

# Ecuador

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

The Government of Ecuador has been a member of ILO-IPEC since 1997. As part of the program, the government established a National Committee for the Progressive Eradication of Child Labor,<sup>809</sup> which is currently formulating a Child and Adolescent Law and is planning to conduct a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.<sup>810</sup> In 2000, an ILO-IPEC Regional Program was established in Ecuador, along with Bolivia and Peru, to prevent and progressively eliminate child labor in small-scale traditional gold mining.<sup>811</sup> With assistance from ILO-IPEC, the government has instituted several sector-specific programs to study and combat child labor. Programs have been established to combat child labor in the brick making industries of Quito and Cuenca, the garbage dumps of Santo Domingo de los Colorados, and in the country's flower industry.<sup>812</sup>

"Mochila Escolar", a recent government program, provided significant quantities of free school supplies to poor children, and the National Institute of the Child and Family, headed by first lady Isabel Noboa, runs a program of family grants that provides subsidies to families of working children to allow the children to stay in school.<sup>813</sup> In 1998, the IDB approved a loan of USD 45 million to the Government of Ecuador for a project involving rural schools. Objectives are to grant autonomy to approximately 20 percent of rural schools so they can manage their own resources, and to improve teaching conditions in rural basic education.<sup>814</sup>

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<sup>809</sup> USDOL-Funded IPEC Projects/Programs, *Technical Progress Report on Bolivia, Ecuador, and Peru* (Geneva, September 12, 2001) [hereinafter *Technical Progress Report*], 4 [document on file]. The committee's existence has been somewhat precarious because of political instability, but an executive decree promulgated in 2001 set the base for legally creating the Technical Secretariat of the committee, which will determine its structure, functions, and financing.

<sup>810</sup> *Technical Progress Report* at 5. See also ILO-IPEC official E-mail correspondence on SIMPOC countries to USDOL official, January 18, 2001 [document on file].

<sup>811</sup> The program consists of awareness-raising campaigns, baseline studies of child labor in traditional mining, training programs for governmental and nongovernmental workers and employer service providers, promulgation of national policies on child labor in traditional mining activities, development of national networks focused on child labor in mining, and local action plans to withdraw children from hazardous mining tasks. See IPEC, *Program To Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document (Geneva, May 2000), 10, 11 [document on file].

<sup>812</sup> "Condiciones actuales sobre el trabajo realizado en materia de erradicación del trabajo infantil," fact sheet from the Ecuadorian Ministry of Labor and Human Resources [document on file].

<sup>813</sup> U.S. Embassy— Quito, unclassified telegram no. 3265, September 2001 [hereinafter unclassified telegram 3265].

<sup>814</sup> Inter-American Development Bank, *Rural Autonomous School Network Program*, at <http://www.iadb.org/exr/doc98/apr/ec1142e.pdf>.

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 4.5 percent of children between the ages of 10 and 14 in Ecuador were working.<sup>815</sup> According to a 1997 UNICEF report, more than 60 percent of working children in Ecuador lived in rural areas, and most did unpaid agricultural labor for their families.<sup>816</sup> In urban areas, children work in manufacturing, commerce, services such as automobile repair, and domestic service.<sup>817</sup> Many children under 12 years of age, living in urban areas, work in family-owned businesses in the informal sector, including vending, shining shoes, collecting and recycling garbage, and begging on the streets.<sup>818</sup> There are reports of prostitution by girls and boys under 18 years of age in urban areas.<sup>819</sup>

The Constitution requires that all children attend school until they achieve a “basic level of education,” which is estimated at nine school years.<sup>820</sup> In 1996, the net primary enrollment rate was 96.9 percent,<sup>821</sup> and 71.8 percent of children stayed in school until the fifth grade.<sup>822</sup> Primary school attendance rates are unavailable for Ecuador. While enrollment rates indicate a level of commitment to education, they do not always reflect children’s participation in school.<sup>823</sup> The cost of primary and secondary education is borne by the government, but families often face significant additional expenses such as fees and transportation costs.<sup>824</sup> In 2000, government spending on education continued to decline, both in real terms and as a proportion of GDP.<sup>825</sup>

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<sup>815</sup> *World Development Indicators 2001* (Washington, D.C., World Bank, 2000) [hereinafter *World Development Indicators 2001*] [CD-ROM].

<sup>816</sup> Mauricio Garcia M., *El trabajo y la educación de los niños y de los adolescentes en el Ecuador* (Ecuador: UNICEF, 1997), 38.

<sup>817</sup> *Ibid.*

<sup>818</sup> Unclassified telegram 3265.

<sup>819</sup> *Country Reports on Human Rights Practices for 2000—Ecuador* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*] at “<http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid%27766>” <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid%27766>.

<sup>820</sup> Unclassified telegram 3265.

<sup>821</sup> *World Development Indicators 2001*.

<sup>822</sup> UNESCO, *Education for All 2000 Assessment: A Decade of Education* (Paris, 2000) [CD-ROM].

<sup>823</sup> For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

<sup>824</sup> Unclassified telegram 3265.

<sup>825</sup> *Country Reports 2000* at Section 5.

## Child Labor Laws and Enforcement

The 1992 Minors' Code sets the minimum age for employment at 14, but permits children 12 years of age and older to work as apprentices with authorization from the Minors' Tribunal.<sup>826</sup> The Labor Code prohibits children under 15 from working more than six hours per day or 30 hours per week, and children between the ages of 15 and 18 from working more than seven hours per day or 35 hours per week. Minors under 18 years are prohibited from engaging in night work, and children under 15 may not work aboard fishing vessels, except with special permission from the court and when the work does not interfere with school.<sup>827</sup> 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 minor's personal development or education. Minors are also protected against trafficking, prostitution, and the use of illegal drugs and alcohol.<sup>828</sup> The Penal Code explicitly defines and prohibits child pornography, promoting and facilitating prostitution, and trafficking. Adults convicted of promoting or engaging in such activities may be sentenced from one to nine years in jail.<sup>829</sup>

No single government authority is responsible for the implementation of child labor laws and regulations forbidding the worst forms of child labor. Public institutions charged with enforcing child labor laws include the Ministry of Labor, Ministry of 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 child laborers 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.<sup>830</sup>

Ecuador ratified ILO Convention 138 and ILO Convention 182 on September 19, 2000.<sup>831</sup>

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<sup>826</sup> ILO/IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995 [hereinafter *Ecuador*], 20. In 2000, legislation was introduced into Congress that would raise the minimum working age to 15. As of September 2001, however, this legislation had not been passed.

<sup>827</sup> *Ecuador* at 24.

<sup>828</sup> Unclassified telegram 3265.

<sup>829</sup> Código Penal Ecuatoriano at <http://www.unifr.ch/derechopenal/ljecuador/cpecu30.html>.

<sup>830</sup> Unclassified telegram 3265.

<sup>831</sup> ILOLEX database: Ecuador at <http://www.ilolex.ilo.ch>.

*NOTE: Hard copies of all Web citations are on file.*