

SITUATIONAL ANALYSIS OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN ECUADOR



Summary Report





Situational Analysis of the Commercial
Sexual Exploitation of Children in Ecuador
Desk Review, Summary Report

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INTRODUCTION

In the last 10 years, Ecuador has put in place a wide variety of initiatives to develop the country's infrastructure. It has improved in almost all the social indicators such as poverty reduction, access to education and improvement in health services. The majority of the population has access to health services and education, and child labour has been reduced; however, improvements in these areas are still needed, particularly regarding the indigenous and afro-descendent populations.

These developments in Ecuador have been possible due to strong social investment; however, most of these interventions were carried out without consideration for particularly vulnerable groups such as children and youth, particularly girls. Due to the lack of attention to vulnerable groups, the country is still facing various challenges, such as the lack of special protection measures for children, the strong 'adultcentrism' (power of adults over children) in the country and the challenge of reducing or eradicating violence against children. Although Ecuador's economy has grown, consolidating its status as an upper middle income country, there are other indicators that have not improved regarding violence and violations of children's rights. The data gathered by the Unidad de Atención de la Familia¹ from the Ministerio de Inclusión Económica y Social (MIES)² in 2012 showed that there were cases of violence against children in all provinces in Ecuador, mainly related to psychological and physical abuse followed by sexual abuse. MIES reported 17,370 cases of children that suffered some form of abuse.

In regard to efforts to put an end to the commercial sexual exploitation of children (CSEC), Ecuador has developed legislation on child protection. The legislation provides legal mechanisms to sanction people engaged in CSEC and also protects children from this crime. However, in the current legislation against human trafficking, children are not recognised as victims and there is a lack of specialised institutional services to guarantee the protection of their rights.

In this context, a Situational Analysis was conducted on the Commercial Sexual Exploitation of Children in Ecuador to encourage the State, at local and national levels, to assume its responsibilities in order to eradicate CSEC through preventive actions and the restitution of rights and the protection of children in its territory, as well as the implementation of adequate sanctions for CSEC-related crimes. This study fills an important gap in Ecuador regarding the lack of research on CSEC in the country.

1 Family Care/Welfare Unit

2 Ministry of Economic and Social Inclusion

COUNTRY OVERVIEW

Ecuador has a population of approximately 14.5 million; the average age is 28 years old and 63% of the population lives in urban areas. Children (all those under 18 years of age) represent around 38% of the population.

Ecuador has a culturally diverse population as is represented in the different ethnic groups living in the country: 71.9% of the population are 'mestiza'; 7.4% are 'montubios'; 7.2% are afro-descendants; 7% are indigenous and 6.1% are white. This cultural diversity is often seen as a reason for discrimination and this discrimination can have an effect on the safety and wellbeing of children in the country.

The unemployment rate in 2008 was around 6%. In terms of wealth distribution, the wealthiest 20% has around 52% of the wealth and the poorest 20% has around 4% of the wealth. Extreme poverty has fallen dramatically in recent years, from approximately 17% in 2006 to 8.6% of the population in 2013.

OBJECTIVES OF THE STUDY

Overall Objective

- To investigate and analyse the magnitude, nature, context and trends of the commercial sexual exploitation of children (CSEC) in Ecuador and design interventions and recommendations for the private and public authorities involved in ending CSEC in order to systematically fight this violation of children's rights.

Specific Objectives

- To produce a comprehensive written report with country-specific findings based on primary and secondary research data in order to inform policy development and strengthen national legal frameworks.
- To identify emerging trends and manifestations of CSEC.
- To provide the government, civil society organisations and other key stakeholders with reliable, evidence-based data to improve prevention and protection policies, mechanisms and frameworks for victims or those at risk of CSEC.

Key Research Questions

- What are the economic, social and cultural factors that promote this phenomenon in Ecuador?
- Does Ecuador follow a regional tendency or are there particular characteristics of the country due to its historical background that influence these factors?
- What are the causes and risk factors surrounding the vulnerability of children to sexual exploitation in Ecuador?
- What are the psychological, social and emotional profiles of families affected by CSEC?
- Who is exploiting vulnerable children in Ecuador and how?
- What policies, legislation, interventions and relevant child protection services exist in Ecuador to address all forms of CSEC and how effective are they?
- What is the current situation and emerging trends in the scale and scope of the commercial sexual exploitation of children in Ecuador?

METHODOLOGY

The study takes as its framework the Convention on the Rights of the Child. This framework provides a deep understanding of CSEC-related issues and helps to identify the different dynamics of the phenomenon. The report also provides recommendations to the Government of Ecuador on how to improve legislation, policies and mechanisms put in place to fight CSEC.

The study takes a mixed method approach combining qualitative and quantitative research. The research was conducted in nine provinces: Quito, Esmeraldas, Guayaquil, Cuenca, Santo Domingo de los Tsachilas, Santa Cruz de Galápagos, Machala, Quevedo and Manta. The selections of provinces were determined during the research process due to the findings concerning commercial sexual exploitation of children in these provinces. During the study 30 interviews were conducted using open ended questions to different stakeholders connected to CSEC such as social workers, government officers, NGO workers and victims or children at risk of sexual exploitation. The interviews of victims and children at risk were carried out in collaboration with Fundación Alas de Colibrí, which specialises in child trafficking.

The literature review was an important part of the research in order to find specialised information regarding CSEC as well as finding evidence and experiences from other countries. There was a dearth of research found on CSEC in Ecuador which has contributed to a lack of visibility and specialisation on CSEC in the country. From a mapping of child protection organisations in the country, it was concluded that there are four main organisations working in this field: The Fiscalía de la Nación, la Policía Judicial, DINAPEN (Dirección Nacional de Policía Especializada para Niños, Niñas y Adolescentes),³ and Fundación Alas Colibrí. It has been reported that these organisations receive little support to protect and work with children.

³ The National Police Unit for Crimes against Children and Adolescents

RESEARCH LIMITATIONS

During this research project, the following limitations and challenges were encountered:

- Throughout the research there was a general lack of data on CSEC. This explains the few resources available and the difficulty in identifying experts to interview. It was also difficult to find the desired information regarding the magnitude and the different manifestations of CSEC because most of the information gathered referred to human trafficking in general.
- The lack of institutions specialising in CSEC made it impossible to focus the research on the cities initially chosen for field research.
- It was difficult to find people in charge of public and private institutions who could provide information regarding CSEC. In many cases, when the person was found, it was difficult to arrange interviews with him/her.
- The Ministry of Economic and Social Inclusion did not allow the research team to carry out a field visit to 'Casa Linda', which offers shelter to young victims of human trafficking. The research team could not carry out a field visit to 'Casa Linda' because the institution was going through a difficult situation at that time. The information concerning this institution is scarce.

KEY FINDINGS

Child Prostitution

“Back in Guayaquil I made \$200 on Sundays; the lowest was \$80. When I came here to Quito, 30 ‘chips’ (clients/customers)”. [Interview with Lucy, 27 years old, sex worker who started as an adolescent]

It is not difficult to find cases of children exploited in prostitution in Ecuador. Commercial sexual exploitation of children in Ecuador is closely linked and hidden within the adult sex trade. According to the research, the presence of children in prostitution in Ecuador is a tangible, real and normalised problem. The research shows that many children in Ecuadorian society are seen as property of their parents or those responsible for them and not as subjects of rights. This, along with a predominately patriarchal society, supports the exploitation of children through prostitution.

In 2005, the International Labour Organization (ILO) estimated that approximately 20% of those involved in prostitution in the country were adolescents and that 98% of them were between 15 and 17 years of age. It is also easy to find advertisements online and on social media soliciting or offering minors for sexual exploitation.

The prepaid mode of exploitation of children – where the exploiter makes direct contact with the child or with a company dedicated to this business through a phone call or webpage – is the form of sexual exploitation which is most popular at the moment. It first appeared in Machala City; subsequently, it expanded to Quito and Guayaquil, and it is currently present in all regions of Ecuador.

Trafficking of Children for Sexual Purposes

“He was 25 years old, he takes a woman, leaves another woman; he lives well, and is involved with drugs. He has friends in a gang that are involved with drugs; he is dedicated to these kinds of things. Lives of women”. [Ex-victim of trafficking describing her trafficker]

Child trafficking for sexual purposes is the most widely spread manifestation of CSEC in Ecuador, with the most statistical data available. DINAPEN, the Judicial Police, ILO and other institutions classify Ecuador as a country of origin, transit and destination regarding child trafficking. Several cases of transnational child trafficking with Peru as the country of destination have been reported.

According to ILO, 70% of CSEC victims are not from the city in which they are exploited, but from other regions in the country. Almost all victims of CSEC (98%) are young people from 15 to 17 years old. There are only a few cases reported of children from 10 to 14 years old and no victims younger than 10 years old have been found.

As pointed out by Tania Moreno, Attorney at the Anti-trafficking Unit, and others, corruption is one of the major obstacles to combating human trafficking in the country. Sources reported that there are judges, attorneys, police officers and other justice officials involved in trafficking networks which hinder the process and intimidate victims to avoid being reported.

The Unidad contra la Trata de Personas⁴ is the only public department with financial resources specialised in this issue. There is a Unit against Human Trafficking within the judicial police and another one within DINAPEN, the only institution in the country specialised in children's rights and welfare.

Child Pornography/Child Sexual Abuse Materials

“The information in this case came to us first and later went to the Tech Crime Unit of the Judicial Police. This unit conducted the investigation through Facebook and social networking, and was able to determine the location of the person who committed the crime, who took pictures of the minors and uploaded them to the networks. There were two cases: in the first, the operation resulted in the arrest of the offender and the rescue of two children; in the second, there was another arrest and the rescue of two additional children”. [Description of a case of the Tech Crime Unit by Mayor Wilmer Guayaquil of the Judicial Police]

Child pornography is a hidden phenomenon that is difficult to detect. DINAPEN reported that last year only one case of exploitation of children in pornography was reported. However, the use of children in pornography is a crime that is spreading in Ecuador due to a new trend of young people recording and taking pictures of their sexual intercourse and later uploading the pictures and videos to the internet, social networks or personal emails to friends. This behaviour has been detected in schools all around the country.

In contrast to the victims of other manifestations of CSEC such as trafficking and prostitution, boys and girls seem to be equally exploited through child sexual abuse materials and tend to be younger than other CSEC victims. Those that produce, sell and/or distribute child sexual abuse materials in the country are many times part of trafficking networks.

Sexual Exploitation of Children in Travel and Tourism (SECTT)

“Based on the research conducted by this Unit, it was determined that the citizen Patrick Minga promoted sex tourism for foreigners (Pensioners of the Armed Forces of the United States) in www.veteranshelpingotherveterans.com, in the amount of \$1300, according to the Center for Tolerance and offered accommodation and transportation of the foreigners to places for sexual encounters by taxis or vans. It should be noted that there was not sufficient support on the part of the Prosecution to carry out an operation in our country”. [Extract from an executive report of ‘Caso PATRICK’, 10 February 2015]

There is evidence to suggest that foreigners are travelling to Ecuador to sexually exploit children. However, it is difficult to find tangible and verified information regarding this phenomenon. The Anti-trafficking Unit of the Judicial Police has knowledge of only one reported case of the sexual exploitation of children in travel and tourism. Due to the scarcity of research concerning SECTT and the lack of institutions or organisations working specifically on the issue, most of the information is provided by the media; however, this information is not enough to clarify the real magnitude of the problem in the country.

⁴ Unit Against Human Trafficking

There is a strong difference between victim profiles based on the type of offender. Regarding local travel and tourism, the victims are mainly young girls from 15 to 17 years old coming from the coastal region. While data is scarce in relation to foreigners coming to Ecuador for travel and tourism, there is evidence to show that victims tend to be girls 12 years old or younger. Because this kind of abuse generally goes unpunished, Ecuador could be an appealing location for travelling child sex offenders.

SECTT within the country, committed by Ecuadorians, is also a problem. This occurs mostly during holidays, when citizens leave their home cities or the cities where they work. This common practice, which has been happening for a long time, is deeply rooted in holiday activities among certain groups of citizens, especially in beach areas.

Legal Framework

Ecuador has ratified a number of international instruments related to child rights, including the *Convention on the Rights of the Child; its Optional Protocol on the sale of children, child prostitution and child pornography; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children; and ILO Convention No. 182 on the Worst Forms of Child Labour*.

Not all aspects of these international instruments have been integrated into national law; nevertheless, Ecuador has made efforts to improve legislation related to CSEC. Since 2003, Ecuador's *Código Orgánico de la Niñez y Adolescencia*⁵ has been the most comprehensive law addressing children's rights and includes protections against mistreatment, abuse and sexual exploitation, including child prostitution, child pornography and trafficking. Ecuador's 2008 Constitution requires the State to take all necessary measures to ensure that children and adolescents are protected from all forms of violence, mistreatment and sexual exploitation. The new *Código Orgánico Integral Penal (COIP)*,⁶ in force since 2014, incorporates into its legislation human trafficking, commercial sexual exploitation, forced prostitution, sex tourism and child pornography. The Criminal Code also establishes different sentences according to the severity of the crimes.

A novelty in the existing criminal law is the establishment of sanctions on legal entities when criminal liability in the commission of CSEC offenses is determined. Another particular relevant aspect of the COIP is a specific chapter on the rights of victims which includes, among other things, the right to compensation and reparations.

Gaps in the legislation still remain however. It is important to mention that the new legislation, in the case of sexual exploitation and forced prostitution, is not clear in regard to the criminalisation of the offence committed by the client; this is not the case with the offenses of sexual exploitation of children in travel and tourism and the sexual exploitation of children online/child pornography. Additionally, the COIP does not make a distinction as to the age of minors, as did the previous criminal legislation reformed through the COIP, but refers when speaking of children and adolescents to all persons under the age of 18.

There are few national policies on CSEC-related prevention and treatment in Ecuador, with the exception of a National Plan to combat human trafficking, which also provides specialised protection mechanisms for children.

5 Childhood and Adolescence Code

6 Criminal Code

Risk Factors Leading to Vulnerability to CSEC

The main risk factor leading to vulnerability to CSEC relates to poverty. Although Ecuador is an upper middle income country, a large percentage of people in the country encounter great difficulties in covering the basic costs of living such as housing, food, health and education. These economical constraints can in turn lead to increased vulnerability of children to sexual exploitation.

Children exploited in prostitution mostly come from provinces along the coast because of high demand due to their physical characteristics and the cultural conceptions that encourage girls to get involved in sexual activities. Research found that the majority of children come from Santo Domingo, Quevedo, Guayaquil, Esmeraldas and their surrounding locations.

Violence, school dropout, early pregnancy, child labour and mental disorders, among others, are key factors that put the integrity of children at risk. Cultural changes that place children as subjects of rights have not yet taken place and could be the basis of the violence that remains, including the risk factors mentioned above.

Another factor is the position children have within their families and in society. While it has been 25 years since Ecuador signed the Convention on the Rights of the Child, the old traditional culture, in which children are viewed as property owned by adults, still remains. In this context, parents sometimes 'negotiate' regarding the lives of their children, primarily because of the poverty conditions in which these families are living.

Another risk factor relates to the growing access to the internet, primarily related to social networks, in which children might become victims of commercial sexual exploitation. Many children have met face-to-face with their 'virtual friends' with various experiences; however, there is always the risk of falling into the trap of sexual exploitation or sexual abuse. The majority of parents are not fully aware of how their children use the internet.

Lack of Preventive Actions

In terms of preventive actions, some governmental and non-governmental organisations have launched campaigns and projects with the aim of raising awareness on the dangers and consequences of human trafficking. It appears that there have not been preventive actions taken to address the other manifestations of CSEC. Moreover, children involved in commercial sexual exploitation are not always recognised as victims and/or as individuals in need of special protection. The preventive actions that have been carried out have not been systematic and their impact is unknown.

Lack of Research on CSEC

Research on CSEC in Ecuador is scarce. The research that does exist tends to focus on human trafficking and none of it focuses on the magnitude of CSEC in the country. The main reason for the lack of research concerning this phenomenon is the absence of an institution specialised in the sexual exploitation of children.

RECOMMENDATIONS

Preventive actions

- As part of its efforts to redistribute wealth, Ecuador should focus on empowering families, particularly those households that, for different reasons, are unstable, creating the conditions for their children to become victims of commercial sexual exploitation. Policies should be put in place to facilitate access to work for parents or social services free of charge to children such as education and health.
- The State of Ecuador should promote campaigns and other actions to spread information in order to raise awareness and promote change in cultural norms regarding the relationships between men and women, as well as the relationships between adults and children; e.g. addressing the issue of 'adultcentrism' which is rooted in the country.
- A permanent campaign could be created to make people aware of the dangers and consequences of CSEC, in order to establish an adequate prevention strategy that constrains the spread of the phenomenon.
- Ecuador should work to improve the quality of education, eradicating any form of mistreatment of children and promoting protective actions and raising awareness regarding commercial sexual exploitation. These actions would allow for the reduction of school dropouts, particularly in secondary schools, in which children are more vulnerable to becoming victims of sexual exploitation.
- It is important to provide different tools to families, such as family strengthening programmes, in order for them to develop skills and capacities to support and protect children within families and communities.

Changes in policy and legislation

- In order for Ecuador to strengthen its efforts to fight CSEC, the following actions regarding policy and legislation are recommended:
 - To evaluate the public policies that currently exist in Ecuador to prosecute crimes of commercial sexual exploitation and assess whether they sufficiently protect the rights of children.
 - To develop the public policies and the necessary services for the restitution of the rights of the child in the Plan Against Human Trafficking.
 - To include the Plan Against Human Trafficking as an integral part of the National Plan for Good Living (Plan Nacional para el Buen Vivir).
 - To criminalise the use of children in prostitution, as framed in established definitions based on existing international legislation. The criminalisation of each offence should specifically include the provision that the child's consent is not relevant.
 - To promote the permanent diffusion of risks and consequences of these kinds of crimes, to stop the expansion of CSEC.
 - To define and approve roadmaps at different stages in the process of protection and punishment.

Cooperation between governmental institutions and civil society organisations

- Interagency coordination between public and private institutions should be strengthened in order to produce an effective child protection system.
- A guide for the social reintegration of victims of CSEC could be developed, with the involvement of all relevant social agents, including victims themselves.
- The skills and formation of civil servants should be examined in order for them to have an adequate understanding of these crimes and a relevant specialisation to protect victims.
- Integral and quality information systems should be implemented to protect children from sexual exploitation.
- Research and different specialised studies focused on the magnitude of the CSEC phenomenon, online crimes related to CSEC and the different manifestations of CSEC, among other topics, should be promoted. It is also important to adequately disseminate the findings from these studies.
- NGOs and regional and international institutions should be actively coordinated to improve the effectiveness of their actions to eradicate these crimes and manage specialised services funded by the State.



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