

2010 Trafficking in Persons Report

ECUADOR (Tier 2)

Ecuador is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The majority of trafficking victims are believed to be women and children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation, as well as for involuntary domestic servitude, forced begging, and forced labor in mines and other hazardous work. There have also been reports of Ecuadorian children being forced to engage in criminal activity, such as drug trafficking and robbery. Many parents send their children to neighboring countries in order to earn money, and Ecuadorian children are found in conditions of forced labor in Colombia, Venezuela, Chile, and the Dominican Republic, particularly as domestic servants, forced vendors, and beggars. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, Venezuela, and Western Europe. To a lesser extent, Ecuador is a destination country for Colombian, Peruvian, and Chinese women and girls in forced prostitution. Indigenous Ecuadorians are vulnerable to forced labor in domestic servitude. Child sex tourism occurs mostly in urban areas, and in tourist destinations, such as Tena and the Galapagos Islands. Ecuador is a transit country for Chinese nationals smuggled to destinations elsewhere in the Western Hemisphere; some of these migrants are trafficked.

The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained law enforcement measures against trafficking offenders, in addition to providing comprehensive victim services through partnerships with local NGOs and raising public awareness through multiple media campaigns. The government's law enforcement efforts however, did not sufficiently address forced labor and sex trafficking crimes involving adults, or trafficking-related complicity of some local government officials.

Recommendations for Ecuador: Vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including public officials complicit in trafficking crimes; take steps to address the low number of convictions in comparison with the high number of trafficking investigations; increase anti-trafficking training for law enforcement and other government officials; enhance data collection and coordination; increase public awareness of trafficking involving adult victims; and develop formal procedures for identifying trafficking victims among vulnerable populations, such as adult women in prostitution.

Prosecution

The government sustained law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking in Article 190 of its penal code, amended in 2005; trafficking for the purpose of labor exploitation carries a punishment of six to nine years' imprisonment, and trafficking for sexual exploitation carries a penalty of eight to 12 years' imprisonment. Penalties for human trafficking may be increased, by aggravating circumstances, to a maximum of 35 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Other statutes, such as Article 528.13, which prohibits the commercial sexual exploitation of children, are also used to prosecute human trafficking crimes.

During the reporting period, Ecuadorian authorities investigated 78 cases of human trafficking and 154 cases of child commercial sexual exploitation. Despite robust law enforcement efforts, conviction rates remain low; the government prosecuted 32 cases, and achieved two convictions for commercial sexual exploitation of minors in addition to one conviction for human trafficking under Article 190, securing a sentence of eight years. In one case involving 14 children subjected to commercial sexual exploitation, who were found during a brothel raid in 2006, an appeals court in 2009 absolved three trafficking offenders of all charges, despite an earlier court's conviction and sentencing of three to six years' imprisonment; government officials and NGOs complained of serious procedural errors in this case. Despite reports of trafficking-related corruption, particularly related to civil registry officials issuing false identity documents to children, no investigations, prosecutions, or convictions of potentially complicit officials took place last year. According to Ecuadorian police, brothel owners commonly use false identity documents to exploit children in prostitution, and to avoid criminal liability for immigration and trafficking violations in the event of a police raid.

Most cases of human trafficking investigated in Ecuador during the reporting period involved forced prostitution,

particularly of children. A growing number of investigations are related to labor exploitation of children and adults, but do not appear commensurate to the incidence of forced labor in the country, particularly the large number of children exploited for forced begging and forced domestic work. The government continued to provide police specializing in crimes against children with specific training on trafficking in persons. Ecuadorian authorities formed partnerships with Colombian, Venezuelan, U.S., and Chinese officials to jointly investigate several trafficking cases.

Protection

The Ecuadorian government maintained its provision of comprehensive victim services last year. The government ensured trafficking victims' access to legal, medical, psychological, and shelter services, in large part through its partnership with a network of NGOs that received funding from the government and international organizations. Women and girls were eligible for shelter services, while the government provided boys and men with victim services on an *ad hoc* basis, though shelters for trafficking victims remained lacking in parts of the country. Foreign victims were eligible for the same services as Ecuadorian trafficking victims. In addition to these short-term services, the government provided victims with counseling, protection, job training, and educational training, and ensured the child victims received long-term care as needed. Through its Victim and Witness Protection Program, the Ecuadorian government operated specialized police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services toward identified trafficking victims, and assistance for victim witnesses during court proceedings. The government encouraged victims to assist with the investigation and prosecution of trafficking offenders. While Ecuadorian authorities conducted several raids on establishments to rescue children in prostitution, they did not demonstrate adequate efforts to identify adult trafficking victims among women exploited in brothels and other vulnerable populations. Police removed 33 children from commercial sexual exploitation and five from conditions of forced labor. Authorities did not penalize identified trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, though foreign victims were not typically deported from the country. The government provided victim services to repatriated Ecuadorian trafficking victims. Ecuadorian authorities developed trafficking in persons protocols for consular officers abroad and began training its diplomatic corps in these procedures.

Prevention

The Government of Ecuador increased trafficking prevention efforts last year, particularly through vigorous public awareness campaigns against child forced labor and prostitution. The government forged partnerships with private telecommunications companies and a bank to combat child labor, in part through a network of schools for former child laborers. During the holidays, the government launched a national campaign against child begging and a radio soap opera series about the dangers of forced labor, which was broadcast on provincial radio stations in Spanish and Kichwa, a local language. State-owned radio stations also donated airtime to an NGO in the highlands to broadcast messages on how to identify and avoid human trafficking situations. The Ministry of Tourism launched a nationwide campaign to prevent the commercial sexual exploitation of children in the tourism industry, and the government continued a multimedia campaign in 20 departments to encourage citizens to identify and report trafficking cases. The government, however, did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor of adults during the reporting period.

Complete report <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>