

In 2016, Ecuador made a significant advancement in efforts to eliminate the worst forms of child labor. The Government significantly increased the number of labor inspectors, up from 139 in 2015 to 206. The Government also piloted a multi-sectoral protocol designed to facilitate identification and referral of child labor cases at the local level and developed a tool to collect information on child labor cases and better identify, assist, and monitor children in child labor. In addition, the Government launched “Give Dignity,” a campaign to further the goals of the National Program to Combat Child Begging, and signed 38 cooperative agreements to implement the program investing over \$1.5 million to provide social services and training to more than 6,000 people, including child beggars. However, children in Ecuador perform dangerous tasks in agriculture. Children also engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. In addition, Ecuador lacks effective coordinating mechanisms to combat child labor, including its worst forms, and child labor programs that provide adequate coverage of the worst forms of child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Ecuador perform dangerous tasks in agriculture. Children also engage in the worst forms of child labor, including commercial sexual exploitation, sometimes as a result of human trafficking.(1-4) Table 1 provides key indicators on children’s work and education in Ecuador.

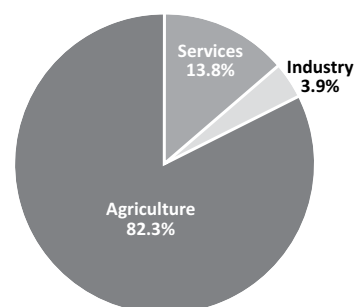
Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	3.5 (115,930)
Attending School (%)	5 to 14	97.5
Combining Work and School (%)	7 to 14	3.8
Primary Completion Rate (%)		108.8

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2016.(5)

Source for all other data: Understanding Children’s Work Project’s Analysis of Statistics from Encuesta Nacional de Empleo, Desempleo, y Subempleo, 2016.(6)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Production of bananas,† palm oil,† timber,† and flowers,† including the use of chemical products and machetes (3, 7-12)
	Fishing† (11-13)
Industry	Gold mining† and small-scale mining† (13, 14)
	Production of bricks† (4, 15)
	Construction,† including loading construction material, mixing materials to make concrete, and brickwork (4, 12, 15, 16)
Services	Domestic work† (11)
	Unpaid household services (2)
	Street work, including begging, shoe shining, selling newspapers, and vending (10-13, 17, 18)

Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [†]	Commercial sexual exploitation, sometimes as a result of human trafficking (17, 19-22)
	Use in illicit activities, including drug trafficking and robbery (4, 22)
	Forced recruitment of children by Colombian non-state armed groups for use in armed conflict.(16, 23, 24)
	Use in the production of pornography (10)
	Forced labor in domestic work, street vending, and begging, each sometimes as a result of human trafficking (18, 21, 25, 26)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Most children in child labor in Ecuador work in agriculture on small- and medium-sized farms; many of them perform dangerous tasks, such as using chemicals and machetes in banana and palm plantations.(4)




Children in Ecuador, particularly girls from poor families and migrant children from other Latin American countries, are also used in commercial sexual exploitation, including around illegal mines.(3, 4). Often migrating from rural towns to larger cities, children also engage in hazardous work in the production of construction materials.(4) In 2016, the Government reported an increase in human traffickers’ use of social media to recruit children.(4) Some of these children are trafficked to be exploited abroad, either sexually or for labor, while others are used in illicit activities, including drug trafficking and robbery. Children are also trafficked from small towns in the highlands to larger cities to be forced into begging and street vending.(4). Indigenous, Afro-Ecuadorian, and Colombian refugee children are especially vulnerable to human trafficking and are often recruited into forced labor under false promises of employment.(22)

Despite education being free in Ecuador, children face barriers to accessing education, including having to pay for uniforms and books, lack of space in public schools, and lack of transportation for children who must attend schools far from their homes.(27, 28) The 2016 earthquake exacerbated the problem of children traveling long distances to reach schools. Many indigenous children abandon school early, both in rural and urban areas.(12, 20) Specifically, almost half of all indigenous children in rural areas, and 37 to 40 percent of those in urban areas, do not attend secondary school, which can make them more vulnerable to child labor.(29) In March 2016, the Ministry of Education began implementing an administrative management system that was modified to capture child labor data to expand the knowledge base on child labor.(30)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Ecuador has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). The legal framework in Ecuador appears to be sufficient to address and protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Section 5, Article 46 of the Constitution; Title V, Chapter 1, Article 82 of the Childhood and Adolescence Code (31, 32)
Minimum Age for Hazardous Work	Yes	18	Title I, Article 2 and Title V, Chapter 1, Article 87 of the Childhood and Adolescence Code (32)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Title II, Chapter 1, Article 5 and Chapter 2, Article 8 of Resolution No. 016 of 2008; Article 5 of Ministerial Accord MDT–2015–0131 (33, 34)
Prohibition of Forced Labor	Yes		Articles 82, 91, 105, and 213 of the Integral Penal Code(3, 35)
Prohibition of Child Trafficking	Yes		Articles 91, and 213 of the Integral Penal Code (35)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 91, 101, 103and 104 of the Integral Penal Code (35)
Prohibition of Using Children in Illicit Activities	No		Articles 219 and 220 of the Integral Penal Code (35)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Title III, Chapter 4, Article 57 of the Childhood and Adolescence Code; Article 161 of the Constitution.(31, 32)
Non-state Compulsory	Yes	18	Section IV, Article 127 of the Penal Code; Title III, Chapter 4, Article 57 of the Childhood and Adolescence Code ; Article 161 of the Constitution.(31, 32, 35)
Compulsory Education Age	Yes	15	Chapter 5, Article 38 of the Organic Intercultural Education Law (36)
Free Public Education	Yes		Title VII, Article 4 of the Organic Intercultural Education Law; Chapter 5, Article 28 of the Constitution (31, 36)

* No conscription (31)

The law does not sufficiently prohibit commercial sexual exploitation, as the use, procuring, and offering of children for pornographic performances is not criminally prohibited.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Industrial Relations (MOL)	Monitor child labor, conduct labor inspections at work sites, and enforce child labor laws in the formal sector. Administer sanctions against companies found using child labor and collect fines.(3, 8, 10)
Ministry of Economic and Social Inclusion (MIES)	Provide remediation services to child laborers and their families. Assist victims of child labor found in the informal sector.(3, 37) With the Institute for Children and Families (INFA), provide social services and assist children who are victims of abuse, human trafficking, exploitative child labor, and sexual exploitation.(37, 38) Run seven protection centers staffed by social workers, doctors, psychologists, and educators.(37)
Attorney General's Office	Enforce criminal laws against child labor, commercial sexual exploitation, and human trafficking.(16, 39)
Ministry of Interior	Oversee and evaluate all police actions, including the Judicial Anti-Trafficking Police Unit (ATU) and the National Police Unit for Crimes against Children and Adolescents (DINAPEN). ATU investigates human trafficking cases, rescues victims, and arrests traffickers.(10) DINAPEN investigates all crimes against children, including abuse, sexual exploitation, sex tourism, smuggling, kidnapping, exploitative child labor, and forced labor.(18, 40) DINAPEN anti-trafficking unit also investigates child trafficking cases.(3)
Office of the Prosecutor	Try cases related to the worst forms of child labor.(10)
Ministry of Education	Help victims of child labor reintegrate into school through the Special Protection program.(41)

Ecuador

SIGNIFICANT ADVANCEMENT

Labor Law Enforcement

In 2016, labor law enforcement agencies in Ecuador took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown* (3)	\$61,752 (4)
Number of Labor Inspectors	139 (3)	206 (4)
Inspectorate Authorized to Assess Penalties	Yes (3)	Yes (4)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (3)	Yes (4)
Training on New Laws Related to Child Labor	Yes (3)	Yes (4)
Refresher Courses Provided	Yes (3)	Yes (4)
Number of Labor Inspections	683 (3)	4,626 (4)
Number Conducted at Worksite	683 (3)	Unknown
Number Conducted by Desk Reviews	0 (3)	Unknown
Number of Child Labor Violations Found	520 (3)	368 (4)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown* (3)	Unknown* (4)
Number of Penalties Imposed That Were Collected	Unknown* (3)	Unknown* (4)
Routine Inspections Conducted	Yes (3)	Yes (4)
Routine Inspections Targeted	Yes (3)	Yes (4)
Unannounced Inspections Permitted	Yes (3)	Yes (4)
Unannounced Inspections Conducted	Yes (3)	Yes (4)
Complaint Mechanism Exists	Yes (3)	Yes (4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (3)	Yes (4)

*The Government does not publish this information.

According to the ILO, one of the major obstacles in combating child labor in Ecuador is the absence of an effective mechanism for receiving, routing, and addressing child labor charges and complaints.⁽⁴⁾ While the Government has created new mechanisms for identifying and referring child labor victims, it does not apply them consistently and uniformly.⁽⁴⁾ Children recruited to commit illegal acts may end up in juvenile detention centers, despite Ecuadorian law prohibiting this. In addition, while Ecuadorian laws and regulations governing child labor are comprehensive, those regarding hazardous work are not equally enforced in rural areas and family-run businesses.⁽⁴⁾

Although the Government significantly increased the number of labor inspectors in 2016, they are insufficient for the size of Ecuador's workforce, which includes more than 4.8 million workers. According to the ILO recommendation of 1 inspector for every 15,000 workers in developing economies, Ecuador should employ about 323 labor inspectors.^(3, 4, 42-44) Furthermore, inspectors often lack the necessary resources, such as transportation, to fulfill their mandate.^(3, 4, 39) Training guides for labor inspectors developed by the Government and ILO were released in 2016.^(4, 39) In May 2016, training for labor inspectors on child labor and labor risks was extended to also include field officers from the Ministry of Labor's Project to Eradicate Child Labor.⁽³⁰⁾ The Government also organized a training of trainers on child labor eradication.⁽⁴⁵⁾ However, labor inspectors still lack adequate knowledge of child labor laws and processes for referring children to the appropriate social services and imposing penalties consistent with the law.⁽³⁾

In 2016, the Government implemented the National Plan of Progressive Prevention and Eradication of Child Labor (2014–2017), a strategy to identify the most risk-prone sectors for child labor and improve the quality and targeting of inspections.^(3, 46)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Ecuador took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (40)	Yes (4)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (3)	N/A (4)
Refresher Courses Provided	Yes (3)	Yes (4)
Number of Investigations	948 (3)	Unknown
Number of Violations Found	1,422 (3)	Unknown
Number of Prosecutions Initiated	Unknown* (3)	Unknown* (4)
Number of Convictions	Unknown* (3)	Unknown * (4)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (3)	Yes (4)

*The Government does not publish this information.

National Police Unit for Crimes against Children and Adolescents (DINAPEN) officers lack sufficient human and material resources to adequately investigate the use of children in the trafficking of drugs.(3)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Inter-institutional Committee for the Eradication of Child Labor	Coordinate Government efforts to combat child labor.(3) Last convened in April 2016.(46)
Inter-Agency Committee against Trafficking in Persons	Coordinate Government efforts to combat human trafficking, including child trafficking. Established as part of the National Plan to Combat Human Trafficking, Sexual and Labor Exploitation, and other Forms of Exploitation.(39) Led by MOI, involves several ministries and government agencies.(16)
Coordinating Ministry of Social Development (MCDS)	Convene government ministries to discuss issues, including child labor.(3) In 2015, improved protection and shelter services for victims of human trafficking.(39)
National Council for Intergenerational Equity (CNII)	Coordinate interagency efforts to protect vulnerable populations, including children.(3)
Local Autonomous Governments	Participate in coordinating mechanisms to combat child labor and implement the guidelines provided by CNII.(3) Mayors are held accountable to ensure that children do not work, and can be fined if children are found working.(47)
Ministry of Tourism and DINAPEN	Coordinate prevention work against the commercial sexual exploitation of minors.(39, 48)
Inter-Agency Table for the Eradication of Child Labor (<i>Mesa Interinstitucional de Erradicación del Trabajo Infantil</i>)	Coordinates regional efforts to address child labor.(49) Participants include MIES; regional councils of Childhood and Adolescence; Ministries of Education, Labor, and Interior; MCDS; DINAPEN; and the Attorney General's Office.(49) Met regularly in 2016 or when a new case regarding child exploitation was presented.(46)

Weak coordination between ministries providing social services has caused difficulties in ensuring that children rescued from working in the informal sector receive adequate social assistance.(4) In 2016, the Government launched Sistema Unico de Registro de Trabajo Infantil (SURTI), a platform to register and monitor child labor cases; improve coordination between government agencies, ministries, and police assisting child labor victims; and inform public policies relating to child labor prevention and eradication.(50) The Government also participated in piloting the Routes of Restitution of Rights in Child Labor (RRD), a multi-sectoral protocol designed to facilitate identification and referral of child labor cases at the local level in Guamote and Quinde.(4, 51, 52) Research was unable to determine if SURTI and RRD are linked.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Plan to Eradicate Child Labor (2015–2017)	Establish strategy to eradicate child labor in Ecuador by 2017.(3) The Plan, approved in 2016, is being implemented.(46)
National Plan for Good Living (2013–2017) (<i>Plan Nacional del Buen Vivir</i>)	Improve living conditions for all citizens and promote social inclusion and decent work, including eradicating child labor.(53) In 2016, the Government implemented the awareness-raising campaign, Ecuador Without Child Labor.(46)
National Plan to Combat Human Trafficking, Sexual and Labor Exploitation, and other Forms of Exploitation	Establish processes to prevent, investigate, and impose legal sanctions against human trafficking, commercial sexual exploitation, and other forms of abuse. Enacted by decree in 2006 to protect and restore the rights of victims.(22, 54, 55) In 2016, the Government trained labor inspectors and other relevant actors on the List of Hazardous Occupations or Activities prohibited for children.(46)

† Policy was approved during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor*

Program	Description
UDSOL-funded initiatives	<u>Global Action Program on Child Labor Issues (GAP)</u> , a \$15.9 million project implemented by the Global March to End Child Labor.(56) <u>Building Effective Policies Against Child Labor in Ecuador and Panama (2012–2016)</u> , a \$3.5 million project implemented by the ILO.(57) <u>EducaFuturo Project (2012–2017)</u> , a \$6.5 million project implemented by Partners of the Americas, in collaboration with Expoflores, COMUNIDEC, and FUDELA.(58) Additional information is available on the USDOL Web site.
Project to Eradicate Child Labor (PETI) (2014–2017)	MOL project under the National Plan for Good Living to prevent hazardous child labor in agriculture, manufacturing, construction, and mining. In the first trimester of 2016, PETI launched awareness raising campaigns in 13 cities, reaching around 3,500 people nationwide.(46, 59) In 2016, PETI trained and raised awareness of 20,755 people on child labor and referred 368 children and adolescents to receive social services due to their vulnerability to child labor.(46)
Business Network for a Child Labor Free Ecuador	UN initiative, works to gain commitment from participating industries to promote the prevention and elimination of child labor in their supply chains.(60–62) In 2016, coordinated donations to benefit children affected by the April 2016 earthquake.(46) Through this program, the Government and the Government of Brazil exchanged best practices to address child labor.(46)
Prevention of Sexual Exploitation of Children and Adolescents†	Ministry of Tourism program that seeks to prevent commercial sexual exploitation by creating regulations and awareness campaigns in the tourism sector.(63) In 2016, for the first time, all travel agencies and tourist guides were required to take online training on how to detect child labor exploitation in all its forms to obtain work permits in the tourism industry.(46)
National Program to Combat Child Begging†	Raises awareness about child begging; aims to facilitate social services for children begging in the streets.(64, 65) In 2016, the Government launched “Give Dignity” (<i>Da Dignidad</i>), a campaign to further program goals, and signed 38 cooperative agreements, investing over \$1.5 million and helping more than 6,000 people.(65) Although no recent statistical data are available on the magnitude of begging, 417 children were rescued from begging in the streets of Duran, Guayaquil, and Saborondon between January and March 2016.(46)
Eloy Alfaro Workers’ Symphonic Orchestra (<i>Orquesta Sinfónica de los Trabajadores Eloy Alfaro</i>)*†	Established by MOL in 2016, orchestra performs to raise awareness of child labor. Comprises more than 200 former child laborers from Quito and Cuenca. MOL provides funding for daily music lessons for the children.(4) In 2016, performed a child labor awareness-raising concert, with 1,000 people attending.(46)
Grants for Human Development†	MIES conditional cash transfer program supplements household income, targeting vulnerable families.(14, 66, 67) In 2016, budgetary constraints reduced the number of families in the program by 75 percent.(4)

* Program was launched during the reporting period.

† Program is funded by the Government of Ecuador.

‡ The Government has other social programs which may have addressed child labor issues or had an impact on child labor.(4, 10, 56, 68)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Ecuador (Table 9).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law prohibits the use, procurement, and offering of children for pornographic performances.	2016
	Ensure that the law specifically prohibits the use of children in illicit activities, including in the production and distribution of drugs.	2016
Enforcement	Publish the number of labor inspections done by site visit and desk review, penalties imposed and collected for child labor violations, and criminal investigations, violations, prosecutions and convictions relating to the worst forms of child labor.	2014 – 2016
	Ensure that children recruited by adults to commit illegal acts are not placed in juvenile detention centers.	2016
	Ensure that laws and regulations governing child labor, and especially hazardous labor, are enforced consistently throughout the country, including in rural areas and family-run businesses.	2016
	Increase the number of labor inspectors responsible for enforcing child labor laws in accordance with the ILO recommendation.	2009 – 2016
	Ensure that inspectors receive sufficient resources, such as transportation and translators, to effectively carry out their duties.	2014 – 2016
	Ensure that labor inspectors have sufficient knowledge of existing laws, penalties, and processes for referring victims to social services.	2015 – 2016
	Ensure that police investigators receive sufficient resources to investigate cases of the worst forms of child labor.	2016
Coordination	Strengthen coordinating mechanisms to combat child labor, including its worst forms.	2015 – 2016
Social Programs	Enhance efforts to eliminate barriers and make education, particularly secondary education, accessible for all children, including indigenous children and children from rural areas, by removing school-related fees, increasing classroom space, and providing adequate transportation.	2014–2016
	Expand child labor programs that target the worst forms of child labor.	2009 – 2016

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