

Work and education in children and adolescents as human rights. An Ecuadorian referendum

Trabajo y educación en niñez y adolescencia como derechos humanos. Un referente ecuatoriano

¹Alicia Ramírez de Castillo

Metropolitan University of Ecuador. Quito, Ecuador.

aliciadecastillo@hotmail.com

<https://orcid.org/0000-0002-3283-1330>

Received date:: 26/03/2026

Acceptance date: 26/04/2026

Abstract

The economic situation contributes to increased poverty in the lowest social strata, forcing families, including children and adolescents, to seek means of subsistence in both urban and rural areas. This situation is worrisome, as children are unable to attend school or access protection programs. Poverty is directly linked to child and adolescent labor. Minors are observed on public roads, selling goods, "watching cars," and suffering verbal or physical abuse, without achieving the full development of their human rights. This protection can be achieved through appropriate institutions, without depriving them of their childhood. This aspiration is for an effective process, ensuring justice for this group of minors, who will be the future Ecuadorian workers contributing to the country's economy. This study is documentary, analytical, and hermeneutical in nature. It is important to consider that international organizations such as the ILO and UNICEF have dedicated themselves to promoting the prohibition of child labor, monitoring progress with the support of their respective governments, with the goal of ending child labor.

Keywords: social strata, poverty, economic situation.

Resumen

La situación económica incide en el aumento de pobreza en estratos sociales del más bajo nivel, obligando a la familia, contando a niños, niñas y adolescentes buscar recursos de subsistencia, tanto en zonas urbanas como en zonas rurales, sin poder asistir a clases ni aplicar programas de protección a este grupo minoril, por lo que se torna preocupante. La pobreza verifica relación directa con el trabajo infantil o adolescente. Se observan menores en vías públicas, vendiendo mercancías secas, "cuidando vehículos", sufriendo maltrato verbal o físico, sin alcanzar pleno desarrollo de sus derechos humanos. Esta protección se logrará con adecuados organismos, sin privar su infancia. Este anhelo como proceso eficaz, con justicia para este grupo minoril, quienes serán los futuros trabajadores ecuatorianos, que contribuirán con la economía del país. Este estudio es de tipo documental, analítico y hermenéutico. Hay que considerar que organismos Internacionales como la OIT y UNICEF, se han abocado a impulsar la prohibición del trabajo infantil, haciéndole un seguimiento con apoyo de los respectivos gobiernos, aspirando poner fin al trabajo infantil.

Palabras clave: estratos sociales, pobreza, situación económica.

Introduction

The economic situation in nearly all Latin American countries, of which Ecuador is part within the regional geopolitical context, contributes to rising levels of poverty among the lowest social strata. This condition compels families including children and adolescents to seek means of subsistence in both urban and rural areas, often at the expense of school attendance. In some cases, there is a lack of adequate protection programs targeting this vulnerable population, which raises significant concern and demands urgent attention.

Poverty is closely linked to child and adolescent labor, shaping the daily realities of many young people. In both urban and rural settings, children are often seen in public spaces carrying out informal activities such as selling small goods or “watching cars” not as a choice, but as a response to economic necessity. In these environments, they are frequently exposed to verbal and physical abuse, as well as conditions that place their safety and well-being at risk.

This reality also extends to domestic labor arrangements, particularly live-in domestic work, where children and adolescents may experience isolation, excessive workloads, and limited access to education. Such conditions can compromise their dignity and restrict the full exercise of their fundamental human rights.

A significant proportion of children engage in intensive domestic labor. In this regard, it is important to note that the Childhood and Adolescence Code of Ecuador establishes 15 years as the minimum age for employment. For definitional purposes, a child is considered any person under twelve years of age, while an adolescent refers to individuals of both sexes between twelve and eighteen years old, who have not yet reached the full realization of their human rights. Such protection should be guaranteed through effective and well-coordinated institutional mechanisms that safeguard children’s rights without compromising their right to a safe and meaningful childhood. This aspiration, understood as an effective and equitable process for this vulnerable group, requires the Ecuadorian State to further strengthen its public policy by promoting a comprehensive and effective program aimed at reducing this social problem. By doing so, it can provide meaningful protection to those who will become the country’s future workforce and contributors to the national economy.

For this reason, it is identified as a survival-driven social phenomenon, which should be understood within the framework of child and adolescent labor. This concept is defined as any activity involving physical or mental exertion, performed daily or on a regular basis, in a specific or undefined location, and most often under the supervision of another person whether a family member or not frequently without any form of remuneration.

Viewed from this perspective, such activities do not fundamentally differ from the general concept of work as a human activity. However, in this context, they are carried out under conditions that border on deceptive exploitation and even coercive practices, whether within the formal or informal economy, thereby exerting a detrimental impact on the psychosocial development of this minoritized population. This reality prompts the following critical reflection: Under what circumstances, and to what extent, should children or adolescents receive economic compensation derived from their own efforts, given their status as “citizens in a position of vulnerability” due to their age?

It is a matter of serious concern that the country’s prevailing economic crisis directly exacerbates poverty levels among the most vulnerable socioeconomic strata. Consequently, families are compelled to rely on the contribution of all members including children and adolescents to secure the income necessary for household sustenance.

It can be observed clearly and publicly that children and adolescents, often at night and together with other individuals, search through garbage as a means of subsistence. As a result, many of these minors do not attend school and do not live in even minimally adequate housing conditions, leaving them with little or no effective protection. This situation highlights the urgent need to strengthen and ensure the effective implementation of existing protection programs aimed at this vulnerable social group.

In response to this social phenomenon, national and international organizations have both the obligation and the mandate to protect working children and adolescents as part of their core objectives. At the global level, one of the leading institutions in this regard is UNICEF.

It is important to emphasize that the economic exploitation of this vulnerable population is deeply concerning. These groups represent a significant, often unquantifiable proportion of the population in Latin America and worldwide. Even more troubling is the risk that, in the absence of effective protection and social inclusion policies, such conditions may contribute to environments that foster future involvement in delinquent activities.

Child and Adolescent Labor from an Educational Perspective

According to Pérez (2021), "work represents any activity carried out by human beings with the purpose of producing goods and services that enable them to satisfy their own needs and those of others." It may be added that, in most cases, such activity is remunerated and should be protected by the State in which it is performed. Nevertheless, in alignment with the definition established by the International Labor Organization (ILO), 'child labor' is conceptualized as work that deprives children of their childhood, their potential, and their dignity, while proving detrimental to their physical and psychological development. Furthermore, The International Labor Organization and UNICEF have indicated that the global objective of eradicating child labor by 2025 has not been achieved, despite a 47% reduction since the year 2000.

The International Labor Organization and other organizations promote awareness-raising campaigns and play a key role in regional initiatives such as The Latin America and the Caribbean Free of Child Labor, aimed at accelerating the elimination of child labor. According to recent data from The International Labor Organization and other sources, approximately 370,000 children and adolescents in Ecuador are engaged in child labor, representing a 37% increase compared to 2022. These figures equivalent to 8% of the child population vary significantly across provinces, with rural areas being the most affected. The most common sectors involving child labor include agriculture, services, and domestic work.

The same report highlights that Indigenous, Afro-descendant children and adolescents, those with disabilities, and those living in rural areas face a higher risk of exclusion or educational lag. There is a stark disparity between the quality of education received by children in rural areas and those with internet access in urban settings. This reveals the vulnerability of the education system, not only in terms of infrastructure, but also due to serious deficiencies in teaching staff and access to technological resources necessary for delivering classes through online platforms even when limited to low-quality connections or applications such as WhatsApp. Educational exclusion at every stage further perpetuates conditions of poverty and constitutes one of the main drivers of the global learning crisis.

The analyzed data show that, in several countries, school attendance among the population of secondary-school age falls below 50% in rural areas. They also reveal a clear link between child labor and school absenteeism: students aged 12 to 14 who are engaged in work, although many remain enrolled, display lower attendance rates compared to their non-working peers.

It should be noted that a large proportion of children and adolescents work within the informal sector, often in public spaces, engaging in activities such as selling fruits and vegetables, dry goods, “watching cars,” and many other forms of labor that are difficult to fully capture. In doing so, they are exposed to adverse environmental conditions—rain, intense sunlight, noise, and vehicle emissions—as well as verbal and physical abuse from third parties.

As can be observed, these findings allow for critical reflection on the complex social reality under study and its implications for the protection of the human rights of these highly vulnerable groups. Due to their age, children and adolescents are particularly susceptible to violations of their fundamental rights. In this context, the State, together with families and society as a whole, plays a decisive role. Through legal frameworks and regulatory systems, these actors bear the responsibility to guarantee, enforce, and ensure the effective realization of such rights, both in terms of normative regulation of social behavior and within a broader ontological understanding of human dignity and development.

Child labor in contexts of vulnerability

The foregoing discussion constitutes a conceptual framework to demonstrate that the enforceability of legal provisions issued by those institutions responsible for safeguarding working children and adolescents is a practice rooted in the very origins of law. Effective protection requires an in-depth analysis of the real conditions under which protective bodies operate, as they must act with the utmost urgency to prevent further exploitation and suffering, as well as to safeguard children from being deprived of their childhood and future prospects.

This objective remains an aspiration shared by all human societies, yet it has not been fully achieved. Despite the strong conviction that such protection should exist, legal scholars and social theorists have consistently recognized the critical importance of establishing truly effective procedures as an essential condition for the proper and just application of laws concerning working children and adolescents.

In summary, although the legal processes designed to protect this vulnerable group are inherently instrumental, they are of paramount importance. They ensure that the defense of human rights does not become a mere abstraction or “dead letter” in the face of potential non-compliance. To better understand the significance of this protection, one might envision an ideal scenario in which citizens are fully aware of their rights, duties, and legal obligations; under such circumstances, individuals would be genuinely committed to defending their rights.

From the perspective of protection, minors engaged in productive activities whether providing goods or services should receive appropriate support. This includes fair compensation for their labor, understood as remuneration that allows them to meet basic economic needs and secure essential goods and services. Remuneration thus becomes a crucial factor in ensuring minimum standards of well-being.

However, this labor modality is often characterized by various forms of abuse, violence, and both direct and indirect violations affecting moral integrity and psychological well-being. Such conditions frequently generate stress and undermine the value of the child's or adolescent's effort, regardless of their willingness or efficiency in performing assigned tasks. For this reason, it is essential to examine the legal framework that protects this vulnerable group, recognizing that child labor constitutes a global phenomenon where the reality of facts often prevail over formal legal appearances.

Considering the above, it must be emphasized that working minors are typically engaged in precarious, low-quality jobs, which are commonly performed by the most vulnerable sectors due to limited qualifications and the urgent need to accept any available work. Consequently, it is necessary to progressively withdraw children and adolescents from such activities, as the priority should not be economic gain but rather the full enjoyment of childhood and adolescence, fostering their moral and integral development as individuals who require significant protection from the Ecuador State.

Since the year 2000, child labor has been reduced by nearly half, from 246 million to 138 million in 2024. Nevertheless, progress remains too slow, and the global goal of eliminating child labor by 2025 has not been achieved. According to The International Labor Organization (2025), current rates of progress would need to be eleven times faster to eradicate this phenomenon within the next five years. Despite continued improvements, recent data also reveal a concerning increase in child labor between 2016 and 2020. The agricultural sector remains the largest contributor (61%), followed by services (27%) including domestic work and market sales and industry (13%), such as mining and manufacturing.

It should also be noted that, in most cases, working minors are either underpaid or receive no remuneration at all. As a result, they remain trapped in poverty, and their potential contribution to their families is often minimal, leading to a loss of both time and future opportunities.

Efforts led by organizations dedicated to protecting children and adolescents have promoted systems aimed at achieving equality, which has become a central paradigm in their advocacy. These initiatives seek innovative and inclusive solutions to facilitate school integration; however, such efforts often face social barriers, including limited awareness of existing protection mechanisms and a lack of political will to implement effective integration strategies.

Paradoxically, although the Ecuador State constitutionally and legally recognizes work as a social process, there remains a significant number of unemployed adolescents with limited access to formal employment. When employment is obtained, it is often characterized by minimum wages and, in some cases, the absence of legally mandated benefits.

In this regard, The Constitution of the Republic of Ecuador, specifically Article 46(2), establishes the principle of special protection against any form of labor or economic exploitation of adolescents. It explicitly prohibits employment for children under the age of fifteen and stipulates that any permissible work must be exceptional, non-hazardous, and must not interfere with the right to education or the individual's comprehensive personal development.

Accordingly, it is important to highlight that the national legal framework designed to protect this specific social group is The Organic Code of Childhood and Adolescence (2014), which regulates, under Title V "On the Work of Children and Adolescents" (Articles 81 to 95) the conditions and legal parameters governing such activities, with particular emphasis on the provisions set forth in Article 81

Article 81. Right to Protection against Labor Exploitation.

"Children and adolescents have the right to be protected by the State, society, and the family against labor and economic exploitation, as well as against any form of slavery, servitude, forced labor, or work that is harmful to their health or to their physical, mental, spiritual, moral, or social development, or that may hinder the exercise of their right to education."

This implies that no child or adolescent should be engaged in labor; however, if there is an unavoidable necessity to work, such activity must be carried out under special conditions that do not affect their physical or mental health, nor restrict their right to attend school. Furthermore, they should receive fair remuneration consistent with their work in order to meet their own needs and those of their family.

Under these principles of protection, the hiring of persons under fifteen years of age is prohibited in Ecuador, in accordance with Article 82 of The Organic Code of Childhood and Adolescence, which establishes: "Article 82. Minimum Age for Employment.

The minimum age for all types of work, including domestic service, is set at fifteen years, subject to the exceptions provided in this Code, as well as in other laws and international instruments with legal force in the country." It is also important to note that the working day must not exceed six hours per day, nor more than five days per week, and must not interfere with the right to education.

Although decent work is a fundamental element for personal development and the respect for human dignity, in the case of children and adolescents, education plays a central role in achieving their integral development. It is through education that they can grow, mature, and fully develop their intellectual and cognitive abilities, enabling them to reach their full potential in a holistic and sustainable way.

As established in Article 44 of The Constitution of the Republic of Ecuador: "The State, society, and the family shall prioritize the integral development of children and adolescents and ensure the full exercise of their rights; the principle of their best interests shall be upheld, and their rights shall prevail over those of others." From this perspective, it is necessary to formulate propositions grounded in the underlying semantic framework of this issue.

For this to occur, educational institutions, industry, and government must work collaboratively to ensure an equitable workforce. In this regard, Ramírez (2014) emphasizes that this social space is highly relevant for academia, society, and the workers involved, as they constitute the future generation that will contribute to national development. These theoretical contributions encourage continued reflection and reaffirm the importance of upholding their rights across all spheres political, economic, social, legal, and cultural, alignment with principles of social justice.

To achieve this structural transformation within the Ecuadorian educational system, the relevant authorities must design and sustain a high-quality academic plan.

Poverty as a driving force of child and adolescent labor

It is both relevant and illustrative to recall the position of UNICEF regarding child labor, which states that not all tasks performed by a child constitute child labor. Rather, it refers to activities that demand excessive hours, are inappropriate for the child's age, pose risks to their health and well-being, deprive them of playtime, and hinder their access to education. This doctrinal perspective is grounded in The Declaration of the Rights of the Child, which has been ratified by Ecuador and is reflected in its constitutional framework.

Accordingly, this study invites reflection on this social problem, which is not limited to developing countries but is a global phenomenon. Therefore, it is essential to continue striving to ensure that, at least within Ecuador, children and adolescents are no longer deprived of their aspirations and fundamental rights.

Concluding considerations and reflections

In Latin America, and particularly in Ecuador, child and adolescent labor persists across multiple sectors. This social reality demands programs, public policies, and regulatory frameworks that effectively guarantee the rights of working minors. Despite existing legal protections, many are still subjected to exploitation by individuals or legal entities that employ them, even on a part-time basis, and in some cases, by their own families. These circumstances reflect a deeply complex social condition.

In the absence of effective implementation of government programs at both national and regional levels, organizations representing these minors have taken on the role of promoting their integration, recognizing the severity of the issue. Institutions such as UNICEF and International Labor Organization has played a central role. In Ecuador, The Ministry of Economic and Social Inclusion has developed action plans for the prevention, awareness, and eradication of child labor, as well as for promoting dignified working conditions for adolescents (2022–2026), including initiatives implemented by the Municipio del Distrito Metropolitano de Quito.

This concern is framed within compliance with constitutional and legal principles established in Ecuadorian legislation, emphasizing equality and the need to ensure living conditions that enable children and adolescents to achieve integral development and fully enjoy their childhood and youth.

Therefore, it is essential to develop mechanisms of social coexistence that define how members of society interact with one another, engage with their environment, and access the resources necessary to guarantee their survival and well-being, through age-appropriate activities that do not compromise their future.

References

- Convention on the Rights of the Child. (1989).
- Pérez, M.. (2021). Definition of Work. Retrieved from: <https://conceptodefinicion.de/trabajo> (Accessed March 19, 2023).
- Ramírez de Castillo, A.. (2014). Child and Adolescent Labor from a Human Rights Perspective. Doctoral Dissertation, PhD in Social Sciences (Labor Studies). University of Carabobo, Valencia, Venezuela. Retrieved from: <http://mriuc.bc.uc.edu.ve/bitstream/handle/123456789/1053/aCastillo.pdf?sequence=1>
- The International Labour Organization Worst Forms of Child Labour Convention (No. 182).
- The International Labour Organization. Children in Child Labour. Retrieved from: https://www.ilo.org/ipec/ChildlabourstatisticsSIMPOC/WCMS_817932/lang--es/index.htm
- The International Labour Organization. Minimum Age Convention (No. 138).
- The Ministry of Economic and Social Inclusion. Children aged 5 to 14 engaged in labor. Ecuador.
- The Ministry of Economic and Social Inclusion. District Action Plan for the Prevention, Awareness, and Eradication of Child Labor and Guarantees to Promote Decent Working Conditions for Adolescents 2022–2026. Municipio del Distrito Metropolitano de Quito.
- The National Assembly of Ecuador. Code on Childhood and Adolescence (2014).
- The National Assembly of Ecuador. Constitution of the Republic of Ecuador (2008).
- United Nations. Convention on the Rights of the Child.
- Universal Declaration of Human Rights. December (1948).

Translation Note: Special thanks to professor Michelle Plaza Martínez (University of Guayaquil) for the academic translation of this manuscript into English.

ORCID: <https://orcid.org/0009-0005-0003-9073>