Ecuador (Tier 2)

The Government of Ecuador does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Ecuador remained on Tier 2. These efforts included increasing prosecutions and convictions of traffickers, investigating forced labor cases, prosecuting three individuals in a high-profile case involving forced labor allegations, and coordinating with foreign governments to repatriate victims and bring traffickers to justice. However, the government did not meet the minimum standards in several areas. Authorities continued to make insufficient efforts to prosecute or convict labor traffickers. The government did not fund civil society organizations in a timely and consistent manner, which left victims vulnerable to re-trafficking and also led to the closure of a critically important shelter for victims in the witness protection program. In addition, specialized services for all victims remained unavailable in most of the country, including adults who made up the majority of the victims identified.

PRIORITIZED RECOMMENDATIONS:

Improve efforts to address forced labor, including criminally prosecuting labor traffickers and complicit officials, training labor inspectors on indicators of forced labor, and conducting proactive and unannounced labor inspections in sectors vulnerable to exploitation, such as banana plantations, floriculture, hemp (abaca), and mining. • Fund and increase support for NGOs that provided victim services. • Provide specialized services for victims of forced labor and sex trafficking, including adults, boys, and girls younger than 12. • Vigorously investigate, prosecute, and convict traffickers, including public officials complicit in trafficking. • Establish systems to protect workers from labor trafficking, including amending legal provisions to prohibit employers from withholding passports or travel documents from workers, collecting worker-paid recruitment fees, and allowing foreign workers to change employers without facing penalties or deportation. • Appoint a specialized prosecutor to focus solely on trafficking crimes. • Adopt comprehensive stand-alone anti-trafficking legislation that criminalizes all forms of trafficking in line with international definitions and stipulates protection measures and preventive techniques to combat trafficking. •
Increase proactive identification of and services for trafficking victims among vulnerable populations, such as irregular migrants, indigenous communities, LGBTQI+ individuals, some foreign workers, and individuals in commercial sex. • Increase victim-centered anti-trafficking training for labor inspectors, police officers, judges, immigration officials, social workers, and other government officials, particularly to enhance victim identification.

PROSECUTION

The government maintained prosecution efforts. Articles 91 and 92 of the 2014 Criminal Code (COIP) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties ranging from 13 to 16 years’ imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. Article 91 defined trafficking broadly to include all labor exploitation, child pornography, child labor, illegal adoption, and the sale of tissues, fluids, and genetic materials of living persons. In 2020, the government amended the definition of trafficking within Article 91 to better align with the definition of trafficking under international law. The amendment correctly established the use of force, fraud, or coercion as an essential element of an adult trafficking offense. However, the amendment did not include a necessary provision indicating that the element was unnecessary in the case of sex trafficking offenses involving child victims. Therefore, all forms of child sex trafficking were no longer explicitly criminalized under Article 91. Observers indicated that the absence of comprehensive anti-trafficking legislation remained a challenge in the fight against trafficking, due to confusion over the fact that different legal provisions, including the Human Mobility Law, the penal code, and the labor code, cover different aspects of the government’s response to trafficking.

The Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling, the lead anti-trafficking office within the Ministry of Government (MOG), reported authorities initiated 93 investigations into alleged trafficking crimes, including 15 cases of forced labor, compared with 126 investigations in 2020 and 132 in 2019. Police arrested 65 individuals suspected of trafficking crimes (18 for sex trafficking and 47 for unspecified exploitation), compared with 22 in 2020 and 25 in 2019. In 2021, authorities prosecuted 17 sex trafficking cases involving 47 individuals, compared to seven trafficking cases and eight individuals in 2020 and eight trafficking cases involving 12 individuals in 2019. During the
reporting period in a notable and high-profile case involving allegations of forced labor in an abaca hemp plantation, the Specialized Prosecutor’s Office in Transnational and International Organized Crime (FEDOTI) charged the current CEO and two of his predecessors with human trafficking crimes for the alleged forced labor of 123 victims. The case remained pending at the end of the reporting period. In 2021, the government convicted 13 traffickers, of which 10 were sentenced to a minimum of 13 years in prison and a fine of 150 times the statutory minimum wage ($63,750); courts subsequently acquitted two traffickers on appeal, and there were no additional details on the last case. This compares to eight traffickers convicted in 2020 and nine in 2019. Because the criminal code’s definition of trafficking under Article 91 was broader than the definition of trafficking under international law, some of the investigations, prosecutions, and convictions reported under this law may not have been trafficking cases.

The Anti-Trafficking Unit (ATU), under the National Police Unit for Crimes against Children and Adolescents, was the primary law enforcement unit responsible for investigating trafficking cases. The ATU remained understaffed and under-resourced. The frequent rotation of staff for mandatory police training reduced the number of operational staff at a given time, likely affecting their readiness. In 2021, stakeholders reported the pandemic severely affected the ATU and its ability to conduct anti-trafficking operations, mostly due to mitigation measures that reduced staffing even further. ATU officials reported a 40 percent decrease in cases reported, which authorities attributed to possible victims’ fear of contagion. The MOG also reported being understaffed due to illness and other impacts of the pandemic. FEDOTI had responsibility for trafficking cases at the national level; however, due to its broad mandate, most of its work focused on the prosecution of non-trafficking crimes. Authorities recognized sex trafficking was most prevalent in coastal provinces; however, government efforts to investigate and prosecute traffickers, and identify and protect victims in major port cities such as Guayaquil, were deficient. The MOG—in some cases with the support of international organizations or foreign governments—trained 2,189 government officials, including police officers, community police chiefs, prosecutors, and judges, in victim identification, victim-centered engagement, and investigating and prosecuting trafficking crimes, compared with 1,092 in 2020 and 605 trained in 2019.
The government did not report any investigations, prosecutions, or convictions of any government employees complicit in trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year, and cases from previous years remained mostly unresolved. NGOs reported immigration officials at border crossings allowed alleged traffickers to transport potential sex trafficking victims to neighboring countries. During the reporting period, a government official reported possible corrupt practices at the labor inspectorate, highlighting that labor inspectors often accepted bribes to overlook violations. With support from an international organization, the MOG, the national police, and the Attorney General’s Office (AGO) finalized a guide to help law enforcement officials identify, handle, and use evidence in trafficking cases, but authorities did not report relevant officials received any training on its use. The government cooperated with Peruvian authorities on a case involving two Ecuadorian victims identified in Peru. Jointly, law enforcement authorities arrested four individuals, three in Ecuador and one in Peru, for their alleged involvement in this case. Similarly, the government cooperated with Colombian authorities to repatriate two Ecuadorian victims identified in Colombia; however, civil society organizations reported insufficient coordination between Colombian and Ecuadorian authorities on trafficking prosecutions.

PROTECTION

The government decreased protection efforts. In 2021, authorities identified 51 victims of trafficking, 31 for sex trafficking (17 girls, 13 women, and one boy) and 20 for forced labor (nine girls, three women, five boys, and three men), compared with 2020 when the government identified 140 victims, among whom an NGO identified 10 and assisted 23. Civil society organizations reported providing shelter to 66 victims, including 51 victims of sex trafficking, four victims of forced labor, and 11 victims of both sex and labor trafficking (58 Ecuadorian and eight Venezuelan). Separately, an international organization reported assisting 79 victims, including 69 women, four men, and six girls (61 foreign nationals and 18 Ecuadorians); one of the victims identified as LGBTQI+. The government had a victim identification manual to aid with the proactive identification of victims, and authorities regularly referred victims to services. In 2021, NGOs noted a decrease in the number of cases referred by police given insufficient staffing at the NIU as a result of the pandemic. Authorities did not report how much money had been
dedicated for victim protection services, compared with 2020 when the government dedicated $1.45 million for victim protection and assistance. NGOs relied on international support to maintain shelter operations given significant delays in government funding for services. The government—in some cases with the support of international organizations—trained NGOs, public officials, and teachers in victim protection measures.

The Human Rights Secretariat (SDH) was the entity responsible for assisting adult victims of trafficking. It operated five non-specialized shelters and 46 care centers where trafficking victims had limited options for general ambulatory services by interdisciplinary teams that comprised psychologists, social workers, and attorneys. The Ministry of Social and Economic Inclusion (MIES) was responsible for assisting child trafficking victims; however, the government did not have specialized services for child victims of forced labor, boy victims of sex trafficking, and girl sex trafficking victims younger than the age of 12. Three specialized shelters provided services to female adolescent sex trafficking victims. Civil society organizations noted government assistance for victims was good but limited in most parts of the country. Police reported challenges finding shelters for victims, particularly in provinces outside the capital; thus, police sometimes placed victims in non-specialized shelters until space in a specialized shelter became available. The government had two separate assistance protocols to outline minimum standards of care given to female adult and adolescent trafficking victims in specialized and non-specialized shelters. Authorities did not report providing specialized care for victims in non-specialized shelters during the reporting period. During the pandemic, government officials reported identifying and assisting victims but noted measures taken to mitigate the spread of the virus, such as lockdowns and travel restrictions, hindered these efforts. International organizations expressed concern over the lack of protection for all victims, including victims of forced labor, boys, adults, individuals with disabilities, and girls younger than 12. NGOs continued to play a crucial role in helping the government carry out victim protection services during the pandemic.

The Office of the Prosecutor General’s formal witness protection program (SPAVT) could provide immediate support to victims, allowing them a 30-day reflection period before deciding whether to participate in the penal process against their traffickers. If victims chose to assist in the prosecution of their traffickers, the government continued to provide services through SPAVT; otherwise, officials
referred child victims to MIES and adult victims to SDH to help with their reintegration. During the reflection period, services offered by the SPAVT usually included shelter, medical assistance, legal support, psychological care, job placement, and assistance with school or university admissions. The SPAVT program assisted 10 victims during the year but did not provide shelter to any, as the shelter closed due to lack of funds for necessary facility repairs. Foreign victims had access to the same services as Ecuadorian victims, and in 2021, at least eight Venezuelan victims were assisted in government-funded shelters. The government had mechanisms to repatriate victims, and Ecuadorian diplomatic and consular missions abroad had funding to provide food, lodging, and airplane tickets to Ecuadorian victims seeking repatriation. In 2021, officials repatriated 15 Ecuadorian victims identified abroad, one in Chile, two in Colombia, six in Peru, and six in Uruguay. Authorities did not report if any of the foreign victims identified requested temporary residency status. The Human Mobility Law guaranteed protection against refoulement to countries where the lives of victims’ or their relatives were at risk, including foreign victims of trafficking. Authorities reported they could grant temporary or permanent residency to foreign victims, and in cases where the victims wished to repatriate, the government assisted.

PREVENTION

The government maintained prevention efforts. The MOG chaired the Inter-Institutional Committee for the Prevention of Trafficking in Persons. In 2021, the national coordinating body met three times and the committee’s four sub-working groups met twice each. The government continued implementing the 2019-2030 national action plan for the elimination of trafficking (PACTA) but did not report funding the interagency members of the anti-trafficking committee responsible for the implementation of PACTA-mandated activities. This contrasted with the previous year, when authorities reported funding and implementing 90 percent of committee members’ activities under PACTA, despite the pandemic. Officials launched an interactive map displaying trafficking crimes nationwide to understand trends better and inform policymaking. In 2021, the ATU opened permanent offices in Quito and Guayaquil airports to monitor and respond to international trafficking crimes. Authorities conducted some public awareness campaigns but did not provide details on the targeted audiences or the effectiveness of such campaigns. Officials—in some cases with the support of international organizations—provided training for teachers, civil servants, and youth in the
prevention of trafficking crimes. The criminal code prohibited sex tourism. The
government did not report investigations of child sex tourism, prosecutions, or
convictions of child sex tourists. Authorities did not provide an update on the
status of the protocol developed in 2020 by the Ministry of Tourism to help hotels
detect cases of sexual exploitation of children, including trafficking.

Authorities did not make sufficient efforts to address forced labor. The Ministry of
Labor (MOL) did not have a victim identification protocol for labor inspectors or
trained dedicated staff that could identify forced labor. According to government
officials, the pandemic impacted their ability to conduct in-person labor
inspections. In 2021, officials reported the MOL conducted 415 labor inspections
and identified one case of sex trafficking in Guayaquil and no cases of forced
labor. The MOL reported conducting labor inspections but did not report screening
for trafficking indicators or conducting inspections in sectors with vulnerable
workers, such as banana plantations, abaca hemp, flower farms, mining, and palm
plantations. NGOs and some government officials expressed concern the MOL did
not make sufficient efforts to investigate forced labor. The MOL required
employers to register the contracts of all foreign workers so authorities could
verify they had adequate work conditions and salaries. Ecuadorian law did not
prohibit labor recruitment practices that traffickers commonly exploit, such as
charging worker recruitment fees, confiscation of workers’ passports, or allowing
migrant workers to change employers without obtaining special permissions or
losing their work permit. The absence of specific prohibitions against these
practices increased the vulnerability of workers to exploitation. The government
did not report efforts to reduce the demand for commercial sex acts. The
government operated a hotline for the public to report crimes. In 2021, calls to the
hotline led to an investigation that concluded with the arrest of four traffickers and
the identification of three victims.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and
foreign victims in Ecuador, and traffickers exploit victims from Ecuador abroad.
Traffickers exploit Ecuadorian adults and children in sex trafficking and forced
labor within the country, including in domestic service; begging; banana, abaca
hemp, and palm plantations; floriculture; shrimp farming; fishing; sweatshops;
street vending; mining; and other areas of the informal economy. In 2019, the
ombudsman’s office released a report on behalf of hundreds of agricultural
workers and their families accusing a multinational corporation of child labor, forced labor, and practices analogous to slavery. According to sources, including the ombudsman’s office, abaca hemp workers, mostly Afro-Ecuadorians, lived in plantations under tin roofs in subhuman conditions without running water or electricity. Workers’ housing was in remote locations inside the plantations, and access roads were often locked to prevent the workers’ freedom of movement. Most of the workers at the start of the supply chain did not have labor contracts in place and had to provide between three to five tons of abaca hemp to receive payment for their work. Women and girls worked as camp cooks and did not receive payments for their work. In 2021, a judge ruled in favor of the workers and ordered the company to pay compensation; however, the company continued to contest the ruling. The judge also noted institutional abandonment by the government, specifically the MOG and the MOL, noting authorities had knowledge of concerning violations dating back to 2018 and did not make resolute efforts to protect the victims and bring those responsible to justice, allowing them to operate with impunity. In early 2022, the AGO indicted the current and two former CEOs for human trafficking. This is the largest criminal case in terms of victims of alleged human trafficking crimes in Ecuador’s history.

Sex trafficking is most prevalent in coastal provinces, including El Oro, Guayas, Manabí, Los Ríos, and northern border provinces including Carchi, Esmeraldas, Loja, and Sucumbíos. Sixty percent of child female sex trafficking victims, whom one of the specialized shelters identified and assisted, originate from Quevedo, Los Ríos province. Indigenous and Afro-Ecuadorians, Colombian refugees, and Venezuelan migrants are particularly vulnerable to trafficking. Women, children, LGBTQI+ individuals, refugees, and migrants continue to be the most at risk for sex trafficking; Indigenous persons and People’s Republic of China national workers are vulnerable to forced labor. Traffickers promising a better life to migrants from South and Central America, the Caribbean, and to a lesser extent, Africa and Asia, confiscate documents, impose debts, and threaten or force migrants into commercial sex upon the victims’ arrival in Ecuador. Traffickers exploit Colombian, Peruvian, Venezuelan, and to a lesser extent, Central American women and girls in sex trafficking and domestic servitude and forced begging. Traffickers increasingly use social media networks to recruit and groom individuals to later exploit them in sex and labor trafficking. Traffickers use Ecuador as a transit route for trafficking victims from Colombia, Venezuela, and the Caribbean to other South American countries and Europe. In 2021, an
international organization and other observers noted migrants, unable to enter the
country legally, opted for illegal border crossings, which significantly increased
their vulnerability to gender-based violence, exploitation, and human trafficking
crimes. Traffickers recruit children from impoverished indigenous families under
false promises of employment and subject them to forced begging, domestic
servitude, or forced labor in sweatshops and street and commercial vending in
Ecuador and other South American countries. Ecuadorian children are subjected to
forced labor in illicit activities, such as drug trafficking and robbery. Traffickers
exploit Ecuadorian adults and children in sex trafficking and forced labor abroad,
including in the United States and other South American countries, particularly
Chile and Colombia. Traffickers exploit Ecuadorian children in sex trafficking and
forced labor in Chile, Colombia, Peru, and to a lesser degree in Argentina, Spain,
and Suriname. Some Ecuadorian trafficking victims are initially smuggled and
later exploited in commercial sex or forced labor in third countries, including
forced criminality in drug trafficking. Allegedly, some corrupt Ecuadorian officials
have alerted traffickers to law enforcement operations or labor inspections, and
some local authorities assisted traffickers in procuring falsified identity documents,
resulting in victims’ lack of confidence in the police and a reluctance to report
potential cases. Colombian illegal armed groups target and forcibly recruit
Ecuadorian children living along the northern border. Traffickers lure vulnerable,
displaced Venezuelans with fraudulent employment opportunities, particularly
those in irregular status, and later exploit them into sex trafficking and forced
labor.