

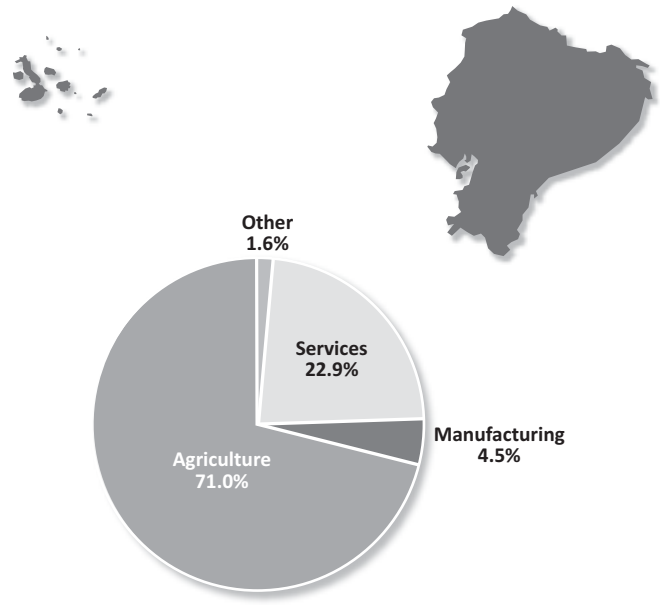
Ecuador

In 2010, the Government of Ecuador increased the number of labor inspectors and conducted inspections to protect the rights of domestic workers. However, labor inspectors still lack resources to perform their work, and children continue to be engaged in the worst forms of child labor, particularly agriculture and street work.

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

* Population of working children: 303,670



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ecuador, particularly indigenous and Afro-descendant children, are engaged in the worst forms of child labor,¹⁸²¹ including in agriculture and street work.¹⁸²² Children who work in agriculture use dangerous machinery, tools and pesticides; carry heavy loads; and work long hours. Children are engaged in the production of bananas, flowers and palm oil.¹⁸²³ They are also involved in fishing, livestock and animal slaughter.¹⁸²⁴

Children work as domestic servants.¹⁸²⁵ They often work long hours, in isolation and are vulnerable to physical abuse, sexual harassment and forced labor.¹⁸²⁶

Children also work in the brick industry and informal small-scale mining, including in the production of gold. They are exposed to the elements, at risk of physical injuries and may work long hours.¹⁸²⁷

In urban areas, children work on the streets, shining shoes, collecting and recycling garbage and selling newspapers and candies.¹⁸²⁸ Children

are subject to forced begging.¹⁸²⁹ Children working on the streets may be exposed to multiple dangers, including severe weather, criminal elements and risk of involvement in vehicle accidents. Children are found working in landfills, where are exposed to toxic substances and are at risk of physical injuries and respiratory, skin and stomach diseases.¹⁸³⁰

Children are engaged in commercial sexual exploitation and trafficking.¹⁸³¹ They are involved in sex tourism in urban and tourist areas. Children are also trafficked from rural areas to urban centers for commercial sexual exploitation and other forced labor.¹⁸³² They are trafficked to Colombia, Venezuela, the Dominican Republic and Chile for the purpose of labor exploitation in domestic service, street vending and begging.¹⁸³³ Girls from Colombia and Peru are trafficked to Ecuador for labor exploitation.¹⁸³⁴

Ecuadorian children are involved in coca cultivation along the border with Colombia, and they are being recruited by Colombian non-state armed groups.¹⁸³⁵ Reportedly, children are also working in the worst forms of child labor in the production of pornography and timber in Ecuador.¹⁸³⁶

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Ecuador sets the minimum age for work at 15. However, according to the Code of Childhood and Adolescents, the minimum age provisions do not apply to indigenous children involved in formative cultural or ancestral practices as long as they are not exposed to physical or psychological harm.¹⁸³⁷ Studies on indigenous child labor have pointed out that it is not clear what is meant by formative cultural or ancestral practices. With parental consent, indigenous children start working outside their communities at age 12 and engage in exploitative labor as described in the previous section.¹⁸³⁸

	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

The Constitution also sets the minimum age for hazardous work at 18.¹⁸³⁹ Resolution No. 016 of 2008 prohibits children under age 18 from work in 93 economic activities, including livestock raising, fishing, extraction of salt, the textile industry, logging, quarrying and domestic service.¹⁸⁴⁰ The Code for Children and Adolescents establishes sanctions for violations of child labor

laws, including monetary fines and the closing of establishments.¹⁸⁴¹ The Labor Code authorizes labor inspectors to conduct inspections at workplaces, including factories, workshops homes or any other establishments when they consider it appropriate or when employers or workers request it.¹⁸⁴²

The Constitution prohibits forced labor, human trafficking and any form of exploitation, including the use of children for illicit activities.¹⁸⁴³ Provincial and municipal governments have established anti-trafficking ordinances and action plans.¹⁸⁴⁴ The Penal Code penalizes child commercial sexual exploitation of children, pornography and trafficking.¹⁸⁴⁵ The Code for Children and Adolescents prohibits the recruitment of children for use in armed conflict.¹⁸⁴⁶ However, it is not clear whether Ecuador has established specific penalties for the recruitment of children in armed conflict or illicit activities.

The Constitution establishes free and compulsory education through age 15.¹⁸⁴⁷ There is no compulsory military service in Ecuador, and the age for voluntary military service is 18.¹⁸⁴⁸

Institutional Mechanisms for Coordination and Enforcement

In 2010, the Government of Ecuador established the Interagency Committee for the Elimination and Prevention of Child Labor to coordinate efforts to combat child labor. It is led by the Ministry of Labor Relations (MRL) and includes the National Institute of Children and Families (INFA) at the Ministry of Economic and Social Inclusion, the National Council for Children and Adolescents (CNNA), and the Ministries of Education, Tourism, and Mines and Energy as well as the National Police’s Specialized Department for Children and Adolescents (DINAPEN) and provincial and municipal governments.¹⁸⁴⁹

The MRL monitors child labor, conducts labor inspections at work sites and enforces child

labor laws. In 2010, MRL reorganized the labor inspectorate, increasing the number of labor inspectors from 81 to 131 and required labor inspectors to focus on child labor.¹⁸⁵⁰ During the reporting period, labor inspectors conducted 2,134 labor inspections; issued 200 sanctions; and removed 2,367 children from working in landfills, slaughterhouses, supermarkets, mechanic shops, shoe and leather factories and banana plantations as well as in domestic service.¹⁸⁵¹ They also conducted inspections in more than 10,000 households to enforce labor laws regarding domestic service.¹⁸⁵² MRL provided training to labor inspectors in child labor laws.¹⁸⁵³ Nonetheless, the labor inspectorate lacks sufficient material resources to enforce labor laws.¹⁸⁵⁴

In 2010, MRL established an agreement with the Ministry of Mines and Energy so that labor inspectors can enforce child labor laws in mining activities and impose sanctions for violations.¹⁸⁵⁵

The Attorney General's Office (AGO), the Ministry of Justice (MJ) and DINAPEN enforce criminal laws against child labor, commercial sexual exploitation and trafficking. DINAPEN has 534 police officers who carry out operations to combat child sexual exploitation, sex tourism and trafficking.¹⁸⁵⁶ In 2010, it investigated 36 cases, rescued 134 child victims of labor and commercial sexual exploitation and arrested 16 individuals. In January 2011, DINAPEN found 100 children working on a flower plantation.¹⁸⁵⁷ During the reporting period, the AGO reported 75 cases of trafficking in persons, all of which are still open.¹⁸⁵⁸

During the reporting period, the Government of Ecuador conducted seven anti-trafficking investigations with the Government of Colombia, the Dominican Republic, Peru and the United States.¹⁸⁵⁹ The Police and MJ trained law enforcement officials on commercial sexual exploitation and human trafficking.¹⁸⁶⁰

Government Policies on the Worst Forms of Child Labor

The 2005–2013 National Plan for the Progressive Elimination of Child Labor (PETI) is the main policy instrument to combat child labor. It seeks to mainstream child labor into social programs and coordinate efforts.¹⁸⁶¹ The National Plan to Combat Human Trafficking, Sexual and Labor Exploitation, and other Forms of Exploitation guides efforts to prevent, investigate, protect, sanction and restore the rights of victims of human trafficking, commercial sexual exploitation and other forms of abuse.¹⁸⁶²

The Government has incorporated child labor into its 2009–2013 National Plan for Well-Being, 10-year National Plan for the Comprehensive Protection of Children and Adolescents and the Social Agenda for Children and Adolescents.¹⁸⁶³ The National Plan for Well-Being seeks to improve living conditions and promote social inclusion and decent work.¹⁸⁶⁴ The 10-year National Plan of Action for Comprehensive Protection of Children and Adolescents seeks to protect the rights of children and adolescents; it includes 29 focus areas, including child labor.¹⁸⁶⁵ The Social Agenda for Children and Adolescents ensures that the rights of children are protected and that they do not perform hazardous labor.¹⁸⁶⁶

The Ecuadorian Government participates in regional initiatives to combat child labor such as MERCOSUR's Southern Child Initiative and the Joint Regional Group for the Americas. Southern Child aims to improve legal frameworks and promotes awareness and the exchange of best practices to combat commercial sexual exploitation.¹⁸⁶⁷ The Joint Group, led by the Government of Ecuador, conducts prevention campaigns to eliminate child sex tourism. It includes Argentina, Bolivia, Chile, Colombia, Paraguay, Peru, Suriname and Uruguay.¹⁸⁶⁸ During the reporting period, MERCOSUR member countries met to exchange best practices in social

protection systems for children and adolescents and members of the Joint Group continued to raise awareness of child sex tourism.¹⁸⁶⁹ During the reporting period, the Governments of Ecuador and Colombia signed an agreement to strengthen efforts to combat human trafficking.¹⁸⁷⁰

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

As part of the implementation of PETI, the Government of Ecuador carries out programs to combat child labor in landfills and in begging. The National Program for the Eradication of Child Labor in Landfills has rescued more than 2,000 children from such work and has an annual budget of more than \$4 million.¹⁸⁷¹ In December 2010, the Government indicated that it has almost eradicated child labor from landfills and that the success of this program will rely on the capacity of local governments to monitor landfills to ensure that children are not working.¹⁸⁷² The Government also removed 700 children from working in brick-making, fishing, street work and in markets.¹⁸⁷³

During the reporting period, the Government launched the program “Ecuador without Child Labor,” which seeks to increase efforts to eradicate child labor by improving data collection, strengthening labor inspections and carrying out awareness-raising activities.¹⁸⁷⁴ MRL signed an agreement with 150 municipalities to combat child labor. In March 2010, MRL began a program to improve the labor rights of domestic workers.¹⁸⁷⁵

The Government implements a national program to combat child begging during holidays, which includes a hotline to report cases of begging and awareness-raising campaigns in communities that receive and send child beggars.¹⁸⁷⁶ During the 2010 holiday season, the hotline received 255 complaints, and the campaign was carried out in 16 provinces. Between 2007 and 2010, the Government allocated \$1.8 million for this initiative.¹⁸⁷⁷

As part of the implementation of the National Plan to Combat Human Trafficking and Exploitation, the Government and the National Institute for Childhood and Family (INFA) assist children who are engaged in child labor or who are victims of trafficking and commercial sexual exploitation. INFA works closely with law enforcement officials to rescue children and provide social services to them at 43 INFA centers across the country.¹⁸⁷⁸

In addition, the Ecuadorian government has developed a set of social protection programs to combat poverty and social exclusion. It implements the Human Development Grant, a conditional cash transfer that supplements household income. It targets vulnerable families, which are required to keep their children under age 15 in school and take them for medical check-ups.¹⁸⁷⁹ Currently, the Human Development Grant benefits 1.7 million families.¹⁸⁸⁰ Research found that this program has had an impact in the reduction of child labor. Working children whose families receive the Human Development Grant are more likely to stay in school rather than work, particularly for children ages 11 to 15.¹⁸⁸¹ In addition, the Government carries out the School Meals Program, which provides free meals to 1.3 million school children across the country.¹⁸⁸²

The Government partners with Telefónica Foundation and other NGOs to combat child labor by raising awareness of child labor among local communities and providing educational opportunities to children who work or are at risk of working, particularly indigenous children.¹⁸⁸³ During the reporting period, the Government of Ecuador participated in a 4.5-year, \$4 million USDOL-funded project to combat child labor that ended in April 2010. This initiative developed a participatory approach that provided accelerated education and after-school programs to more than 8,000 indigenous children who worked or those who were at risk of working; offered training for teachers to enhance their skills; and encouraged community participation in program design and implementation.¹⁸⁸⁴ The project

developed an innovative accelerated education curriculum that the government incorporated into the national educational curriculum.¹⁸⁸⁵ The city of Quito is using this curriculum to provide educational services to vulnerable children, including child laborers. Currently, 1,500 children are participating in the accelerated education program.¹⁸⁸⁶

During the reporting period, the Government also participated in initiatives to combat child labor funded by Brazil and Spain. It also received technical support from international organizations to combat trafficking in persons.¹⁸⁸⁷

The Government participates in a 4-year, \$6.75 million USDOL-funded project that promotes South-South cooperation among Brazil, Ecuador, Bolivia and Paraguay to combat child labor, particularly the worst forms of child labor among socially excluded populations, including indigenous and Afro-descendant children.¹⁸⁸⁸ It will benefit 6,600 children who work or are at risk of working by providing educational services. The project strengthens the capacity of government and civil society organizations, raises awareness and conducts research on the worst forms of child labor.¹⁸⁸⁹

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 LAWS AND REGULATIONS:

- In partnership with indigenous communities, identify hazardous child labor that is allowed to be performed by indigenous children and establish agreements to ban it.
- Clarify whether the Ecuadorian legislation has established penalties associated with the recruitment of children for use in armed conflict or illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient material resources to ensure that labor inspectors are able to conduct inspections and enforce child labor laws.

IN THE AREA OF PROGRAMS:

- Conduct research on the worst forms of child labor, particularly with regard to children engaged in agriculture, street work, commercial sexual exploitation, coca cultivation and Colombian nonstate armed groups.
- Support local governments in monitoring child labor in landfills.
- Carry out child labor programs that target indigenous and Afro-descendant children, particularly in agriculture and street work.

¹⁸²¹ 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.

¹⁸²² ILO and the Ecuadorian National Institute of Statistics and Census (INEC), *Trabajo Infantil en el Ecuador: Informe Nacional de 2006, 2009, 10, 38, 44-45, 75-76*. See also García

Fernando, *La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador*, 2008, 11, 17; available from http://white.oit.org.pe/ipecc/documentos/ec_estudio_preliminar_flasco_tii.pdf.

¹⁸²³ UN Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, prepared by UN Special Rapporteur Gulnara Shahinian, June 30, 2010, paras 7, 50; available from http://www2.ohchr.org/english/issues/slavery/rapporteur/docs/A.HRC.15.20.Add.3_en.pdf. See also Fernando, *La Problemática del Trabajo Infantil*, 11.

¹⁸²⁴ Government of Ecuador, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice (April 25, 2011)*, May 25, 2011, 1.

¹⁸²⁵ Fernando, *La Problemática del Trabajo Infantil*, 12. See also ILO and the Ecuadorian National Institute of Statistics and Census (INEC), *Trabajo Infantil en el Ecuador: Informe Nacional de 2006*, 38, 39.

¹⁸²⁶ Fernando, *La Problemática del Trabajo Infantil*, 12. See also U.S. Department of State, “Ecuador,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154504.htm>.

¹⁸²⁷ UN Human Rights Council, *Report of the Special Rapporteur*, para 7. See also U.S. Embassy- Quito, *reporting, February 1, 2011*, 2.

¹⁸²⁸ U.S. Department of State, “Country Reports- 2010: Ecuador,” section 7d. See also Fernando, *La Problemática del Trabajo Infantil*, 11. See also National Institute for Childhood and Family, *Da Dignidad: Por un Ecuador sin Mendicidad*, [online] [cited May 6, 2011]; available from <http://dadignidad.gob.ec/mendicidad-ecuador/>.

¹⁸²⁹ National Institute for Childhood and Family, *Da Dignidad*. See also Diario HOY, “Mendicidad, el tercer ‘mejor negocio’”, hoy.com, [online], January 4, 2011 [cited May 6, 2011]; available from <http://www.hoy.com.ec/noticias-ecuador/mendicidad-el-tercer-mejor-negocio-385488.html>.

¹⁸³⁰ Fernando, *La Problemática del Trabajo Infantil*, 17. See also UNICEF, *Documental sobre la realidad del trabajo infantil en basurales en Ecuador*, July 19, 2010; available from <http://www.youtube.com/watch?v=hkf-JIeqhMw>.

¹⁸³¹ U.S. Department of State, “Country Reports- 2010: Ecuador,” section 5. See also Fundación Nuestros Jóvenes, *Aproximación a la explotación sexual comercial de personas menores de edad en la ciudad de Quito: Documento Síntesis*, ILO, 2006, 12, 15; available from http://white.oit.org.pe/ipecc/documentos/esci_quito.pdf. See also TV Ecuador, *Tráfico de Niños del Ecuador* (2009).

¹⁸³² U.S. Embassy- Quito, *reporting, March 1, 2011*.

¹⁸³³ *Ibid.* See also TV Ecuador, *Tráfico de Niños del Ecuador*.

¹⁸³⁴ U.S. Embassy- Quito, *reporting, March 1, 2011*. See also “Red de trata de personas acosa a mujeres en frontera con Ecuador,” *El Tiempo* (Bogota, Colombia), January 31, 2010; available from <http://www.eltiempo.com/archivo/documento/CMS-7085427>.

¹⁸³⁵ David Khoudour-Castéras, “Efectos de la Migración sobre el Trabajo Infantil en Colombia,” *Revista de Economía Institucional* 11, no. 20 (First Semester 2009); available from <http://www.economiainstitucional.com/pdf/No20/dkhoumour20.pdf>. See also “Silencio y temor por rondas de las FARC para reclutar menores,” *El Universo* (Guayaquil, Ecuador), December 5, 2010; available from <http://www.eluniverso.com/2010/12/05/1/1355/silencio-temor-rondas-farc-reclutar-menores.html>. See also Noticias RCN, *Ecuador está preocupado por reclutamiento de menores por parte de las Farc*, [online] [cited May 17, 2011]; available from http://www.canalrcnmsn.com/noticias/ecuador_est%C3%A1_preocupado_por_reclutamiento_de_menores_por_parte_de_las_farc.

¹⁸³⁶ U.S. Embassy- Quito, *reporting, February 1, 2011*. See also Fernando, *La Problemática del Trabajo Infantil*, 12. See also “El Ecuador es vulnerable ante el turismo sexual,” *Diario Hoy*, March 21, 2011; available from <http://www.hoy.com.ec/noticias-ecuador/el-ecuador-es-vulnerable-ante-el-turismo-sexual-200649-200649.html>.

¹⁸³⁷ Government of Ecuador, *Código de la Niñez y Adolescencia (with modifications until 2009)*, (January 3, 2003), article 86; available from http://www.cnna.gob.ec/index.php?searchword=codigo&ordering=&searchphrase=all&Itemid=65&option=com_search.

¹⁸³⁸ Elba Gamez, *Mapeo de zonas prioritarias para la erradicación del trabajo infantil en actividades y zonas con alta presencia de población socialmente excluida en Ecuador*, ILO-IPEC, November 2010, 30. See also Fernando, *La Problemática del Trabajo Infantil*, 13-14. See also CARE Ecuador and FLACSO, *Trabajo Infantil Indígena: Informe Final*, December 2009, 31-32; available from <http://www.care.org.ec/webcare/wp-content/uploads/2011/04/Trabajo-Infantil-y-ni%C3%B1ez-indigena.pdf>.

¹⁸³⁹ Government of Ecuador, *Constitución del Ecuador*, (September 28, 2008), article 46; available from http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf. See also Government of Ecuador, *Código de la Niñez y Adolescencia*, article 83. See also Government of Ecuador, *Resolución No. 16 CNNA - 2008*, (May 8, 2008), article 3; available from http://www.cnna.gob.ec/index.php?option=com_content&view=article&id=10:resoluciones&catid=6:consejo-nacional-de-la-ninez-y-adolescencia&Itemid=66.

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¹⁸⁴¹ Government of Ecuador, *Código de la Niñez y Adolescencia*, article 95.

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- ¹⁸⁴⁶ Government of Ecuador, *Código de la Niñez y Adolescencia*, article 57.
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- ¹⁸⁵⁰ Government of Ecuador, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice*, 3. See also U.S. Embassy- Quito, *reporting, February 1, 2011*, 4.
- ¹⁸⁵¹ Government of Ecuador, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice*, 3. See also U.S. Embassy- Quito, *reporting, February 1, 2011*, 4-5.
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- ¹⁸⁵⁹ *Ibid.*
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¹⁸⁷⁰ U.S. Embassy- Bogota, *reporting*, March 9, 2011.

¹⁸⁷¹ UN Human Rights Council, *Report of the Special Rapporteur*, para 68. See also UNICEF, *Programa Nacional de Erradicación de Trabajo Infantil en Basurales en Manabí*, [online] September 22, 2009 [cited May 2, 2011]; available from http://www.unicef.org/ecuador/media_16122.htm. See also Government of Ecuador, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice*, 5.

¹⁸⁷² UN Human Rights Council, *Report of the Special Rapporteur*, para 68. See also U.S. Embassy- Quito, *reporting*, February 1, 2011, 7. See also Ecuadorian Interagency Committee for the Elimination and Prevention of Child Labor, *Avances en el Cumplimiento de la Política de Erradicación Progresiva del Trabajo Infantil*, December 20, 2010, 33.

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