



Quito, October 28, 2022

To the Honorable
Permanent Mission to the United Nations Office and other international organizations.
Geneva.-

Ref: Evaluation of Ecuador in its fourth Universal Periodic Review

Dear Ambassador:

This communication is motivated by virtue of informing that from the organizations of the Ecuadorian civil society, we elaborated six written contributions to strengthen the evaluation of Ecuador in its fourth Universal Periodic Review (JS4, JS10, JS11, JS12, JS1, and JS15), which will take place the following November 7 in the city of Geneva, Switzerland. However, in conducting a comprehensive review of the Consolidated Report by the Office of the United Nations High Commissioner for Human Rights, which summarizes the contributions of civil society stakeholders, we believe it is essential to highlight the seriousness of the situation of rights defenders who are threatened by the lack of guarantees of protection in the context of extractive projects for the exploitation of natural resources, where the participation of companies, the armed forces, and the State, constitute a threat in the guarantee of their human rights.

In addition, it should be noted that the contribution mentioned above manages to demonstrate that the recommendations adopted in the third evaluation cycle of Ecuador related to strengthening prevention and protection against intimidation, threats, and violence against civil society, including human rights defenders human rights, have been breached (R: 118.64). Online and offline, freedom of expression has also not been fully guaranteed (R: 118.57; 118.58), particularly in protecting vulnerable groups and indigenous peoples (R: 118.154).

In this context, we appreciate that the summary highlights that it is the extractive industries that represent the most significant risks for vulnerable populations and human rights



defenders, particularly for indigenous peoples, peasant communities, and Afro-descendants, who, by opposing the development of projects that violate their rights to self-determination and consultation, are subjected to criminalization processes and corruption strategies that weaken their social fabric and, in turn, are sponsored by the companies themselves.

This is demonstrated by our report published in June 2021¹, which evaluates the situation of defenders based on the documentation of 22 emblematic cases, of which 18 are related to extractive industries or the energy sector. In all of them, the leading cause of the conflicts arises from the interference of companies that act in coordination with the State to justify the fundamental breach of the population's rights.

In these risk scenarios, the State has not yet developed suitable and effective mechanisms to prevent the advance of illegal mining activities and business negligence in the face of successive oil spills that mainly affect indigenous peoples and peasant communities. Likewise, it should be noted that there are no adequate mechanisms to guarantee access to justice and comprehensive reparation for the damage caused by these economic activities. This is evidenced in the cases in our reports, such as illegal mining in Napo, the oil spill of April 7, 2020, and February 28, 2022, among others.

Additionally, we celebrate that the Office of the United Nations High Commissioner for Human Rights has highlighted the need to implement adequate and effective measures to control business activity, safeguard the supremacy of rights over the private interests of companies, and establish mechanisms to investigate, prosecute and punish business actors. However, given the need to advance in the progressiveness of rights and in generating guarantees of compliance with state obligations, particularly concerning the situation of defenders at risk, we request that the following recommendations for the State of Ecuador be considered for evaluation:

- Establish a clear legal framework that foresees sanctions in cases involving companies or contractors, restricting them from abusing criminal law and civil law to promote actions of criminalization or risk for defenders, particularly vulnerable populations, such as the indigenous peoples, Afro -descendants and women.
- Urge the State to take protection measures for human rights defenders and mechanisms that monitor compliance with due diligence by companies. This implies

¹ Available in: <https://ddhhecuador.org/2021/06/12/documento/informe-sobre-la-situacion-de-personas-defensoras-de-derechos-humanos>



establishing precise mechanisms to investigate, prosecute, and punish not only material actors but also intellectual actors of such attacks. Likewise, these mechanisms must guarantee that the victims and their families can access reparation processes, particularly in the extractive sector of the exploitation of natural resources.

- Achieve concerted mechanisms for consultation, consent, and public participation, particularly on public policy decisions that imply social and environmental impacts on vulnerable populations, considering the demands of the organizational structures of the indigenous movement, as well as the latest rulings of the Constitutional Court in the “Los Cedros” and “Sinangoe” cases. In turn, these instruments must incorporate international human rights standards, particularly what is stated in ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples, the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Thank you for your kind attention; we are willing to extend any specific and timely information will facilitate their evaluation.

Sincerely,

Vivian Idrovo Mora

Alianza Organizaciones por los Derechos Humanos del Ecuador

Pablo Iturralde
Comité de Solidaridad Furukawa Nunca Más

Eva Martínez-Acosta

Centro de Derechos Económicos y Sociales (CDES)

Sofía Jarrín
Amazon Watch

