

Situation analysis of child labour and forced labour in Ecuador

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International
COCOA
Initiative

Protecting children and their families in cocoa growing communities

The International Cocoa Initiative is a non-profit partnership organisation dedicated to improving the lives of children and adults in cocoa growing communities. We are experts on child labour and forced labour in cocoa, advising governments and corporations to inform their practices and influence decisions-making, and working with NGOs in the field. We are committed to achieving sustainable cocoa production that protects the rights of children and adults worldwide.

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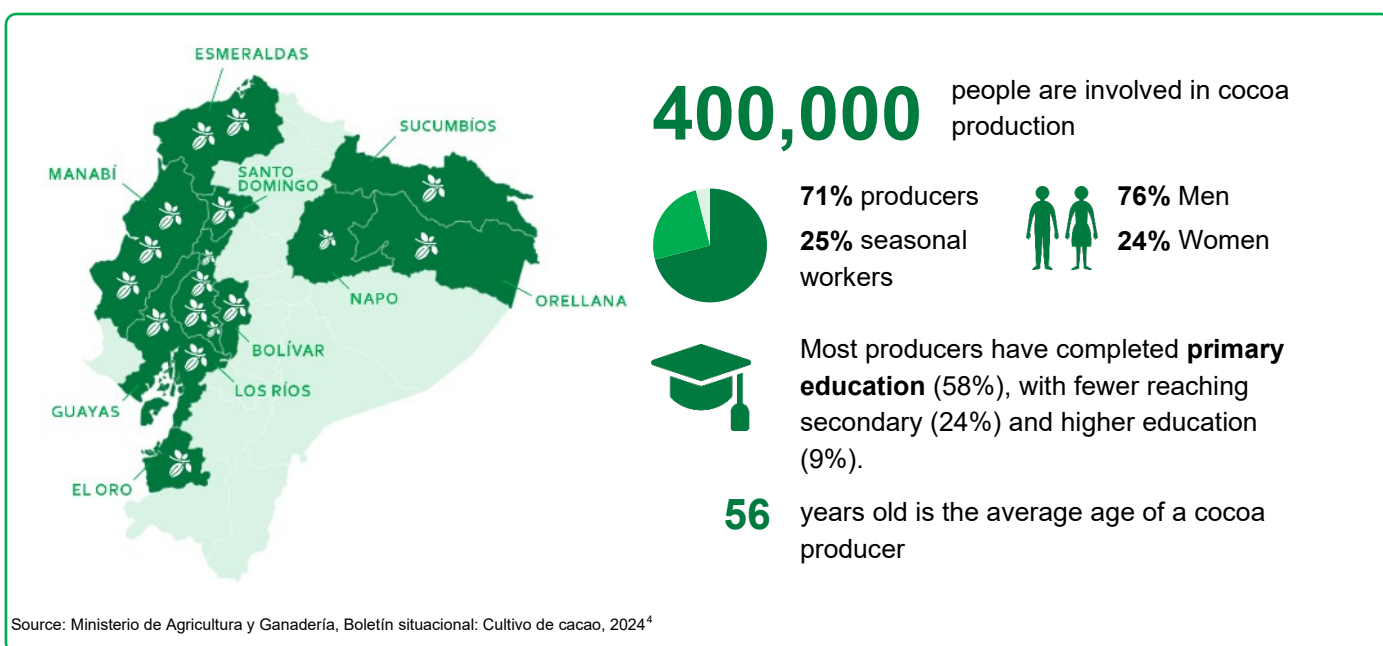
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1. Context

1.1 Cocoa production in Ecuador

Cocoa is one of Ecuador's main export products. Over the last decades, cocoa production in the country has increased significantly, making it the largest cocoa producer in Latin America and the third cocoa producer in the world.¹ As of 2023, cocoa production contributes over 8% to the country's agricultural GDP and employs 15% of the rural population.² Most cocoa is produced by smallholder farmers who receive low incomes, which keeps them below the poverty line.³ Child labour and forced labour are both salient risks linked to cocoa production in Ecuador.



How is the cocoa sector organised?

Approximately 70–85% of cocoa farms are under 5 hectares in size and often grow the *Nacional* cocoa variety along with other crops or trees.⁵ Medium-scale farms (5–20 ha) and larger plantations also exist, especially for the commercial cultivation of CCN 51, a higher-yield cocoa variety often grown as a monoculture and sometimes under more industrialised conditions,⁶

The cocoa sector is highly fragmented, characterized by numerous intermediaries. Only around 15% of smallholder producers are organised into cooperatives or associations.⁷ Instead, they sell their harvest to local intermediaries, either directly from the farm or at local markets. These intermediaries purchase wet or dried

¹ Heredia-R, M., Blanco-Gutiérrez, I., Esteve, P., Puhl, L., & Morales-Opazo, C., Assessment of sustainability in cocoa farms in Ecuador: application of a multidimensional indicator-based frame, 2024

² Heredia-R, M., Blanco-Gutiérrez, I., Esteve, P., Puhl, L., & Morales-Opazo, C., Assessment of sustainability in cocoa farms in Ecuador: application of a multidimensional indicator-based frame, 2024

³ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

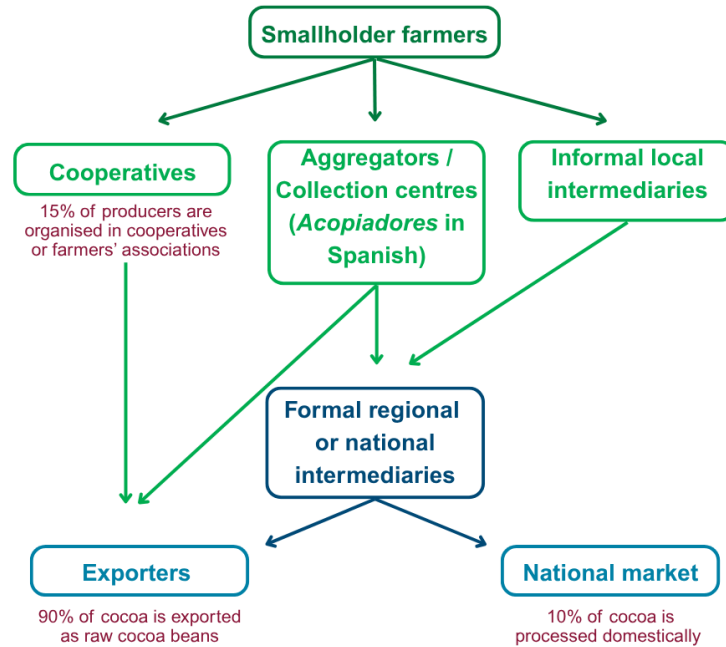
⁴ Ministerio de Agricultura y Ganadería, Boletín situacional: Cultivo de cacao, 2024

⁵ Mendoza Vargas, E. Y., Escobar Terán, H. E., & Boza Valle, J. A. Análisis del sector cacaotero ecuatoriano desde su cadena de valor. *Religación*, 9(41), e2401200, 2024

⁶ García-Briones, Ana R., Pico-Pico, Bryan F., & Jaimez, Ramón. La cadena de producción del Cacao en Ecuador: Resiliencia en los diferentes actores de la producción. *Revista Digital Novasinergia*, 4(2), 152-172. Epub 01 de diciembre de 2021, 2021

⁷ FAO, Ecuador: Cocoa Factsheet, 2024

beans and then sell them to national-level buyers or exporters. While some larger producers may sell directly to exporters, smallholders often rely on informal local buyers, limiting transparency and bargaining power.⁸



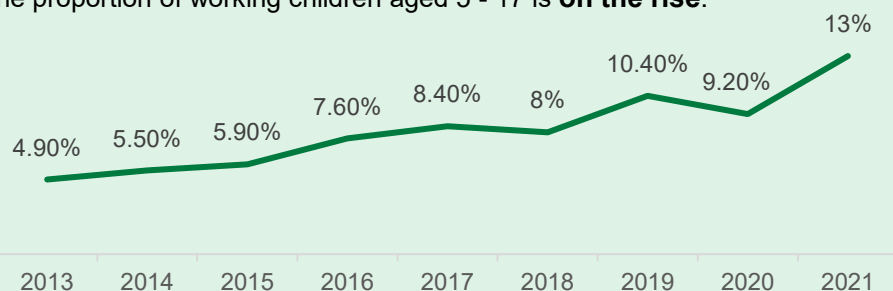
⁸ García-Briones, Ana R., Pico-Pico, Bryan F., & Jaimez, Ramón. La cadena de producción del Cacao en Ecuador: Resiliencia en los diferentes actores de la producción. *Revista Digital Novasinerгия*, 4(2), 152-172. Epub 01 de diciembre de 2021, 2021

1.2 Child labour in Ecuador

13% of children **aged 5 to 17** work in Ecuador, but varies a lot between regions (2021)

5 out of 10 working children are exposed to at least one form of **hazardous work** (2021)

The proportion of working children aged 5 - 17 is **on the rise**:



Child labour is **more prevalent among boys** (14.4% prevalence) compared to girls (11.6% prevalence)



87% of children aged 5-17 who work, also attend **school**



85.9% of children in child labour work in the **agriculture sector**



Cocoa-growing regions of Orellana and Napo have one of the highest predicted prevalence rates of child labour, at 47,6% and 44,2% respectively



36.8% of children work due to a **lack of financial resources**

Source: USDOL and INEC-ENEMDU Mensual, December 2013-2021. Elaboración: Dirección de Investigación y Estudios Laborales. Estimations are based on the National Survey of Employment, Unemployment and Underemployment since Ecuador has not conducted a comprehensive nationwide survey on child labour since 2012.⁹

Child labour prevalence at sub-national level and child labour risk

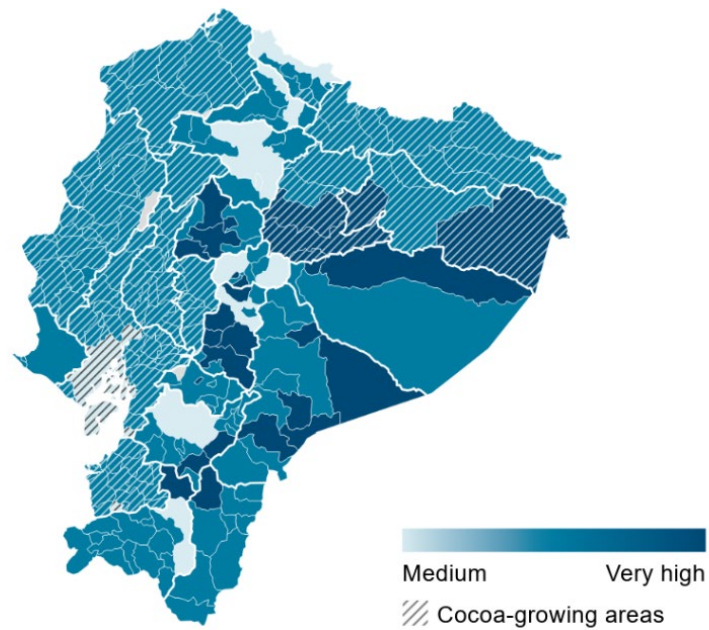
The Child Labour Risk Identification Model (MIRTI), developed by the International Labour Organisation (ILO) and the Economic Commission for Latin America and the Caribbean (CEPAL) uses information from the latest annual national employment and labour survey (Encuesta Nacional de Empleo, Desempleo et Subempleo, Anual 2021), together with recent census data to predict child labour prevalence at sub-national level, for each canton.¹⁰ This data illustrates clearly that despite a national prevalence rate of around 10%, child labour varies considerably between regions, and prevalence is likely to be much higher in rural and agricultural areas.

The MIRTI classifies areas in one of three risk levels: “medium,” “high,” and “very high.” Regions classified as “very high risk” include some cocoa-growing areas.

⁹ CEPAL/ILO, Modelo de Identificación de Riesgo de Trabajo Infantil: Ecuador, 2022

¹⁰ CEPAL/ILO, Modelo de Identificación de Riesgo de Trabajo Infantil: Ecuador, 2022

Child labour risk per canton and cocoa-growing regions in Ecuador



The interactive version of this map, available [here](#), shows the level of child labour risk, by canton. The cocoa-growing regions of Orellana and Napo, for example, have some of the highest estimated child labour rates, at 47.6% and 44.2%, respectively.

1.3 Child labour and forced labour risks in cocoa production in Ecuador

Not much data is available on child labour or forced labour prevalence specific to **cocoa** production in Ecuador. However, the context reveals key risks of child labour and forced labour in the cocoa supply chain.¹¹ According to analysis by the Rainforest Alliance, Ecuador's cocoa sector has a medium risk for child labour (4.76 out of 10) and forced labour (4.04 out of 10).¹²

The following factors are understood as linked to the risks of child labour and forced labour in cocoa production in Ecuador:

- Most of the cocoa (70-85%) in Ecuador is grown by **smallholder farmers** who rely on family labour and hire **seasonal workers** during harvest time.
- Cocoa-producing households are typically engaged in **informal labour** and live in conditions of **poverty**, lacking **basic infrastructure**, such as roads, schools, and hospitals.

Child labour

- **Cultural norms** deeply rooted in rural areas of Ecuador often regard child work as a formative experience and a means of teaching responsibility.¹³ In this context, children aged 15 to 17 may no longer be seen as children but as **young adults**. As a result, their work on cocoa farms may not always be perceived as child labour, even when it involves hazardous tasks.¹⁴
- Child labour has been confirmed in **other agricultural activities** in Ecuador, including the banana, coffee, and flower sectors. While we do not have conclusive figures around child labour in cocoa, it is highly likely that child labour is also present in the cocoa supply chain.¹⁵ This is especially plausible as cocoa and banana are cultivated in the same regions of Ecuador,¹⁶ and it is common practice for smallholder farmers to grow both crops on their farms.¹⁷ This **geographic and livelihood overlap** suggests that households affected by child labour in banana production may also be involved in cocoa farming.
- In Ecuador, **pesticides** are commonly used in cocoa production. Given that exposure to pesticides is one of the most hazardous forms of child labour in agriculture, this context significantly increases the risk of hazardous child labour in cocoa supply chains. This risk is further intensified by the intensive use of pesticides in banana farming,¹⁸ which happens alongside cocoa farming. As a result, children who work or live in banana-growing areas may be exposed to harmful chemicals.

Forced labour

- Labourers in cocoa farms are often employed informally, **without verbal contracts** or social security, and are paid very little, leaving them excluded from labour protections and at risk of forced labour. In some cases,

¹¹US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

¹² Rainforest Alliance, Using Risk Maps to Protection Human Rights <https://www.rainforest-alliance.org/in-the-field/manage-risk-with-the-rainforest-alliance-child-labor-and-forced-labor-sectoral-risk-maps/>

¹³ FLASCO Ecuador, "En los márgenes: el trabajo infantil como práctica cultural", 2010

¹⁴ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

¹⁵ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

¹⁶ [Ministerio de Agricultura y Ganadería del Ecuador, Ficha de cultivo SIPA, 2021](#)

¹⁷ Summer L. Allen et al., "Productivity, Soil Health, and Tree Diversity in Dynamic Cacao Agroforestry Systems in Ecuador" *Land* 2024, 13(7), 959

¹⁸ [INEC, Información Ambiental y tecnificación agropecuaria - Módulo métodos de producción y ambiente, ESPAC 2023, 2024](#)

cocoa labourers live and work on their employer's farms with their entire families. They receive very low wages, and often, their family members also participate in cocoa harvesting without receiving any payment.¹⁹

- In recent years, Ecuador has experienced an influx of **migrants**, mainly from Venezuela, Colombia, and Peru, who are especially vulnerable to forced labour, particularly those who are undocumented. The lack of legal protections and support networks can place undocumented migrants in a situation of total dependence on their employer, magnifying the risk of forced labour. Migrants from within Ecuador have been found in forced labour in banana, abaca hemp,²⁰ palm, and flower agriculture sectors. This risk is likely also present in cocoa production.²¹
- Use of **employment brokers** to recruit daily labourers is common in Ecuador's agricultural sector, limiting transparency in employer-worker relations. Wages are often paid to recruiters, known as "contratistas", rather than directly to workers. Research on forced labour in the Esmeraldas province has highlighted how these intermediaries use coercive tactics, including small debts, psychological pressure, surveillance, and threats of exclusion from future work, all within a context of low wages and limited employment alternatives.²²

¹⁹ G.L. Valarezo et al., "Personas en Riesgo de Trabajo Forzoso y en Situación de Trabajo Infantil en los Cantones Quinde y Esmeraldas, Provincia de Esmeraldas, Ecuador", 2014, 65.

²⁰ OHCHR, [Ecuador: Victims of modern slavery must have remedy and reparation in ongoing lawsuits, UN experts say](#) |

²¹ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

²² G.L. Valarezo et al., "Personas en Riesgo de Trabajo Forzoso y en Situación de Trabajo Infantil en los Cantones Quinde y Esmeraldas, Provincia de Esmeraldas, Ecuador", 2014, 65.

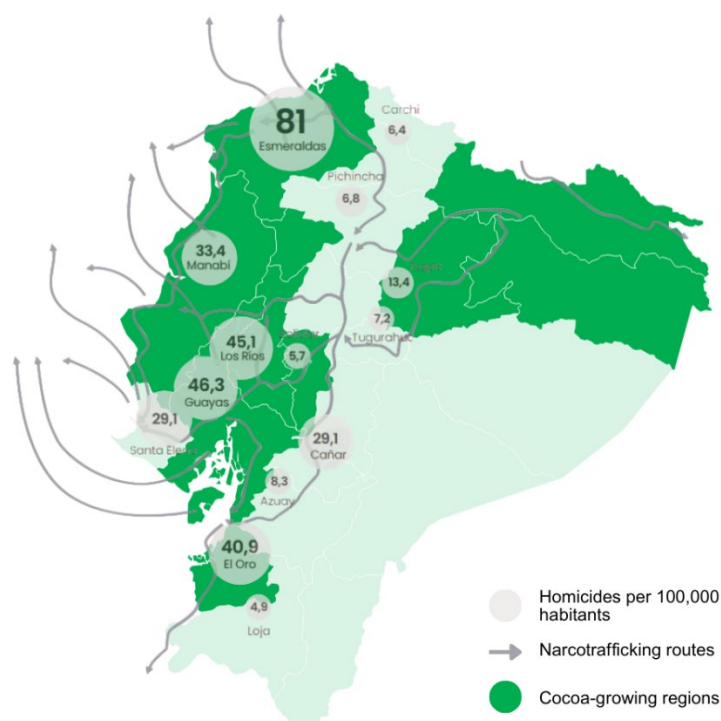
1.4 Security context and operating environment

Since 2021, Ecuador has experienced a systematic escalation of criminal violence driven by Organised Criminal Groups, primarily due to territorial disputes linked to transnational drug trafficking.²³ In 2023, there were a record number of violent deaths, with a homicide rate of 44.9 per 100,000 inhabitants and an average of 21 murders per day.²⁴ Reports of homicides, assaults, robbery, and extortion are on the rise, including in rural areas where insecurity and assaults are impacting producers and farmers.²⁵

In response to the security crisis, in January 2024, the Noboa government declared a state of internal armed conflict in the country and designated 22 groups as terrorist entities, granting the state special legal powers to combat them.²⁶ The subsequent militarisation of Ecuador's streets and prisons has led to serious human rights violations by security forces, including extrajudicial killings, arbitrary arrests and ill-treatment.²⁷

This security context impacts cocoa-growing regions in Ecuador, as illustrated in the map. This can increase the vulnerabilities of children and farmers, and impact interventions aimed at addressing child labour and forced labour in those regions. For instance, economic losses from robberies and extortion can challenge producers' financial stability, increasing the risk of child labour. Additionally, heightened insecurity makes it challenging for aid workers, labour inspectors, and development programs to access rural areas, which decreases the effectiveness of initiatives aimed at reducing child labour and forced labour. Furthermore, the presence of Organised Criminal Groups in rural areas increases the risk of children joining these gangs²⁸ and being involved in the worst forms of child labour.

This context and related operational risk and constraints should be taken into account by actors planning and implementing strategies to support human rights.



Source: Prosegur Research, 2024

²³ [Ecuador: Security Crises - DREF Final Report MDREC025 - Ecuador | ReliefWeb](#)

²⁴ [Amenazas a la seguridad del Estado en Ecuador | Insights | Prosegur Research](#)

²⁵ [Amenazas a la seguridad del Estado en Ecuador | Insights | Prosegur Research](#)

²⁶ [Los retos de seguridad en Ecuador y la respuesta del Gobierno de Daniel Noboa - Infobae](#)

²⁷ [World Report 2025: Ecuador | Human Rights Watch](#)

²⁸ [Minors Caught in Ecuador's Gang Violence Surge - The Cuenca Dispatch](#)

2. Legislation

2.1 Child labour laws in Ecuador

The Government of Ecuador has ratified the relevant international conventions, instruments and protocols that govern child labour laws, including:

Convention	Ratification
United Nations Convention on the Rights of the Child, 1989	✓
ILO Convention 138, Minimum Age of Employment, 1973	✓
ILO Convention 182, Worst Forms of Child Labour, 1999	✓
Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000 (Palermo Protocol)	✓

In addition to ratifying these international conventions, the Ecuadorian government has put in place national legislation, in which child labour is legally condemned. The following legal instruments relate to child labour in Ecuador:

Legal instrument	Relevant articles
2008 Constitution of the Republic of Ecuador	Article 46
Code on Children and Adolescents (<i>Código de la Niñez y Adolescencia</i> , CNA)	Articles 81, 82, 84, 87
Labour Code (<i>Código de Trabajo</i> , CT)	Articles 134, 138
Ministerial Directive No. 016 of 2008 (<i>Acuerdo Ministerial</i>)	
Integral Penal Code (<i>Código Orgánico Integral Penal</i> , COIP)	Articles 91, 92, 100-104, 137, 139, 219, 2022

Definition of a child

Article 4 of the Code on Children and Adolescents (*Código de la Niñez y Adolescencia*, CNA) defines a child as a person under the age of 12 and an adolescent as a person aged 12 to 18. National legislation prohibiting child labour refers to both children and adolescents and prohibits hazardous work to persons under the age of 18, meaning that this definition poses no issues to protection against child labour.

The UN Committee for the Rights of the Child has noted this legal distinction in its different reviews of Ecuador and has made no recommendations to change it.

Child rights in Ecuador

Ecuador has ratified the relevant UN Conventions on the rights of children and has enshrined these rights in its Constitution. Articles 44, 45, and 46 set out the rights enjoyed by children and adolescents, as well as the principle of the best interest of the child, and establish the state's duty to guarantee, without discrimination of any kind, the effective enjoyment of these rights. The Constitution establishes special protection of children against any kind of exploitation.

Furthermore, the CNA regulates the enjoyment and exercise of the rights, duties and responsibilities of children and adolescents and the means to make them effective, guarantee them and protect them.²⁹ Article 81 of the CNA establishes the right to protection against labour exploitation:

“Children and adolescents have the right to protection by the State, society and the family against labour and economic exploitation and any form of slavery, servitude, forced or compulsory labour that is harmful to their health, physical, mental, spiritual, moral or social development, or that may hinder the exercise of their right to education” Article 81 of the Code on Children and Adolescents

However, despite the adoption of various laws concerning children's rights, the UN Committee on the Rights of the Child has urged Ecuador to ensure full implementation of such legislation.³⁰

Minimum employment age

According to ILO Convention 138 on the Minimum Age for Admission to Employment (ILO Convention 138), “the minimum age to be specified in conformity with the Convention shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years” (Article 2.3). However, the Convention also allows “countries whose economy and educational facilities are insufficiently developed may, [...] initially specify the minimum age at 14 years” (Article 2.4).

In Ecuador, compulsory education ends at age 17, and the minimum working age is set at 15, as established in Article 46.2 of the Ecuadorian Constitution, Article 82 of the CNA and Article 134 of the Labour Code.

“...The employment of children under the age of 15 is prohibited...” Article 46.2, 2008 Constitution of Ecuador

Article 84 of the CNA permits work for children aged 15 and older as long as it does **not exceed 6 hours a day for 5 days per week**, does **not interfere with the right to education**, and is **not harmful to their health or development** (i.e. non-hazardous activities). However, in practice, working 30 hours per week appears unrealistic without disrupting compulsory education.

Given that the minimum working age (15) is lower than the age at which compulsory schooling ends (17), Ecuador's legal framework does not fully align with the provisions of ILO Convention 138.

²⁹ Aldeas Infantiles Ecuador, Estado de situación y análisis del ejercicio de derechos de los niños, niñas y adolescentes en el Ecuador, 2015

³⁰ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Ecuador, 2017

Light work

ILO Convention 138 allows children of 13 to 15 years to perform light work for less than 14 hours per week, as long as the work does not fall under the scope of the worst forms of child labour³¹ and does not interfere with the child's education and physical and mental development.

The national legislation in Ecuador does not specifically establish light work. However, there are certain activities that children below the legal age of employment can carry out, namely **formative cultural or ancestral practices**, as long as they respect the physical and psychological development of the child (Article 86 of the CNA). The legislation does not specify a minimum legal age for these practices or the number of hours, as required by Article 7 of the ILO Convention 138.

Definition of child labour

The ILO defines child labour as “any work that deprives children of their childhood, potential, dignity and undermines their physical and psychological development”. It includes all work that:

- Is mentally, emotionally, socially and morally dangerous and harmful to children
- Restricts or deprives children of the opportunity to attend school, and force children to leave school prematurely
- Makes children combine school and laborious work for excessive periods of time

In Ecuador, the 2008 Constitution establishes special protection of children and adolescents against any kind of labour exploitation and stipulates that the State shall implement policies for the progressive eradication of child labour. Article 81 of the CNA establishes that children and adolescents have the right to protection by the State, society and the family against labour and economic exploitation and any form of slavery, servitude, forced labour or **labour that is harmful to their health, physical, mental, spiritual, moral or social development, or that may hinder the exercise of their right to education**. The Integral Penal Code criminalises all forms of economic exploitation, including child labour.

Worst forms of child labour

Article 3 of the ILO's Convention 182 defines the worst forms of child labour as:

1. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict
2. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances
3. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs
4. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (hazardous work)

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- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (hazardous work)

The first three categories of the worst forms of child labour are known as the *unconditional worst forms of child labour*. They are prohibited without regard to the age of the child, the nature of the tasks executed, the conditions and circumstances in which those tasks are executed, etc. The fourth category, which describes “work that is likely to harm the health, safety or morals of the children,” is generally referred to as *hazardous work* (ILO Recommendation No. 190). This is a “conditional” worst form of child labour and has to be defined locally, through a nationally defined list of hazardous activities.

In Ecuador, all the worst forms of child labour are prohibited. In alignment with the ILO Convention 182, Article 138 of the Ecuadorian Labour Code prohibits the following forms of work for persons under the age of 18: slavery, servitude, debt bondage, forced labour or recruitment, prostitution, work for illicit activities, as well as work which, by its nature or the conditions under which it is carried out, is likely to harm the health, safety or morals of children under the age of 18 (alcohol production, quarrying, glass or metal smelting, manufacture of explosives, etc.). The Integral Penal Code also prohibits child trafficking (Articles 91 and 92), commercial sexual exploitation of children (Articles 91 and 100-104), and using children in illicit activities (Articles 219 and 220).

“It is prohibited to employ women and men under the age of 18 in industries or work that are considered hazardous and unhealthy.” Article 138, Labour Code

Hazardous work

The ILO Convention 182 defines hazardous child labour as, “any work which, by its nature or circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of children”. The precise nature of those tasks that are prohibited are to be defined and reviewed by each country, through a nationally defined list of hazardous activities.

In Ecuador, the National Council for Childhood and Adolescence (*Consejo Nacional de la Niñez y la Adolescencia*) is in charge of defining the specific forms of hazardous work prohibited for adolescents.³² Article 87 of CNA prohibits the following work for adolescents:

- In mines, landfills, dumps, animal dumps, quarries and extractive industries of any kind
- In activities involving the handling of explosive, psychotropic, toxic, dangerous or hazardous substances or substances harmful to their life, physical or mental development or health
- In brothels or the like, places of gambling, the sale of alcoholic beverages and other places that may be inconvenient for the moral or social development of the adolescent
- In activities that require the use of dangerous machinery or that expose the adolescent to noise that exceeds the legal tolerance limits
- In an activity that may aggravate the disability, in the case of adolescents who have a disability
- In other activities prohibited in other legal bodies, including international instruments ratified by Ecuador
- In households whose members have a history of abuse or mistreatment

In addition, Ministerial Directive No. 016 of 2008 prohibits adolescents from working in 93 economic activities, including activities involving **handling chemicals, weeding, spreading fertilizers, or travelling long distances**, among others. Night work is also prohibited by Article 137 of the Labour Code.

Article 139 of the Labour Code establishes the maximum weight children over 15 can carry: 25lb for boys, and 20lb for girls.

³² UNICEF Ecuador and INEC, Trabajo infantil en Ecuador: Hacia un entendimiento integral de la problemática, 2015

Standard	Age	National legislation	Meets international standards
Minimum Age for Work	15	Article 46 of the Constitution Article 82 of the Childhood and Adolescence Code	✓
Minimum Age for Hazardous Work	18	Article 87 of the Childhood and Adolescence Code Articles 91, 92, 100-104, 219 and 220 of the Integral Penal Code	✓
Prohibition of worst forms of child labour	-	Article 138 of the Labour Code	✓
Identification of Hazardous Occupations	-	Articles 5, 6, and 8 of Ministerial Directive No. 016 of 2008	✓

2.2 Forced labour laws in Ecuador

Ecuador has ratified two international conventions, relevant for the elimination of forced labour:

Convention	Ratification
ILO Convention 29, Forced Labour, 1930	✓
ILO Convention 105, Abolition of Forced Labour	✓
Protocol to the Forced Labour Convention, 2014	✗

National laws related to forced labour include:

Legal instrument	Relevant articles
2008 Constitution of the Republic of Ecuador	Article 33 and 66
Labour Code (Código del Trabajo)	Article 138
Integral Penal Code (Código Orgánico Integral Penal, COIP)	Article 82, 91 and 105

Prohibition of forced labour

In Ecuador, Article 66 of the Constitution prohibits forced labour:

No person shall be obliged to perform unpaid or forced labour, except in cases defined by the law. Article 66.17 of the Constitution

ILO Convention 29 provides that forced labour should be punishable as a crime. As such, Article 105 of the Ecuadorian Criminal Code sets a penalty of ten to thirteen years of deprivation of liberty for persons subjecting others to forced labour:

Any person who subjects another person to forced labour or other forms of exploitation or labour services, within or outside the country, shall be punished by deprivation of liberty for a term of ten to thirteen years. Article 105 Criminal Code

Although forced labour and labour exploitation are prohibited and criminalised in Ecuador, the law does not prohibit certain labour recruitment practices that traffickers often exploit. Notable exceptions include charging recruitment fees to workers, confiscating workers' passports, and restricting migrant workers from changing employers without special permissions or risking the loss of their work permit.³³

Definition of forced labour

According to ILO Convention on Forced Labour (ILO Convention 29), forced labour is “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.” This definition consists of three elements:

1. **Work or service** refers to all types of work occurring in any activity, industry or sector including in the informal economy.
2. **Menace of any penalty** refers to a wide range of penalties used to compel someone to work.
3. **Involuntariness:** The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted.³⁴

In Ecuador, Article 105 Criminal Code defines forced labour as follows:

- When a person is **forced or tricked** into performing, **against his or her will**, a **work or service under threat** of causing harm to him or her or to third parties.
- When children or adolescents under fifteen years of age are used in these activities.
- When adolescents over fifteen years of age are used in dangerous, harmful or risky work in accordance with the provisions of the corresponding regulations.
- When a person is **forced** to perform **work or services** using **violence or threats**.
- When a person is **forced** to compromise or provide his or her personal services or those of someone over whom he or she exercises authority, as a guarantee for a debt, taking advantage of his or her status as a debtor.

³³ [US Department of State, 2022 Trafficking in Persons Report: Ecuador](#)

³⁴ ILO, [What is forced labour?](#)

- When a person is forced to live and work on land belonging to another person and to provide to that person, for remuneration or free of charge, certain services without the freedom to change his or her status.

These situations cover the three elements of ILO's definition of forced labour.

Exceptions to the definition of forced labour

Article 2.2 of the ILO Convention 29 provides for exceptions to the definition of forced labour and refers to five situations in which compulsory labour may be imposed:

1. work of a purely military character exacted in virtue of compulsory military service
2. normal civic obligations
3. work or service exacted from any person as a consequence of a conviction in a court of law, carried out under the supervision of a public authority
4. work exacted in cases of emergency, such as wars or natural calamities
5. minor communal services in the direct interest of the community involved

Each of these exceptions is subject to the observance of certain conditions that define their limits. If these limits are not respected, this can amount to a situation of compulsory labour imposed by the State.

Indeed, article 66.17 of the Ecuadorian Constitution allows exceptions to the prohibition of forced labour for "cases defined by the law".

Labour rights

Ecuador's Constitution and Labour Code establish key labour rights, including provisions on wages, working hours and workplace safety.

- **Minimum wage:** Determined annually by the government. As of 2025, the minimum wage is 470 USD³⁵.
- **Working hours:** Articles 47 and 49 of the Labour Code establish a maximum work week of 40 hours, with a daily limit of 8 hours.
- **Workplace health and safety:** Articles 434 and 435 of the Labour Code require employers to provide safe working conditions and protective equipment to prevent occupational hazards.
- **Contracts:**
 - The Labour Code recognises both verbal and written employment contracts. However, Article 19 specifies that certain types of contracts must be formalised in writing, including occasional and seasonal work.
 - Ministerial Directive No. MDT-2018-0006 requires employers to register the contracts of foreign workers with the Ministry of Labour.

Despite the existence of these legal provisions, enforcement remains weak, particularly in the informal agricultural sector. Furthermore, as mentioned above, key legal safeguards are missing from Ecuador's labour framework: the law does not prohibit practices such as charging recruitment fees to workers, confiscating workers' identity documents or restricting migrant workers from changing employers without special permission or risking the loss of their work permit.

³⁵ [Sueldo básico en Ecuador 2025: Detalles del salario mínimo](#)

3. Enforcement of laws on child labour and forced labour

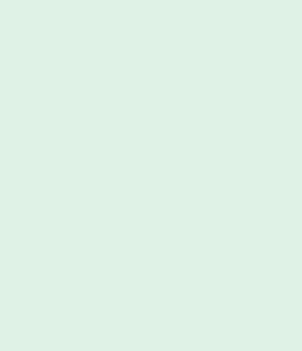
The government of Ecuador has set up institutional mechanisms for the enforcement of laws and regulations on child labour and forced labour.

Agency	Role
Ministry of Labour (MOL)	<p>Responsible for formulating and implementing labour policies, including those related to child labour and forced labour.</p> <p>Enforces child labour laws in the formal sector through the Directorate for the Attention to Priority Groups.</p> <p>Monitors and identifies cases of child labour, assesses penalties, promotes public awareness campaigns to prevent child labour, provides technical assistance to local governments on child labour, and identifies victims of child labour for the Ministry of Economic and Social Inclusion (MIES) to provide special services. In 2023, there were 160 labour inspectors (11 more than in 2023), which conducted 11,371 worksite inspections, of which 663 were specifically for child labour.³⁶ Six child labour violations were found, out of which four resulted in penalties.³⁷</p> <p>Has set up the Unified System of Registration of Child Labor to collect information on child labourers and refer children to appropriate government services for support.³⁸</p>
Ministry of Economic and Social Inclusion (MIES)	<p>Focuses on social inclusion and poverty reduction, including addressing child labour issues.</p> <p>Implements programmes and initiatives to prevent child labour, support families in situation of vulnerability, and provide social assistance.</p> <p>Responsible for conducting routine inspections in the informal sector.</p>
Attorney General's Office (AGO)	<p>Enforces criminal laws against child labour, hazardous child labour and forced labour, including the prosecution of cases. The AGO's Specialized Victim Witness Protection Program provides immediate support and shelter to survivors and witnesses willing to press charges and testify against their abusers and coordinates referrals for further assistance with other government agencies.</p>
Ministry of Interior (MOI)	<p>Enforces child labour laws. In 2022, through the National Police, MOI established the National Directorate for the Investigation of Crimes Against Women, Family, Children, Adolescents, Trafficking in Persons and Migrant Smuggling with four</p>

³⁶ USDOL, Ecuador, 2023 Findings on the Worst Forms of Child Labor

³⁷ USDOL, Ecuador, 2022 Findings on the Worst Forms of Child Labor

³⁸ USDOL, Ecuador, 2023 Findings on the Worst Forms of Child Labor



specialized units: (1) the National Investigation Unit for the Protection of Children and Adolescents (UNIPEN); (2) the National Investigation Unit for Gender Violence, Women or Members of the Family Nucleus; (3) the National Investigation Unit for Sexual Integrity; (4) and the National Investigation Unit for Trafficking in Persons and Migrant Smuggling. All these units are tasked with investigating crimes against children, including child labour. UNIPEN is the primary anti-trafficking law enforcement unit responsible for investigating labour and sex trafficking cases involving children and is also responsible for investigating all crimes against children.

Source: U.S. Department of Labour, Findings on The Worst Forms of Child Labour, Ecuador, 2022 and 2023

4. Government policies and programmes on child labour and forced labour

Since the 1990s, the government of Ecuador has developed different policies to address child labour and to protect adolescents from hazardous work, including the Project to Eradicate Child Labor (*Proyecto de Erradicación del Trabajo Infantil*, PETI), established in 2007. These policies brought progress in the fight against child labour in the early 2000-2010s.³⁹ However, in 2014, the country was hit with an economic crisis and funding to social and child labour eradication programmes was reduced.⁴⁰

At the time of writing, the Directorate for the Attention to Priority Groups serves as the main coordinating mechanism for the elimination of child labour. It is responsible for preventing, promoting, and protecting the labour rights of priority attention groups.

Policy	Description and activities
Prevent and Eradicate Child Labour (2021-2025)	Promotes employment for parents and prevention of child labour through inspections. Although this policy has been officially adopted, it is not clear whether it has been implemented as of 2023 and is not well known to local civil society experts in child labour.
National Action Plan to Combat Trafficking in Persons (2019-2030)	Aims to prevent, investigate, and impose legal sanctions against human trafficking with a focus on human rights, mobility, and gender, as the majority of victims in Ecuador are women. The Action Plan includes U.S.-funded support through the International Organisation for Migration and is the government's first multisectoral plan on human trafficking that establishes goals for every public sector institution to address human trafficking. As part of the Action Plan, the Government of Ecuador trained 580 public officials in Tulcan, Lago Agrio, Huaquillas, and Macara. These public officials came from migrant control units, Ecuador's Red Cross chapter, the Ministry of Women and Human Rights, MIES, and the Ministry of Health. The Government of Ecuador also developed several guides and internal procedures that would assist in the training of border police officers in trafficking in persons crime identification and prevention.
National Development Plan (<i>Plan de Creación de Oportunidades</i>) (2021-2025)	Creates employment opportunities for Ecuadorians and aims to establish a plan for future policy areas. These include economic, social, integral security, ecological transition, and institutional policy areas. In the social axis listed in the plan, the Ecuadorian government lays out its objective to protect families, guarantee their rights and services, eradicate poverty, and promote social inclusion. In order to meet this objective, Ecuador has set a goal of decreasing the percentage of children between the ages of 5 and 14 that engage in child

³⁹ UNICEF Ecuador and INEC, Trabajo infantil en Ecuador: Hacia un entendimiento integral de la problemática, 2015

⁴⁰ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

labour. This plan aims to reach the goal of decreasing child labour from 6.1 percent to 4.4 percent by 2025. As part of this Plan, the Government has adopted the Child Labour Risk Identification Model (MIRTI) as a tool to identify needs at a national level.⁴¹

Source: U.S. Department of Labour, Findings on The Worst Forms of Child Labour, Ecuador, 2022 and 2023

In addition, the Ministry of Economic and Social Inclusion (MIES) has put in place different programmes aiming to eradicate child labour and fight human trafficking.

Programme	Description and activities
Child Labour Eradication Service	MIES programme that aims to provide social and educational inclusion of children and adolescents in situations of child labour. Currently serves as the primary government-funded social program that is tasked with eliminating child labour in Ecuador. The program seeks to restore the rights of children in situations of child labour through sustained individual, family, and community interventions. In 2023, the Child Labor Eradication Service assisted 12,160 children and adolescents and referred them to the appropriate social services. MIES signed cooperative agreements with municipal and provincial governments, CSOs, and religious organizations to implement this program.
Service for the Protection of Vulnerable Migrant Population in Host Cities	MIES service that aims to provide access to public or private social protection services to vulnerable migrant populations, with emphasis on girls, boys, adolescents, and their families. Also delivers services to migrant pregnant women, people with critical illnesses, people with disabilities, victims of violence, and LGBTQI+ individuals. MIES provides orientation and information for the regularization of participants' immigration and refugee status, and raises awareness about irregular practices such as begging, child labour, domestic violence, human trafficking, migrant smuggling, xenophobic conduct, and other rights violations, through inter-institutional coordination and socio-cultural integration with host communities. This programme was launched and implemented in 2023.
Rights with Dignity	MIES program that aims to prevent begging and child labour through the implementation of awareness-raising campaigns and containment actions. This programme is carried out within the framework of the National Intersectoral Table for the Prevention of Begging and Child Labour, with the support of 24 state institutions and 6 NGOs. The program's containment actions include a mechanism in which a citizen or state institution can report a case of begging or child labour, and in response, a technical team will be deployed to verify the case and provide government services. Donations of clothing, non-perishable food, and toys are also made to vulnerable families as part of the program. This programme was launched and implemented in 2023.

⁴¹ CEPAL/ILO, Modelo de Identificación del Riesgo de Trabajo Infantil, Ficha Ecuador

Human Development
Voucher (*Bono de
Desarrollo Humano*)

MIES allocates economic resources through vouchers to families in situation of poverty and extreme poverty in order to prevent their children from being involved in any type of economic activity. Vouchers are also distributed to families with children under the age of 18 involved in child labour or at risk of child labour.⁴²

According to 2006 and 2011 evaluations, this programme helped reduce the participation of children in economic activities and increased enrolment in school.⁴³

Source: U.S. Department of Labour, Findings on The Worst Forms of Child Labour, Ecuador, 2023

⁴² Ministerio de Inclusión Económica y Social, Norma técnica el servicio de erradicación del trabajo infantil, 2023

⁴³ CEPAL/ILO, Modelo de Identificación de Riesgo de Trabajo Infantil: Ecuador, 2022

5. Challenges

There are different challenges which hinder the effectiveness of the different Ecuadorian agencies, policies, and programmes in addressing issues related to child labour and forced labour:

- Government agencies, including the MOL and MIES, face **limited budgets and insufficient allocation of human resources**,⁴⁴ especially at the provincial and local government levels in cocoa-producing areas.⁴⁵
- Labour inspectors **lack appropriate training** on child labour and forced labour laws, as well as on identifying victims of human trafficking.
- Labour inspections mainly **focus on formal sector** employment, which makes it challenging to identify child labour and forced labour cases in the informal sector.
- The **widespread distribution of cocoa farms** across various provinces in Ecuador makes it difficult for government agencies to monitor and enforce labour standards effectively. The complexity of the supply chain, characterised by numerous stakeholders and a lack of transparency, also complicates the task of effectively monitoring labour practices and ensuring compliance with labour laws.
- Mechanisms for workers to report cases of abuse or rights violations are hardly accessible to people in rural areas, people with low levels of education or irregular migrants.
- The national plan **Prevent and Eradicate Child Labour (2021-2025) has not been implemented** and is not well known to local civil society experts in child labour. As a result, national and local government stakeholders are not coordinated to implement or enforce policies regarding child labour and forced labour.⁴⁶
- The **lack of a permanent policy to address child labour** could be one of the factors that hinder efforts to address child labour.⁴⁷
- **Forced labour has not been a priority** on the government's national agenda.⁴⁸ However, in recent years, court cases have brought more attention to forced labour in the agriculture sector. The Furukawa Plantaciones lawsuit in 2021 was the first time a company was convicted of slave labour in Ecuador.
- There is **no specialised department** within the Ministry of Labour that is mandated to deal with forced labour, even if this Ministry is responsible for combating this issue.
- The current **security context** makes it increasingly challenging to implement policies and programmes, especially in areas of heightened insecurity.

⁴⁴ USDOL, Ecuador, 2023 Findings on the Worst Forms of Child Labor

⁴⁵ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

⁴⁶ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

⁴⁷ USDOL, Ecuador, 2022 Findings on the Worst Forms of Child Labor

⁴⁸ US Department of Labour Assessment Report on Efforts of Government, Industry, and Workers' Organisations to Address Child Labor and Forced Labour in the Cocoa Sector in Brazil, Ecuador, and Indonesia, 2024

6. Recommendations for the cocoa and chocolate sector

Building on the existing legal framework and government efforts, cocoa and chocolate companies should:

- Implement human rights due diligence that embeds responsible business conduct, addresses risks across their operations and supply chains, and ensures remediation where needed.
- Collaborate with authorities and other stakeholders to ensure effective referral and remediation of child labour and forced labour cases, specifically by sharing data on child labour cases with the Unified System of Registration of Child Labour set up by the Ministry of Labour.
- Share data on child labour and forced labour interventions, including coverage, identified cases, and support provided, to promote transparency, acknowledge ongoing efforts, and encourage continued action across the sector.
- Ensure awareness-raising materials are aligned with national legislation on child labour and forced labour, including the official hazardous activities list.
- Align data collection tools, for example in child labour surveys or monitoring, with national legislation.
- Collaborate with the banana industry and other relevant sectors, such as coffee, to jointly address child labour in regions where production of multiple commodities is common. Joint efforts can improve effectiveness, efficiency, help identify synergies and avoid duplication of efforts. Engaging with existing landscape programmes in cocoa-growing regions, such as [Paisaje Norte de Ecuador](#) or [Andean Landscapes](#), can further support sustainable cocoa production and contribute to broader environmental and social outcomes.

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