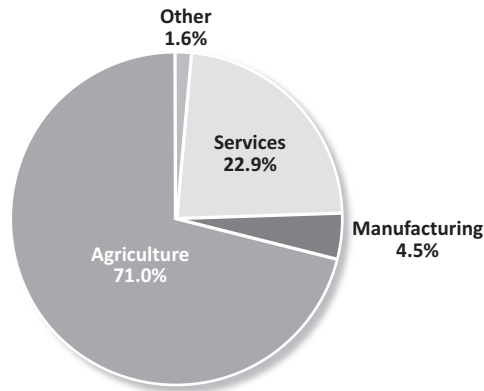


# Ecuador

The Government of Ecuador increased the number of labor inspections it performs and strengthened coordination mechanisms related to the worst forms of child labor. However, hazardous child labor continues to exist in certain sectors, including agriculture, construction, and small-scale mining, and children are trafficked for labor and commercial sexual exploitation. Gaps remain in the enforcement of the existing laws in these sectors.

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2%
Attending School	5-14 yrs.	91.1%
Combining Work and School	7-14 yrs.	8.7%



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ecuador are found in the worst forms of child labor,<sup>1583</sup> including dangerous work on banana plantations and flower farms.<sup>1584</sup> Work in agriculture may require children to use dangerous machinery, tools and pesticides, carry heavy loads, and work long hours. Children are also engaged in the worst forms of child labor in the brick industry and small-scale, informal mining, including in the production of gold.<sup>1585</sup>

Children in urban areas work as domestic servants.<sup>1586</sup> They may work long hours, and their isolation in homes makes them susceptible to physical abuse and sexual harassment. Indigenous children are particularly vulnerable to forced labor in domestic servitude.<sup>1587</sup>

Children also work on the streets, shining shoes, collecting and recycling garbage, selling newspapers and candies, and begging.<sup>1588</sup> These children may be exposed to severe weather, accidents caused by proximity to vehicles, and criminal elements. Children also engage in dangerous work in landfills.<sup>1589</sup>

Other worst forms of child labor in Ecuador include commercial sexual exploitation, forced begging,<sup>1590</sup> and trafficking.<sup>1591</sup> Girls are trafficked from Colombia and Peru to Ecuador for commercial sexual exploitation.<sup>1592</sup> Children are also trafficked from border and central highland areas within Ecuador to urban centers for commercial sexual exploitation and other forced labor.<sup>1593</sup>

Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of pornography and timber in Ecuador.<sup>1594,1595</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Ecuador sets the minimum age for work at 15. The minimum age for hazardous work is 18.<sup>1596</sup>

In 2002, the Government enacted the Code for Children and Adolescents, which includes a robust list of hazardous work prohibited for children based on physical environment, industry, occupation, and

activity. For example, those under 18 are restricted from working in mines, landfills, and slaughterhouses or environments that require proximity to dangerous chemicals, materials, or equipment. The Code also bars underage work in domestic service and affords child domestic workers between 15 and 17 the same rights, guarantees, and protections as adolescent workers in all other sectors.<sup>1597</sup>

The Code also prohibits all forms of forced labor, human trafficking, and commercial sexual exploitation of minors.<sup>1598</sup> There is no compulsory military service in Ecuador, and the age for military service is 18.<sup>1599</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

## Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Progressive Eradication of Child Labor (CONEPTI) includes representatives from government, labor, and business organizations. It coordinates and promotes efforts to combat child labor in Ecuador.

The Ministry of Labor's (MOL) Child Labor Inspections Office is responsible for implementing laws and regulations on child labor. This office had a budget of \$266,342 in 2009, to cover inspections in all provinces. Inspectors in some provinces lack dedicated

vehicles, funds for fuel, or access to other modes of transportation. Budget constraints compromise the ability of inspectors to fully comply with their duties to collect relevant data and carry out an adequate number of inspections.<sup>1600</sup>

During the reporting period, MOL's Child Labor Inspections Office employed 29 inspectors, an increase of two inspectors from the previous year. It conducted 3,992 inspections in 2009, up from 3,089 in 2008.<sup>1601</sup> As a result of these inspections, MOL reported 2,056 children removed from work that violated Ecuadorian labor laws. The Government trained inspectors as well as individuals from municipal and local governments and NGOs on how to detect and combat unlawful child labor. While the number of inspections increased in 2009, data was not collected on whether inspections were initiated in response to complaints or government guidance.<sup>1602</sup> Therefore, it is not clear if inspections are strategically targeted to focus on industries or sectors with a high incidence of child labor, such as agriculture, construction, and small-scale mining. In addition, MOL's Child Labor Inspection Office does not maintain data on employers sanctioned.<sup>1603</sup>

The National Police and the Ministry of Justice are responsible for enforcing criminal laws relating to the trafficking and commercial sexual exploitation of children. The National Police's Specialized Department for Children and Adolescents (DINAPEN) has 500 police officers that specialize in offenses against children related to sexual exploitation, sex tourism, and trafficking.<sup>1604</sup> DINAPEN investigated 25 cases and detained 17 suspects in 2009. In addition, the Police have units dedicated to victim and witness protection in each province. Complaints of mistreated children, including those in the worst forms of child labor and forced labor, can be reported through hotlines, in person or in writing, by mail or email, to DINAPEN or other organizations such as the Ombudsman for Human Rights.<sup>1605</sup>

During the reporting period, the Government trained police, prosecutors, teachers, and municipal authorities on trafficking and child labor issues and children's rights, as part of their ongoing efforts to combat human trafficking.<sup>1606</sup>

Although Ecuador's Code for Children and Adolescents outlines explicit limitations and

protections for children working in domestic service, research did not find that the Government has implemented mechanisms to ensure enforcement of these laws.

### **Government Policies on the Worst Forms of Child Labor**

The Government has established the Plan for the Progressive Elimination of Child Labor (PETI). The plan, which runs through 2013, aims to eradicate child labor through a number of strategies, including the promotion of decent work for adults.<sup>1607</sup>

The Government likewise has adopted a number of development plans that incorporate issues of child labor. In 2009, Ecuador adopted the National Plan for Good Living, which includes a 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents, and the Social Agenda for Children and Adolescents.<sup>1608</sup> The National Plan for Good Living, administered by the National Secretariat for Planning and Development (SENPLADES), seeks to guarantee human rights and justice and to provide social programs for children and adolescents. This plan establishes the policy framework for the eradication of the worst forms of child labor in Ecuador.<sup>1609</sup>

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

The Government of Ecuador has participated in donor-funded projects over the past several years to combat the worst forms of child labor, including two USDOL-funded initiatives to provide educational and training opportunities to children working in the flower, banana, and mining sectors, as well as to children engaged in commercial sexual exploitation. These projects helped build the capacity of government and civil society organizations to address these issues. The projects also established child protection mechanisms in project intervention areas, enhanced labor authorities' capacity to enforce child labor laws, and successfully advocated for the adoption of a national policy to combat child labor.<sup>1610</sup> Under the PETI, the Government has identified areas

of exploitative child labor and is providing assistance to victims.<sup>1611</sup> Specifically, the Government of Ecuador has undertaken initiatives to combat child labor in landfills. The Ministries of Labor and Education, the National Committee for the Progressive Eradication of Child Labor, and local NGOs have developed awareness-raising campaigns about the dangers children face while working in landfills. As a result, some municipalities have built fences and placed locks on gates to make landfills less accessible to children, in line with the goal of eliminating this form of child labor by the end of 2010, as purported under the National Program for the Eradication of Child Labor in Landfills.<sup>1612,1613</sup> In 2009, MOL reported that over 2,000 children have received services under PETI and child labor in landfills has been eradicated in 49 of 60 districts.<sup>1614</sup>

The Government also has programs to address commercial sexual exploitation and human trafficking of children. The Youth Foundation helps victims of commercial sexual exploitation and has assisted 69 victims since 2008.<sup>1615</sup> The National Institute for Childhood and Family (INFA) has a "Special Protection" unit to assist child victims of trafficking, sexual abuse, and the worst forms of child labor. INFA receives information from the police on children engaged in child labor and runs 43 centers to provide protective services to exploited and abused children.<sup>1616</sup>

The Government also funded the Pro-Child Program to assist at-risk families of working children and implemented a School Integration Plan. The plan coordinates social networks with local authorities and public and private entities to better protect children's rights.<sup>1617</sup> According to the Government, in 2009, the program withdrew 455 child domestic workers through five provincial awareness-raising campaigns.<sup>1618</sup>

Regional donor funded projects include a \$6.75 million four-year project to promote collaboration across four countries, Bolivia, Brazil, Ecuador, and Paraguay. The project combats the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms

of child labor through education interventions.<sup>1619</sup> The project is also conducting capacity building of government and civil society organizations, raising awareness, and conducting research on the worst forms of child labor.<sup>1620</sup> In addition, Ecuador is participating in two projects funded by Brazil to combat child labor in Latin America and share good practices on child labor eradication. Ecuador is also participating in a \$3.3 million regional program to eradicate child labor funded by the Government of Spain.<sup>1621</sup>

Though the Government has made progress in addressing some of the barriers that prevent poor children from attending school, programs that provide meals and cash transfers do not reach all children working in or vulnerable to work in the worst forms of child labor. Further, evidence was not found that the Government has programs that specifically target children involved in street work and begging, though research suggests that many child workers are operating in these sectors.

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ecuador:

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Implement mechanisms to ensure enforcement of laws protecting the rights of child domestic servants.
- Strengthen the labor inspection system and provide sufficient resources to ensure that inspectors have the dedicated vehicles and funds for fuel needed to conduct inspections.
- Ensure that child labor inspectors prioritize and strategically target sectors with a high incidence of child labor, such as agriculture and mining.
- Maintain and make publicly available disaggregated data on worst forms of child labor cases, such as information regarding: the sectors where violations have occurred; the employers who have been penalized; and penalties imposed on violators.

#### IN THE AREA OF PROGRAMS:

- Develop programs that serve children involved in street work and begging.
- Expand the Ministry of Education's programs that provide meals and cash transfers to vulnerable children and their families, particularly those engaged in the worst forms of child labor.

<sup>1583</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

<sup>1584</sup> U.S. Embassy - Quito, *Reporting*, February 11, 2010. See also Fernando García, "La Problemática del Trabajo

Infantil en los Pueblos Indígenas del Ecuador," (March 27-28 2008); available from [www.white.oit.org.pe/ipec/.../ec\\_estudio\\_preliminar\\_flacso\\_tii.pdf](http://www.white.oit.org.pe/ipec/.../ec_estudio_preliminar_flacso_tii.pdf).

<sup>1585</sup> U.S. Embassy - Quito, *Reporting*, February 11, 2010.

<sup>1586</sup> U.S. Department of State, "Ecuador," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm>.

<sup>1587</sup> U.S. Department of State, *Ecuador*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

<sup>1588</sup> U.S. Department of State, "Country Reports- 2009: Ecuador."

<sup>1589</sup> Ibid.

<sup>1590</sup> U.S. Embassy - Quito, *reporting, February 11, 2010*

<sup>1591</sup> U.S. Department of State, “Country Reports- 2009: Ecuador.” See also U.S. Department of State, *Ecuador* Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/>.

<sup>1592</sup> U.S. Department of State, *Ecuador (Tier 2)*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Embassy- Quito, *reporting*, February 25, 2010. See also U.S. Embassy - Quito, *reporting, February 11, 2010*

<sup>1593</sup> Ibid. ILO, *National Legislation on Hazardous Work*, accessed June 9, 2010 2009; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/oit/tabla/index.htm>.

<sup>1594</sup> U.S. Embassy - Quito, *reporting, February 11, 2010* .

<sup>1595</sup> García, “La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador”, U.S. Department of State, “Ecuador,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm>.

<sup>1596</sup> ILO, *National Legislation on Hazardous Work*. See also U.S. Department of State, “Country Reports- 2009: Ecuador.”

<sup>1597</sup> Government of Ecuador, *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/documentos/cna.doc>.

<sup>1598</sup> Ibid.

<sup>1599</sup> Government of Ecuador, *Constitución del Ecuador*, (September 28, 2008); available from [http://www.asambleanacional.gov.ec/documentos/constitucion\\_de\\_bolsillo.pdf](http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf). See also U.S. Embassy - Quito, *reporting, February 11, 2010* , U.S. Department of State, “Country Reports- 2009: Ecuador.”

<sup>1600</sup> U.S. Embassy - Quito, *reporting, February 11, 2010*

<sup>1601</sup> Ibid.

<sup>1602</sup> Ibid.

<sup>1603</sup> Ibid.

<sup>1604</sup> Ibid.

<sup>1605</sup> U.S. Department of State, *Trafficking in Persons Report - 2010*. See also ILO-IPEC, *Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in Ecuador (Addendum)*, final technical progress report, Geneva, June 20, 2008, 7-8.

<sup>1606</sup> U.S. Embassy - Quito, *reporting, February 11, 2010*

<sup>1607</sup> Ibid. See also National Committee for the Eradication of Child Labor, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil 2008-2013*, 2008; available from <http://white.oit.org.pe/ipec/documentos/planpetiecuador08.pdf>.

<sup>1608</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Ecuador* January 2010; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ECU-CO-4.pdf>.

<sup>1609</sup> Government of Ecuador, *National Plan for Good Living 2009-2013*; available from <http://plan.senplades.gov.ec/>.

<sup>1610</sup> World Learning, *Wiñari: Combating Exploitive Child Labor Through Education in Ecuador*, Technical Progress Report, March 30, 2010. See also ICF Macro, *Independent Final Evaluation of Project SOY! in Ecuador*, 2008, 23-24.

<sup>1611</sup> Ibid.

<sup>1612</sup> Ibid.

<sup>1613</sup> Government of Ecuador, *Meta País: Ecuador Libre de Trabajo Infantil en Basurales*, Quito, 2010; available from [www.mies.gov.ec/?option=com\\_content&view=article&id=1678:2010-meta-pais-ecuador-libre-de-trabajo-infantil-en-basurales-&catid=8:noticias&Itemid=28&fontstyle=f-larger](http://www.mies.gov.ec/?option=com_content&view=article&id=1678:2010-meta-pais-ecuador-libre-de-trabajo-infantil-en-basurales-&catid=8:noticias&Itemid=28&fontstyle=f-larger).

<sup>1614</sup> ILO-IPEC, *IPEC E-mail communication*.

<sup>1615</sup> Ibid.

<sup>1616</sup> Ibid.

<sup>1617</sup> Fundación Telefónica, *Proniño and Working Children Programme (PMT)*, [Online] 2009 [cited June 9, 2010]; available from [http://www.fundacion.telefonica.com/en/prensa/noticias/noticia.php?prog=pronino&noticia=30\\_10\\_2009\\_ecu.htm](http://www.fundacion.telefonica.com/en/prensa/noticias/noticia.php?prog=pronino&noticia=30_10_2009_ecu.htm). See also Ministry of Labor Relations, *Proniño- Proyecto Erradicación del Trabajo Infantil Domestico* Government of Ecuador, December 17, 2009.

<sup>1618</sup> Ministry of Labor Relations, *Proniño*.

<sup>1619</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour through Horizontal Cooperation in South America*, project document, Geneva, September 2009.

<sup>1620</sup> Ibid.

<sup>1621</sup> ILO-IPEC, *E-mail communication to USDOL official* June 17, 2010.