



Quito, October 28, 2022

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

Ref: Evaluation of Ecuador in its fourth Universal Periodic Review

Dear Ambassador:

In the last universal periodic review (A/HRC/36/4, July 2017), Ecuador accepted several recommendations to protect and guarantee the rights of human rights defenders and nature defenders in accordance with its international obligations voluntarily contracted. Three of the recommendations were aimed at assuring defenders a safe environment to carry out their work recommendations: 118.55 (Estonia); 118.57 (Hungary); 118.66 (Republic of South Korea), and (Ukraine); three of them are related to preventing and protecting human rights defenders, trade union organizations critical of the government, journalists and civil society in general against threats, intimidation, and violence, 118.64 (Czechia); 118.53 (Belgium) (Costa Rica); 118.65 (France).

Likewise, Ecuador accepted the recommendation proposed by Mexico, 118.58, to establish specialized protection mechanisms to guarantee the security and independent work of civil society and human rights, defenders. In addition, it promised to ensure that all allegations of excessive use of force and arbitrary arrests are investigated and that those responsible are brought to justice, 118.31 (Ireland).

The Alliance of Organizations for Human Rights of Ecuador, a coalition of fifteen civil society organizations, has contributed to strengthening the evaluation of Ecuador in its fourth Universal Periodic Review, which will take place on November 7 in the city of Geneva, Switzerland. The contributions of the Alliance have been considered in the Consolidated Report by the Office of the High Commissioner of the United Nations, which summarizes



the contributions of civil society stakeholders (JS4, JS10, JS11, JS12, JS1, and JS15). Several communications from the Alliance are related to human rights defenders' obstacles in carrying out their work and the lack of guarantees to carry it out in a safe environment.

Since the presentation of the contributions indicated above, several facts reveal the non-compliance by the state, the exacerbation of the risks for those of us who carry out this work, and therefore, the urgency for the international community to insist Ecuador comply with *the obligations to which it committed to respect and guarantee the right to defend rights*.

In October 2022, three armed attacks against women environmental rights defenders were reported in the parish of Molleturo, Cuenca canton, Azuay Province. In the last one, which occurred on October 22, Alba Bermeo Puin was assassinated. The State, despite knowing in advance the continuous threats and attacks against human rights defenders and nature defenders in the area, has not adopted adequate and effective measures to comply with its obligation of reinforced protection.

In October 2022, the CONAIE communicator, Apawki Castro Illapa, reported being the subject of a previous investigation for the alleged crime of kidnapping in the context of the events that occurred in the June 2022 national strike.

On October 7, 2022, the Pastaza Provincial Prosecutor's Office returned to pursuing the preliminary investigation No. 220101821050095, against the defense attorney of the El Edén Kichwa Community, Luis Xavier Solis T., and the president of the Kichwa Community, Wilson Quindigua Salazar, for an alleged crime of paralysis of public services, in the framework of the peaceful protest carried out by the Kichwa Community between the months of May and July 2021, in their community, demanding that Petroecuador EP operate respecting the law and the rights of indigenous peoples in their territory. This, despite the fact that on March 10, 2022, the National Assembly of Ecuador granted AMNESTY to counsellor Solis and community leader Quindigua for being defenders of nature.

In October 2022, as part of the latest prison massacre that occurred in the city of Guayaquil, defenders Fernando Bastias, Billy Navarrete, and Valeska Chiriboga, members of the Guayaquil Human Rights Committee, suffered threats against their integrity from police agents in addition to having been seen prevented from carrying out their work accompanying



relatives of persons deprived of liberty stationed outside the prison in order to obtain information about their relatives.

In September 2022, the sponsoring lawyer of several communities in resistance to extractivism in Pichincha and Imbabura, Yuli Isamar Tenorio Barragán, was notified of the start of a preliminary investigation for the alleged crime of damage to another's property. Dozens of human rights defenders from the Merced of Buenos Aires, Cahuasquí (Imbabura province), as well as the Parroquia de Pacto (Province of Pichincha) are the object of criminal investigations. Counsellor Tenorio previously had another open investigation against her.

In August 2022, the lawyer Marco Vinicio Romero Rodríguez, technical defender of the communities of Fierro Urco and other causes, denounced the notification of a previous investigation for the alleged crime of paralyzing public services in the context of the June 2022 national strike. However, the request to authorize his monitoring, including the surveillance of his private communications, was made days before the start of the national strike. The defender has not been able to obtain copies of the file to duly exercise his defense, despite his multiple requests and the constitutional actions he has filed.

In the same month, the Alliance of Organizations for Human Rights of Ecuador publicly denounced the attacks against defenders of sexual and reproductive rights in Ecuador, particularly those who are part of the Abortion Accompaniment Network, Las Comadres, who were victims of the dissemination of false information, stigmatization, and criminal complaints.

In June and July 2022, defense attorney Lina María Espinosa Villegas of the NGO Amazon Frontlines and a member of the Alliance, who has provided legal accompaniment to indigenous communities before, during, and after the June 2022 national strike, received death threats that have not been investigated with due diligence by the Ecuadorian State, nor have adequate and effective measures of protection been articulated in their favor. On the contrary, information was published in July of this year that reports police investigations against Lina María for her training on human rights issues for the guards of indigenous communities in the Amazon. To date, Lina María Espinosa describes that she continues to receive calls from unknown numbers.



On August 24, 2022, Lina María Espinosa appeared in a mapping of actors by the National Mining Company - ENAMI. These documents were leaked to various human rights and environmental organizations. In the paper, Lina María is pointed out as a person in charge of "Defending power in opposition groups and taking resources from NGOs for the fight against legal mining." She is considered an actor against the Llurimagua Project due to her participation in a case litigated against the company, the Ministry of the Environment, and the Ministry of Energy in Ecuador.

These cases do not represent all the existing issues in the country and should be understood only as a significant example of the severe situation faced by defenders of human, collective, and rights of nature. They demonstrate that there is no safe environment for defenders to carry out their work.

Finally, between June 13 and 30, 2022, the mobilizations called by organizations of the indigenous movement were carried out due to the lack of political will of the National Government to address and resolve, within the framework of the plurinational and intercultural State, the situation of deterioration of the living conditions of the population, especially of the indigenous peoples and nationalities and the lack of compliance by the State with the collective rights recognized in the Constitution. The Ecuadorian State once again used abusive and disproportionate force against protesters, as well as the stigmatization of indigenous leaders, protesters, and their criminalization, the arbitrary and illegitimate detention of the president of the Confederation of Indigenous Nationalities, CONAIE, being emblematic. In this context, nine people were killed, at least 318 were injured, 22 of them with serious injuries, 199 arrests were made, and hundreds of criminalization processes were opened for criminal types related to social protests, such as the paralysis of public services.

It is extremely worrying that in the face of these risk scenarios, the Ecuadorian State, despite ratifying the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazu Agreement, not only omits its obligation to guarantee a safe environment for the work of defenders and provide adequate and effective mechanisms for reinforced protection when they are the object of threats, but also continues, through the instruments of administration of justice, hinders their work through the abusive and unjustified use of criminal law, consolidating criminalization actions against them.



On the other hand, the Ombudsman's Office, part of the National Human Rights Institution of Ecuador, has among its functions the promotion of respect and guarantee of the right to defend rights. However, as stated in the Report of the Office of the United Nations High Commissioner for Human Rights (para. 14), it has been weakened. As the Alliance, we emphasize that it is essential to insist that the Ecuadorian State guarantee adequate regulations for selecting the highest authority of the national human rights institution (head or in charge) that ensures social participation and the incorporation of a gender focus.

For all of the above, we request that the following recommendations be considered for the evaluation of the Ecuadorian State:

- Implement a specialized protection mechanism for defenders that includes a gender approach, a differential ethnic approach, and considerations of a collective nature aimed at protecting defenders of the territory, nature, the environment, and human rights linked to the land.
- Investigate with due diligence and independently the facts and intimidation, threat, or attack against the life and integrity of defenders, seeking the sanction of material and intellectual authors and considering the status of defender of the victim.
- Promote a culture of legitimation and protection of the work of human rights defenders and their organizations, which publicly and unequivocally recognizes their fundamental role in the validity of democratic institutions and the rule of law. This is an inescapable obligation of the State, particularly the executive, justice operators, and the police and military establishments.
- Build, with the participation of human rights defenders and society, a comprehensive public policy that makes it possible to assess the risk faced by human rights defenders and adopt a practical and exhaustive strategy for prevention, investigation, and punishment to prevent attacks against human rights defenders, particularly in contexts of protest and natural resource disputes.
- Prepare adequate regulations for the selection of the highest authority of the National Human Rights Institution of Ecuador, which includes effective mechanisms to guarantee the effective participation of civil society organizations following the Paris



Principles and which includes adequate measures to prevent and eradicate gender-based violence in the said institution and the appointment of its leadership.

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

Cordial Greetings,

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