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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders based on research carried out by this organisation and information received from independent human rights organisations and human rights defenders in Ecuador.

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**Report to the Human Rights Committee for the examination of the report submitted by
Ecuador
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Introduction

The present report takes into consideration the lists of issues prior to the submission of the seventh periodic report of Ecuador, adopted in August 2021¹, and the seventh periodic report submitted by Ecuador in 2022², specifically in the matter related to the situation of human rights defenders in the country. The purpose of this report is to contrast between the answers provided by the State and the information obtained through Front Line Defenders' work in Ecuador over the years, as well as by human rights organisations in the country.

1. Lack of a legal framework and an articulated protection system for human rights defenders

In the last years, the State of Ecuador has adopted a series of international commitments towards the protection of human rights defenders. Since 2021, Ecuador is a State party of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement, which expressly states the obligation to guarantee a safe and conducive environment for human rights defenders working on environmental matters to act free of threats, restrictions and insecurity.

These commitments go in line with the recommendations Ecuador supported in the framework of the fourth cycle of its Universal Periodic Review³, which included the adoption of a legal framework for civil society organisations and human rights defenders, and the implementation of measures to prevent violence and ensure the access to justice in case of threats or attacks against them. Most of the supported recommendations regarding human rights defenders also put emphasis in the protection of environmental and indigenous peoples' rights defenders.

Following the ratification of the Escazú Agreement, Ecuador has coordinated the development of an Action Plan on Human Rights Defenders in Environmental Matters, which was approved in early 2024 during the Third meeting of the Conference of the Parties to the Escazú Agreement. The term for implementation is six years: from April 2024 to April 2030⁴.

Whilst it is important that the States take on international obligations on human rights matters, it should be pointed out that its effective application in the current situation of Ecuador has been delayed, including due to the lack of a national legal framework of protection for human rights defenders. It is concerning that more than three years after the Escazú Agreement was ratified, Ecuador does not hold yet an articulated protection system for human rights defenders nor to protect particularly those who defend the environment and indigenous peoples' rights, which are the ones most targetted in the country.

¹ Human Rights Committee. List of issues prior to the submission of the seventh periodic report of Ecuador. CCPR/C/ECU/QPR/7. 27 August 2021.

² Human Rights Committee. Seventh periodic report submitted by Ecuador under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022. CCPR/C/ECU/7. 9 January 2023.

³ Human Rights Council. Report of the Working Group on the Universal Periodic Review. A/HRC/52/5. 22 December 2022.

⁴ State Parties of the Escazú Agreement Approved Action Plan on Human Rights Defenders in Environmental Matters. 23 April 2024. <https://acuerdodeescazu.cepal.org/cop3/en/news/states-parties-escazu-agreement-approved-action-plan-human-rights-defenders-environmental>

In 2023, Front Line Defenders documented that most of the violations reported against human rights defenders in the Americas were connected to the defence of the rights of indigenous peoples, land and environment rights, with some of them related to the defence work in the context of extractive industries or megaprojects⁵. Most of these defenders face threats, attacks, killings and criminalization in order to stop them from continuing their human rights work and therefore, restricting the exercise of their civil and political rights. This situation will not improve without a proper national system that binds the relevant public institutions into applying the international human rights standards related to human rights defenders in practice.

The lack of a legal framework is compounded by the lack of a monitoring and documenting system by the State of cases of attacks against human rights defenders. In its seventh report, Ecuador has stated that, following its Organic Act, the Ombudsman's Office is the body responsible of ensuring "that the State complies with its obligations to protect defenders of human rights and the rights of nature, including by guaranteeing that they enjoy the conditions required to carry out their activities freely". However, to the date of this report, the Ombudsman's Office has not developed a mechanism specialized to address cases of attacks against human rights defenders, nor has it prepared and published reports with official data gathered by public institutions about the situation of human rights defenders in the country, or the actions taken to tackle it.

In addition, it should be pointed out that the protection of human rights defenders implies a series of responsibilities and institutional initiatives that go beyond the competencies of the Ombudsman's Office, given its nature as a National Human Rights Institution. Only when a national binding mechanism is put in place, a mechanism that includes and articulates relevant authorities, from the public force in charge of applying protection measures in favour of human rights defenders, to the judges that have to apply the international standards related to human rights defenders in the cases that reach their jurisdiction, will Ecuador be taken an initial and proper step into the fulfilment of the international obligations the country has accepted in the matter.

In addition to the responsibilities of the Ombudsman's Office, Front Line Defenders takes note that some cases of attacks against human rights defenders have been addressed by the Protection Mechanism for Victims and Witnesses, managed by the Prosecutor's Office. However, this mechanism does not include the protection of the work carried out by the human rights defenders as part of its analysis and definition of protective measures. According to the information reported to Front Line Defenders, the protection measures taken by them usually consist on displacing the human rights defender from their place of work or the requirement for them to keep a low profile, which can go against the nature itself of the work, limiting their ability to document and raise awareness of the human rights violations they report and work on, and removing them from the communities they are trying to protect with their work.

2. Situation of human rights defenders in face of extractive business projects

Front Line Defenders has documented cases of attacks and criminalization of human rights defenders in Ecuador in the context of the implementation of business projects, especially mining activities conducted by international companies. The high presence of international companies in the country and the lack of a strong protection system that legitimizes the work of human rights defenders has led to a situation where those who report human rights violations in this kind of contexts are being silenced, including with threats, smear campaigns and the misuse of criminal law and judicial procedures to criminalize their work.

⁵ Front Line Defenders. Global Analysis 2023/24.

2.1. Misuse of criminal law and the justice system against defenders

In recent years, there has been an increase of criminalization cases against human rights defenders who demand a more effective public participation in the processes of consultation in the context of extractive business projects. Front Line Defenders has supported several cases in Ecuador of human rights defenders facing risks in this context.

In 2022, [Nestor Caicedo](#), [Andrés Arce](#), [Luis Quintero](#) and [Samir Mina](#), were [convicted and charged](#) for their collective resistance against land expropriation, logging and environmental destruction, spearheaded by the Energy and Palma company. These defenders are from the Barranquilla San Javier Commune, an afrodescendant community that had part of their land illegally appropriated by that same company, even though their right to land had been legally recognised as theirs in the past. This is a case where an articulated intersectional approach is necessary, since the population of the Barranquilla San Javier Commune are afrodescendants that live in a context of abandonment by the State, where several of their rights are not being respected nor ensured. Faced with this situation, the four human rights defenders raised their voices and demanded the respect of their collective rights through peaceful actions, facing reprisals and being criminalized as a result.

On 18 March 2024, 72 members of the communities of Las Pampas in Palo Quemado, in Sigchos, Cotopaxi, [were accused of terrorism](#) in the context of protests against the allegedly false environmental consultation in the region initiated by the government and mining companies. The presence of military agents in the communities was denounced as a way of harassing and controlling with violence the human rights and environmental defenders of the communities impacted by the mining project. In Las Pampas and Palo Quemado, the company in charge of the mining exploration to implement the La Plata mining project is Compañía Minera La Plata S.A., a subsidiary of Canadian company Ático Mining Corporation.

In a similar context, on 21 March 2024, human rights defenders [Freddy Díaz](#), [Napoleón Yunapante](#), [Ángel Rochina](#), [Oswaldo Lumbi](#), [Luis Caiza](#) and [Luis Borja](#) from the community of Las Naves, in Bolívar, were sentenced to three years imprisonment and a fine equal to 10 basic salaries for the crime of illicit association, as a reprisal for their work denouncing irregularities in the consultation process that approved the Environmental Impact Study and Environmental Management Plan for the Curipamba – El Domo Mining Project and granted an environmental license to the Ecuadorian company Curimining S.A, subsidiary of Canadian companies Salazar Resources Ltd. and Adventus Mining Corporation.

In 2024, woman human rights defender [Rocio Bastidas](#) was [being accused of defamation](#) in a case filed by China Road and Bridge Corporation CRBC. The case is in relation to her defense of a public cultural heritage site in Ecuador's capital Quito, which is currently being considered for a business complex. Since defamation offenses in Ecuador fall under the criminal code, the woman human rights defender could have faced a prison sentence if found guilty. Her charges were finally dropped, ending the criminalization process against her.

A landmark case connected to businesses and human rights defender is the one related to [Segundo Ordoñez](#), afro-descendant human rights defender and the abacaleros from the Manila hemp plantations that worked under the Japanese company “Furukawa Plantaciones C. A” – a company which produces and exports abacá fibre. The abacaleros, including Segundo Ordoñez, took the company and the State of Ecuador to court, accusing them of submitting at least three generations of impoverished rural workers to conditions of modern slavery. As a result of this resistance, the

human rights defender has been targeted in a number of ways ranging from consistent harassment, strategic lawsuits against public participation (“SLAPPs”) and other lawsuits filed by the company to intimidate and discredit him, and more recently, death threats. The human rights defender has also seen his ability to secure a new job and fixed income in the region limited as a result of the smear campaigns against him.

As illustrated by the cases mentioned above, human rights defenders are regularly perceived and treated by State institutions and companies as obstacles to the implementation of business projects. In addition, the lack of understanding and recognition of their legitimate work by judicial actors can lead to their criminalization. This situation becomes more evident in the case of human rights defenders in the context of extractive projects, where they face increased risks coming from direct actions taken by companies and State agents, as well as faced with the presence of illegal groups in their territories.

3. High risk situation facing environmental, land and indigenous peoples’ rights defenders

3.1. Context

The intensification of extractive activities by the State, mostly at the expense of environmental, individual and collective human rights, has increased the tension in the territories and exacerbated the risks human rights defenders and their communities face for raising legitimate questions around the implementation of such economic model.

In addition, Ecuador has failed to take effective control measures against the advance of illegal extractive activities in the country, particularly gold mining. Investigations show that a [large amount](#) of the gold exported by Ecuador is of illegal origin. Reportedly, legal mining companies acquire gold from illegal sources for export, showing the relationship between legal and illegal mining. Perhaps most concerning is that illegal gold mining is operated by organized crime groups, which are able to finance and continue their activities favoured by the lack of effective state control of this sector. This increases environmental destruction and the violence that organized crime groups cause in the territories.

3.2. Attacks and killings

Environmental, land and indigenous peoples’ rights defenders are some of the most targeted groups in the context of extractive projects. Due to their visibility when reporting the negative impacts and irregularities of such projects, and active peaceful opposition and resistance, such as through assembling and protesting, they face different obstacles and reprisals to their work. Human rights defenders report the lack of proper implementation of prior and informed consultations in the communities they are from or work with, or report the presence of illegal activities in their territory, usually connected to extractive activities.

In October 2022, environmental defender Alba Bermeo Puin was shot dead by people associated with illegal mining in the communities of Río Blanco, Cochapamba and Yumate, in Molleturo⁶. Alba was a resident of the parish of Molleturo, a community that has been resisting the negative effects of mining activities in their territory for over 20 years. The community had been granted a protection action by the Ecuatorian courts in 2018, for the violation of their right to a free, prior and informed consultation. As a result, the company Ecuagoldmining S.A. was ordered to suspend

⁶ Front Line Defenders. Global Analysis 2022.

mining activities in the area. However, the mine itself has not had a definitive technical closure, despite the demands and reports recommending it, which has exacerbated the conflicts in the area.

In February 2023, prominent A'i Cofán indigenous people's rights defender Eduardo Mendúa was killed. He was a member of the Confederation of Indigenous Nations of Ecuador (CONAIE), and an outspoken critic of the social and environmental impacts that oil exploitation activities conducted by the state-owned company PetroEcuador and its contractors had had on the community. Two days before his killing, he had participated in a CONAIE council where members adopted a resolution to demand the end of "the companies' illegal and divisive activities in the communities"⁷.

Front Line Defenders has also received information and documented other cases of killings and death threats against human rights defenders and it believes these are examples of the strategies used to silence and intimidate human rights defenders and the communities they work with, and in that way, to enable the presence of extractive activities in their territories.

3.3. Disproportionate use of public force against human rights defenders and communities when exercising their rights to peaceful assembly and protest

On 13 June 2022, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) called on diverse sectors of Ecuadorian society to join a national strike in protest against rising fuel and food costs, and high levels of unemployment. Their demands also included the recognition of the collective rights of indigenous communities, halting the expansion of extractive industries and reparation for socio-environmental damage. Indigenous protesters were later joined by other sectors – students and workers, who had also been negatively impacted by Ecuador's economic policies. The military and police responded with excessive use of force, leading to hundreds of arrests, injured protesters and the death of six people. The President of CONAIE, Leonidas Iza Salazar, was arbitrarily detained and held incommunicado for 15 hours. In the aftermath of the strike, the authorities continued to criminalise and stigmatise indigenous peoples, contributing to a permissive environment for attacks against indigenous peoples' rights defenders⁸.

4. Conclusion

The above-mentioned cases illustrate the high-risk situation for human rights defenders in Ecuador. There has been a notorious increase of violence against them without a proper state response in line with Ecuador's international commitments. The inaction of State authorities can be seen as a lack of concern and prioritization of the issue, as well as a hostility to the human rights work itself. This is also reflected in the attempts by some of the state agents to smear human rights defenders in public speeches, including by calling them terrorists⁹.

There is a discrepancy between the role of Ecuador in the international community regarding the promotion and protection of human rights defenders, as seen in its work related to the Escazú Agreement and other commitments adopted in international spaces, and the role that Ecuadorian authorities play on the ground when defenders act and demand the respect of their rights. Only by addressing this incongruity, the State of Ecuador will be able to effectively reform its current system, which currently fails to protect those who defend human rights.

⁷ Front Line Defenders. Global Analysis 2023/24.

⁸ Front Line Defenders. Global Analysis 2022.

⁹ Speech by a general of the Armed Forces of Ecuador regarding the use of public force against the members of the community of Palo Quemado. https://x.com/Presidencia_Ec/status/1772775692419166283