

Congress of the United States
House of Representatives
Washington, DC 20515

February 1, 2005

The Hon. Ivonne Baki
Ministry of Foreign Trade, Industrialization, Fishing, and Competitiveness
Avenida Amazonas y Eloy Alfaro
Quito, Ecuador

Dear Minister Baki:

We are writing to express our continued concern with serious workers' rights violations in Ecuador and Ecuador's failure to live up to commitments made to the U.S. government in October 2002, as part of a review of Ecuador's benefits under the Andean Trade Promotion and Drug Eradication Act (ATPDEA). After over two years, Ecuador's continuing failure to comply with commitments to the United States has convinced us, reluctantly, to recommend to USTR to undertake a graduated withdrawal of ATPDEA benefits from Ecuador.

Many of us wrote letters in June 2003 and March 2004 urging that Ecuador follow through with its October 2002 commitments. We have yet to see adequate movement on the issues raised in those letters, however. In the areas in which Ecuador has taken steps, those steps have fallen far short and suggest that Ecuador is going through the motions rather than committed to reform. Below are examples of Ecuador's failure to protect basic, internationally-recognized workers' rights.

- Ecuador pledged to assess whether its labor laws meet international standards, particularly on freedom of association, and to consider submitting legislation to its congress to improve protections for workers' right to organize.

No proposal has been introduced to improve Ecuador's weak laws on freedom of association. Several meetings were held between the government and the International Labor Organization, leading to the creation of a tripartite body. But, the bottom line is that Ecuador has made little, if any, progress on bringing its labor law into compliance with basic international norms.

- Ecuador promised to establish a commission to investigate worker rights abuses and to implement the reforms suggested by the commission.

The Commission was established and one of its primary recommendations was for Ecuador to issue an executive decree that would prevent the use of subcontractors to

violate workers' right to freedom of association. Draft versions of the decree included reforms that may have worked to address abuses of subcontractors. The final version of the decree issued in October 2004, however, was watered down so much that even if it is implemented, the decree will not fulfill its purported goal. Further, the government has recently delayed by another seven months the time proposed to fully implement the decree.

- Ecuador pledged to uphold its obligation to eliminate the worst forms of child labor.

Through December 2004, Ecuador still had not complied with its own law to hire a child labor inspector for all 22 provinces- only 16 provinces were covered. Now, there are 22 inspectors, but none have contracts or are currently being paid. And the Labor Ministry has failed to provide adequate training and resources for its newly hired child labor inspectors. While child labor inspectors hired in 2003 received roughly 3 months of training, child labor inspectors hired in 2004 received a total of only seven-and-one-half days of training and the inspectors hired in 2005 received only two. The child labor inspectors still do not have adequate offices; most lack computers; all are missing one or more important basic components of an office (e.g., desks, file cabinets); and, many rural inspectors do not have sufficient resources to travel throughout their provinces.

- Ecuador pledged to investigate fully and press charges against those responsible for the 2002 anti-union violence on the Los Alamos banana plantations.

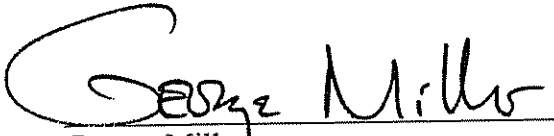
While Ecuador prosecuted a few of the perpetrators, the prosecution was based on a flawed investigation that, among other deficiencies, focused on only a handful of the over two hundred alleged assailants and on only one of the two violent incidents; none of the organizers of the incidents was prosecuted. In late 2003, the few convictions obtained were overturned. All perpetrators now enjoy impunity.


The ongoing worker rights abuses in Ecuador violate ATPDEA and Andean Trade Preferences Act (ATPA) eligibility criteria and Ecuador's October 2002 commitments to the United States. The United States has been very patient with Ecuador and given Ecuador numerous opportunities to correct the problems. For the sake of the credibility of all of the criteria underlying the ATPDEA, we are in the position of reluctantly asking USTR to enforce the statutory criteria and undertake a graduated withdrawal of ATPDEA benefits for Ecuador.


We also note that Ecuador's continued failure to follow through with commitments it made to the United States in 2002 casts doubt on whether Ecuador will be able to follow through with obligations it would assume under a free trade agreement (FTA) with the United States. This fact, as well as the clear flaws in Ecuador's labor laws, will undoubtedly weigh into Congress' willingness to approve an FTA with Ecuador.

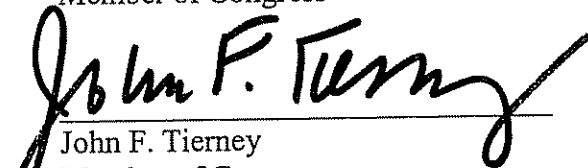
We are hopeful that we will soon see important improvements to basic worker rights in Ecuador.

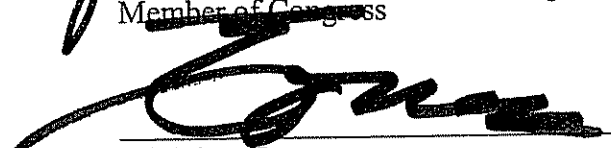
Sincerely,

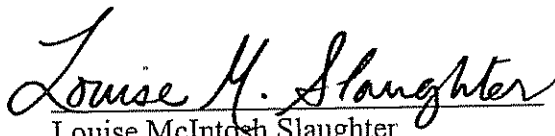

George Miller
Member of Congress

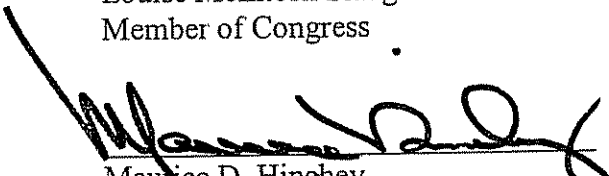

Sander Levin
Member of Congress



Hilda L. Solis
Member of Congress

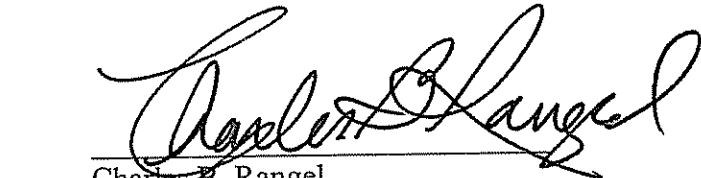

John F. Tierney
Member of Congress

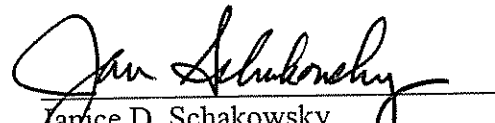

Edolphus Towns
Member of Congress



Louise McIntosh Slaughter
Member of Congress


Maurice D. Hinchey
Member of Congress

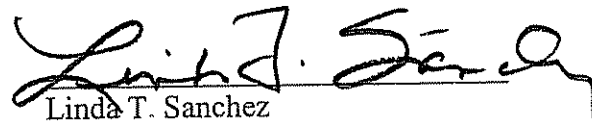

Lane Evans
Member of Congress



Charles B. Rangel
Member of Congress



Janice D. Schakowsky
Member of Congress

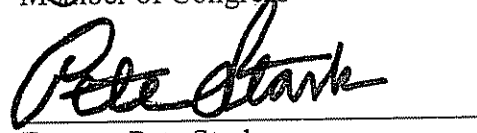

Sherrod Brown
Member of Congress

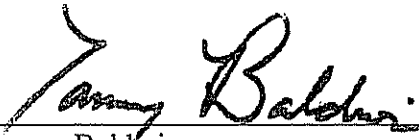

Dennis Kucinich
Member of Congress


Linda T. Sanchez
Member of Congress


James P. McGovern
Member of Congress


John Lewis
Member of Congress

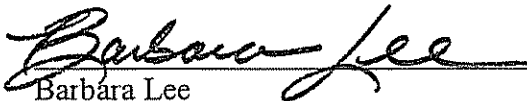

Fortney Pete Stark
Member of Congress



Tammy Baldwin
Member of Congress



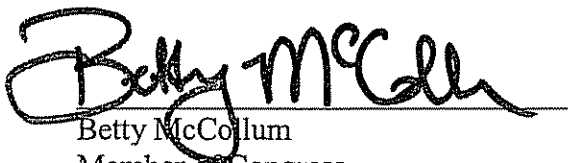
Tom Lantos
Member of Congress



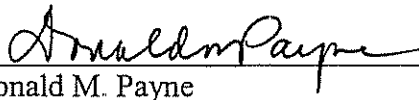
Barbara Lee
Member of Congress



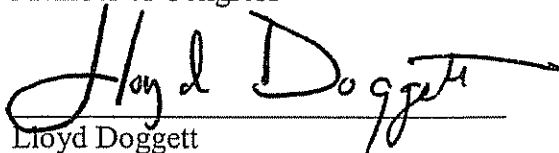
Dale E. Kildee
Member of Congress



Betty McCollum
Member of Congress



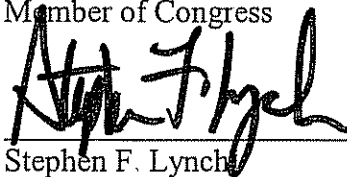
Donald M. Payne
Member of Congress



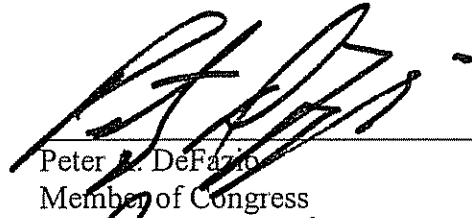
Lloyd Doggett
Member of Congress



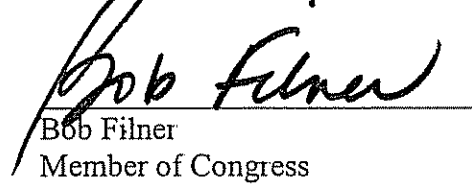
Bernard Sanders
Member of Congress



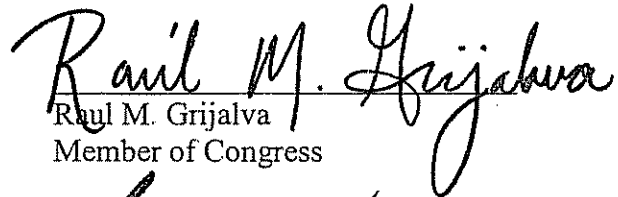
Stephen F. Lynch
Member of Congress



Peter A. DeFazio
Member of Congress



Bob Filner
Member of Congress



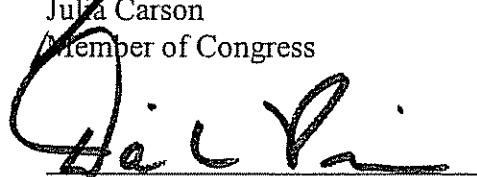
Raul M. Grijalva
Member of Congress



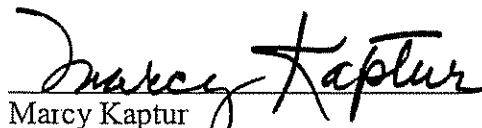
Barney Frank
Member of Congress



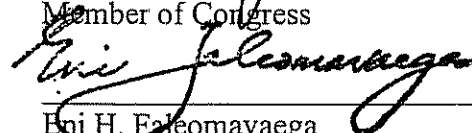
Julia Carson
Member of Congress



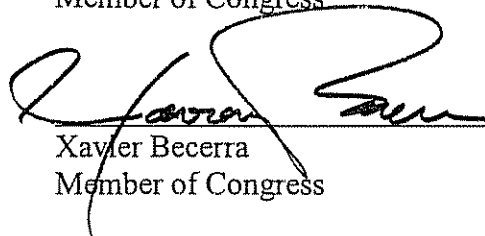
David E. Price
Member of Congress



Marcy Kaptur
Member of Congress



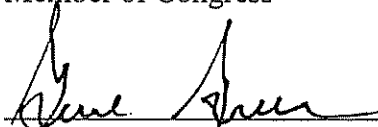
Hui H. Faleomavaega
Member of Congress



Xavier Becerra
Member of Congress



Maxine Waters
Member of Congress



Gene Green
Member of Congress



John B. Larson
Member of Congress



Rahm Emanuel
Member of Congress

Copy: The Hon. Raúl Izurieta, Minister of Labor and Human Resources
Amb. Raúl Gangotena, Ambassador of Ecuador to the United States
Amb. Robert Zoellick, United States Trade Representative