

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 1997.¹¹⁹⁴ In 2002, with technical assistance from ILO-IPEC and funding from USDOL, Ecuador began preparatory activities for a Time-Bound Program to eliminate the worst forms of child labor in the country within a determined period of time.¹¹⁹⁵ The government has also completed the collection of field data for a national child labor survey with technical assistance from ILO-IPEC's SIMPOC, and is finalizing the report.¹¹⁹⁶ In 2000, a USDOL-funded 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.¹¹⁹⁷ A two-year, second phase of this project was funded in September 2002.¹¹⁹⁸

With assistance from ILO-IPEC, the government has also 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 cut flower industry.¹¹⁹⁹ The Government of the Netherlands is funding a research project that investigates the factors and conditions that lead to the commercial sexual exploitation of children and adolescents.¹²⁰⁰

¹¹⁹⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 7, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹¹⁹⁵ ILO-IPEC, "IPEC en Acción: IPEC intensifica acciones en América del Sur," *Boletín Electrónico Encuentros* no. 2, [cited October 7, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero2/Boletindos/ipeccenacciondos.html>.

¹¹⁹⁶ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

¹¹⁹⁷ 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 ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, LAR/00/05/050, Geneva, May 2000, 10-11.

¹¹⁹⁸ ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, Geneva, September 30, 2002.

¹¹⁹⁹ Ecuadorian Ministry of Labor and Human Resources, fact sheet, November 15, 2001.

¹²⁰⁰ ECPAT International, *Ecuador*, in ECPAT International, [online] [cited August 30, 2002], "CSEC Overview"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=51&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pornography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

In July 2002, the Ministry of Labor signed an agreement with the banana industry and various national and international organizations to eradicate child labor (for children under the age of 15) from banana plantations by August 2003.¹²⁰¹ In 2001, the Government of Ecuador established a Technical Secretariat for the National Committee for the Progressive Eradication of Child Labor (CONEPTI).¹²⁰² CONEPTI was a key participant in the ongoing development of the second National Plan to Eliminate Child Labor (2003-2006), and has coordinated and participated in tripartite meetings to define the worst forms of child labor.¹²⁰³

In 2002, the government created the National Council on Children and Adolescents by executive decree. The Council is responsible for creating, planning and carrying out national policy on child and adolescent issues in Ecuador.¹²⁰⁴ The National Child and Family Institute (INNFA) implements an education program that reintegrates working children and adolescents who are between the ages of 8 and 15 into the school system so that they may complete the basic education cycle.¹²⁰⁵ INNFA is also developing a System of Social Indicators that will be used to define public policy to benefit children and adolescents.¹²⁰⁶ The Ministry of Education, Culture, Sports and Recreation has developed a USD 14 million project that includes training in sustainable production for working children between the ages of 12 and 15 who are enrolled in the public school system.¹²⁰⁷

In conjunction with the World Food Program, the Ministry also provides nutritional supplements to students of low-income families at public primary schools throughout the country.¹²⁰⁸ In 1998, the Inter-American Development Bank (IDB) approved a loan of USD 45 million to the Government of

¹²⁰¹ “Menores de 15 años no trabajarán en bananeras,” *El Universo*, November 27, 2002, [cited December 27, 2002]; available from <http://www.eluniverso.com/data/modulos/noticias/print.asp?contid=CACCF6FB29A3453798AFCD53C7D4DF89>.

¹²⁰² The Secretariat is responsible for determining CONEPTI’s structure, functions and financing. The original Committee, created in July 1997, was fraught with political instability, due in part to changes in government, and met infrequently. See 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 12, 2001, 4.

¹²⁰³ 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.

¹²⁰⁴ *Ibid.*

¹²⁰⁵ The cost to reinsert one child into the school system for a year is USD 130, which includes registration, uniform, school supplies, extracurricular activities, and lesson reinforcement. National Child and Family Institute. National Child and Family Institute (INNFA), *Programa de Protección y Educación del Niño Trabajador: Información*, [online] 2001 [cited September 3, 2002]; available from <http://www.innfa.org/programas/pnt/informacion.htm>.

¹²⁰⁶ National Child and Family Institute (INNFA), *Red de Información sobre Infancia, Adolescencia y Familia: Información*, [online] 2001 [cited September 3, 2002]; available from <http://www.innfa.org/programas/riinfa/informacion.htm>.

¹²⁰⁷ Ministry of Education, Culture, Sports, and Recreation, *Proyecto Educativo Productivo en Conocimientos Básicos Generales y Microempresas Educativas Formativas Productivas Sostenibles en Contexto de Desarrollo Local, Promoción Socioeconómica y Generación de Empleo: Plan Nacional*, [online] [cited September 3, 2002], Plan 50; available from <http://www.mec.gov.ec/final/plan50/p2.htm>.

¹²⁰⁸ Ministry of Social Welfare, *Informe Nacional Sobre el Seguimiento de la Cumbre Mundial en Favor de la Infancia*, National Institute of the Child and Family, June 2001, 10 [cited October 7, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_ecuador_sp.PDF.

Ecuador for a project to grant autonomy to approximately 20 percent of rural schools to improve management of resources and teaching conditions in rural basic education.¹²⁰⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 4.3 percent of children ages 5 to 14 years in Ecuador were working.¹²¹⁰ The majority of working children are found in rural areas of the sierra, with the next most problematic regions being the Amazon and urban coastal areas.¹²¹¹ Many parents have emigrated abroad in search of work and have left their children behind, which has led to an increase in child labor. Similarly, the migration of the rural poor to cities has increased the incidence of child labor in urban areas.¹²¹² In rural areas, young children are often found performing unpaid agricultural labor for their families.¹²¹³ In urban areas, children work in manufacturing, commerce and services, such as automobile repair and domestic service.¹²¹⁴ 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.¹²¹⁵

The commercial sexual exploitation of children occurs in Ecuador,¹²¹⁶ and there were reports in 2002 that it may be on the rise.¹²¹⁷ There have been reports of cases in which children have been forced into prostitution.¹²¹⁸ Ecuador is a country of origin for the trafficking of women and

¹²⁰⁹ Inter-American Development Bank, *Rural Autonomous School Network Program: Executive Summary*, EC-0125, November 1998, [cited October 7, 2002]; available from <http://www.iadb.org/exr/doc98/apr/ec1142e.pdf>.

¹²¹⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. A child labor survey was implemented by the National Institute of Statistics and Census in 2001-2002 in conjunction with the Ministry of Labor and the National Child and Family Institute (INNFA). The preliminary results of the survey reveal that in rural areas, 38.6 percent of children ages 5 to 17 are working. In urban areas, the percentage drops to 13.8 percent. See ILO-IPEC, "INDEC, Mintrabajo e INNFA presentan resultados preliminares de Encuesta Nacional: 38.6% de niños y niñas entre 5 y 17 años trabajan en el area rural de Ecuador," *Encuentros* no. 2 (December 2001 - February 2002), [cited January 22, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero2/Boletindos/notipeca.html>.

¹²¹¹ ILO-IPEC, "Mintrabajo e INNFA presentan resultados preliminares de Encuesta Nacional."

¹²¹² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Ecuador*, Washington, D.C., March 4, 2002, 2794-96, Section 6d [cited August 22, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8356.htm>.

¹²¹³ Mauricio Garcia, *El trabajo y la educación de los niños y de los adolescentes en el Ecuador*, UNICEF, 1996, 38.

¹²¹⁴ *Ibid.*

¹²¹⁵ U.S. Department of State- Quito, *unclassified telegram no. 3265*, September 25, 2001.

¹²¹⁶ See U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²¹⁷ ECPAT International, *Ecuador*, "CSEC Overview".

¹²¹⁸ U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

children for commercial sexual exploitation.¹²¹⁹ Information gathered in 1999 reveals that a trafficking ring exists that offers young indigenous people and their families USD 6,000 to work as domestic servants or Spanish teachers in Japan. Children are transported by cruise ship to Japan and are then forced into the sex industry. Other sources report that indigenous children have been trafficked to Venezuela and Uruguay to sell handicrafts or to beg on the streets.¹²²⁰

The Constitution requires that all children attend school until they achieve a “basic level of education,” which usually encompasses nine school years.¹²²¹ The government does not enforce 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.¹²²² In 1998, the gross primary enrollment rate was 113.1 percent, and the net primary enrollment rate was 96.7 percent.¹²²³ A 1999 study indicated that one child out of every three does not complete grade six.¹²²⁴ 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.¹²²⁵ The Constitution dictates that 30 percent of the public budget must be reserved for education expenses, yet only half of that percentage is actually spent on education.¹²²⁶ In 2001, government spending on education continued to decline, both as a proportion of GDP and in real terms.¹²²⁷ Families often face significant additional education-related expenses such as fees and transportation costs.¹²²⁸

¹²¹⁹ Ibid., 2794-96, Section 6f. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Ecuador*, CRC/C/15/Add.93, Geneva, October 26, 1998, [cited December 27, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/b1a4ab3e2073a876802566c9003c7a8e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/b1a4ab3e2073a876802566c9003c7a8e?Opendocument). There are also reports that Ecuador is a destination country for trafficked children. See Protection Project, “Ecuador,” in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 21, 2002]; available from <http://209.190.246.239/ver2/cr/Ecuador.pdf>.

¹²²⁰ United Nations Economic and Social Council, *Specific Groups and Individuals: Migrant Workers*, E/CN.4/2002/94/Add.1, prepared by Ms. Gabriela Rodríguez Pizarro: Special Rapporteur, pursuant to UN General Assembly Resolution 2001/52, February 18, 2002, Addendum: Mission to Ecuador, 16.

¹²²¹ U.S. Department of State- Quito, *unclassified telegram no. 3265*.

¹²²² U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²²³ World Bank, *World Development Indicators 2002*.

¹²²⁴ U.S. Department of State- Quito, *unclassified telegram no. 3265*. See also U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²²⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹²²⁶ U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²²⁷ Ibid.

¹²²⁸ U.S. Department of State- Quito, *unclassified telegram no. 3265*.

Child Labor Laws and Enforcement

The Childhood and Adolescence Code, modified in January 2003, sets the minimum age for all employment, including domestic service, at 15 years.¹²²⁹ The minimum age does not apply to children involved in formative cultural or ancestral practices as long as the children are not exposed to physical, psychological or cultural harm.¹²³⁰ The Childhood and Adolescence Code prohibits adolescents from working more than six hours per day or 30 hours per week.¹²³¹ The Code also prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries.¹²³² According to the Labor Code, which has not been updated to reflect Ecuador's adoption of ILO Conventions 138 and 182, 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, during school vacation, and as long as the work is not likely to harm their health and moral development.¹²³³

The 1998 Constitution specifically calls for children in Ecuador to be protected in the work place against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. Minors are also protected against trafficking, prostitution, and the use of illegal drugs and alcohol.¹²³⁴ The Penal Code explicitly defines and prohibits exposing children to pornography, promoting and facilitating prostitution, and trafficking. Adults convicted of promoting or engaging children in such activities may be sentenced from one to nine years in jail.¹²³⁵ The Childhood and Adolescence Code prescribes sanctions against violators of the code, such as monetary fines and the closing of establishments where child labor occurs.¹²³⁶ In June 2000, the Criminal Code was amended to strengthen sentences for furnishing or utilizing false documents and for smuggling of non-citizens.¹²³⁷

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 child laborers are found in the informal sector, where monitoring

¹²²⁹ *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), Title V, Chapter I, Article 82; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/documentos/cna.doc>.

¹²³⁰ *Ibid.*, Article 86.

¹²³¹ *Ibid.*, Article 84.

¹²³² *Ibid.*, Article 87.

¹²³³ ILO-IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995, Articles 137, 38 and 47, 24.

¹²³⁴ U.S. Department of State- Quito, *unclassified telegram no. 3265*.

¹²³⁵ *Derecho Penal: Código Penal Ecuatoriano*, [cited October 7, 2002]; available from <http://www.unifr.ch/derechopenal/ljecuador/cpecu30.html>.

¹²³⁶ *Código de la Niñez y Adolescencia*, Chapter IV, Article 95.

¹²³⁷ U.S. Department of State, *Country Reports- 2001: Ecuador*, 2794-96, Section 6f.

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.¹²³⁸

The Government of Ecuador ratified ILO Convention 138 and ILO Convention 182 on September 19, 2000.¹²³⁹

¹²³⁸ U.S. Department of State- Quito, *unclassified telegram no. 3265*. It is reported 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 violations because its resources do not allow for meaningful preventative inspections. Human Rights Watch, *Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor*, 5. Law enforcement authorities are reportedly complicit in the commercial sexual exploitation of children, which has added to perpetuating this problem. See ECPAT International, *Ecuador*.

¹²³⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.