

Ecuador

Incidence and Nature of Child Labor

The ILO estimated that 3.9 percent of children ages 10 to 14 years in Ecuador were working in 2002.¹³⁷⁸ A large percentage of working children between the ages of 5 and 17 years are found in rural areas of the *sierra*, or highlands, followed by the Amazon and urban coastal areas.¹³⁷⁹ In rural areas, young children are often found performing unpaid agricultural labor for their families.¹³⁸⁰ Children as young as 8 years of age have been found working on banana plantations under unsafe working conditions.¹³⁸¹ Children also work long hours under hazardous conditions in the cut-flower sector.¹³⁸² The migration of the rural poor to cities has increased the number of working children in urban areas.¹³⁸³ In urban areas, children work in commerce and services as messengers and domestics.¹³⁸⁴ Many urban children under 12 years of age work in family-owned businesses in the informal sector, including shining shoes, collecting and recycling garbage, selling, and begging on the streets.¹³⁸⁵

The commercial sexual exploitation of children occurs in Ecuador.¹³⁸⁶ ILO-IPEC estimated that there were 5,200 girls and adolescents in situations of sexual exploitation in 2002, the most recent year for which

¹³⁷⁸ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

¹³⁷⁹ ILO-IPEC, "INDEC, Mintrabajo e INFFA presentan resultados preliminares de Encuesta Nacional: 38.6% de niños y niñas entre 5 y 17 años trabajan en el area rural de Ecuador," *Boletín Encuentros* no. 2 (December 2001 - February 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipiec/boletin/numero2/Boletindos/notipeca.html>. The provinces with the highest percentage of working children are Bolivar, Chimborazo and Cotopaxi. See National Committee for the Progressive Eradication of Child Labor, *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2003-2006*, Quito, November, 2002.

¹³⁸⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Ecuador*, Washington D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27896.htm>.

¹³⁸¹ ILO-IPEC, *Supporting the Time-Bound Program for Eliminating the Worst Forms of Child Labor in Ecuador*, Project Document, ECU/03/P50/USA, Geneva, August, 2003, 8-9. See also Human Rights Watch, *Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations*, 2002; available from <http://www.hrw.org/reports/2002/ecuador/>.

¹³⁸² ILO-IPEC, *Ecuador Time-Bound Program*, 7-8.

¹³⁸³ U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, Section 6d.

¹³⁸⁴ *Ibid.*

¹³⁸⁵ U.S. Embassy- Quito, *unclassified telegram no. 3265*, September 25, 2001.

¹³⁸⁶ ECPAT International, *Ecuador*, in ECPAT International, [online] [cited May 17, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=51&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, Section 6f.

statistics are available.¹³⁸⁷ Ecuador is a country of origin, transit and destination for the trafficking of persons, but most child victims are trafficked internally for prostitution.¹³⁸⁸

The Constitution requires that all children attend school until they achieve a basic level of education.¹³⁸⁹ The government rarely enforced this requirement due to the lack of schools and inadequate resources in many rural communities, as well as the pervasive need for children to contribute to the family income.¹³⁹⁰ In addition, families often face significant additional education-related expenses such as fees and transportation costs.¹³⁹¹ Inequitable classroom coverage between primary and secondary levels, poor teaching quality, sparse teaching materials, a short school day and the inefficient distribution of human, financial, and teaching resources are also problems within the educational system.¹³⁹² In 2001, the gross primary enrollment rate was 117 percent, and the net primary enrollment rate was 99.5 percent.¹³⁹³ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Ecuador. As of 2000, 78.6 percent of children who started primary school were likely to reach grade 5.¹³⁹⁴

Child Labor Laws and Enforcement

In July 2003, a new legal Code for Children and Adolescence went into force. The Code includes stipulations that raise the legal age of employment from 14 to 15, including for domestic service, increase penalties against employers of child labor, and expand the class of dangerous work prohibited for minors. This does not apply to children involved in formative cultural or ancestral practices as long as they are not exposed to physical or psychological harm.¹³⁹⁵ The Ministry of Labor provides work authorization for adolescents between the ages of 15 and 18 years.¹³⁹⁶ The Childhood and Adolescence Code prohibits adolescents from working more than 6 hours per day for a maximum of 5 days per week.¹³⁹⁷ The Code also

¹³⁸⁷ This investigation was conducted through field surveys of 415 girls and adolescents in Guayaquil, Quito, and Machala, 3 of the 4 largest cities in Ecuador. See Mariana Sandoval Laverde, *Magnitude, Characteristics and Environment of Sexual Exploitation of Girls and Adolescents in Ecuador*, ILO-IPEC, Quito, October, 2002, Executive Summary, 3.

¹³⁸⁸ U.S. Department of State, *Trafficking in Persons Report- 2004: Ecuador*, June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004>.

¹³⁸⁹ The Ecuadorian National Assembly, *Constitución Política de Ecuador*, [online] 1998 [cited September 17, 2004], article 67; available from <http://www.georgetown.edu/pdba/Constitutions/Ecuador/ecuador98.html>. The basic education cycle includes 9 years of school. See U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*.

¹³⁹⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, Section 5.

¹³⁹¹ U.S. Embassy- Quito, *unclassified telegram no. 3265*.

¹³⁹² IDB, *Ecuador Social Sector Reform Program: Loan Proposal*, 1466/OC-EC (EC-0216), June 25, 2003, 8; available from <http://www.iadb.org/exr/doc98/apr/ec1466e.pdf>.

¹³⁹³ World Bank, *World Development Indicators 2004*.

¹³⁹⁴ *Ibid.*

¹³⁹⁵ See *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), Title V, Chapter I, Articles 82, 86,87 and 95; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/boletin/documentos/cna.doc..>

¹³⁹⁶ U.S. Embassy official, electronic communication to USDOL Official, August 5, 2003.

¹³⁹⁷ *Código de la Niñez y Adolescencia*, Article 84.

prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries, and from working with hazardous materials or in jobs that could be hazardous to the child's physical or mental health.¹³⁹⁸ The Labor Code specifies that minors under 18 years are prohibited from engaging in night work. The Labor Code has not been updated to reflect Ecuador's adoption of ILO Conventions 138 and 182. The Childhood and Adolescence Code, which has been adapted to reflect Ecuador's adoption of ILO Conventions 138 and 182, supersedes provisions in the Labor Code that allowed children under 15 to work aboard fishing vessels with special permission from the court, during school vacation, as long as the work was not likely to harm their health and moral development.¹³⁹⁹

The 1998 Constitution specifically calls for children in Ecuador to be protected in the workplace against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. The Constitution also protects minors against trafficking, prostitution, pornography, and the use of illegal drugs and alcohol.¹⁴⁰⁰ The Penal Code prohibits the promotion and facilitation of prostitution and trafficking in persons for the purposes of prostitution.¹⁴⁰¹ The penalty is 1-3 years for corruption of minors, and the penalty for employment of minor prostitutes is 6-9 years.¹⁴⁰² While there are many laws that could be used to address trafficking, they have yet to be applied to prosecute traffickers.¹⁴⁰³ The Childhood and Adolescence Code prescribes sanctions for violations of child labor laws, such as monetary fines and the closing of establishments where child labor occurs.¹⁴⁰⁴ There are no enforcement mechanisms to eliminate the sexual exploitation of children and adolescents, and no government funding has been allocated for this purpose.¹⁴⁰⁵

No single government authority is responsible for the implementation of child labor laws and regulations prohibiting the worst forms of child labor. Public institutions charged with enforcing child labor laws include the Ministry of Labor, Ministry of Social Welfare, and Minors' Tribunals. The Ministry of Labor has created a Social Service Directorate to monitor and control child labor in the formal sector. However, most working children are found in the informal sector, where monitoring is difficult. In some instances, the Directorate has applied sanctions, but in others, it has merely helped to provide work authorization documents to child workers.¹⁴⁰⁶ The Ministry of Labor employs 19 child labor inspectors, each assigned to a

¹³⁹⁸ *Ibid.*, Article 87.

¹³⁹⁹ See ILO-IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995, Article 138. See U.S. Embassy official, electronic communication, August 5, 2003. See also ILO-IPEC, *Ecuador*, Articles 137 and 47.

¹⁴⁰⁰ The Ecuadorian National Assembly, *Ecuadorian Constitution*, Article 50.

¹⁴⁰¹ The Protection Project, "Ecuador," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://protectionproject.org/human_rights/countryreport/ecuador.htm.

¹⁴⁰² U.S. Embassy Official-Quito, e-mail communication to, Department of Labor Official, May 25, 2005, Interpol, *Legislation of Interpol member states on sexual offences against children*, [online] [cited May 20, 2004]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaEcuador.asp>.

¹⁴⁰³ U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, section 6f.

¹⁴⁰⁴ *Código de la Niñez y Adolescencia*, Article 95.

¹⁴⁰⁵ Sandoval Laverde, *Magnitude, Characteristics and Environment*, 3.

¹⁴⁰⁶ U.S. Embassy- Quito, *unclassified telegram no. 3265*. Human Rights Watch reports that in the banana regions, the regional Labor Inspectorate (responsible for ensuring that employers comply with labor laws) relies heavily on complaints of child labor law

different province¹⁴⁰⁷ The Ministry of Labor also employs three individuals in a Child Labor Division, which meets with the National Committee for the Progressive Eradication of Child Labor (CONEPTI) on a monthly basis.¹⁴⁰⁸ The government created a Child Labor Inspection and Monitoring System to enforce the child labor-related legal provisions of the Labor Code and the Labor Inspection System.¹⁴⁰⁹

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

The Government of Ecuador, through CONEPTI, oversees its *National Plan for the Progressive Elimination of Child Labor 2003-2006*.¹⁴¹⁰ As part of its commitment to ratifying ILO Convention No. 182 on the Worst Forms of Child Labor, the Government has identified the sectors of mining, garbage dumps, construction, flower production, banana production, and commercial sexual exploitation as priorities for the progressive elimination of child labor.¹⁴¹¹ Child labor inspections in the banana sector are ongoing as stipulated in an official agreement to eradicate child labor (for children under the age of 15) from banana plantations, signed by the Ministry of Labor and Human Resources, the banana industry and various national and international organizations.¹⁴¹²

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	9/19/2000	✓
Ratified Convention 182	9/19/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Banana Sector)		✓

The government's National Council on Children and Adolescents is responsible for creating, planning and carrying out national policy on child and adolescent issues in Ecuador.¹⁴¹³ The National Child and Family Institute (INNFA) implements several educational programs for working children. One program reintegrates working children and adolescents from the ages of 8 to 15 into the school system so that they may complete the basic education cycle. Another program provides vocational training and alternative recreational activities to children between the ages of 8 and 17 years, as well as offering sensitivity training to parents. For adolescents ages 10 to 17 years who have not completed primary schooling and are more

violations because its resources do not allow for meaningful preventative inspections. See Human Rights Watch, *Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor*, 5.

¹⁴⁰⁷ The legal requirement is for 22 child labor inspectors, one in each province. The currently employed inspectors lack resources, such as offices, computers and transportation. See U.S. Embassy- Quito, *unclassified telegram no. 2448*.

¹⁴⁰⁸ U.S. Embassy- Quito, *unclassified telegram no. 2448*.

¹⁴⁰⁹ National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*, 37-38.

¹⁴¹⁰ *Ibid.* The Ministry of Labor 2003 budget allocated USD 300,000 to implement the National Plan. See U.S. Embassy- Quito, *unclassified telegram no. 2567*, July 31, 2003.

¹⁴¹¹ ILO-IPEC, *Ecuador Time-Bound Program*, 6.

¹⁴¹² The agreement was signed in July 2002. See "Menores de 15 años no trabajarán en bananeras," *El Universo*, July 24, 2002, [cited May 21, 2004]; available from <http://www.eluniverso.com/data/modulos/noticias/print.asp?contid=CACCF6FB29A3453798AFCD53C7D4DF89>. See also U.S. Embassy official, electronic communication to USDOL official, May 21, 2004.

¹⁴¹³ ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, technical progress report, LAR/00/05/050, Geneva, September 2, 2002, 2.

than 3 years behind, INNFA offers an accelerated learning program to help them complete the equivalent of basic education.¹⁴¹⁴

The Ministry of Education and Culture developed a USD 14 million project that includes vocational training for working children ages 12 to 15 years who are enrolled in the public school system.¹⁴¹⁵ Together with the WFP and UNDP, the Ministry of Education also implements a School Feeding Program, which supplies breakfast and lunch to approximately 1.4 million girls and boys between the ages of 5 and 14.¹⁴¹⁶ Through its Social Protection (*Frente Social*) program, the Ministry of Social Welfare provides school stipends to children ages 6 to 15 to reduce poverty. The stipend is conditional on school attendance.¹⁴¹⁷ The Central Bank of Ecuador runs the Child Worker Program, which, in part, provides working children with scholarships that pay school expenses. In turn, the children are required to participate in after school training programs.¹⁴¹⁸ The city of Quito is collaborating with international donors to create shelters for exploited children and adolescents.¹⁴¹⁹

A USDOL-funded 38-month Timebound Program, implemented by ILO-IPEC, complements the government's plan to eliminate the worst forms of child labor in the country.¹⁴²⁰ In addition, a USDOL-funded 4-year program, implemented by Catholic Relief Services, improves the access to and quality of basic education for working children and children at-risk of entering the labor force in the banana and cut-flower sectors.¹⁴²¹ The second phase of a USDOL-funded ILO-IPEC regional program in Ecuador, Bolivia and Peru aims to prevent and progressively eliminate child labor in small-scale traditional gold mining through awareness-raising and policy development, community development, and production of a child labor elimination model that may be implemented in other communities.¹⁴²²

¹⁴¹⁴ National Child and Family Institute (INNFA), *Proyectos*, [online] 2003 [cited May 21, 2004]; available from http://www.innfa.org/paginas/programas/programa_%20trabajador/programa_nino_trabajador.htm. INNFA spends approximately USD 3.5 million per year on these programs. See U.S. Embassy- Quito, *unclassified telegram no. 2567*.

¹⁴¹⁵ Ministry of Education and Culture, Plan 50, [online] [cited May 21, 2004], 2; available from <http://www.mec.gov.ec/final/plan50/p2.htm>.

¹⁴¹⁶ Ministry of Education and Culture, *Programa de Alimentación Escolar (PAE) Regresa a Esta Cartera de Estado*, Ministerio de Educación y Culturas, [online] 2003 [cited May 21, 2004]; available from <http://www.mec.gov.ec/noticias/abr/p9.htm>.

¹⁴¹⁷ Ministry of Social Welfare, *Bono Solidario y Beca Escolar: Perfiles de las Familias Beneficiarias. Superar la Pobreza, Objetivo Nacional*, Ministerio de Bienestar Social, Quito, December, 2002, 1, 3; available from <http://www.pps.gov.ec/boletines.doc/PPS%20boletin%20perfiles%20be%20y%20bs.doc>. The Ecuadorian Government's "Frente Social" program is presided over by the Ministry of Social Welfare and is made up of the Ministries of Education and Cultures; Public Health; Labor and Human Resources; Social Welfare; and Urban Development and Housing. See *Sistema Integrado de Indicadores Sociales del Ecuador, Marco Institucional del SIISE: El Frente Social del Ecuador*, [online] 2002 [cited May 24, 2004]; available from <http://www.siise.gov.ec/fichas/siis4sz7.htm>. See also U.S. Embassy- Quito, *unclassified telegram no. 2448*. As of September 2004, the USD 300,000 in government funds allotted to the Ministry this year had not yet been spent.

¹⁴¹⁸ In addition, the Program funds alternative educational programs for youth and promotes children's rights. See U.S. Embassy- Quito, *unclassified telegram no. 2567*.

¹⁴¹⁹ U.S. Department of State, *Trafficking in Persons Report- 2004*.

¹⁴²⁰ ILO-IPEC, *Ecuador Time-Bound Program*.

¹⁴²¹ U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Combating the Worst Forms of Child Labor through Education in Ecuador*, 2004.

¹⁴²² See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, RLA/O2/P50/USA, Geneva, September 30, 2002, pages 23 and 26.

A USD 200 million IDB loan for a Social Sector Reform Program supports the government's plan to coordinate fragmented social spending, eliminate duplication, create a unified and transparent allocation system, and improve targeting. Under one component of this program, all child support programs will be reorganized and channeled through a Child Development Fund.¹⁴²³ A similar fund will be created for all food, nutrition and school feeding programs.¹⁴²⁴

¹⁴²³ IDB, *Ecuador Social Sector Reform*, 4,18.

¹⁴²⁴ *Ibid.*, 17.