The researchers interviewed management personnel with knowledge on the policies, as well as labor contractors and/or labor brokers (if applicable and present).

FARM VISITS

During the farm visits, researchers carried out the following activities:

- **A farm tour:** This was an opportunity for the researchers to verify working conditions and identify any minors participating in the harvest season.
- **Document review:** The researchers reviewed policies, payroll and time records, age documentation, and documents relating to land ownership or use rights (lease).
- **Interviews:** The researchers interviewed farm management staff, labor contractors (if applicable and present), adult farm workers, and child farm workers (if identified through the farm tour). The sampled 30 farms reported a total of 5,709 workers of which UL interviewed 254.



Desk Research

The Sugar Industry in Honduras

Honduras’ sugar industry is organized around seven sugar mills located in the northern, central, and southern parts of the country. About 60% of land for sugarcane production is owned by sugar mills in Honduras, while independent producers own 40%. Among these independent producers, approximately 55% are small producers with 1-18 hectares, 22% are medium size producers with 19-53 hectares, and 23% are large producers with more than 53 hectares.

SUGAR INDUSTRY IN HONDURAS ³ (Approximately)	
Job Creation	10% of the work force
Number of Beneficiaries	200,000 people
Planted Hectares	58,000 hectares
Percentage of land used by mills	60%
Percentage of land used by independent producers	40%
Number of mills in the country	7 mills

As of 2015, agriculture contributes 14% of the gross domestic product of Honduras, employing 39.2% of the economically active population. Sugarcane production in Honduras is estimated at 5.6 million metric tons for the 2015-2016 harvest. This rise in the yield of sugarcane from previous years is due to better climate conditions and an increase in the number of hectares for sugarcane production. Approximately 3,000 planted acres were added to the total planting area in 2015, as independent producers have steadily increased their production area following the 1992 Agricultural Modernization Law that limited the land expansion of sugar mills. Domestic sugar consumption in Honduras is forecasted at 355,000 metric tons for 2015/2016, an increase from previous years due to the low international price of sugar, population growth, industrial use and the controlled domestic refined sugar prices. Sugar exports reached \$75 million USD in 2014 and the export forecast for sugar exports for 2015/2016 is 190,000 metric tons.

All seven sugar mills in Honduras are members of the Honduras Sugar Producers Association (APAH), which was created in 1976. All seven mills additionally sell their products to the distributor Sugar Miller’s Central (CISA), which is owned by APAH.

THE SEVEN SUGAR MILLS SPREAD THROUGHOUT HONDURAS ARE:

- Azucarera Chumbagua
- Azucarera Choluteca (ACHSA)
- Azucarera del Norte (AZUNOSA)
- Azucarera Tres Valles
- Grupo Compañía Azucarera Hondureña (CAHSA)
- Ingenio La Grecia
- Azucarera Yojoa (AYSA)

TCCC SOURCES FROM THREE OF THE SEVEN SUGAR MILLS IN HONDURAS. MILLS ARE NOT IDENTIFIED BY NAME IN THIS REPORT TO PROTECT THE RELATIONSHIP BETWEEN TCCC AND THEIR SUPPLIERS.

³ USDA Foreign Agricultural Service, GAIN Report, Honduras: Sugar Annual: 2015 Production Up, Pending Weather Conditions, 2015, http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Sugar%20Annual_Tegucigalpa_Honduras_4-15-2015.pdf



Detailed Review - Child Labor

Legal Framework

Honduras ratified the International Labour Organization's (ILO) Minimum Age Convention (No. 138) in 1980 and the Worst Forms of Child Labor Convention (No. 182) in 2001. The Constitution and Labor Code of Honduras both prohibit the employment of persons under 16. However, there is an exception: persons aged 14 to 15 may be permitted to work so long as they have written parental consent and permission from the Ministry of Labor (MOL). In these cases, government representatives authorize employment so long as it is absolutely necessary for the minor and/or his/her family's subsistence, and does not impede compulsory education. An employer who legally hires a minor below the age of 16 has the responsibility of confirming that the minor has completed or is completing compulsory schooling. The Labor Code also mandates that employers of more than 20 school-aged children must provide a location for a school.

Article 7 of Executive Agreement STSS-211-01 prohibits minors from performing dangerous activities, even if these activities are part of a vocational training program. Exceptions are allowed under Article 122 of the Children's Code, which states that minors aged 16 to 17 can receive authorization from the Secretaría de Trabajo y Seguridad Social (STSS) to perform dangerous labor if they have completed STSS approved technical training. The STSS reported that authorization requests have declined in recent years, but acknowledged that this decline may not represent an actual decline in dangerous work by minors, but a decline in permission requests only. Additionally, Executive Agreement STSS-211-01 prohibits night work and overtime for minors under the age of 18, however the STSS can grant special permission for minors aged 16 to 18 if it does not affect their schooling.

The National Plan of Action to Prevent and Eradicate Child Labor is a national commission that coordinates efforts around the prevention of child labor. Among commission members, the STSS is in charge of conducting inspections and enforcing child labor laws, while the Honduran Institute for Children and Family provides technical assistance to private and public institutions that work to protect the well-being of children. According to inspection protocol, violators of child labor laws have three days for corrective action and are penalized if non-compliant. Based on the Children's Code, penalties for individuals who illegally employ children range from three to five years in prison.

The National Commission for the Gradual and Progressive Eradication of Child Labor coordinates all matters related to child labor (members include the Supreme Court, Public Ministry, and others). The Public Ministry's Office of the Special Prosecutor for Children handles criminal cases around child labor and trafficking, though the Department of Labor notes that no investigations or prosecutions were reported in 2012.



As part of a joint effort between the ILO and the Honduran government, the Honduran government has approved a roadmap that includes measures related to poverty, education, health and social mobilization. It also continues to implement Bono 10,000, a conditional cash transfer program which provides financial assistance

to poor households in exchange for school attendance and use of health services.

The U.S. Department of Labor's 2014 Findings on Worst Forms of Child Labor report concludes that Honduras has made moderate advances in eliminating the worst forms of

child labor, but it also considers the inspection process of child exploitation an insufficient deterrent for employers. The Department of State's 2012 Human Rights Report indicates that the STSS has been ineffective in enforcing child labor laws beyond the apparel sector.

Social and Economic Factors Driving Child Labor

The economic disparity in Honduras has created a segment of the population that is vulnerable to poor working conditions. Due to poverty, cultural factors and a weak educational system, child labor is a pressing issue in the country. Poverty, family size, and the lack of other economic activities in rural areas create an environment in which all members of the family, adults and children alike, are more likely to participate in the sugarcane harvest. The economic need behind child labor is undoubtedly a systematic issue that is difficult to address.

Despite efforts such as Bono 10,000, the U.S. Department of Labor's 2014 Findings on Worst Forms of Child Labor notes that the quality and accessibility of education in Honduras is a significant problem and hinders the improvement of labor standards. The number of schools and placements for students do not meet the demand for all children between the ages of 5 and 17. This issue is most prevalent in rural areas. Additionally, while school for children younger than 14 is mandatory, education is expensive for many farm workers, who must

buy school supplies and uniforms for their children. There is also a need to train teachers on how to better handle cases of child labor. Francis Rivas, the program coordinator at Save the Children Honduras, reported cases of teachers having a harsh, almost discriminatory treatment toward children who work and attend school. This behavior further alienates children, who eventually decide to remove themselves from school to focus on work. Providing teachers with information on child labor allows them to better address cases of working children in their classrooms and gives them the necessary materials to tackle this topic in their classrooms.

Casa Alianza Honduras carried out a diagnostic study of child labor in agro-industrial situations. The report claims that these minors are involved in the most hazardous aspects of sugarcane production and usually work without pay, as many act as "helpers" for their family members and receive no direct compensation for the amount of sugarcane they cut. According to the Honduran National Institute of Statistics (INE), 61.2% of

child laborers worked without pay.

In 2002, the International Labour Organization (ILO) and the INE carried out a survey to understand the differences in perception between parents and children on the factors that make children enter the workforce. The main reason cited by both children and parents is the need to help with household expenditures, followed by the need to participate in family activities.

High levels of crime, violence, and murder in the country have also greatly affected the day-to-day lives of all Hondurans, including those who live in rural areas. Due to violence and insecurity, when school is on break, parents prefer to bring their children to the fields rather than leave them at home. There has also been an increase in the number of single mothers participating in the sugar harvest. Many wives who have lost their husbands to gang violence join the sugar harvest as cutters. This increases the risk of children participating in sugarcane cutting activities.



Reasons for children’s participation in the work force ⁴	According to Parents	According to Son or Daughter
To help with household expenses	53.5%	51.4%
Must participate in family activities	47.2%	42.3%
Work makes the child strong and honest	41.0%	38.3%
Work keeps him/her away from the streets and from vices	35.4%	28.8%
Everyone in the household has worked since they were young	12.4%	13.9%
To help fund their education	7.2%	8.5%
To help pay a loan or debt	4.5%	3.9%
There are no schools nearby	2.4%	2.2%

Child Labor Initiatives

Industry Initiatives

In response to the root causes of child labor mentioned above, various organizations have established initiatives aimed at addressing these. The initiatives promote poverty eradication and education. FUNAZUCAR, the sugar industry foundation in Honduras, has established literacy projects and entrepreneurship trainings to address some of the economic factors that contribute to child labor in the fields. The literacy project, Alfazucar (a partnership between FUNAZUCAR and several government and inter-governmental agencies), has been implemented in sugarcane communities for the past seven years. Additionally, FUNAZUCAR, with the support of the Organization of Ibero-American States, has developed a program called Escuelas de Corazón (Heart Schools). This program provides solar panels for electricity, computers and internet access to schools, specifically located in sugarcane communities. To date, the program has benefitted 23 schools,

including 1,500 students, ages 6 to 15. Additionally, FUNAZUCAR’s Semillero Empresarial (Business Seedlings) program has focused on areas of high unemployment, including areas where their mills are located. The program provides training on sustainable business practices.

Fundacion Pantaleón, sponsored by Grupo Pantaleón, is another important organization that promotes improvements in health, education, environment, and community development in its area of influence. For example, in Honduras, Fundacion Pantaleón works with municipal governments to reconstruct schools. To date, Fundacion Pantaleón has reconstructed 57 schools in Honduras.

Through support of The Coca-Cola Foundation, in 2013, TCCC, alongside Save the Children and the Association of Sugar Producers, carried out a series of workshops for sugar growing communities to raise

awareness on child labor issues in the country. In addition, TCCC became the first company to participate in an assessment, as part of an ILO-IPEC (International Labor Organization - International Program on the Elimination of Child Labor) and International Organization of Employers project, to provide companies with guidance on eliminating child labor in their operations and throughout their supply chains.

FUNDHARSE is the national foundation for the promotion of corporate social responsibility (CSR). FUNDHARSE runs a recognition process that validates CSR practices of its member companies and counts sugar mills amongst its membership. The foundation issues a seal to companies who successfully demonstrate internal and external responsible practices, including practices to prevent child labor and has issued seals to a number of mills, including two of TCCC’s mills.

⁴ II Plan de Acción Nacional para la Prevención y Erradicación del Trabajo Infantil en Honduras 2008-2015, 2009, <http://bit.ly/IKY3DG>.



Advocacy Campaigns

NGOs have created public campaigns to bring awareness to the issue of child labor. The most relevant advocacy organizations and their campaigns are:

- **Save the Children**, alongside TCCC, FUNAZUCAR, and four mills carried out an educational project with the aim of training local governmental organizations, parents, sugarcane cutters, teachers and community leaders about the issues associated with child labor in the sugarcane plantations. Through games and processes of self-reflection, the project presented the extent of the impact of child labor, not only to the child itself but also to the community in general. From the 6,148 adults that participated in this project, around 60% had children working either on sugarcane fields or other agricultural industries. Teachers were also included in the training in the hopes of incorporating the topic of child labor into the school curriculum.
- **Humanium** is an international child sponsorship NGO dedicated to stopping violations of children's rights. In Honduras, the organization carries out the "Realizing Children's Rights in Honduras" campaign that, among other issues, focuses on raising awareness and combating child labor in the country.
- A partnership between **The Social Forum of External Debt and Development of Honduras** (Foro Social para la Deuda Externa de Honduras) and the **Rights International Network** led to an education campaign with various workshops to raise awareness on child labor in four cities.

Child Labor Presence in the Sugar Industry

No official numbers exist on the level of child labor in Honduras' sugar industry, however it is clear that child labor is most prevalent in rural areas of Honduras. The INE 2014 survey determined that 15.3% (379,598) of children between the ages of 5 and 17 were active members of the labor force. The INE provided a more thorough breakdown of the number of children that worked only, worked and studied,

or studied only. An estimated 9.4% (of the 15%) of children in the age group only worked and did not attend school, while 6% (of the 15%) attended school and worked. From the population of children that were only working, 25.8% were in urban areas, while the rest were in rural areas. From the population that attended school and worked, 41.6% of the children were in urban areas and the remaining were in rural parts of

the country. Casa Alianza Honduras reported an even higher number of 412,122 cases of child labor (between 5 and 17 years old) in October 2011.



Detailed Review – Forced Labor

Legal Framework

The law prohibits all forms of forced labor, however the government has not actively implemented or enforced these laws. Penalties for violating the law include fees of up to 5,000 lempiras (approximately \$250), and 10 to 15 years in prison (when charged under anti-trafficking laws). However, neither penalty has effectively deterred violators. Forced labor is most commonly found in agriculture, aquaculture/fishing, domestic services and trafficking industries. Victims are from both rural and urban areas, and are typically impoverished. In April 2012, the government passed a new anti-trafficking law that prohibits all forms of trafficking. However reports from civil society state that corruption has hampered labor inspections and that many traffickers have been prosecuted under lesser charges (i.e. non-trafficking laws).

Forced Labor in Honduras (2014 est.)	
National Estimates ⁵	17,700 people of a population of 8,746,673 (0.218% est. 2014)

Forced Labor Initiatives

Various industry organizations have established initiatives to promote poverty eradication and education, but do little to address working conditions and situations of forced labor. Stakeholders interviewed reported that there was no concrete evidence of forced labor occurring in the sugar industry and that there is therefore a wide belief that forced labor does not exist in the sugar industry. No initiatives addressing the issue of forced labor specifically in the sugar industry in Honduras were found.

Forced Labor Presence in the Sugar Industry

Economic inequality in Honduras leaves a segment of the population vulnerable to poor working conditions. Seven interviewed stakeholders affirmed that cane cutters must withstand arduous work conditions during the harvest season. Mr. Carlos Melara, the Executive Director of the Association of Sugar Producers of Honduras, asserted that forced labor is not an issue in the sugar industry. He recognized that the work associated with sugarcane is arduous and requires long working hours, but he cited some industry-wide policies the Association is trying to promote to improve working conditions. These policies include introducing

⁵ Source: Walk Free Foundation, *The Global Slavery Index 2014*



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a working hour limit, increasing the availability of water, and encouraging workers to take breaks to eat and rest in shaded areas. Even though these policies would address some of the discontent cited by other stakeholders regarding working conditions in the industry, implementation and enforcement of these policies is lacking. It was not clear from the interview how these policies are being implemented systematically in the field.

Mr. Franklin Mauricio Almendares, the Secretary General of the Centro Nacional de Trabajadores del Campo (CNTC), an organization that works closely with rural farmers, reported various labor violations in the sugar harvest. According to Mr. Almendares, sugarcane cutters often work up to 18 hours a day and make between USD \$400 and USD \$500 a month, while being exposed to various health issues associated with long work hours and the hazardous nature of the work. The

CNTC also cited the transportation to and from the sugarcane plantations as a factor that influences the cane cutters' work schedule. Even though workers' transport from surrounding communities to the plantations is free of charge, this transportation is only provided twice a day, early in the morning (5-6 AM) and late at night (6-7 PM). For those workers who are dependent on this transport, there are no other means of getting home and so they work from sunrise to sunset.



Detailed Review – Land Rights

Legal Framework

In Honduras, land ownership issues are a legacy from colonial times, when the Spanish crown granted land to prominent citizens and government officials, leading to an unequal allocation of large tracts of land to a small group of powerful landowners. This historical grant of land to elites should probably be viewed as a first national land grab and reallocation that set the land-holding patterns in Honduras that endure to this day. The United States Agency for International Development (USAID) estimates that, as of 2012, approximately 70% of farmers hold 10% of land in land arrangements called minifundios (small estates), while 1% of farmers hold 25% of land in latifundios (large estates). The State, with its weak enforcement of land laws and a historically poor land titling system, has caused ongoing strife and tension between large estate owners and smallholding farmers and landless peasants.

Articles 340 and 341 in the Honduran Constitution set a broad definition of the type of powers that the Honduran Government has over land. These articles assign power to the State to establish restrictions, requirements and prohibitions on the acquisition, transfer, and use of the land. In 1994, Honduras ratified the ILO Indigenous and Tribal Peoples Convention that recognizes the rights of indigenous peoples to land that they traditionally occupied. In line with this Convention, Article 107 of the Honduran Constitution sets out clear measures to protect indigenous land. Nonetheless, land inequality disproportionately affects indigenous populations and the law was amended to offer exceptions to non-indigenous populations that would develop tourism projects on the land.

In Honduras, land ownership can be divided into three categories: state, private, and communal (ejidal). State land is legally the property of the national government, as per the Constitution. Across time, peasants, large landholders and even sizeable commercial operations have occupied large sections of these national holdings without the benefit of formalized rights. Ejidal land refers to those communal holdings that have been awarded to municipalities for the communal use of their inhabitants. Privately held land accounts for a large percentage of the total land, although it represents ownership by only a small percentage of the total population.

From the 1960s to 1980s, Honduras sought to address the unequal distribution of land through a program of agrarian reform intended to diversify the nation's economy, increase agricultural productivity, and provide more economic opportunities for the poor. In 1961, the Agricultural National Institute (INA) was established to oversee Honduras' agrarian reform programs. In 1962, the first agrarian reform laws were enacted with the purpose of providing landless rural peasants with land, eventually incentivizing the use of cooperative land ownership. About 1,500 hectares of government land were redistributed by the INA beginning in 1960. Even though this legislation established a precedent for agrarian reform, the political power of large landowners prevented the modification of the inequitable land distribution. Additionally, the political stronghold of the elites



promoted the enactment of political institutions that blocked the formation of a meaningful land market.

The 1963 coup ended land reform efforts. However illegal squatting plagued the country and spurred the government to re-address the issue in the 1970s. In 1972, after a coup d'état and significant political instability, new agrarian reforms were enacted to allow peasants to temporarily use and profit from the national and ejidal lands that they occupied. Unused public and private lands were subject to distribution, and about 120,000 hectares were divided among 35,000 families. In 1975, however, the expropriations were halted and squatting on unused land again became common. In the end, the reform benefited only 9% of rural households. Overall, the land reform did little to change the national land tenure system or the unequal allocation of land across the population.

In 1980 it was estimated that 75% of Honduran farmers lacked legal titles to their land. In 1982, the Land Titling Project (Proyecto de Titulación de Tierras) was established. The intention was to provide titles to smallholder farmers on national land, to help improve their security and access to credit. Even though the international community supported this approach, the reform failed to convince many peasant farmers that they should pay for titles to land that they felt they already owned, as consequence of traditional and informal tenure structures.

The Agriculture Modernization Law, passed in 1992, accelerated land titling and permitted cooperative

members to break up their collective holdings into smaller plots that could be sold individually. The law further gave peasants that were illegally occupying national lands the right to obtain a title after only three years of occupation, rather than ten. Land titling was made possible for holdings as small as one hectare and the law permitted the rental of both private and reformed sector lands as long as they were fully titled. The law also eliminated gender discrimination by allowing women to receive titles on their own and jointly as a part of a marital community. While the law initially appeared to significantly reshape land tenure in Honduras and 12.3% of the total land was reallocated to rural families, the long-term impact was less impressive. In many instances peasants, out of economic necessity, sold their land (former cooperative land) to private, large-scale landlords, effectively reinforcing inequality in land ownership.

In 2004, a new Property Law was passed and was included in the Civil Code. This law aimed to improve land registration processes. Specifically, the institutional and legal framework was altered to create a more efficient system and to regulate properties under dispute. Through an amendment to the Law for the Production and Consumption of Biofuels in 2014, lands growing crop for biofuel that have proper title and are listed in the land registry were declared unencumbered by agrarian reform or any other reason.

The various agrarian reform measures have collectively failed to significantly improve the land tenure system in Honduras. This has preserved an asymmetrical and insecure land tenure system. Additionally, the titling

attempts of the 1990s and early 2000s have brought ambiguity to the validity of land tenures. According to USAID, approximately 80% of privately held land in the country is untitled or improperly titled and only 14% of Hondurans (est. 2005) occupied properties with legal, formalized rights. Of the properties held legally, only 30% were registered in 2005. In some cases, one parcel of land may have two or three titleholders due to clerical error and fraud. The World Bank has identified the prevalence of insecure land titles as having an impact on social stability.



Land Rights Initiatives

Government Initiatives

The Honduran government is currently implementing a long-term land administration program, PATH (Programa de Administración de Tierras de Honduras), to formalize property rights. The program intends to strengthen property rights by modernizing the legal framework and developing a fully integrated and computerized National System for Property Administration (SINAP). For properties that have been entered into the system, SINAP provides users with accurate information on urban and rural land status and availability and effective land administration services. The new system reduced the average number of days to complete the sale of a property from 23 days to 15 days. The government started implementing PATH in 2004 and plans to complete its rollout by 2020. The program's projected cost is \$139 million and has been partly funded with grants and loans by donors like the World Bank.

A comprehensive legal framework for land property was passed along with the implementation of PATH. The new land property law created the Property Institute, which was intended to administrate property transactions. These initiatives have resulted in a shift to a more efficient and transparent property registry system.

Industry Initiatives

The sugar industry has joined government-led initiatives in addressing land rights issues. For instance, one mill participates in a Rural Development Program (Programa de Desarrollo de Campo) implemented by the National Agrarian Institute and the Secretariat for Agriculture and Livestock. The

program provides small farmers with access to productive land, technical assistance and training. The mill has made an effort to have some of its land legally transferred to landless farmers. Through a trust, 758 acres of land are to be transferred as part of an agreement between the mill and the National Agrarian Institute. This effort aims to help approximately 500 families in the Sula Valley. However, there is limited publicly available information on the progress of this program to the date.

At the same time, some sugar industry representatives are expressing concerns about land loss. Industry leaders are particularly worried about rural development programs that promote land expropriations. A representative of the Business Council for Agricultural Policy in Honduras (COMPAH) stated that he “believed the country’s sugar industry would face financial ruin if these actions increase invasion and expropriation.” For the industry, initiatives that encourage land expropriations scare foreign capital and decrease investments in the country’s agriculture sector.

Advocacy Campaigns

There are various organizations advocating for farmers’ land rights in Honduras. Some of the main organizations include:

The Unified Peasant Movement of Aguán (MUCA), which helps organize settlements of land that have been entitled by law to landless farmers. In March 2009, MUCA presented a proposal to the Government of deposed President Zelaya that demanded greater support from the government to negotiate land rights issues and avoid unilateral government

decision-making. The goal of MUCA is to promote integral land reform that promotes the well-being of the landless and small farmers, while also benefiting the private sector.

Centro Nacional de Trabajadores Campesinos (National Confederation of Peasant Organizations - CNTC) advocates for rural development policies that address social, cultural and economic rights of peasant families. CNTC dedicates itself to land reclamation processes in rural communities by providing organizational, legal and political support to participant families. CNTC has created a permanent program of basic education for peasants. The goal is to eliminate illiteracy among peasants and provide more opportunities for leadership development, so new leaders can emerge and are able to accomplish the mission of integral agrarian reform and food sovereignty.

Multilateral organizations and large NGOs have also put pressure on the government to address land rights issues in the country. The World Bank provides assistance with land titles programs designed to improve indigenous peoples’ access to land. Oxfam’s “Vamos al Grano” campaign, alongside 31 organizations (and a coalition with the Alliance for Food Sovereignty and Agrarian Reform), promotes a Comprehensive Agrarian Reform law which includes political, social and economic changes. “Vamos al Grano” is intended to support the agricultural sector, with a specific focus on developing a legal framework that supports women and prioritizes the issue of climate change.



Presence of “Land Grabs” in the Sugar Industry

Given the weak protection of land rights and the history of land squatting, and land grabs in Honduras, land invasions are typical in agriculture and in the sugar industry. Since 2008, there has been an increase in the number of conflicts between squatters and landowners. A surge in the global demand for biofuels and certain commodities, like sugar, has driven large landowners to purchase and expand monocultures, while small farmers continue to fight to own land. The struggle over land has implicated various industries in the country, including the sugar industry, and has increased tensions between large agricultural companies and landless farmers. Human Rights Watch reports that the death toll from land dispute related violence between 2009 and 2013 exceeded 60 people in the Bajo Aguán Valley alone, primarily in relation to the palm oil industry.

In May 2012, the National Agrarian Institute (INA) began an expropriation process of lands from sugar mills. 3,644 hectares of land from Mill 1 (a mill within TCCC’s supply chain) and 2,969 hectares from Mill 4 (a mill not in TCCC’s supply chain) were expropriated. The INA cited the violation of Article 25 of the Law of Agrarian Reform of 1992, which states that no person or legal entity can own more than 250 hectares of land in the Sula Valley. However, the law also allows companies to apply for a special permit through the Secretariat of Agriculture and Livestock to surpass the established land-ownership ceiling. According to the INA, the mills did not have the proper permits. Landless farmers and their families were encouraged by farmer organizations (e.g. Centro Nacional de Trabajadores del Campo (CNTC) and the Movimiento Campesino de San Manuel Cortés (MOCASAM)) to occupy the expropriated land.

However, both mills appealed the decision to the National Agrarian Council (CNA), who ruled in favor of Mill 1 and annulled the INA’s ruling. In a follow-on action, the Attorney General upheld the original expropriation in November 2012. However, the Supreme Court ruled in favor of the Mill 1 annulment in February 2014. According to CNTC and MOCASAM, organizations that work closely with rural farmers, the government expropriated the land from the sugar mills and made it available for landless farmers. According to Mill 1, the lands in questions were never fully expropriated from the mill. This has led to confusion and conflict between the mills and the farmers.

There have been several reports from farmer organizations and news articles claiming that the mills have used violent tactics to remove the families from the land and are targeting the leaders of the farmer organizations. The Association of Sugar Producers of Honduras has called these reports into question and stated that all actions taken to remove families were taken by state security forces.⁶ Farmer organizations in the Sula Valley have also reported persecution due to their activism. The tension between these farmer organizations and the sugar mills intensified when the police and military arrived to enforce the CNA’s ruling. Landless farmers were pressured to leave and threatened with arrest because they did not follow the legal steps to claim the land. In August 2012, that situation heightened. Farmers were evicted and 42 people were detained in connection with Mill 1.

⁶ Information obtained directly from the Association of Sugar Producers of Honduras during stages of report review and feedback in December 2015.



In February 2013, after filing an appeal on the CNA ruling to the Supreme Court, the landless farmers returned to the land, began to build makeshift camps, and harvested the land. On June 19, 2013, the Honduran military and police evicted the farmers once more, removing their camp and clearing the lands. On February 4, 2014, the Supreme Court ruled in favor of the two mills upholding the CNA ruling. Since this ruling, reports claimed that mills were targeting and harassing community organizers. The mills have publicly stated that all their efforts have been made to defend their legitimate rights and have been framed by the laws of Honduras and the commitment to respect and ensure the rights of others, including those of the landless farmers and their families; Mill 1 has also emphasized that all eviction activities have been carried out directly by state security forces.

In a statement released by Mill 1, the mill affirms that official authorities have proceeded with the eviction of those who have acted against their legally held private property. Such action by the authorities confirms the full recognition by the Honduran government of Mill 1's legitimate claim to its land ownership. Mill 1 condemns the use of violence and has continually turned to the judiciary and the competent Honduran authorities regarding the occupation of its land.

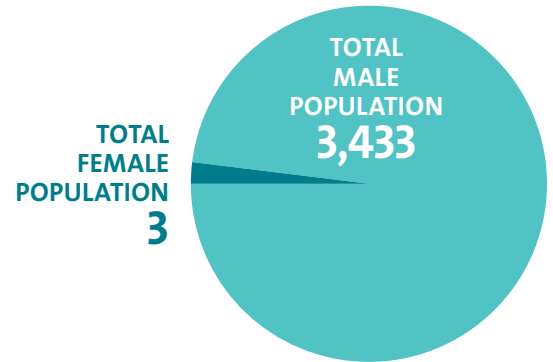
The mill acknowledges the need for improving the living conditions of the Honduran rural population and therefore collaborates with the government on the Programa de Desarrollo del Campo (rural development program), a project that gives access to 758 acres of land to farmers in the area, offering opportunities for sustainable progress to approximately 500 families.

In November 2014, Mill 1 received the Bonsucro certification for sugarcane production from an accredited third-party certification body. It was the first issued to a primary sugar mill in the developing world and the first certification issued under the newest version of the Bonsucro Production Standard (v4) at the time. More than 40 social and environmental indicators were evaluated at the mill and farm level. To obtain the certification, Mill 1 was required to demonstrate clear title to land and water in accordance with national practice and law. Those rights could be related either to legal ownership or lease of the land or to customary rights. Rights to water refer to the right to extract water, including cap on quantity extracted. Legal ownership had to be the official title in the country or equivalent (e.g. notary, government agency or other). Customary rights can be evidenced in other forms by a local statutory or customary body. Guidance for customary rights follows ILO Conventions 169 and 117: when land rights have been relinquished to the benefit of the operator, the operator shall demonstrate the decision was taken by Free Prior Informed Consent and negotiated. If conflicts arise, a negotiated resolution must be sought based on Free Prior Informed Consent.

Field Study Findings

Overview of Gender in TCCC’s Supply Chain

UL gathered information on worker population from all farms visited as well as breakdown of worker populations by gender. 3,436 people worked in total at all sites visited. Of this population, only 3 workers were female, i.e. 0.087% of the worker population of all farms visited.



Child Labor in TCCC’s Supply Chain

All mills in TCCC’s supply chain have policies in place that meet international standards. The mills also prohibit hiring cane cutters younger than 18 years of age.

- All three mills have management systems to control for child labor in the field.
- All mills require farms to appoint designated personnel to implement the mills’ policies, client specific requirements and legal requirements.
- The three mills have monitoring systems in place to verify that there are no minors or children working or present in the farms.
- The mills communicate, train and provide the supplier farms with guidance on the laws and regulations they need to abide by.
- The mills have a policy regarding age verification at the time of hire.
- Mill 3 has supervisors monitoring the fields four times a week, alongside harvesting supervisors, to ensure children are not present.
- Mill 2 has a team that is in charge of implementing the child labor policy across all supplier farms.
- Mill 1 has a team that monitors the recruiters to verify that children are not hired to work in the harvest.



Mill 3 has established sanctions for farms that violate the mill's social responsibility standards. As part of the sugarcane purchasing agreement, if a farm violates the mill's social responsibility standards, including the policy on child labor, the mill will not source from this specific farm during the following harvest.

However during onsite visits, UL found one minor between the ages of 14-17 cutting sugarcane at a farm owned and operated by Mill 2. The minor was 17-years-old and was handling a machete. The minor only attended school until sixth grade and was no longer a student. UL also found one child between the age of 12 and 14

present and selling refreshments to cutters at a farm leased and operated by Mill 1.

Forced Labor in TCCC's Sugar Supply Chain

Forced labor is a complex issue and can often be difficult to recognize. Identification of forced labor incidences in the field first involves information gathering through documentation review, private interviews and visual observation, and second, the analysis of the information to assess for indicators and actual occurrences of forced labor. From the 30 farm visits carried out in Honduras, there were no identified situations of forced labor or bonded labor. There were no reported cases of employees indebted to the mills or farms. UL did not find any cases

of workers whose identification (i.e. passports, state provided ID, etc.) had been taken from them as a condition of employment and to limit their mobility. Beyond the hazards present during sugarcane harvesting, UL did not identify any working conditions that are associated with forced labor on the sampled mills and farms.

Even though UL did not encounter any case of forced labor in the sampled mills and farms, the mills and farms have limited processes to oversee and protect workers from abusive employment

conditions. At the time of field research execution, two out of the three mills visited did not have a written policy against forced labor⁶. Mill 2 did have a policy, which partially protects the well-being and rights of workers.

⁶ Following the onsite engagement, one mill has contested this finding.



Presence of “Land Grabs” in TCCC’s Sugar Supply Chain

In May 2012, the National Agrarian Institute (INA) began an expropriation process of over 6,000 hectares from two of the three mills in TCCC’s Sugar Supply Chain. Based on onsite research at Mill 1, review of ownership documents, interviews with the senior management at the mill and interviews with the agronomist in the field, it is clear that the conflict involving the mill does not arise from lack of legal ownership, but from lack of a social license to operate.

The key findings regarding the land rights dispute include:

- **Mill 1 provided UL all legal documentation of ownership of the disputed land, as well as the necessary permits from the Secretariat of Agriculture and Livestock to own more than the legal limit.** Based on the available documents and the interview UL carried out with senior management of the mill, the lands that are currently under dispute were acquired legally in 1992-1994. In 2012, the company applied and received the needed permits to own land above the legal limit.
- **The landless farmers were not legally allowed to occupy the land.** When the INA ruled to expropriate the lands, Mill 1 filed an appeal with the CNA, the entity that rules the INA. Therefore, the lands were in the process of being expropriated and, after the CNA reversed the decision, the expropriation was never fully executed. Even if the lands had been expropriated, the mill believes that these landless farmers did not follow the legal steps to claim the land. Their understanding of the law is that when a plot of land is expropriated, the government takes ownership of that plot of land. It is then up to the government to distribute the land in a legal manner. It is important to note that, based on interviews with senior management of the mill and the staff in the farms, the landless farmers that took over the land were not from surrounding communities, but were brought in from other regions.
- **Once the CNA reversed the expropriation decision, Mill 1 went through all the legal channels to evict the landless farmers that were occupying the land.** According to the mill’s senior management and field staff, neither the security guards nor staff were present during the eviction of the invaders. The Commission on Human Rights was present during the eviction process. The mill believes that the claims of harassment and threats reported are a misinterpretation of the court summonses these farmers are receiving. These summonses are asking the landless farmers who participated in the land invasion to be present for their trial for illegally trespassing and occupying private property.

UL identified three key factors that continue to fuel the struggle:

- **Land Price:** According to field staff and members of the communities that UL interviewed, the land today is worth almost double than what it was worth in 1994. Even though Mill 1 paid the owners in full for the value of the land at the time of purchase, there is community resentment toward large monoculture company. Some farmers, who are not benefited by the company’s social responsibility policies believe the company has taken advantage of Honduran society.



- **Conflicting Information:** The landscape of agrarian law in the country is extremely convoluted and difficult to navigate. Many of the landless occupiers that participated in the land occupation were not aware of the legal procedures that need to be followed to claim an expropriated plot of land and began to plant crops. Some of the community organizers provide these landless farmers with inaccurate information about the mill's legal case. The farmer organizers claim that the company is not legally entitled to the land due to the company's ownership of land beyond the legal limits and the expiration of a bilateral treaty of protection of investment between the United Kingdom and Honduras. According to Mill 1's senior management, the bilateral agreement only guarantees that the Government of Honduras will protect the investment of UK companies. This means that if an expropriation does happen, the government must compensate the company for the value of the expropriated lands or goods. The treaty does not allow them to operate above the law. Finally, the company has the permits in place to own more than the legal limit.
- **Opportunism:** Field staff and some members of the communities have claimed that people from other regions of Honduras have come to the Sula Valley to misinform landless farmers about the situation as a way to deceive them. The field staff reported that some of these farmers have paid up to USD\$52.00 (Lps\$1,000) to purchase the land that was allegedly expropriated.

The mills and farms in the TCCC sugar supply chain only partially follow the TCCC Human and Workplace Rights Issue Guidance:

Do mills and farms demonstrate that acquisition has not been assembled through expropriation or other form of legal seizure without a Free, Prior, Informed Consent process and fair compensation for land, resettlement, and economic impact to the affected communities?

- Two mills acquired land over the past 20 years. Based on documents review and the information provided during the interviews with senior management, these lands were not contested by indigenous or marginalized communities, and all necessary documents to prove legal acquisition were presented during the visits.

Do the mills and farms demonstrate that alternatives to a specific land acquisition were considered to avoid or minimize adverse impacts on affected communities?

- All assessed mills carry out a formal mapping procedure that considers various land expansion options. Mills focus on environmental factors to assess viable alternatives for expansion. However, the only social factor considered is the proximity to neighboring communities. When purchasing land, mills prefer to purchase property that is far away from the farming communities and towns and that is already used for cultivation.

Do the mills and farms ensure the presence of grievance mechanisms to receive and address specific concerns about fair compensation and relocation, if applicable?

- The assessed mills do not have a policy to evaluate social impact of land expansion and there are no grievance mechanisms to receive or address specific concerns about compensation and/or reallocation related to land acquisition. This is a critical mechanism needed to establish and maintain a social license to operate, as well as to address any issues before there is an escalation of public sentiment that could negatively affect the industry.

Conclusion

Although Honduras has several legal and institutional mechanisms to protect human rights and access to land, factors such as endemic poverty, high levels of violence, historical practices and inequality, and weak institutions limit the government's capacity to properly enforce and reform laws.

Child labor is a prominent problem in the country, and in the sugar industry specifically. Poor economic conditions and the need for children to help with household income lead children to work in addition to/in place of attending school. Government resource constraints, weak enforcement of labor standards, and limited alternatives to fieldwork exacerbate the prevalence of child labor in agriculture. Nevertheless, during UL's onsite visits to farms, UL found only one minor performing hazardous work associated with harvest whilst another minor was present and engaged in other non-hazardous work selling refreshments. This low occurrence of child labor may be linked to management systems currently in place at all visited mills and effective enforcement especially with independent farms. The complete absence of child labor identified at one of the mills may be the result of actively enforced sanctions for any instances of child labor detected at supplying farms.

Forced labor was not identified as a major concern in the sugar industry in Honduras and UL did not encounter any cases of forced labor during onsite visits of TCCC's sugar supply chain in Honduras. However, stakeholders often cited the payment system (rewards cutters by the amount of sugarcane collected) and harsh working conditions during harvest time, as situations that could lead to potential labor abuses.

Weak land ownership and land titling systems in Honduras pose a large challenge to the sugar industry and to companies sourcing from the country's mills. Despite several land reforms and the implementation of a few private initiatives to redistribute land among small-scale producers, inequitable concentration of land remains a major problem. In the case of Mill 1, even expropriated land is disputed, and the mill is now participating in the Programa de Desarrollo del Campo (rural development program), a project that gives access to 758 acres of land to farmers in the area, offering opportunities for sustainable progress to approximately 500 families. Additionally, in November 2014, Mill 1 received the Bonsucro certification for sugarcane production; the first of its kind among primary sugar mills in the developing world. More than 40 social and environmental indicators were evaluated at the mill and farm level by an accredited third-party certification body.

The lack of a clear legal framework to address the problem and ambiguous laws make due diligence in the country very difficult. UL identified three key factors that continue to fuel the land rights struggle: land price increases, conflicting information on difficult land rights laws, and opportunism on the misinformed rural farmers.



APPENDIX A – The National Context

Honduras is the second poorest and least developed country in Central America. The country suffers from an extraordinarily unequal distribution of income. In 2009, Honduras suffered an economic contraction from the combined impact of the global financial crisis and a domestic political crisis. Although the economy has partially recovered, the Honduran government continues to face serious fiscal challenges while it deals with the aftermath of its political crisis.

Crime and corruption in the country continue to be primary obstacles to development. With one of the highest murder rates in the world, violence levels in Honduras affect almost every member of society. Gangs or maras are said to have tens of thousands of members and use threats and violence to control poorer districts.

Additionally, the various agrarian reform measures have failed to target the practice of companies or individuals holding large parcels of land, while periodically legalizing land invasions. This has preserved an unequal and insecure land tenure system.

GDP per Capita⁷:

\$4,700 (2014 est.)

Exports:

\$8.52 billion and includes coffee, sugar, apparel, shrimp, automobile wire harnessing, cigars, bananas, gold, palm oil, fruit, lobster, lumber.

The Main Economic Activities:

Services (58.7%), industry (27.4%), and agriculture (14%).

Labor Force:

3.579 million people (2014 est.). Services sector employs 39.8%, agriculture employs 39.2%, and industry employs 20.9% of the labor force. 4.5% (2014 est.) of the population is unemployed.

Honduras' Economic Activity:

Directly tied to the U.S. economy; exports to the U.S. account for 35.2% of total exports and 43.3% of total imports.

Economic Growth:

The economy recovered after the internal political instability in 2009, with an estimated growth of 3.1% in 2014.

Human Development Index:

Honduras' score (0.617) ranks 129 out of 187 countries (2014 est.).

⁷ Central Intelligence Agency, *The World Factbook – Honduras*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ho.html>.



Population Below Poverty Line:

68.2% (2013 est.). The National Institute of Statistics estimates that 44.6% of the general population lives in extreme poverty (Typically \$1.25 dollars/day), the majority of which live in rural areas.

Fertility Rate:

2.78 children per woman (2015 est.).

Education:

National Institute of Statistics estimates as many as 368,000 of the 1.7 million children (ages 5-12) did not receive schooling. Further, there are no high schools in some rural areas.

Literacy:

88.5% (2015 est.).

Crime:

The murder rate in 2012 was 90.4 per 100,000 inhabitants. According to the UN, Honduras had the world's highest murder rate in 2012.

Political Structure:

Democratic Republic

Political Instability:

Honduras has experienced great political instability for most of its history. The most recent crisis began in June 2009 when the Honduran military arrested and exiled then-President Manuel Zelaya, who was pursuing a referendum on a past constitutional reform. After six months of political crisis, the country held elections in November 2009. Former President of Congress and 2005 presidential nominee Porfirio "Pepe" Lobo won. Many Hondurans and the international community questioned the legitimacy of the results given the conditions under which elections were held, the low voter turnout and claims of fraud.

2013 Presidential Election:

2013 Presidential Election: Juan Orlando Hernandez, PNH, (winner*): 37%. Xiomara Castro, LIBRE: 29%⁸

In sum, endemic poverty, chronic underemployment, violence, and weak institutions have created an environment conducive to child and forced labor and insecure land rights.

⁸ Mrs. Castro questioned the preliminary results and called her supporters to contest the outcome. The Electoral Authority agreed to recount the votes and confirmed the result. Mr. Hernandez became President of Honduras on January 27, 2014.

APPENDIX B – Stakeholder Engagement Highlights

A total of 35 primary stakeholders were identified in Honduras. However, only 16 chose to participate in the study.

Stakeholder Interview Methodology

The researchers identified and engaged with important stakeholders working on the issues of interest in Honduras. The primary focus was on stakeholders with a physical presence in the country, who are currently implementing or have recently implemented initiatives to address these challenges. The researchers identified stakeholders from the private sector, government and civil society so that a variety of perspectives on the issues of interest were incorporated.

When conducting stakeholder interviews, the researchers approached organizations with broad, open-ended questions that allowed stakeholders to express their views on the topics. Because stakeholder interviews provide context to the research, the questions were designed to be impartial and capture issues through a national, as well as an industry-specific, lens. The researchers raised these topics in a neutral language that did not demonstrate any preconceived opinions. Follow-up questions varied from stakeholder to stakeholder and depended on the work they conducted and the view they related.

Key Perspectives

- Poverty, high levels of crime and traditional practices are three main drivers of child labor in Honduras.
- Traditional practices and poverty are two key drivers of child labor in the sugar industry.
- Each mill establishes its own internal practices to eradicate child labor.
- There is a need to promote partnerships among non-governmental organizations, the government and the sugar industry to create cohesive programs to train educators to handle child labor issues and tackle the root causes of child labor.
- Forced labor is not an issue in the sugar industry. The Secretariat of Labor and Social Protection has not received any formal complaints of cases of forced labor. However, the sugar industry needs to promote industry-wide policies that set labor standards for workers in the fields.
- Land rights issues in the country and in the industry are direct results of a poor land titling system.
- The legal safeguards to protect private property are almost non-existent in Honduras and land invasions have a negative impact on the industry and the national economy.



APPENDIX C – Interview Questionnaire

Stakeholder Engagement Questionnaire

Land Rights

- Are there any land rights issues affecting the country?
- Specifically, with regards to the topic of gender and land rights, what insights can you provide on this topic?
- Who are the major stakeholders (institutions) involved in land rights issues in the country?
- What are the challenges facing land rights (ownership/ titling, appropriation, misappropriation, etc.)?
- Do you know if the sugar industry in the country is involved in any of these issues?
- What is your experience with these issues in the country?
- How is your organization involved in addressing _____ (land appropriations, issues with titling, land misappropriation, etc.)?
- Does the government have in place any initiative or program to address _____ (land appropriations, issues with titling, land misappropriation, etc.)?
 - Are these initiatives or programs successful?
- Are there any NGOs addressing _____ (land appropriations, issues with titling, land misappropriation, etc.)?
 - What are they doing?
 - Do you work with them?
 - How?
 - Are these programs/policies/initiatives successful?
- Is the sugar industry addressing the issue of land rights?
 - What are they doing?
 - Do you work with them?
 - How?
 - Are these programs/policies/initiatives successful?
 - Who usually holds the land title? (name, gender, relationship to the farm/mill)



Child Labor

- Are there any child labor issues affecting the country?
- What is the experience of your organization with the problem of child labor:
 - In this country
 - In the sugar industry
- Does your organization have programs that focus on prevention and eradication of child labor?
- In general, what is the government doing to address the problem of child labor?
 - Have these been successful measures? Why or why not?
- In general, what is making the sugar industry to address the problem of child labor?
 - Have these been successful measures? Why or why not?
- What are the biggest challenges to eliminate child labor in this country?
- What are the factors that are causing child labor in the sugar industry?
- Know of any recent studies that estimate the average minors working in the sugar industry?

Forced Labor

- What is your experience with forced labor problems?
 - In this country
 - The sugar industry
- Do you have a way to know if workers' rights are violated?
- What programs does your organization focus in prevention or eradication of forced labor?
 - What challenges do you face?
- What are the greatest social challenges that impact the sugar community?



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To examine incidences and the impact of child and forced labor and land rights issues at the country, industry and supply chain level, UL conducted customized field research at sugar mills and sugarcane farms between December 2013 and March 2014, and conducted interviews with relevant stakeholders in Honduras in November 2013 and in September and October 2015. The report was first finalized in March 2015, then reviewed by select stakeholders until September 2015, updated with additional stakeholder interviews and data and re-issued for stakeholder review with a second finalization date of December 2015. This is the second version of the report. TCCC reviewed all report drafts.