Ecuador - United States Department of State

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 to the previous reporting period; therefore Ecuador remained on Tier 2. These efforts included increasing victim identification, adopting a new national action plan and a protocol for the comprehensive care and protection of trafficking victims, and increasing the number of law enforcement officials working on trafficking cases. However, the government did not meet the minimum standards in several key areas. Authorities investigated, prosecuted, and convicted fewer traffickers; specialized services for all victims remained unavailable in most of the country; and the Ministry of Labor (MOL) made insufficient efforts to address labor trafficking. Efforts to address trafficking in coastal cities with a notable prevalence of sex and labor trafficking were inadequate.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including public officials complicit in trafficking. • Strengthen the provision of specialized services for trafficking victims, including for boys, adults, girls younger than the age of 12, and victims of forced labor. • Increase training for labor officials on trafficking indicators and expand the MOL’s mandate to include inspections of the informal sector. • Increase efforts to combat trafficking in coastal cities, particularly Guayaquil. • Adopt comprehensive anti-trafficking legislation that criminalizes trafficking in line with international definitions and stipulates protection measures and preventive techniques to combat trafficking. • Increase use of the national protocol for protection and assistance to trafficking victims, including identifying trafficking victims among vulnerable populations, such as irregular migrants, LGBTI individuals, and individuals in commercial sex. • Train all officials working on trafficking cases on victim-centered investigative techniques. • Increase victim-centered anti-trafficking training for police officers, judges, labor inspectors, immigration officials, social workers, and other government officials, particularly to enhance victim identification. • Establish an office for a specialized prosecutor to focus solely on trafficking crimes. • Partner with civil society to finalize, resource, and implement the national anti-trafficking action plan.

PROSECUTION

The government decreased prosecution efforts. Articles 91 and 92 of the 2014 Criminal Code (COIP) criminalized sex and labor 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. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as essential elements of an adult trafficking offense. 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. Observers indicated that the absence of comprehensive anti-trafficking legislation remained one of the biggest challenges in the fight against trafficking since the COIP did not stipulate specialized protection mechanisms for victims or establish guidelines for preventive measures.

The Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling, the lead anti-trafficking office within the Ministry of Government (MOG), indicated that authorities initiated 132 investigations into alleged trafficking cases in 2019, compared with 139 in 2018. Police conducted 15 anti-trafficking operations and arrested 25 suspected traffickers, compared with conducting 13 operations and arresting 18 suspected traffickers in 2018. Authorities prosecuted eight cases (compared with 24 prosecutions in 2018), four for sex trafficking, one for forced labor, one for forced child recruitment, and two unknown. The government convicted nine traffickers (compared with 19 in 2018), eight for sex trafficking, and one for forced labor. In 2019, sentences for traffickers ranged from eight to 40 years’ imprisonment.

The National Investigative Unit for Trafficking in Persons and Illicit Migrant Smuggling (NIU), under the command of the National Police Unit for Crimes against Children and Adolescents, was the primary law enforcement unit responsible for investigating trafficking cases. The National Specialized Unit for Investigation to Combat Transnational Organized Crime also investigated transnational trafficking crimes. Officials from the NIU received extensive training on victim-centered investigative techniques but remained understaffed and under-resourced. The NIU had 49 officers, and frequent rotation of staff for mandatory police training reduced the number of active staff for most of the year. Although NIU officials received mandatory annual training on trafficking and officers applied a victim-centered approach to investigations, observers reported some officials outside of the NIU did not handle anti-trafficking operations with a victim-centered approach. The Specialized Prosecutor’s Office in Transnational and International Organized Crime had prosecutorial responsibility for trafficking cases at the national level; however, due to its broad mandate, the majority of its work focused on the prosecution of non-trafficking crimes. Authorities recognized that sex trafficking was most prevalent in coastal provinces; however, government efforts to prosecute, protect, and prevent trafficking in major port cities like Guayaquil were deficient.

The MOG, with the support of an international organization, trained 605 government officials, including police officers, community police chiefs, prosecutors, and judges on victim identification, victim-centered engagement, and investigating and prosecuting trafficking crimes. The MOL provided limited training to labor inspectors on trafficking indicators, and the agency’s mandate did not include investigations of accusations of abuse in informal sectors. NGOs and some government officials expressed concern the MOL did not make sufficient efforts to investigate labor trafficking crimes. The government did not report investigating, prosecuting, or convicting any new cases of official complicity. Most complicity cases from previous years remained open, including the case involving officials in Guayaquil who allegedly issued fraudulent identity documents to adolescent girls later exploited in commercial sex. Together with Peru, the government offered sessions on victim identification and screening to law enforcement and judicial sector officials operating in the border city of Tumbes, Peru. Authorities cooperated with foreign governments
to investigate transnational trafficking crimes.

**PROTECTION**

The government increased protection efforts. Authorities identified 186 victims and assisted 125 (compared with 167 identified and 152 assisted in 2018), of which 28 were assisted by an NGO. The government had a victim identification manual to aid with the proactive identification of victims, and authorities regularly referred victims to services. In 2019, the MOG approved a protocol for strengthening interagency cooperation on trafficking crimes, and with the support of international organizations, offered eight training sessions reaching 900 government officials from agencies in several provinces around the country. Authorities, in partnership with NGOs, continued to provide emergency and medium-term services to victims, including medical, legal, psychological, and educational support, in addition to specialized shelter for underage female victims. Insufficient services and shelters for boys, adults, and girls younger than 12 who were victims of trafficking continued to be a concern. The Human Rights Secretariat was the entity responsible for providing assistance to adult victims of trafficking and operated five non-specialized shelters and 46 care centers where trafficking victims had limited options for general ambulatory services by interdisciplinary teams consisted of psychologists, social workers, and attorneys. Three specialized shelters provided services to female adolescent sex trafficking victims. The government exclusively funded two shelters and provided limited funding for a third. Police reported challenges finding shelters for victims, particularly in provinces outside the capital; as a result, police sometimes placed victims in non-specialized shelters until space in a shelter became available. Civil society organizations continued to express concern over insufficient funding for victim protection. In 2019, authorities dedicated $422,700 for victim protection and assistance.

The Office of the Prosecutor General’s formal witness protection program (SPAVT) provided immediate support to victims, allowing 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; otherwise, officials referred underage victims to the Ministry of Social and Economic Inclusion and adult victims to the Human Rights Secretariat to assist with their reintegration. Services offered by the SPAVT during the reflection period included shelter, medical assistance, legal support, psychological care, job placement, and assistance with school or university admissions. The SPAVT program assisted 44 victims during the year, compared with 18 in 2018. Foreign victims were entitled by law to the same services as domestic victims. 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 2019, the government provided lodging, food, medical care, and other essential services for five Ecuadorian victims identified abroad, compared with 14 in 2018. The government also facilitated the repatriation of four of the five victims identified. Judges sought reparations for victims in eight of the nine convictions, totaling $1.28 million. The Human Mobility Law guaranteed the non-return of people to countries where their lives or relatives are 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 wish to repatriate, the government assisted.
PREVENTION

The government increased prevention efforts. The MOG chaired the Inter-Institutional Committee for the Prevention of Trafficking in Persons. In 2019, the committee's sub-working groups, which met every three months, addressed protection, prevention, and research. During the reporting period, the government with the support of a foreign government and an international organization, drafted and approved the 2019-2030 national action plan for the elimination of trafficking. Authorities conducted 15 awareness-raising events targeting the public, including employees in vulnerable sectors, teachers, and some youth; the events reached approximately 1,300 individuals. On the margin of bilateral engagements with Colombia and Peru, authorities held info booths and fair-like events at border crossings to educate the public about trafficking; the events reached more than 2,400 people. The MOG, in coordination with the MOL, launched an online course which included a module on trafficking. The course targeted 31,537 public servants working in agencies that comprise the interagency committee. The criminal code prohibited sex tourism, but the government reported there were no investigations, prosecutions, or convictions of child sex tourists in 2019. The government hosted six foreign governments for a sub-regional meeting to exchange best practices in the fight against child sexual exploitation, including child sex tourism. The Ministry of Tourism began the development of a protocol to help hotels detect cases of sexual exploitation of children, including trafficking. The MOL required employers to register the contract of all foreign workers so authorities could verify adequate work conditions and salaries. 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 2019, calls to the hotline led to an operation that concluded with the arrest of one trafficker and the identification of seven victims, including a child.

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 men, women, and children in sex trafficking and forced labor within the country, including in domestic service, begging, banana and palm plantations, floriculture, shrimp farming, fishing, sweatshops, street vending, mining, and other areas of the informal economy. Sex trafficking was 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 underage female sex trafficking victims, which one of the specialized shelters identified and assisted domestically, originated from Quevedo, Los Ríos province. Indigenous and Afro-Ecuadorians, Colombian refugees, and Venezuelan migrants are particularly vulnerable to trafficking. Women, children, refugees, and migrants continued to be the most at risk for sex trafficking; LGBTI individuals also remain vulnerable to sex trafficking. 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 them into prostitution 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 forced labor for domestic service and begging. Traffickers increasingly use social media networks to recruit and groom individuals to later exploit them in sex and labor trafficking. Haitians migrate through Brazil into Ecuador to seek jobs on banana
plantations, where they are vulnerable to forced labor. Traffickers use Ecuador as a transit route for trafficking victims from Colombia and the Caribbean to other South American countries and Europe. Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced labor in begging, domestic service, sweatshops, or as street and commercial vendors in Ecuador or other South American countries. Ecuadorian children are subjected to forced labor in criminal activity, such as drug trafficking and robbery. Traffickers exploit Ecuadorian men, women, and children in sex trafficking and forced labor abroad, including in the United States and other South American countries, particularly Chile. Traffickers exploited Ecuadorian children in sex trafficking and forced labor in Chile, Colombia, Peru, and to a lesser degree, Argentina, Spain, and Suriname. Ecuador was a transit country for Colombian and Venezuelan victims en route to Europe and other South American countries. Some Ecuadorian trafficking victims are initially smuggled and later exploited in prostitution or forced labor in third countries, including forced criminality in the drug trade. Allegedly, some corrupt Ecuadorian officials have alerted traffickers before some law enforcement operations, and some local authorities assisted traffickers to procure falsified identity documents, which resulted in victims’ lack of confidence in the police and a reluctance to report potential cases. Colombian illegal armed groups targeted and forcibly recruited Ecuadorian youth living along the northern border. Women, children, indigenous persons, LGBTI individuals, refugees, and migrants continued to be the most vulnerable to sex trafficking. Traffickers lured vulnerable displaced Venezuelans with fraudulent employment opportunities, particularly those in irregular status, and later exploited them into sex trafficking and forced labor.