

REPORT FROM THE COALITION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE ECUADOR

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With the support of:



Introduction

1. From the Afrodescendant Think Tank Group and the Afropowerful Women Collective of Ecuador, we are submitting updated information on non-discrimination, equality of rights between men and women, violence against women, and excessive use of force from an intersectional and intercultural perspective, addressing issues that affect the Afro-Ecuadorian population.

Non-discrimination, Equality of Rights between Men and Women (Articles 2, 3, 17, and 26)

RESPONSE TO PARAGRAPH 6 OF THE LIST OF ISSUES

Regarding the National Equality Councils

2. The National Equality Councils, including the National Council for Gender Equality and the National Council for the Equality of Peoples and Nationalities, were created by constitutional mandate in 2008 and formalized by the Organic Law in 2014. Despite this, the Councils did not fully begin operating until 2017. During this transition period, progress in achieving equality of rights and non-discrimination for Afro-Ecuadorians, indigenous people, Montubios, and other historically excluded groups was limited.
3. The National Council for the Equality of Peoples and Nationalities (CNIPN) in particular has faced multiple challenges. With the dissolution of key institutions such as the Afro-Ecuadorian Development Corporation (CODAE), the Development Council of Nationalities and Peoples of Ecuador (CODENPE), and the Development Council of the Montubio People of the Ecuadorian Coast (CODEPMOC), the CNIPN has been left as an observer entity without the capacity to execute programs that directly address the needs of these communities. This has limited its effectiveness and its ability to promote structural changes that guarantee equality of rights.

Training for Judges, Prosecutors, and Security Forces

4. Regarding the training of judges, prosecutors, and members of the security forces, the State's efforts have been insufficient and have lacked an intercultural approach that adequately addresses the needs and realities of Afro-Ecuadorian, Montubio, and indigenous peoples and nationalities.

Although some awareness campaigns have been carried out, they have not had a significant impact on reducing the discrimination and violence faced by these groups, especially Afro-descendant, Montubio, and indigenous women.

5. Training for public officials has been sporadic and has not included all relevant actors. Moreover, these training sessions have lacked effective follow-up and evaluation to measure their real impact on changing attitudes and improving the treatment of these populations.
6. According to the CNIPN's technical coordination, more than 800 members of the National Police and Armed Forces have been trained and sensitized. However, when asked for the data, it was indicated that an evaluation was underway to observe the impact of these efforts.

Measures for the Protection of Afro-Ecuadorian, Montubio, and Indigenous Women

7. The Ecuadorian State has developed some measures to protect women, such as the creation of the National Gender Equality Agenda. However, the implementation of this agenda does not account for racialized women, such as Afro-Ecuadorian, indigenous, and Montubio women. Additionally, its application has been weak and has lacked adequate funding, reducing it to a reference document rather than an effective tool for action.
8. Regarding protection from discrimination and violence, efforts have been limited, and Afro-Ecuadorian, Montubio, and indigenous women continue to face significant barriers in accessing justice and fundamental rights such as health, education, and security. Between 2011 and 2019, Afro-Ecuadorian, Montubio, and indigenous women have experienced the highest levels of gender-based violence. According to data from UN Women, 43% have suffered violence from their partner at some point in their lives, 33% have experienced violence in social settings, 20% have been victims of violence in family and workplace contexts, and 19% in educational settings.

Statistical Information on Discrimination Complaints

9. There has been insufficient and inaccurate information provided regarding discrimination complaints filed during the reporting period. The lack of a robust data collection and analysis system prevents a clear understanding of the true extent of discrimination complaints and the structural violence faced by Afro-Ecuadorians, Montubios, and indigenous populations. The few available statistics reflect a low resolution rate for cases, suggesting a lack of political will and institutional capacity to effectively address these issues.

10. From 2015 to 2022, the Prosecutor's Office recorded 830 complaints related to hate crimes, while the Ombudsman's Office registered 300 cases of discrimination. These crimes are difficult to bring to trial in Ecuador due to various challenges within the judicial system, including issues related to human and financial resources, as well as a lack of awareness about the dimensions and effects of racism and related forms of discrimination. The CNIPN's technical coordination indicated that in the coming months, they would plan actions to raise awareness and train all actors involved, such as justice system operators, on the importance of interculturality, equality, gender equity, and sexual and gender diversity.

RECOMMENDATIONS:

11. We urge the CNIPN to fulfill its coordinating role in addressing the needs of the Afro-Ecuadorian population, particularly regarding children, adolescents, women, and youth. This must go beyond the demands made by Afro-Ecuadorian social organizations and the serious concerns regarding the institutional changes that have reduced the state apparatus dedicated to addressing their specific needs. The CNIPN must do more than just coordinate policies and promote rights; it must ensure that policies are backed by planning and sufficient budget allocation for programs and projects that address issues such as health, basic and higher education, land ownership, criminalization of Afro-Ecuadorian communities, and access to justice.

12. We call on the Executive to objectively assess the functionality of the National Equality Councils, particularly those for Peoples and Nationalities, and Gender. Although these Councils were created by constitutional mandate and have a functioning law and regulations, in practice, they consist of public and governmental employees who do not pragmatically address the everyday problems of Afro-descendant, Montubio, and indigenous communities. The Executive must devise a real solution, with budget allocation and solid institutions, to meet the needs of these communities.

13. It is imperative that the National Equality Councils be provided with the funding and authority necessary to implement services that have a real impact on the lives of Afro-Ecuadorian, indigenous, and Montubio populations. Their role must go beyond observation to include the direct execution of public policies.

14. Training for judges, prosecutors, police, and other public officials must be consistent and must include a gender and intercultural approach that ensures a deeper understanding of the rights of Afro-descendant and indigenous

peoples. This training must include regular follow-up and evaluation to ensure its effectiveness.

15. The State must establish a robust system for collecting, analyzing, and publishing data on discrimination complaints, with a specific focus on Afro-Ecuadorian, Montubio, and indigenous populations. This data is crucial for designing evidence-based public policies. Part of this effort should include improving the collection of disaggregated information from administrative records in areas such as health, public data registries (Civil Registry, DINAR), and public services and education at all levels. For this purpose, the State may seek technical assistance from agencies such as the United Nations Development Programme (UNDP) or the United Nations Population Fund (UNFPA), both of which have offices in Ecuador and extensive experience with disaggregated data from administrative records.
16. We call on all branches of the Ecuadorian State to allocate the necessary and sufficient budget for implementing programs that promote equal rights and non-discrimination, particularly in critical areas such as health, education, and security for Afro-descendant, Montubio, and indigenous populations.

Violence Against Women, Children, and Adolescents (Articles 2, 3, 6, 7, 24, and 2)

RESPONSE TO PARAGRAPH 9 OF THE LIST OF ISSUES

17. On November 7, 2022, Ecuador was reviewed and received recommendations regarding gender-based prison violence, violence against minors, and the protection of environmental rights defenders, especially concerning indigenous peoples and nationalities. The Office of the Attorney General reported that there were 1,397 criminal investigations related to racial discrimination, of which 724 were archived due to lack of evidence, 16 were dismissed, and 11 resulted in convictions. It was noted that not all complaints met the criteria for racial discrimination as defined by Ecuador's Comprehensive Organic Penal Code (COIP), which explains the differing outcomes. Additionally, many cases are resolved extrajudicially.

Invisibility, Discrimination, and Violence Against Afro-descendant and Montubio Women

18. Afro-descendant and Montubio women experience double discrimination due to their ethnic-racial identity and gender. Although there have been awareness campaigns and programs regarding violence against women, these initiatives often fail to recognize or address the specific experiences of

women from these communities. The folklorization of their image and culture during public campaigns tends to reduce their identity to cultural stereotypes, without addressing the structural causes of the violence they face.

19. In many instances, the representation of Afro-descendant or indigenous women in awareness activities is superficial, where their physical appearance or traditional clothing is used as a signal of inclusion, without any substantive effort to address the particular forms of violence they endure. This superficiality in campaigns contributes to the invisibility of their real needs.
20. In Esmeraldas province, violent deaths of women increased in 2022 and 2023 compared to previous years. Factors such as poverty, marginalization, institutional racism, decades of governmental neglect, and the province's proximity to criminal groups significantly increase the risks of violence for Afro-descendant women and girls in this region. Additionally, as racialized individuals, they face greater vulnerability and a higher risk of human rights violations.
21. The years with the highest reported femicide rates in Esmeraldas were 2017 and 2018. It is important to acknowledge that actual figures are likely higher, as the COVID-19 pandemic hindered data collection efforts.
22. In Imbabura province, after white/mestiza women, Afro-descendant women are the most frequently subjected to violence and murder. Particularly, young adult women aged 25 to 34 are among the groups most affected by living in constant danger, with their lives at risk and devalued.

Limited Access to Justice and Protection Services

23. Access to justice for Afro-descendant and Montubio women is limited due to various factors:
 - a. Institutional Discrimination: Women often face institutional barriers when attempting to report violence. The lack of gender- and intercultural-focused training among judicial, law enforcement, and public security authorities fosters distrust in Ecuador's justice system. Afro-descendant and Montubio women experience not only gender-based discrimination but also racial and ethnic discrimination, severely limiting their ability to seek justice, leading to double or triple violations of their rights and frequent re-victimization.
 - b. Absence of Specialized Services: Services for women victims of violence, such as shelters, legal advice, or psychological support, are often not adapted to meet the specific needs of Afro-descendant and

Montubio women. Furthermore, the lack of access to these services in rural or marginalized areas where many of them live exacerbates the situation.

- c. Criminalization and Stigmatization: Afro-descendant and Montubio women who report violence are often stigmatized or criminalized, either due to their skin color or the socioeconomic conditions in which they live. This reinforces their distrust of the judicial system and security authorities.

Differentiated Impact of Violence

- 24. Violence against Afro-descendant and Montubio women not only affects them physically and psychologically but also impacts their access to education, employment, and participation in political life. Many of these women face precarious labor conditions and poverty, which increases their vulnerability to violence and reduces their ability to escape abusive cycles.
- 25. Afro-descendant and Montubio women often work in informal or poorly paid jobs, limiting their access to support networks or services that could protect them. Additionally, the lack of land ownership and limited access to economic resources perpetuates their economic dependence, which in many cases prevents them from leaving violent relationships.

Need for Intersectional Policies

- 26. It is urgent that public policies aimed at combating violence against women adopt an intersectional approach that acknowledges the interaction of various oppressive factors such as gender, race, and social class. This is especially necessary in the case of Afro-descendant and Montubio women, who experience particular forms of violence that require specific responses.

RECOMMENDATIONS:

- 27. Training with a Gender, Intercultural, and Human Rights Focus: Institutions responsible for handling violence cases, including judges, prosecutors, security forces, and social service personnel, must receive training on gender, interculturality, and human rights. This will help them better understand the specific experiences and needs of Afro-descendant women.
- 28. Strengthening Judicial and Protection Services in Rural Areas: The creation and accessibility of protection and justice services for women victims of violence in rural and marginalized areas where Afro-descendant and

Montubio communities live must be guaranteed. This includes the creation of shelters, help lines, access to psychological care, and legal advice.

29. Awareness Campaigns with an Inclusive Focus: Awareness campaigns on gender-based violence should include a focus that highlights the experiences of Afro-descendant and Montubio women, not as a symbolic act but as a real effort to confront the specific forms of violence they endure. These campaigns must avoid the folklorization of their identities and instead address the structural and cultural issues that perpetuate the violence.
30. Monitoring and Collection of Disaggregated Data: A data collection system that accurately captures violence against Afro-descendant and Montubio women must be implemented. This data is essential for designing effective policies and evaluating the impact of the measures taken. Such actions should be considered both within and outside the judicial space, as in health and education settings, where these women experience other forms of violence, such as obstetric violence or racial discrimination.
31. Participation of Afro-descendant and Montubio Women in Decision-Making: Active participation of Afro-descendant and Montubio women in political and state decision-making spaces must be encouraged, especially in the creation and evaluation of public policies on gender, racial discrimination, and social exclusion of Afro-Ecuadorian and Montubio women. The Executive should issue regulations, through the Ministry of Labor, to enforce compliance with Executive Decree 060 and monitor that policy on labor inclusion for Afro-descendants, Montubios, and indigenous people, especially in the public sector. Additionally, disaggregated data should be provided on Afro-descendant, Montubio, and indigenous public servants and the positions they hold, to understand the level of labor inclusion for women from these ethnic groups and the State's compliance with this decree.

Excessive Use of Force (Articles 2, 6, 7, and 14)

RESPONSE TO PARAGRAPH 16 OF THE LIST OF ISSUES

32. Ministerial Agreement 179, issued in 2020, established the progressive, rational, and differentiated use of force by the Armed Forces in situations of internal security and public order. However, this agreement was declared unconstitutional in May 2021 by the Constitutional Court of Ecuador. The decision was based on the fact that the regulation violated the principle of legal reserve and posed risks to the rights to life and personal integrity, as it did not adequately establish the limits for the intervention of the Armed Forces outside of a state of emergency. Nevertheless, at the beginning of 2024, the

Executive declared a State of Emergency due to internal unrest and to combat criminal groups, leading to an escalation in the use of lethal force.

33. This action disproportionately impacts bodies that are frequently criminalized and vulnerable: Afro-descendant men and women, particularly in provinces with significant Afro-descendant populations, such as Guayas, Esmeraldas, Imbabura, and Carchi. These communities have long suffered from the excessive use of force, and unfortunately, little has been done to address the situation, which primarily affects the lives of young Afro-descendant men and women.
34. The actions of security and law enforcement bodies have led the United Nations to describe these cases as racial profiling and criminalization based on "suspicious behavior." Such actions, rather than protecting the physical and personal security of Afro-Ecuadorian citizens, end up violating their rights and compromising their physical and psychological integrity, a constant threat to their safety and well-being.
35. It is crucial to emphasize that this is not about justifying the criminal actions that have intensified in Afro-Ecuadorian territories due to state neglect in providing health services, employment, education, and housing. Criminal groups exploit these vulnerabilities. It is important for the State to act comprehensively, not just by increasing the presence of police or military forces, but also by ensuring the provision of social services to Afro-Ecuadorian populations in their territories.

Structural Racism and Impunity

36. Afro-descendant women are frequently victims of racial profiling, associating them with criminality, which leads to arbitrary detentions and the excessive use of force. This structural racism is not only present in the stereotypes that influence the actions of security forces but also in the judicial system, which in many cases legitimizes the impunity of agents responsible for these abuses at all levels of government, both local and national.
37. The lack of an intercultural and gender-sensitive approach within police and judicial institutions allows cases of excessive use of force against these women to be minimized or not investigated adequately. This impunity fosters the repetition of abuses and perpetuates an institutionalized system of discrimination.

Context of Criminalization and State Violence

38. In many Afro-descendant, indigenous, and Montubio communities, women face violence not only from private actors but also from the State, through violent repression during protests or interventions in their territories. These women are exposed to police violence during social protests, evictions, and land disputes, which disproportionately affect rural and marginalized communities.
39. The disproportionate use of force not only violates their rights to life, integrity, and personal security but also impacts their social and political participation. Afro-descendant, indigenous, and Montubio women who organize to defend the rights of their communities often become targets of state violence, inhibiting their ability to exercise leadership and defend their rights.
40. There are particular cases where the State has failed to respond effectively, such as the Furukawa tobacco company, which maintained a system of modern slavery by denying Afro-descendant men and women the right to a dignified life, access to healthcare, education, and housing. Another example is the persecution of the Obregón family for defending their community land from a palm oil company.

Lack of Effective Complaint Mechanisms

41. One of the biggest obstacles Afro-descendant and Montubio women face when they are victims of excessive use of force is the lack of access to effective complaint mechanisms. Distrust in security forces and the judicial system, coupled with fear of reprisals, discourages many women from reporting these abuses. Additionally, judicial procedures are often lengthy and costly, further hindering access to justice for women from impoverished communities.
42. The available protection and redress mechanisms are not adapted to address the specific forms of violence faced by Afro-descendant and Montubio women, who require approaches sensitive to their cultural and racial identity. The lack of training and awareness among judicial officials worsens this situation, as many do not understand the dynamics of racism and gender violence that affect these women.

RECOMMENDATIONS:

43. **Training for Security Forces:** It is crucial that security forces receive human rights training with a special focus on the intersectionality of gender and race. These training sessions should include a component to raise awareness of

the impact of racism and structural discrimination on their interactions with Afro-descendant and Montubio women.

44. **Strengthening Complaint Mechanisms:** Accessible and effective mechanisms must be created and strengthened to allow Afro-descendant and Montubio women to report cases of excessive use of force. These mechanisms must ensure the protection of complainants from potential reprisals and guarantee an impartial investigation of the facts.
45. **Monitoring and Accountability:** An independent monitoring system must be implemented to oversee the behavior of security forces in their interactions with Afro-descendant and Montubio communities. This system must ensure accountability for agents responsible for abuses and establish clear sanctions in cases of human rights violations.
46. **Protection for Human Rights Defenders:** The State must guarantee the protection of Afro-descendant and Montubio women who act as human rights defenders, especially those leading resistance efforts in their territories. Specific protection measures must be implemented for these women, who face an elevated risk of violence from security forces.
47. **Legislative Reforms and Public Policies:** Reforms are needed to explicitly prohibit the use of racial profiling in security operations and to limit the use of force in contexts of protests and evictions, ensuring that the human rights of Afro-descendant and Montubio communities are respected.