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Exhibit 1

Hector Javier Galli Guaminga A#241-147-606

EXCERPTS FROM COUNTRY CONDITIONS REPORTS

CC 1

ECUADOR 2024 - COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES - UNITED STATES DEPARTMENT OF STATE

On January 9, President Daniel Noboa decreed a state of emergency to stem escalating violence from local and transnational organized crime groups. The president directed police and military forces to conduct enhanced security operations against these groups to address security threats.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom.

There were a few reports the government or its agents committed arbitrary or unlawful killings during the year. President Noboa's January 9 decree of a state of emergency characterized 22 transnational criminal groups as "terrorists" and authorized security operations targeting these groups, during which 15 individuals were killed.

President Noboa issued 11 executive decrees declaring and renewing states of exception throughout the year to curb rising crime and support the government's efforts to counter organized crime groups, as well as electric power outages caused by drought conditions. The decrees enabled armed forces support to police operations. The Constitutional Court declared unconstitutional two executive decrees and limited the scope of two others.

Unknown persons not presumed connected with government authorities conducted attacks against journalists during the year. Reporters Without Borders reported the rise of criminal gangs and

drug cartel-related violence impacted aggression, threats, attacks, and killings.

Several NGOs reported the existence of arbitrary arrests by the police and military during the government's declarations of a state of emergency.

In a report covering the period from January 8 to April 8, the Regional Human Rights Advisory Foundation noted at least five arbitrary arrests, three by the military and two by police. NGOs noted the number of arbitrary detentions was likely much higher during the year.

A released prisoner detained during the state of emergency said that, on one occasion, military officers put prisoners face down and stepped on their toes, backs, heads, and necks with their boots and then randomly selected prisoners to submerge the detainees' heads into a water tank while applying electric shocks to demand information regarding weapons or drugs deposits.

CC 2

WORLD REPORT 2025: ECUADOR - HUMAN RIGHTS WATCH

In a context of fragile democratic institutions, Ecuador has seen a sharp increase in violence by organized crime, which took homicide rates to unprecedented levels.

Homicides rose 429 percent from the first half of 2019 to 2024, when 3,036 were recorded. A 16 percent drop compared to the same period in 2023 but still higher than the 2,128 in 2022, according to the Ecuadorian Observatory on Organized Crime. As of September, police reportedly received over 2,000 reports of kidnappings and over 10,700 reports of extortion. One in three Ecuadorians crime, the highest number in the region.

Since January, following a surge in violence, President Noboa has has been a victim of decreed long-lasting states of emergency and an "internal armed conflict" against criminal groups, without providing "sufficient information to justify the existence of one or more non-international armed conflicts," according to the Constitutional Court.

Democratic institutions, particularly the judicial system, remained fragile, plagued by allegations of corruption and weak capacity to combat impunity and organized crime.

The Attorney General's Office has opened several investigations against judges, prosecutors and authorities from the Judiciary Council for alleged organized crime, bribery, money laundering, influence peddling, and obstruction of justice.

As of June, close to 26 percent of Ecuadorians were living below the national poverty line, with figures climbing to around 43 percent in rural areas. Additionally, 10.6 percent lived in "extreme poverty," reaching 24.1 percent in rural areas, meaning their per capita family income was below US\$51.60 per month.

Ecuador follows Bolivia and Venezuela as the third country with the highest prevalence of hunger in South America, impacting 2.5 million people, according to the UN Regional Overview of Food Security and Nutrition.

CC 3

IACHR CALLS ON ECUADOR TO RESPECT AND GUARANTEE THE INDEPENDENCE OF THE CONSTITUTIONAL COURT - INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR)

Under Ecuador's Constitution, the Constitutional Court is the highest authority for constitutional review, interpretation, and oversight, and has administrative and financial autonomy. Its functions include ruling on challenges that question the constitutionality of laws. As part of the exercise of these powers, on August 4, 2025, it temporarily suspended certain provisions of three laws on security, intelligence, and transparency in the public sector that had been introduced by the Executive and approved by the National Assembly.

This decision was met with strong opposition from sectors that included members of both the Executive and Legislative branches. Accompanied by military and police officials, the Minister of Government and the President of the National Assembly held a press conference, during which they expressed

concern regarding the impact of the suspension on tools they consider essential for fighting organized crime. They stated: “At present, there is no middle ground: you are either on the side of those defending the country or on the side of those handing these tools over to criminals, the enemies of the people.”

CC 4

THE INDIGENOUS WORLD 2025: ECUADOR - INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS (IWGIA)

The following Indigenous nationalities were included in the 2022 census: Tsáchila, Chachi, Epera, Awa, Kichwa, Shuar, Achuar, Shiwiar, Cofán, Siona, Secoya, Zápara, Andoa and Waorani. The Kichwa nationality accounts for the highest percentage of members (85.87%) and includes some 800,000 individuals nationwide.

Currently, more than seven million Ecuadorians are living in poverty and, of these, 2.3 million are in extreme poverty, surviving on less than 70 cents a day.

In the case of Indigenous communities, extreme poverty affects between 80% and 90% of families in the highland Kichwa communities of Bolivar and Cotopaxi provinces, as well as several Shuar centres of population in Morona-Santiago in the Amazon.

Violence in Ecuador has reached a critical level. Two mayors of areas where mining activities are taking place have been murdered and the country has experienced 15 states of exception since 2021. In less than eight years, Ecuador has gone from being the second safest country in Latin America to one of the most violent in the world.

According to reports from the Alliance of Organizations for Human Rights, the government has used states of exception to repress and criminalize specific groups under the pretext of security. One example of this are the Indigenous communities, historically marginalized, who are more vulnerable to an abuse of power. Such was the case of the arbitrary detention of Indigenous guards from the Kichwa community of San José de Wisuya, in

Putumayo, Sucumbíos Province, in northern Amazonia. On 24 January 2024, these community members were arrested, without evidence or legal justification, and denied access to legal representation. The constitutional principle of the presumption of innocence and their Indigenous status, granted to them by the Constitution, were violated.

CC 5

ECUADOR: SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE 2024 - AMNESTY INTERNATIONAL

Human rights defenders are routinely stigmatized by authorities, including those at the highest level, contributing to an environment conducive to threats and attacks against them.

In 2023, the former minister of Energy and Mines of Ecuador, Fernando Santos, accused in the Ecuadorian National Assembly the lawyer of the Union of People Affected by Texaco (UDAPT), Pablo Fajardo Mendoza, of being an "international criminal" for his defense of human rights, mainly of Indigenous peoples and communities, against the impacts of oil company operations in the Ecuadorian Amazon. In 2024, president Noboa repeatedly stigmatized human rights defenders working for the rights of people in detention, calling them "antipatriotic."

Some human rights defenders, particularly land, territory, and environmental defenders, have also reported that they have been subjected to unfounded criminal proceedings, which they view as a tactic generally pursued by private actors to prevent them from doing their work. One particularly concerning case is that of human rights defenders from Las Naves, in the province of Bolívar, working for the defense of the right to water and opposing mining activities. Numerous human rights defenders from that province have faced criminal proceedings initiated by private actors. Six human rights defenders were sentenced to three years in prison in March 2024. That same month, in the province of Cotopaxi, more than 70 individuals, including Indigenous leaders and human rights defenders, faced criminal charges following protests against mining activities and against a consultation process they view as illegitimate.

The information compiled by civil society organizations, international observers and published in press and social media suggest that many of these arrests may be disproportionately directed against persons from groups historically subject to discrimination, including persons of African descent, Indigenous origin and those from lower socioeconomic status, as well as a focus on young people as possible suspects of criminal activity.

CC 6

UN EXPERTS ALARMED BY ESCALATING REPRESSION AND DETERIORATING CIVIC SPACE IN ECUADOR - UNITED NATIONS

UN experts today expressed concern about a serious deterioration of fundamental freedoms and civic space and the rights of Indigenous Peoples in Ecuador, which has been deepened by the State response to the national protests, and include restrictions on the rights to association, assembly, and expression.

“This pattern of attacks seems designed to silence civil society organisations and Indigenous Peoples. These measures include, among others, reports of freezing of bank accounts without a court order, following the adoption of the Law of Social Transparency, which stigmatises and criminalises the social sector,” the experts said.

The Constitutional Court has also been subjected to harassment and persecution by being declared an enemy of the people and subject to reputational attacks, the experts noted.

On 22 September, a national strike was launched to protest the removal of the diesel subsidy, the increase in value-added tax, the implementation of extractive projects without prior, free and informed consent from Indigenous Peoples, and the enactment of the Law on Protected Natural Areas, the experts expressed.

The military response to social protests, together with the recurrent declaration of states of emergency since January 2024, several of them declared unconstitutional in whole or in part by the Court, are incompatible with the State’s obligation to protect and facilitate the right to peaceful assembly,” they said.

The majority of these reported human rights violations were registered in Imbabura and Pichincha, two Ecuadorian provinces with the largest indigenous populations.

CC 7

QUICHUA IN ECUADOR 2024 - MINORITY RIGHTS GROUP

Quichua (or Kichwa) are a diverse group inhabiting both highland and lowland regions of Ecuador. This name also refers to the most widely spoken indigenous language in South America.

Although Quichua people have tried to spread awareness of the challenges they face through the Confederation of Indigenous Nationalities of Ecuador (La Confederación de Nacionalidades Indígenas del Ecuador, CONAIE), segments of the population continue to face serious socio-economic challenges. In the highlands, Quichua farmers have been compelled by their worsening economic situation to earn their livelihood as day labourers in commercial agriculture or as seasonal migrant workers. Similarly, lowland Quichua continue to suffer from high rates of poverty, little access to education and inadequate health services.

The Ecuadorian government indicated in 2014 its intention to allow expansion of oil extraction on Quichua ancestral land in Napo province. Quichua leaders have made clear their opposition to oil companies carrying out their activities on this land.

In an interview with Mongabay in 2022, Patricia Gualinga Montalvo, a human rights defender and member of the Quichua people of Sarayaku, commented that the primary issues experienced in their territory are linked to extractive industries such as oil, mining and logging.

CC 8

INDIGENOUS PEOPLES IN MEXICO 2025 - MINORITY RIGHTS GROUP

Despite legislative reforms and the signing of treaties and accords, Indigenous Peoples in Mexico experienced multiple forms of discrimination – both because of their low economic standing and limited levels of formal education, and also on grounds of language, dress and other cultural manifestations.

Many of the issues that had driven the uprising remained unresolved. Indigenous farmers continued to be harassed or attacked by paramilitary groups as they work their land. Police brutality and mistreatment by the justice system were commonly reported.

Attempts by communities to defend their lands against illegal loggers or to campaign for their rights met with violence on the part of armed groups who appeared to operate with impunity. Leaders who spoke out for political change were singled out for persecution by powerful landowners who wielded inordinate influence over the local police, political and judicial systems.

Indigenous Peoples remained hampered in their search for access to justice by language barriers and limited translation services. They faced ongoing violations of their land and consultation rights by large-scale development or resource exploitation projects in their territories.

CC 9

INDIGENOUS AND ENVIRONMENTAL LEADERS IN ECUADOR SAY THEY ARE FACING STATE INTIMIDATION - THE GUARDIAN

Social unrest has mounted steadily in Ecuador. The country has one of the highest homicide rates in the world. Rising prices of food and diesel have added to the tensions, prompting an ongoing national strike. Last month, an Indigenous land defender, Efraín Fueres, was shot and killed by the army during a protest against the high cost of living, a lack of medicine in hospitals, the deterioration of schools and growing social insecurity.

Demonstrators are also angry that at least 61 civil society leaders and organisations have had their bank accounts frozen, pending an “unjustified private enrichment” investigation by the public prosecutors office.

The Guardian has seen a list of those facing persecution. More than half were Indigenous activists, several of them campaigning against mines. Another quarter were environmental defenders. The rest were academics, journalists, women's rights activists and local politicians.

Among those under scrutiny was the Pachamama Foundation, which released a statement saying it would resist this attempted intimidation. "We categorically reject the criminalisation process that has been initiated," the foundation said.

CC 10

ECUADOR: NOBOA PLEDGES NEW SECURITY PLAN AFTER MOST VIOLENT YEAR IN HISTORY - NEWS CLICK

2025 was the most violent year in the country's history: nearly 9,216 murders, representing a 32% increase compared to 2024. This means that Ecuador has a chilling violent death rate of 50.91 per 100,000 inhabitants.

This makes it the country with the second-highest homicide rate in Latin America (only behind Haiti) and one of the most violent in the world.

Noboa attempted to repeat the maneuver in 2025, calling a referendum to supposedly tackle crime. According to him, the problem in fighting drug trafficking lies in the legal structure and the absence of foreign troops. However, this time the Ecuadorian people clearly said NO. In a historic referendum, Noboa suffered a quadruple defeat, after which the path long sought by his economic group to eliminate the 2008 Constitution's protective provisions and replace it with a neoliberal one, aligned with the demands of the International Monetary Fund and Washington, the great ally of the Ecuadorian presidency, was closed. Likewise, the possibility of installing foreign military bases in Ecuador, another of Noboa and company's deepest desires, was denied.

**ECUADOR'S INDIGENOUS COMMUNITIES FACE
VIOLENT STATE REPRESSION - NEW
INTERNATIONALIST**

Over 130 international organisations have appealed for concerted human rights protections. Amazon Watch has denounced the 'criminalization and harassment of the Indigenous movement and social organizations in Ecuador.'

All of those killed by state forces amid the surge of violence over the last month were Indigenous citizens (comuneros).

Since declaring an 'internal armed conflict' against drug trafficking in early 2024, Noboa has drastically expanded military and executive powers. His security platform includes partnerships with Trump ally Erik Prince's notorious Blackwater firm. The result has been escalating repression, killings, and widespread rights abuses.

Noboa continues to auction off nominally 'protected' indigenous lands to foreign fossil fuel corporations – most recently by overturning environmental protections at Loma Larga lake, near Cuenca, to benefit Canadian goldmining firm Dundee Precious Metals. He has also introduced alarming new emergency laws that allow private donors to fund armed forces in exchange for tax benefits and he has proposed a referendum to reintroduce foreign military bases, reversing Correa's 2008 constitutional ban on US imperial outposts.

**REMARKS ON RACIAL AND ETHNIC INEQUALITIES
IN THE STRUGGLE FOR SOCIAL AND
ENVIRONMENTAL JUSTICE - IAEN SCHOOL OF
CONSTITUTIONALISM AND LAW, YALE UNIVERSITY**

In order to understand racial inequalities in Ecuador, we put advance a theoretical framework based on exclusion. Exclusion is the condition of a group of individuals who are denied societal participation and opportunities where they live. Exclusion is the

limitation of citizens' rights, and consequently, involves restrictions to development.

There are many forms of exclusion: social, economic, political, and cultural. In the context of individuals of African descent, social exclusion is reflected in the lack of basic, academic, health, and entertainment services, and lack of access to technology, adequate employment, and consumption opportunities.

However, the greatest disparity exists in connection with higher education: while 21% of Ecuadorians have access to this education level, as regards white people, 32 of every 100 individuals have a college education; 26 of every 100 among mestizos, and only 11 of every 100 among individuals of African descent, 5.5 of every 100 among indigenous peoples and 7.7 of every 100 among Montubians. And what is worse, in Ecuador, 24 of every 100 white people get a university degree, 13 out of 100 mestizos, and only 7 of every 100 individuals of African descent, and only 2 out of 100 indigenous peoples people and 1.4 of every 100 Montubians.

Exhibit 2

Ecuador 2024 Human Rights Report

Executive Summary

On January 9, President Daniel Noboa decreed a state of emergency to stem escalating violence from local and transnational organized crime groups. The president directed police and military forces to conduct enhanced security operations against these groups to address security threats.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom.

The government took credible steps to identify and punish officials who committed human rights abuses.

Kidnappings and extortion by criminal groups increased. Imprisoned members of criminal gangs staged disturbances leading to prison breaks. The government investigated and prosecuted instances of violence and threats of violence likely perpetrated by nongovernment actors against journalists and public officials.

Section 1. Life

a. Extrajudicial Killings

There were a few reports the government or its agents committed arbitrary or unlawful killings during the year. President Noboa's January 9 decree of a state of emergency characterized 22 transnational criminal groups as "terrorists" and authorized security operations targeting these groups, during which 15 individuals were killed.

President Noboa issued 11 executive decrees declaring and renewing states of exception throughout the year to curb rising crime and support the government's efforts to counter organized crime groups, as well as electric power outages caused by drought conditions. The decrees enabled armed forces support to police operations. The Constitutional Court declared unconstitutional two executive decrees and limited the scope of two others.

In February, gang members killed Diana Carnero, a councilwoman in Naranjal, Guayas Province. Media reported seven deaths among local officials in at least 10 incidents involving the killing or attempted killing of political leaders and elected officials.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the

part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, but laws restricted this right. The law prohibited persons from using “discrediting expressions,” treated as a misdemeanor with a 15- to 30-day detention. The government did not invoke this law to restrict freedom of expression during the year.

Physical Attacks, Imprisonment, and Pressure

Local government authorities and criminal groups committed acts of violence and harassment against journalists. The Observatory for Rights and Justice of Ecuador reported that journalists claimed they were subject to government surveillance and interception of communications.

On January 30, the mayor of Loja criticized journalists, asserting media “exuded verbal violence”; the mayor also characterized journalists as “extortionists.”

Censorship by Governments, Military, Intelligence, or Police

Forces, Criminal Groups, or Armed Extremist or Rebel Groups

The media nongovernmental organization (NGO) Fundamedios reported several censorship cases between January and August. The NGO noted the government did not adequately investigate or prosecute these cases.

Some media outlets reported officials removed them from official chat rooms and restricted their access to public information.

On June 10, the national television interview program *Los Irreverentes* was discontinued. The network cited commercial justifications for the discontinuation of the program.

Unknown persons not presumed connected with government authorities conducted attacks against journalists during the year. Reporters Without Borders reported the rise of criminal gangs and drug cartel-related violence impacted aggression, threats, attacks, and killings.

Between January and August, Fundamedios registered 22 aggressions perpetrated by alleged criminal and terrorist organizations against media. These aggressions suggested a pattern of intimidation, threats, and direct attacks against journalists and media outlets.

On January 30, members of a criminal gang in Guayaquil attacked the shared facility of the state-owned networks TC Televisión and Gamavisión during a live broadcast. Armed men invaded the studio and beat and then kidnapped

several media workers.

Efforts to Preserve the Independence of the Media

On March 20, President Nohoa signed the Chapultepec and Salta Declarations, committing the government to promote freedom of expression.

On August 23, the government issued a decree that defined risk prevention and protection measures for journalists. The decree included new risk prevention measures, such as mapping risks facing journalists, the development of protection protocols, and the creation of support networks. New protection measures included monitoring threats and attacks and security training for journalists.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law, with exceptions, provided certain workers the right to form and join trade unions of their choice, to bargain collectively, and to strike. The law required a minimum of 30 workers for the creation of an association or labor union, regardless of the total number of employees in the workplace. To form a work committee, the law required the participation of 50 percent of a company's employees. Only labor unions that represented 50 percent of a company's employees could sign a collective bargaining agreement.

The law prohibited the dismissal of union members from the moment a union notified the labor inspector of its definitive board members. Employers were not required to reinstate workers fired for union activity but were required to pay such workers compensation and a fine of one year's annual salary for everyone wrongfully dismissed. Individual workers still employed could take complaints against employers to the Labor Inspection Office. Individuals no longer employed could take their complaints to courts charged with protecting labor rights. Unions with at least 50 percent of a company's total workers could take labor complaints to a tripartite arbitration board established to hear their complaints. The law obligated that mediation begin within 48 hours of issuing a complaint. All private employers with unionized employees were legally required to negotiate collectively when the union so requested.

Ministerial resolutions allowed for the use of certain types of short-term or outsourcing labor contracts, with specific provisions for the flower, palm, fishing, livestock, and construction sectors.

The right for workers to organize at a sectoral level was recognized by the courts but was not always protected.

The law provided for the right of private-sector employees to strike and conduct solidarity strikes or boycotts on behalf of employees in other industries, after mandatory steps had been taken. The law established that before most strikes were declared, collective labor disputes had to be

referred to courts of conciliation and arbitration.

The law required a 10- to 20-day cooling-off period from the time a strike was declared before it could take effect. During this time, workers and employers had to agree on how many workers were needed to ensure a minimum level of service; at least 20 percent of the workforce had to continue to work to provide essential services. The law provided the employer could contract substitute personnel only when striking workers refused to send the number of workers required to provide the minimum necessary services. The law did not provide for time-limited, seasonal, hourly, or part-time contracts.

The law prohibited formation of unions and restricted the right to collective bargaining and striking of public-sector workers in a long list of “strategic sectors” that went beyond International Labor Organization standard for essential services. Workers in these sectors attempting to strike could face charges with penalties of two to five years’ imprisonment. The government effectively enforced the law on “strategic sectors.”

All unions in the public sector fell under the Confederation of Public Servants. The law specified that only the private sector could engage in collective bargaining.

The government did not effectively enforce all applicable laws. Penalties were commensurate with those for other laws involving denial of civil rights,

such as discrimination, but they were rarely applied against violators.

Employers did not always respect freedom of association and collective bargaining. Unions reported the Ministry of Labor delayed unions' requests to update their boards of directors, which led to delayed registration. Labor unions and associations reported difficulties and delays in registering unions in the ministry due to excessive and ever-changing requirements – sometimes not stated in the regulations – and ministry staff shortages.

There were a few cases in which employers fired leaders of new unions while the unions were awaiting ministry registration. Even if a court supported a union's registration efforts, dismissed leaders were entitled only to compensation, not reinstatement, which undermined the union's ability to form. In addition, dismissed union leaders could not turn to the Ministry of Labor but were required to go through the courts.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a minimum monthly wage, which was above the poverty income level. The law limited the standard work period to 40 hours

a week, eight hours a day, with two consecutive days of rest per week. The labor code stipulated workers should be paid at 150 percent for each hour of overtime while working on the weekend; between midnight to 6 a.m., workers should be paid at 200 percent of the hourly salary in overtime. Overtime was limited to no more than four hours per day and a total of 12 hours per week. Mandatory overtime was prohibited. The law mandated penalties for employers who did not register workers with the Social Security Administration.

The law allowed employers and employees to enter force majeure agreements, addressing unforeseen events beyond an employer's control that could temporarily suspend work and allowing employers to adjust working hours without incurring overtime pay to recover lost time. Employers were required to compensate employees for the interruption, while adhering to regulations regarding maximum working hours and minimum wage stipulated in wage laws.

The dismissal of an employee was permitted only if the business ceased operations permanently. The law permitted employers to reduce working hours and salaries by up to 50 and 45 percent, respectively, by signing "emergency contracts" with their employees to prevent job losses. In 2021, the Constitutional Court declared the force majeure provision unconstitutional, arguing it was "incompatible with the right to legal certainty recognized in the constitution." In June 2022, the National

Assembly approved a partial repeal of the law, which the president vetoed in July 2022, preventing the legislature from addressing it for a one-year period. Labor unions filed a lawsuit with the Constitutional Court the same month challenging other provisions in the law. The law remained in effect.

Labor leaders and NGOs reported that there were no specific sectors with a concentration of alleged violations of wage, hour, or overtime laws.

Occupational Safety and Health

The law provided for the health and safety of workers and outlined occupational safety and health (OSH) standards, which were appropriate for the country's main industries. Authorities could conduct labor inspections of formal workplaces either by appointment, after a worker complaint, or through unannounced visits. If a worker requested an inspection and a Ministry of Labor inspector confirmed a workplace hazard, the inspector then could close the workplace. Labor inspections generally occurred because of complaints, not as a preventive measure. In some cases, violations were remedied, but other cases were subjected to legal challenges that delayed changes for months.

Workers in the formal sector could generally remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Labor representatives from the agricultural sector said they

registered cases in which employers forced workers to return to plantations shortly after fumigations took place, risking illness or bodily harm.

Wage, Hour, and OSH Enforcement

The Ministry of Labor was responsible for enforcement of wage, hour, and OSH laws. The government did not effectively enforce the laws. Inspectors had the authority to make unannounced inspections. The ministry issued fines for wage, and hour, and OSH violations. Penalties were commensurate with those for similar crimes, such as fraud or negligence, but were rarely applied to violators. The ministry had an insufficient number of inspectors to ensure compliance.

The law singled out the health and safety of miners, but the government faced challenges to enforce safety rules in informal (artisanal), often illegal, small-scale mines (frequently linked to local community leaders and criminal groups), which made up most mining enterprises. Illegal mining rose precipitously during the year following the increase in the price of gold in legal and illicit markets, with criminal organizations behind much of the expansion in territory and extraction. Mining activity was present in 17 of the 24 provinces. Migrants and refugees were particularly vulnerable to hazardous and exploitative working conditions. According to media and labor associations, local organizations reported complaints of Venezuelans being paid below the minimum wage, particularly in the informal sector. Gig workers reported conditions that did not follow wage, hour, and safety laws.

The informal sector employed 53.5 percent of the working population as of June. The government did not enforce applicable labor laws in this sector. Wage, hour, and OSH regulations and standards did not apply to workers in the informal sector.

c. Disappearance and Abduction

Disappearance

The government disputed an NGO's reporting of an alleged enforced disappearance in the Cotopaxi prison and vouched that the individual was in custody and "in good health." The government did not comment on two other alleged enforced disappearances by the same NGO.

Prolonged Detention without Charges

Several NGOs reported the existence of arbitrary arrests by the police and military during the government's declarations of a state of emergency.

In a report covering the period from January 8 to April 8, the Regional Human Rights Advisory Foundation noted at least five arbitrary arrests, three by the military and two by police. NGOs noted the number of arbitrary detentions was likely much higher during the year.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom*

Report at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibited torture and similar forms of intimidation and punishment.

A released prisoner detained during the state of emergency said that, on one occasion, military officers put prisoners face down and stepped on their toes, backs, heads, and necks with their boots and then randomly selected prisoners to submerge the detainees' heads into a water tank while applying electric shocks to demand information regarding weapons or drugs deposits.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at

<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The legal marriage age was 18. There were reports of early and forced marriage in rural and poor areas.

According to a 2023 study by the Gender Roundtable of International Cooperation, Plan International, UN Population Fund, and UNICEF, an estimated 30,000 girls and adolescents were in early unions in the country.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

Resettlement

As part of the regularization initiative, the government sought to achieve better integration of migrants and refugees in their host communities;

nevertheless, discrimination as well as limited access to formal employment, education, and housing affected migrants' and refugees' ability to integrate.

d. Acts of Antisemitism and Antisemitic Incitement

There was a small Jewish community, including an estimated 450 individuals in Quito, 50 individuals in Guayaquil, and an unspecified number of individuals elsewhere in the country. There were no reports of antisemitic incidents.

Exhibit 3

DECEMBER 20, 2024

Ecuador

In a context of fragile democratic institutions, Ecuador has seen a sharp increase in violence by organized crime, which took homicide rates to unprecedented levels.

Following President Daniel Noboa's announcement that the country is in an "internal armed conflict," security forces engaged in serious human rights violations.

Longstanding structural problems, related, among other things, to access to health, education, and employment, remain unaddressed, limiting the enjoyment of economic and social rights.

Violence and Crime

Homicides rose 429 percent from the first half of 2019 to 2024, when 3,036 were recorded. A 16 percent drop compared to the same period in 2023 but still higher than the 2,128 in 2022, according to the Ecuadorian Observatory on Organized Crime. As of September, police reportedly received over 2,000 reports of kidnappings and over 10,700 reports of extortion. One in three Ecuadorians has been a victim of crime, the highest number in the region.

Since January, following a surge in violence, President Noboa has decreed long-lasting states of emergency and an "internal armed conflict" against criminal groups, without providing "sufficient information to justify the existence of one or more non-international armed conflicts," according to the Constitutional Court.

Ecuador's militarization of its streets and prisons since January has led to serious human rights violations by security forces, including extrajudicial killings, arbitrary arrests and ill-treatment.

Prison Conditions

The lack of state control, overcrowding, and poor prison conditions have enabled organized crime to dominate prisons.

Since January, the military has held many detainees incommunicado for long periods, obstructing access to lawyers and medical care. Other documented abuses against detainees include beatings, the improper use of tear gas, electric shocks, sexual violence, and killings.

In February, a judge ruled that the military endangered detainees and prison authorities failed in their duties, ordering medical care and an investigation into torture. Human rights groups, detainees' families, and the United Nations Committee against Torture also raised concerns about inhumane prison conditions, including food shortages.

Democratic Institutions and the Rule of Law

Democratic institutions, particularly the judicial system, remained fragile, plagued by allegations of corruption and weak capacity to combat impunity and organized crime.

The Attorney General's Office has opened several investigations against judges, prosecutors and authorities from the Judiciary Council for alleged organized crime, bribery, money laundering, influence peddling, and obstruction of justice.

Judges and prosecutors are at risk and lack adequate protection. At least 15 have been killed since 2022.

Allegations of lack of due process in judicial proceedings and improper pressures on courts and judges continued. In February, President Noboa labeled a judge “unpatriotic” after the judge ruled against security forces due to human rights violations in prison.

Reports continued of problematic selection and appointment procedures for senior officials. The UN Human Rights Committee and civil society groups voiced concerns about the selection process for judges, including of the National Court of Justice, claiming that the processes lacked transparency and citizen involvement, raising questions about its impartiality. Concerns have also been raised regarding the delays and rules for the selection process for the next attorney general.

In November, the Ministry of Labor suspended vice president Verónica Abad for “unjustified abandonment” of her duties just weeks before she was supposed to replace President Noboa during the electoral campaign. The Ministry failed to provide a legal basis for its decision. The same month, the Supreme Electoral Tribunal barred Jan Topic from running for president in the 2025 election, based on “confidential evidence,” raising concerns over respect for due process and political rights.

Economic, Social and Cultural Rights

As of June, close to 26 percent of Ecuadorians were living below the national poverty line, with figures climbing to around 43 percent in rural areas. Additionally, 10.6 percent lived in “extreme poverty,” reaching 24.1 percent in rural areas, meaning their per capita family income was below US\$51.60 per month.

Despite a slight decrease in unemployment rates compared to the second semester of 2023, the national unemployment rate stood at 3.5 percent, with 52.5 percent of those employed working in the informal sector.

Ecuador follows Bolivia and Venezuela as the third country with the highest prevalence of hunger in South America, impacting 2.5 million people, according to [the UN Regional Overview of Food Security and Nutrition](#).

Millions of people have been impacted by nationwide [power outages](#) due to a drought disturbing hydroelectricity power generation, affecting their rights to education, work and health.

Freedom of Expression

In November, the organization Fundamedios [reported](#) over 160 “attacks” on freedom of expression and freedom of the press, including stigmatizing speech, verbal assaults against journalists, and barriers to accessing information, most of which were carried out by state actors and organized crime.

In June, the TV program “Los Irreverentes” was [cancelled](#), reportedly after pressure from the government, according to Fundamedios. In the same month, the Foreign Minister’s Office [cancelled](#) Cuban journalist Alondra Santiago’s visa for “threatening public safety and the structure of the State” after she criticized the government with a song based on the national anthem.

Migrants, Asylum Seekers, and Refugees

Despite a progressive constitutional and legal framework, many migrants and asylum seekers in Ecuador [struggle](#) to obtain regular status and integrate. Despite having over [77,900 refugees](#) in the country, Ecuador’s application of the Cartagena Declaration’s expanded refugee definition is inconsistent.

A 2022 regularization process [granted](#) over 95,000 foreign nationals, mainly Venezuelans, a two-year legal status, but the process is currently closed. In August, the government [extended](#) the regularization process to legalize Venezuelans who had registered within the established deadlines but had not obtained visas.

While just a few hundred Ecuadorians crossed the Darien Gap between Colombia and Panama in 2021, the number spiked in 2023, spurred by economic factors and general insecurity, reaching 57,250. Over 14,700 crossed the gap between January and August 2024.

Children’s Rights

Sexual violence remains endemic in Ecuador’s schools and finding justice is elusive for many survivors. Between January 2014 and August 2024, authorities [registered](#) over 6,700 cases of sexual violence against students committed by teachers, school staff, other students or bus drivers.

Government measures to respond to sexual violence in schools have [not progressed](#) at the scale and pace needed to ensure that all children are safe.

In August, President Noboa [signed](#) a policy to eradicate sexual violence in schools by 2030, following the 2020 Inter-American Court ruling in *Paola Guzmán Albarracín v. Ecuador*. Civil society groups [voiced](#)

concerns over lack of adequate funding for its implementation.

The surge in violence and organized crime severely impacted children's rights, with homicides of adolescents rising 17 percent compared to the first semester of 2023, according to the Ecuadorian Observatory on Organized Crime. It has also led to increased child recruitment and compromised the right to a safe learning environment.

In April, the UN Committee on the Rights of the Child cancelled its upcoming session due to lack of funds, reducing scrutiny of developments in Ecuador.

Women's and Girls' Rights

Abortion is criminalized in Ecuador, except when a pregnancy threatens a person's health or life or results from rape. In April, Justa Libertad, an Ecuadorian coalition of eight civil society organizations, filed a lawsuit before the Constitutional Court of Ecuador seeking to decriminalize abortion in all circumstances.

There remain significant barriers to this essential service, including stigmatization, mistreatment by healthcare providers, fear of criminal prosecution, and a narrow interpretation of legal exceptions for abortion. Women and girls who face prosecution under restrictive laws are often living in poverty and come from Indigenous or Afro-descendant communities.

The Ministry of Women and Human Rights reported 222 violent deaths (murders, homicides and femicides) of women and girls as of late June. The Attorney General's Office reported 59 femicides—murders deemed gender-related—between January and September.

Sexual Orientation and Gender Identity

In June, the government issued a regulation implementing a legal gender recognition procedure for transgender people based on self-determination, to comply with a 2017 ruling by the Constitutional Court.

The legislature has not complied with other court orders to revise civil marriage provisions to include same-sex couples, regulate assisted reproduction, and allow same-sex couples to register children with their surnames.

The constitution excludes same-sex couples from adoption.

Environmental Protection and Indigenous Peoples' Rights

In May, President Noboa created a committee in charge of establishing the mechanisms to comply with the people's 2023 vote to halt current and future oil drilling in the Ishpingo, Tambococha, and Tiputini (ITT) area of Yasuní National Park. The park is a UN World Biosphere Reserve and the ancestral territory of the Waorani, the Tagaeri and the Taromenane Indigenous peoples, of which the latter two are uncontacted. The

government did not comply with the one-year deadline established by the Constitutional Court to suspend the activities and affirmed this will be done “progressively.”

Indigenous girls kept advocating—despite reported acts of intimidation—for the government to end gas flares impacting their communities in the Amazon region, as required by a 2021 ruling. By May, the government had quenched 145 of the 424 registered gas flares.

Language English

World Report Year

World Report 2025

Image

202412americas_ecuador_wr

Country

Ecuador

Subtitle

Events of 2024

Teaser

In a context of fragile democratic institutions, Ecuador has seen a sharp increase in violence by organized crime, which took homicide rates to unprecedented levels.

Chapter Type

Country Update

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1. Violence and Crime
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10. Environmental Protection and Indigenous Peoples’ Rights

Source URL: <https://www.hrw.org/world-report/2025/country-chapters/ecuador>

Exhibit 4

IACHR calls on Ecuador to respect and guarantee the independence of the Constitutional Court

August 29, 2025

Washington, DC—The Inter-American Commission on Human Rights (IACHR) reiterates its concern over threats to the independence of Ecuador’s Constitutional Court. It calls on the State to ensure that constitutional justice is implemented without interference while also protecting the safety of the members of the Constitutional Court, in line with international obligations.

Under Ecuador’s Constitution, the Constitutional Court is the highest authority for constitutional review, interpretation, and oversight, and has administrative and financial autonomy. Its functions include ruling on challenges that question the constitutionality of laws. As part of the exercise of these powers, on August 4, 2025, it temporarily suspended certain provisions of three laws on security, intelligence, and transparency in the public sector that had been introduced by the Executive and approved by the National Assembly. The Constitutional Court made the ruling after determining that these provisions could pose risks to human rights. The ruling was intended to safeguard the Constitution’s supremacy and did not amount to a final ruling on the merits of ongoing cases.

This decision was met with strong opposition from sectors that included members of both the Executive and Legislative branches. Accompanied by military and police officials, the Minister of Government and the President of the National Assembly held a press conference, during which they expressed concern regarding the impact of the suspension on tools they consider essential for fighting organized crime. They stated: “At present, there is no middle ground: you are either on the side of those defending the country or on the side of those handing these tools over to criminals, the enemies of the people.” The President of Ecuador called for a public demonstration against the Constitutional Court and announced plans for a referendum that

Contact info

IACHR Press Office
cidh-prensa@oas.org

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would allow constitutional judges to be impeached. A public protest took place on August 12 accompanied by a large military and police presence.

The IACHR stresses that the separation of powers and judicial independence are cornerstones of constitutional systems based on checks and balances. The protection of rights in a democratic system depends on a legal and institutional framework that ensures effective judicial oversight of the constitutionality, legality, and conventionality of acts by the executive power, legislative branch, and other public authorities. Justice operators play a vital role in safeguarding human rights and defending the democratic system from potential abuses by governments, elected officials, and powerful economic interests.

The IACHR further notes with concern that statements by high-ranking authorities accusing the Constitutional Court of colluding with organized crime constitute attacks on judicial independence and may endanger the safety of the court's members and their staff. Combined with an increasingly hostile online environment, these actions threaten the autonomy necessary to administer constitutional justice independently and free from interference. The IACHR reminds Ecuador of its duty to ensure the Constitutional Court can carry out its functions independently and to guarantee the safety and integrity of justice operators, including those tasked with reviewing compliance with human rights standards in general legislation.

The IACHR is a principal and autonomous body of the Organization of American States (OAS), whose mandate stems from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has the mandate to promote the observance and defense of human rights in the region and acts as an advisory body to the OAS on the matter. The IACHR is made up of seven independent members who are elected by the OAS General Assembly in their personal capacity, and do not represent their countries of origin or residence.

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Exhibit 5

The Indigenous World 2025: Ecuador

Constanza Marcus

April 25, 2025

According to the National Institute of Statistics and Census (INEC), the current population of Ecuador stands at 17,966,573.^[1] There are 14 Indigenous nationalities in the country, accounting for some 1,301,887 people. They are grouped into different local, regional and national organizations and represent 7.7% of the total population. Indigenous nationalities and peoples live mainly in the Highlands (68.2%), followed by the Amazon (24.06%), and, to a lesser extent, along the coast, where only 7.56% live.

The following Indigenous nationalities were included in the 2022 census: Tsáchila, Chachi, Epera, Awa, Kichwa, Shuar, Achuar, Shiwiar, Cofán, Siona, Secoya, Zápara, Andoa and Waorani. The Kichwa nationality accounts for the highest percentage of members (85.87%) and includes some 800,000 individuals nationwide. Despite the low percentages of most of the nationalities, however, all enjoy the same importance within the framework of a Plurinational State. In the highland provinces, such as Tungurahua and Pichincha, and in the Amazonian provinces of Napo and Morona Santiago, there is also a significant percentage of Indigenous people living in rural areas, ranging from 50,000 to 80,000 inhabitants. However, 17 years after the Constitution came into force, and more than two decades after ILO Convention 169 was ratified in the country, there are still no clear, specific public policies to prevent and neutralize the risk of the disappearance of these ancestral peoples.

This article is part of the 39th edition of The Indigenous World, a yearly overview produced by IWGIA that serves to document and report on the developments Indigenous Peoples have experienced. The photo above is of an Indigenous activist Funa-ay Claver, a Bontok Igorot, standing alongside Indigenous youth activists and others. They are protesting against the repressive laws and human rights violations suffered through the actions and projects of the Government of the Philippines and other actors against Indigenous Peoples at President Marcos Jr's national address on 22 July 2024 in Quezon City, Philippines. The photo was taken by Katribu Kalipunan ng Katutubong Mamamayan ng Pilipinas and is the cover of The Indigenous World 2025 where this article is featured. [Find The Indigenous World 2025 in full here](#)

The situation of Ecuador's Indigenous Peoples and nationalities has been directly affected by the country's negative political, economic and social situation. 2024 was a good year for the powerful economic and political elite – to which President Daniel Noboa belongs – but one of enormous social and economic decline for the vast majority of the popular sectors. This was the result of the continuing and radical neoliberal economic and political model established since the administration of Lenín Moreno in 2017.^[3]

Alongside an economic recession, this has meant that the economic and social rights of Indigenous Peoples have been severely affected. Although there have been some positive macroeconomic factors, such as record migrant remittances (close to USD 5 billion), loans from the International Monetary Fund (IMF) and rising oil prices, these resources have never been channelled into development or economic growth. Alongside this, external debt has increased considerably to USD 85 billion.

According to Marco Flores, former Minister of the Economy, treasury revenues have been almost exclusively devoted to meeting the demands of foreign debt bondholders and the International Reserves, as part of the IMF requirements. This has led to a paralysis in public investment and a lack of health, education and security infrastructure.

This situation is compounded by the central government's debts to local governments and basic providers, for example in the health sector. Maintenance of the basic energy, hospital, school and road infrastructure has been neglected. The result is plain to see: not only did the economy not grow in 2024, it contracted. Current indicators are not only the worst since the pandemic but the most negative since the banking crisis of the late 1990s.

It is against this backdrop that a circle of power with no social vision has been consolidated, one that favours business with the State and promotes the privatization of public goods and services under the tutelage of the IMF.

In the social sector, this disinvestment has resulted in a crisis in health and education. There are no medicines or basic supplies in hospitals and health centres, and more than 200,000 children have had to drop out of school. Another 100,000 young people have likewise been unable to access university.

In sum, this panorama reflects a total collapse in the State's capacity to provide basic services. And this has been felt more severely in the rural sectors and among the Indigenous communities of the Highlands and the Amazon region, who depend greatly on such provision.

Economic and social crisis and violations of economic and social rights

In such a scenario, the country's social outlook is discouraging: Low wages and labour market flexibility plus unemployment and underemployment affecting 70% of the population (the highest rate in the last 17 years), with 5.2 million people outside of the labour market. Although the Economic Survey of Latin America and the Caribbean 2024 by ECLAC states that there are social improvements in Latin America, the Ecuadorian reality contradicts this assessment.

According to official figures from INEC, as of December 2024, income poverty had reached 28%, representing an increase of two percentage points over the previous year, and marking the highest level since the pandemic. Extreme poverty had also grown, from 9.8% in December 2023 to 12.7% just a year later.

Currently, more than seven million Ecuadorians are living in poverty and, of these, 2.3 million are in extreme poverty, surviving on less than 70 cents a day. With the increase in VAT, these families have no margin for manoeuvre and are forced to reduce their consumption of food and essential goods. In the medium term, this situation could lead to a rise in child malnutrition and greater insecurity.

In the case of Indigenous communities, extreme poverty affects between 80% and 90% of families in the highland Kichwa communities of Bolivar and Cotopaxi provinces, as well as several Shuar centres of population in Morona-Santiago in the Amazon.

Security crisis, criminalization and racism

Violence in Ecuador has reached a critical level. Two mayors of areas where mining activities are taking place have been murdered and the country has experienced 15 states of exception since 2021. In less than eight years, Ecuador has gone from being the second safest country in Latin America to one of the most violent in the world.

In January 2024, the government declared the existence of an “internal armed conflict”, its justification being the need to combat 22 Organized Crime Groups (OCGs). Alongside this, it continued to declare states of exception, which it describes as part of a “Phoenix Plan” the existence of which several human rights organizations have questioned. Despite the militarization, homicide numbers are not declining, and the truce seems more like a criminal withdrawal than a victory.

2024 marked Ecuador’s second consecutive year of high rates of violence, with a homicide rate of 38.8 per 100,000 inhabitants. As for robberies, 61,504 cases were reported between January and November 2024 alone . January 2025 became the most violent month in the country’s history, however, with more than 700 murders.

According to reports from the Alliance of Organizations for Human Rights, the government has used states of exception to repress and criminalize specific groups under the pretext of security. One example of this are the Indigenous communities, historically marginalized, who are more vulnerable to an abuse of power. Such was the case of the arbitrary detention of Indigenous guards from the Kichwa community of San José de Wisuya, in Putumayo, Sucumbíos Province, in northern Amazonia. On 24 January 2024, these community members were arrested, without evidence or legal justification, and denied access to legal representation. The constitutional principle of the presumption of innocence and their Indigenous status, granted to them by the Constitution, were violated.

Between 8 January and 20 February 2024, the Attorney General's Office (FGE) reported more than 10,000 arrests; however, only 5% (494 people) resulted in a legal process which, according to Human Rights Watch, suggests that the militarization of the country is prioritizing number of arrests over guaranteeing justice to justify the use of force and the purchase of repressive equipment.

One emblematic case was that of Raúl X, an 18-year-old unjustly imprisoned in the Litoral Penitentiary. Accused without evidence, his story reveals how poverty and structural racism facilitate the criminalization of racialized youth, perpetuating State violence and mass incarceration.

The most shocking case, however, was the disappearance, torture and death of Josué Arroyo, 14 years of age; Ismael Arroyo and Saúl Arboleda, 15 years of age; and Steven Medina, just 11 years of age. These Afro-Ecuadorian children and adolescents, who lived in the poor neighbourhood of Las Malvinas, in southern Guayaquil, were arbitrarily detained by 16 soldiers as they were returning home from playing football. They were subsequently taken to the military barracks where they were tortured and killed.

On the very last day of 2024, an anthropological and DNA examination identified the charred bodies of the four boys detained by the military patrol the previous 8 December. After torturing and killing them, they had been doused in petrol and set on fire, their bodies subsequently thrown in the Taura River, 16 kilometres from their place of arrest in Guayaquil. The news shocked the whole country because, only that very day, a judge had ordered the preventive detention of the 16 soldiers in the patrol, accused of forced disappearance. Now the crime for which they will be prosecuted is that of extrajudicial execution.

According to the Confederation of Indigenous Nationalities of Ecuador (CONAIE):

The case of the four children in Guayaquil is a chilling example of the systematic violence promoted by the State under the government of Daniel Noboa (...). Forced disappearances and extrajudicial executions are direct violations of human rights, barbaric acts perpetrated by a government that acts with indifference, laziness and cowardice, prioritizing electoral calculations and interests over the protection and welfare of the people (...). Daniel Noboa's silence in the face of this tragedy is unacceptable. Security policies have failed; organized crime, mafias and drug traffickers continue to operate with impunity. Meanwhile, the police and armed forces are perpetuating a cycle of violence that disproportionately affects vulnerable communities, victims of an abuse of power, racial discrimination and systematic abuse.

It is, however, important to remember that Noboa's decreed "internal war" is the legitimate result of a strategy to militarize public security, a strategy that was ratified by the people in the 21 April referendum. In that consultation, a majority of the population supported the nine questions regarding repressive responses to criminal violence. In other words, as Franklin Ramírez Gallegos, professor at the Latin American Faculty of Social Sciences (FLACSO), points out: "(...) there has been a certain social legitimization of these practices. Society somehow accepted this strategy of a 'Bukelization' [a reference to El Salvador's crackdown on gang warfare by President Bukele] of war, of punitive punishment and an iron fist."

The failed attempt to set up prisons in Indigenous Amazonian territories

In the context of its “internal armed conflict”, the Noboa government has scaled up the construction of maximum-security prisons, claiming that this will clean up the penitentiary system dominated by drug cartels and organized crime. To this end, the government intended to build a maximum-security prison in the Kichwa territories of Pastaza, first in the San Jacinto Commune and then in the Association of the Kichwa People of Santa Clara.

In both cases, the organization of the Kichwa nationality of Pastaza rejected the government's intentions. In a press release dated 9 January 2024, the Pastaza Kikin Kichwa Runakuna (PAKKIRU) stated:

(...) we reject the construction of the maximum-security prison in the province of Pastaza announced by the Ecuadorian government. We call for the formation of a civic front with social actors, prefect, mayors, parish councils, civil society and the nationalities of the province of Pastaza to jointly promote the defence of our province from the construction of the maximum-security prison.

In the same vein, through a press release dated 11 January 2024, the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) reiterated its rejection of this project, considering that “it will only increase crime and insecurity rates” in the sector. José Esach, president of the organization, argued that this was not the promise made during the electoral campaign of now President Daniel Noboa. “Wasn't he going to build prisons on barges in the middle of the sea? Wasn't that it? I never heard: 'it is going to be built in the Ecuadorian Amazon',” he stated.

The government subsequently attempted to establish the project in the canton of Santa Clara where it was again rejected by the population and local Indigenous organizations. In no case, according to Luis Canelos, president of the Kichwa Nationality of Pastaza PAKKIRU, did the government inform or promote an adequate process of prior consultation regarding the prison project. On the contrary, it was the secrecy and lack of information that resulted in its rejection.

In June 2024, the Executive insisted on its proposal and signed a contract for USD 52 million with the company *Puentes y Calzadas Infraestructuras*, a subsidiary of the China Road and Bridge Corporation, to build the so-called Encuentro Prison in Santa Elena. With a capacity of 736 inmates, the project was 30% complete by October 2024. The *Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores* (Prison Service/SNAI) subsequently awarded a contract for the construction of a similar centre in Archidona, also for 52 million and with a term of 300 days. The process was nonetheless handled behind closed doors, generating uncertainty and resulting in rejection by the population.

Since August 2024, the inhabitants of Archidona and the Indigenous organizations have rejected the construction of the prison, denouncing the lack of prior consultation and the impact on local security. On 3 December, led by Mayor Amanda Grefa and the leaders of the Federation of Indigenous Organizations of Napo (FOIN), and with the support of PAKKIRU in Pastaza and CONFENIAE, protests and road blockades began that left the provinces of Napo, Orellana and Sucumbíos cut off for 15 days.

Among their concerns were the proximity of the prison to four schools with 4,000 children, an increase in extortion and violence, and the impact on tourism and commerce.

On 11 December, the National Assembly approved a resolution by 95 votes urging President Daniel Noboa to suspend the work. As we go to press, the government's decision to build the prison in Napo has been suspended indefinitely.

Repression and violence around the La Plata mining project in Palo Quemado

The La Plata mining project, located in the Palo Quemado parish, has resulted in a conflict marked by State repression, the criminalization of protest and the use of paramilitaries to intimidate the population. Despite the constitutional obligation to conduct prior consultations, the mining company and the State have ignored this requirement and have tried to impose a “socialization” of the project without legitimacy.

Since 7 March, armed groups linked to the government have been denounced by peasants opposed to the mining. On 11 March, the paramilitary Raúl Bayas Villacrés, together with the *Confederación de Juntas de Defensa del Campesinado del Ecuador*, entered the area with his group, assaulted peasants and promoted the legal persecution of 72 community members, accusing them of “terrorism” with the support of the Attorney General's Office.

On 18 March, a platoon of 500 police and military arrived in Palo Quemado to protect the mining facilities and ensure the “socialization” of the project at a meeting in which only 70 people participated, despite the fact that the community is home to 270 families. The militarization generated fear among the villagers, who denounced the presence of repressive forces as a violent provocation.

On 19 March, the repression intensified with the establishment of four military checkpoints restricting the mobility of the community members. According to the Ecumenical Human Rights Commission (CEDHU), at least 15 peasants were injured, seven of them seriously, with burns and wounds caused by rubber bullets, pellets and tear gas.

On 26 March, State violence left one more person seriously injured: Mesías Robayo Masapanta, who was shot in the face with pellets that fractured his jaw and cheek bone.

In the midst of the escalating violence, the Mayor of Sigchos, Oscar Monge, filed a protective action with precautionary measures to try and suspend the project's environmental consultation. Judge Darwin Danilo Paredes admitted the case and ordered

the provisional suspension of the consultation, in addition to the withdrawal of the National Police and the Armed Forces from the area. Despite the court order, the government reacted with hostility. General Jaime Patricio Vela Erazo, Chief of the Joint Command of the Armed Forces, declared from the Government Palace that the protests in Palo Quemado were “terrorist acts”, justifying the repression against the peasants and ignoring the violations of human rights.

The conflict in Palo Quemado is not an isolated case. In other regions, such as Zamora Chinchipe, Imbabura, Orellana and Pastaza, extractive companies have used similar tactics, including the use of paramilitary groups, to intimidate the population. These events reveal a systematic pattern of State and corporate repression against communities resisting mining and oil expansion.

Despite the suspension of the environmental consultation and the order to withdraw the repressive forces, Daniel Noboa’s government is continuing to promote mining with the support of armed groups, criminalizing protest and violating the rights of the communities.

Leonidas Iza, president of CONAIE, warned:

It is clear that Noboa and his government are not fighting insecurity. With 137 murders during the last Easter holiday, where was the President of the Republic? He is not trying to combat insecurity but rather to combat popular organizations, peasants and Indigenous people. Everything he does is aimed at consolidating the neoliberal project, which is inhumane and impoverishing (...) It would be no surprise if they were building [alleged] links with drug trafficking. They will surely do it. They have a fascist attitude.

It is in this context that Noboa is digging down on his authoritarian tendencies: he intervenes with powers, criminalizes adversaries and erodes the rule of law, all while acting more like a candidate than a president. He responds to an oligarchic tradition with a proclivity to authoritarianism, whereby politics is seen as an instrument of domination rather than of dialogue. He has been able to capitalize on the growing social demand for strong leadership, reflected in polls that indicate a preference for authoritarian government models. However, in a framework of Manichean manipulation between Correism and anti-Correism (supporters and opponents of former President Correa), there seems to be no way out of the economic, social, energy, political and security crises. Ecuador's immediate future poses complex challenges with a high likelihood of new cycles of social protest. The outcome of these will depend on the continuity or not of the neoliberal and authoritarian policies.

Pablo Ortiz-T. *is a sociologist and university professor. He is Coordinator of the State and Development Research Group at the Salesian Polytechnic University of Quito (GIEDE-UPS). Contact: This email address is being protected from spambots. You need JavaScript enabled to view it.*

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Exhibit 6

ECUADOR

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE
142ND SESSION, 14 OCTOBER - 8 NOVEMBER 2024



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1. INTRODUCTION

Amnesty International submits this briefing ahead of the seventh periodic review of Ecuador by the UN Human Rights Committee in October 2024. This is not an exhaustive set of issues. It sets out the organization's main concerns regarding the protection of certain civil and political rights in the country.

2. SECURITY POLICIES (ARTICLES 4, 6, 9, 10, 14 17 AND 21)

2.1 MANO DURA (“IRON FIST”) SECURITY POLICIES TO ADDRESS ORGANIZED CRIME

Violence in Ecuador has risen sharply in recent years in the wake of a spike in confrontations between organized criminal groups disputing territorial control, and between these and security forces. In 2023, the country registered one of the highest homicide rates in Latin America.¹ In response to these challenges, Ecuador's authorities have relied more heavily on the armed forces while neglecting to ensure sufficient civilian oversight. The intervention of Ecuador's armed forces in public security and prison management, including to stem the sale and distribution of drugs, have been largely based on arguments that national security and public safety are at stake. The intervention of the armed forces has led to numerous reports of possible human rights violations, including extrajudicial executions, arbitrary detentions, torture and other ill-treatment. The security challenges faced by the country come alongside a spike in poverty following the pandemic, pointing to “the important links between socio-economic conditions and the rise of crime,”² according to the UN Special Rapporteur on extreme poverty and human rights after his recent visit to the country.

Amnesty International has expressed concern on multiple occasions about the increasing deployment of armed forces in public security tasks.³ The deployment of the military in tasks typically reserved for civilian forces poses risks to human rights because the military is trained to combat an enemy and not for the protection of civilians.⁴ Amnesty International has observed in multiple countries around the world how the militarization of public security to combat organized crime has been linked to abuses that disproportionately impact the poorest and most marginalised sectors of society, enables the reliance on the use of lethal force with knock-on effects for public security more generally, and leads to serious human rights violations.⁵

As previously recognized by the UN Human Rights Committee, drug enforcement operations based on the use of force and a militarized approach have a counterproductive effect and in turn increase levels of violence, intimidation and corruption usually associated with illicit drug markets.⁶ Overall, the heavy

¹ See for example: Robert Muggah and Katherine Aguirre, “Latin America's murder rates reveal surprising new trends”, *Americas Quarterly*, 18 June 2024, <https://www.americasquarterly.org/article/latin-americas-murder-rates-reveal-surprising-new-trends/>. See also, *Insight Crime*: <https://insightcrime.org/news/special-series/ecuador-war-on-gangs/> 23 July 2024.

² End of mission statement by Mr Olivier De Schutter, UN Special Rapporteur on extreme poverty and human rights, Visit to Ecuador (28th August to 8th September 2023): <https://www.ohchr.org/en/press-releases/2023/09/ecuador-surg-ing-violence-must-be-wake-call-urgently-address-poverty-says-un>

³ See, for example: Amnesty International: <https://www.amnesty.org/en/latest/news/2023/08/ecuador-authorities-must-safeguard-human-rights-amidst-pre-electoral-violence/> 10 August 2023; Amnesty International: <https://www.amnesty.org/en/latest/news/2023/01/ecuador-militarize-public-security-endanger-human-rights/> January 202, 2023.

⁴ Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, 31 December 2009 (OEA/Ser.L.V/II), para. 100. Inter-American Court of Human Rights, Case of Montero-Aranguren et al (Detention Center of Catia) v. Venezuela, para. 78; Case of Zambrano Vélez et al. v. Ecuador, op. cit., para. 51; Case of Cabrera García and Montiel Flores v. Mexico, op. cit., para. 88.

⁵ See for example, Amnesty International, Mexico: The National Guard: International Obligations, 2019: <https://www.amnesty.org/en/wp-content/uploads/2021/05/AMR4196972019ENGLISH.pdf>. Amnesty International, Mexico: President López Obrador's National Guard: Five Things you Should Know, December 2018: <https://www.amnesty.org/en/documents/amr41/9578/2018/en/>; Bangladesh: Killed in “crossfire”: Allegations of extrajudicial executions in Bangladesh in the guise of a war on drugs, November 2019: <https://www.amnesty.org/en/documents/asa13/1265/2019/en/> Brazil: You killed my son: Homicides by military police in the city of Rio de Janeiro, August 3 2015: <https://www.amnesty.org/en/documents/amr19/2068/2015/en/>

⁶ UN Human Rights Committee, Concluding Observations: Guatemala, 19 April 2012, UN Doc. CCPR/C/GTM/CO/3, para. 12; The Global Commission on Drug Policy, *War on Drugs*, June 2011, p. 15.



reliance on militarized techniques and equipment has failed to decrease the distribution of drugs and has instead undermined the rights of millions, exacerbated the risks and harms of using drugs, and intensified the violence associated with illicit markets.

International human rights law is clear that the maintenance of public order, including in the context of anti-drug operations, must be primarily reserved for civilian police forces who should be trained and equipped with various types of weapons and ammunition to allow for a differentiated use of force and firearms in accordance with the principles of necessity and proportionality.⁷ States should only resort to deploying the armed forces in extraordinary cases and ensure that their intervention is exceptional, temporary and restricted to what is strictly necessary in specific circumstances.⁸ In such exceptional circumstances, the participation of the military must be subordinated and complementary to civilian police forces and be regulated and supervised by civilian authorities. In addition, when military personnel perform functions that would normally correspond to civilian forces, they must be subject in all respects to the same rules and procedures as those established for law enforcement officials.

Military armed forces are instructed and trained to fight an enemy in which the use of force, including lethal force, is the first choice of action. Moreover, their equipment is designed to neutralize the enemy and not to minimize damage and injury, nor to protect and preserve life.⁹ Law enforcement, on the other hand, even if carried out exceptionally by armed forces, should be based in the principle of not using force unless it is strictly necessary and proportionate for a legitimate law enforcement purpose, in accordance with international law and standards.¹⁰

2.2 STATES OF EMERGENCY AND OTHER PRESIDENTIAL DECREES IN THE FACE OF ORGANIZED CRIME

Amnesty International is concerned about allegations of possible human rights violations and crimes under international law in connection with the declaration of a state of emergency in response to increased violence in Ecuador (Decree 110 of 8 January 2024) and declaration of internal armed conflict (Decree 111 of 9 January 2024). These decrees from president Daniel Noboa are a continuation of a series of emergency decrees published by the previous presidential administration suspending a series of rights, including the right to freedom of peaceful assembly, as well as allowing both police and the armed forces a wider mandate to enter residences and premises to carry out searches, seize property and to access correspondence.

Decree 111 of 9 January 2024 declared an internal armed conflict in the country, invoking international humanitarian law under the Geneva Conventions. In addition, this decree placed emphasis on the concept of terrorism and declared over 22 drug gangs and cartels in the country not only as “belligerent non-state actors”, but also as “terrorist organizations”. The decree also revived a previous decree (never since revoked – Decree 730 of 2 May 2023), which had allowed for the deployment of armed forces in the entire national territory “to repress the terrorist threat” in the country, without placing any time limit on this order, in contravention of international standards on the deployment of armed forces for public security tasks, which call for such decisions to be extraordinary, time-bound, geographically limited, and restricted to what is strictly necessary in the specific circumstances.

In president Noboa’s address to the nation on 24 May,¹¹ he cited 26,000 joint operatives of the police and military carried out from January to May 2024. In June 2024, representatives of the Public Prosecutor’s office told Amnesty International that it had opened 226 investigations for possible “abuse

⁷ United Nations, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted September 1990.

⁸ Inter-American Court of Human Rights, *Alvarado Espinoza and others v. Mexico*, 28 November 2018, para. 182

⁹ Amnesty International, “Use of Force: Guidelines for implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, September 2015, p. 160; Amnesty International, “Understanding Policing: A resource for human rights activists”, p. 62.

¹⁰ UN Code of Conduct for Law Enforcement Officials, article 3; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

¹¹ See Presidency of the Republic of Ecuador, Informe a la Nación por parte del presidente de la República, Daniel Noboa Azin: <https://www.youtube.com/watch?v=uFCerhugs1E>

of authority” (*extralimitaciones de actos de servicio*) on the part of security forces since the declaration of the state of emergency in January 2024.¹²

The declaration of a state of emergency on 8 January 2024 was originally for 60 days, yet in March the president applied for an extension was approved by the Constitutional Court.¹³ In April, president Noboa issued Decree 218, a continuation of the declaration of internal armed conflict, which remains in place to date and has not been subject to oversight from the Constitutional Court. At the time of writing, both police and military are deployed throughout the country in the fight against organized crime and continue to refer to their efforts in the context of a state of emergency.

2.3 CONSTITUTIONAL REFORMS AND POPULAR REFERENDA SUPPORTING MILITARIZATION OF PUBLIC SECURITY

In April 2024, a national referendum passed with 72.24% of the vote allowing a broader military presence in public security tasks.¹⁴ The referendum, which contained several questions, had the purpose of approving a constitutional amendment to article 158 of the constitution that had been tabled by former president Guillermo Lasso in October 2022 and approved by the country’s legislature in December 2023 pending a popular vote.¹⁵ Prior to this constitutional amendment, the deployment of armed forces could only occur following the declaration of a state of emergency. However, with this new constitutional amendment, the role of the armed forces is considered as a complementary force to be deployed alongside the national police, following requests by the police or the executive branch. According to this constitutional amendment, the deployment of the armed forces can take place by presidential decree for a maximum of 180 days, and a maximum extension of 30 days.¹⁶ The constitutional process includes oversight by the Constitutional Court and the legislature in relation to the deployment of the military.

In the same referendum in April 2024, another question was passed to allow “armed forces to carry out control of arms, ammunition and explosives, permanently, in routes, roads, highways and authorized entryways to penitentiary centers.”¹⁷ According to civil society experts consulted by Amnesty International, this provision in practice allows for permanent control of arms possession by the armed forces throughout the entire country and increases the risk for of arbitrary detentions.

2.4 POSSIBLE UNLAWFUL KILLINGS AND EXTRAJUDICIAL EXECUTIONS

In an interview with representatives of the Public Prosecutor’s Office,¹⁸ Amnesty International was informed of 12 investigations that had been opened for possible extrajudicial executions between 8 January to June 2024 in the context of the deployment of security forces during the state of emergency. The organization does not have additional information as to the location of these possible extrajudicial executions, or any measures taken in relation to possible perpetrators. During 2024, the president and

¹² Interview with representatives of the Directorship for Human Rights and the Directorship of Criminal Policy of the Public Prosecutor’s Office on 5 Jun 2024, Quito, Ecuador.

¹³ Corte Constitucional del Ecuador, Dictamen 2-24-EE/24, 21 de marzo de 2024.

¹⁴ National Electoral Council (Consejo Nacional Electoral), Resolution of the full chamber of the Council: Resolución PLE-CLE-1-8-5-2024, 8 May 2024: [RESOLUCION-PLE-CNE-1-8-5-2024-signed.pdf](#) [RESOLUCION-PLE-CNE-1-8-5-2024-signed.pdf](#)

¹⁵ Corte Constitucional de Ecuador, Dictamen 7-22-RC/24, 5 de febrero de 2024: [e2NhcBldGE6J3RyYw1pdGUUnLCB1dWkOic0ZTZIY2ViNS0wZWU3LTQ4YjktYTFkYi00MjY2NjUxN2RmYWYucGRmJ30=\(corteconstitucional.gob.ec\)](#)

¹⁶ Constitutional Court of Ecuador- Ruling: (Corte Constitucional de Ecuador), Dictamen 7-22-RC/24, 5 de febrero de 2024: [e2NhcBldGE6J3RyYw1pdGUUnLCB1dWkOic0ZTZIY2ViNS0wZWU3LTQ4YjktYTFkYi00MjY2NjUxN2RmYWYucGRmJ30=\(corteconstitucional.gob.ec\)](#)

¹⁷ National Electoral Council (Consejo Nacional Electoral), Resolution of the full chamber of the Council: Resolución PLE-CLE-1-8-5-2024, 8 May 2024: [RESOLUCION-PLE-CNE-1-8-5-2024-signed.pdf](#) [RESOLUCION-PLE-CNE-1-8-5-2024-signed.pdf](#)

¹⁸ Interview with representatives of the Directorship for Human Rights and the Directorship of Criminal Policy of the Public Prosecutor’s Office on 5 June 2024, Quito, Ecuador.

the armed forces have made a series of announcements since the commencement of the declaration of internal armed conflict in relation to several “terrorists eliminated”.¹⁹

Amnesty International learned of a possible extrajudicial execution by the armed forces in the Cuba neighborhood of Guayaquil on 2 February 2024. According to the information received, 19-year-old Carlos Javier Vega Ipanaque was killed after being shot by soldiers while travelling in a car with his cousin. According to the information available, neither of the young men was reportedly armed, nor did they pose a threat to military personnel. Although the armed forces claimed in a press release that they were responding to an attack and that “shots were fired to ensure the safety of personnel”,²⁰ according to statements by family members there is no evidence that the young men were armed, and the bullet wounds sustained by Carlos Javier were in highly lethal areas of his body.²¹ The armed forces’ statements at the time on X.com (formerly Twitter.com), labelled Carlos Javier Vega and his cousin as presumed terrorists. This statement was later deleted from the military’s X.com (formerly Twitter.com) account, however some media outlets published this account at the time.²² According to information received by Amnesty International, the soldiers involved in the incident were subject to investigations for “abuse of authority” (*extralimitación de uso de sus funciones*), rather than for possible extrajudicial executions.

2.5 ARBITRARY DETENTIONS

The disproportionate use of the criminal justice system to deal with drug-related offences and stem the power of organized criminal groups has created a pernicious cycle of arbitrary detention and mass incarceration. In many instances, people accused of drug-related offences have been excluded from due process safeguards in violation of the right to a fair trial.

Ecuador’s constitution requires that any person detained on the spot must be presented before a judge and charged with a specific criminal offence within 24 hours of arrest.²³ However, information gathered from civil society organizations and human rights observers indicates that security forces have carried out a series of arrests without suspicion of a specific criminal offence, resorting to the pretext of on-the-spot arrests *in flagrante delicto* with little justification for doing so. The information compiled by civil society organizations, international observers²⁴ and published in press and social media suggest that many of these arrests may be disproportionately directed against persons from groups historically subject to discrimination, including persons of African descent, Indigenous origin and those from lower socioeconomic status, as well as a focus on young people as possible suspects of criminal activity.²⁵

In his address to the nation on 24 May 2024,²⁶ president Noboa referred to 34,952 arrests of “presumed criminals” as well as 126,251 combined military-police operations carried out since January 2024.²⁷ These operations were carried out under the so-called “Plan Fenix”, announced by the president

¹⁹ See, for example: Associated Press, Ecuador: 329 detenidos y cinco personas abatidas por la fuerza pública tras secuencia de ataques, 10 January 2024: <https://apnews.com/world-news/general-news-600ad0967829e48d89d8d0e9a9e71a84>; EFE, Noboa decreta nuevo estado de excepción en Ecuador, que llama “fase 2 de guerra” al crimen, 23 May 2024: <https://efe.com/mundo/2024-05-23/el-gobierno-de-ecuador-anuncia-un-nuevo-estado-de-excepcion-contra-el-crimen-organizado/> 23 May 2024.

²⁰ Facebook. Armed Forces of Ecuador: <https://www.facebook.com/FFAAEcuador/posts/pfbid02qgiQhodj5yPeM6Ta9hz8vDZFckXzpjwsBjLD4QaDHdzZS2U7VPLvbqTWvVcc2RV>

²¹ See: CDH Guayaquil, Ejecución Extrajudicial Barrio Cuba: <https://www.cdh.org.ec/testimonios/625-ejecucion-extrajudicial-en-barrio-cuba.html> ; X @CDH.GYE, Ejecución Extrajudicial Barrio Cuba: <https://x.com/CDHGYE/status/1756462172031336944?t=gOYEZyKx2cd-SEnLYTfdxw&s=19>

²² See for example: El Telégrafo, Terroristas fueron aprehendidos ante intento de ataque a retén militar, 2 February 2024: <https://www.eltelegrafo.com.ec/noticias/nacionales/44/terroristas-fueron-aprehendidos-ante-intento-de-ataque-a-reten-militar> and Teleamazonas, Militares detuvieron a presuntos terroristas en Guayaquil, 2 February 2024: <https://www.teleamazonas.com/militares-detuvieron-terroristas-guayaquil/>

²³ Constitution of the Republic of Ecuador, article 77.

²⁴ See: Alliance for Human Rights in Ecuador (*Alianza DDHH Ecuador*), International Federation for Human Rights (FIDH) and others: Amicus Curiae before the Constitutional Court of Ecuador, *Caso 1-24-EE* in relation to the implementation of security measures in the context of Decrees 110 and 111 of January 2024.

²⁵ Fundación Regional de Asesoría en Derechos Humanos (INREDH), Informe sobre los hechos de violencia policial y militar durante la declaratoria del Decreto 111, page 19.

²⁶ See Presidency of the Republic of Ecuador, Informe a la Nación por parte del presidente de la República, Daniel Noboa Azin: <https://www.youtube.com/watch?v=uFCerhugs1E>

²⁷ See Presidency of the Republic of Ecuador, Informe a la Nación por parte del presidente de la República, Daniel Noboa Azin: <https://www.youtube.com/watch?v=uFCerhugs1E>

as the overarching security plan guiding the response to the state of emergency and internal armed conflict since January 2024. At the time of writing, the official accounts of Ecuador’s Armed Forces on social media platforms such as X.com (formerly Twitter.com) continue to publish almost daily updates on arrests carried out as part of their activities to combat organized crime, many times displaying the faces of those arrested during on-the-spot detentions.²⁸ Several videos and images posted by the armed forces raise serious concerns as to the rights to due process, presumption of innocence, and privacy .

Representatives from the Public Prosecutor’s office in Quito informed Amnesty International in June 2024 that it had opened 18,000 criminal investigations between January and June 2024, but these did not necessarily correspond to the arrests reported by the President.²⁹ The Public Defender’s office has also reported limited access to monitoring and informed Amnesty International that it had to deploy extra public servants to the provinces with increased military presence to try and keep pace with the several on-the-spot arrests taking place at military checkpoints or in the street. A media report in February 2024 quoted data that suggested that of the 10,000 arrests that had taken place between January and February 2024, only 5% of these had been processed for any sort of crime, and the majority for the crime of “terrorism.”³⁰ Amnesty International has further received information about the possible enforced disappearance of two young men, allegedly committed by the Armed Forces in the province of Los Rios, on 26 August 2024, in the context of a military operation.³¹

2.6 RECOMMENDATIONS

To the President and Executive Branch:

- Entirely review the heavily militarized approach for the control of illicit drugs and organized crime, ensuring public health and human rights are at the centre by expanding health and other social services to address the underlying socio-economic factors that lead people to engage in the illicit drug trade, including illness, denial of education, unemployment, lack of housing, poverty and discrimination.
- Refrain from proposing or extending states of emergency unless it can effectively be demonstrated that the situation reaches the very high threshold of a public emergency threatening the life of the nation, as is required under international human rights law.
- Refrain from using military personnel, tactics and equipment to carry out ordinary policing functions, and ensure that civilian forces are adequately trained and equipped with various types of weapons and ammunition to allow for a differentiated use of force and firearms in accordance with the principles of necessity and proportionality.
- Stop using an enemy approach and terminology provided by the “war on drugs” or “war on terror” narrative that shapes how security forces conduct their operations, often in violation of international human rights law and standards.
- Refrain from deploying armed forces in public security tasks unless they can guarantee that such deployment will be done only in those exceptionally serious circumstances where it is impossible for authorities to rely solely on civilian agencies, establishing temporal and geographical restrictions, following the establishment of civilian accountability mechanisms.

²⁸ See a series of posts including photos and videos posted on the social media account of Ecuador’s armed forces, on X.com (Formerly Twitter.com): <https://x.com/FFAEQUADOR>

²⁹ Interview with representatives of the Directorship for Human Rights and the Directorship of Criminal Policy of the Public Prosecutor’s Office on 5 June 2024, Quito, Ecuador.

³⁰ La Hora, De los 10.000 detenidos por el estado de excepción solo 494 están procesados, 27 February 2024: <https://www.lahora.com.ec/pais/de-los-10-000-detenidos-por-el-estado-de-excepcion-solo-494-est-an-procesados/>

³¹ Alianza por Derechos Humanos Ecuador, “Pronunciamento Exigimos a las instituciones estatales actuar de acuerdo con los estándares internacionales relativos a la desaparición forzada en el caso de los dos jóvenes aprehendidos el 26 de agosto en la Provincia de los Ríos”, 7 September 2024. On file with Amnesty International.

- Publicly condemn impunity for human rights violations committed by police and military during the state of emergency and declaration of internal armed conflict, to ensure guarantees of non-repetition, in addition to publicly emphasizing the government's commitment to human rights.
- Suspend any officer of the military or police – regardless of rank – suspected of grave human rights violations, pending an impartial and independent investigation, and ensure that no public official found directly or indirectly responsible these is employed in other public security, prosecutorial or judicial institutions.
- Provide effective protection and offer psychological support to all victims and families of victims of abuses by security forces and guarantee the right to access to justice and adequate reparations, including compensation and guarantees of non-repetition.

To the Public Prosecutor's Office:

- Ensure prompt, impartial, independent, and effective investigations into all grave human rights violations, including allegations of crimes under international law such as possible extrajudicial executions, and other grave human rights violations allegedly committed by members of the security forces in ordinary courts and with respect to all fair trial guarantees.

3. PRISON SYSTEM: RIGHTS OF PEOPLE DEPRIVED OF THEIR LIBERTY AND THE PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT (ARTICLES 6, 7, 10)

3.1 INSTITUTIONAL CHARACTERISTICS OF ECUADOR'S PRISONS

Ecuador's penitentiary system falls under the National Service for Integral Attention of People Deprived of Liberty (SNAI) established in November 2018 as the technical body that oversees the coordination of the country's penitentiary system.³² Since its inception, the SNAI has passed through the hands of at least eight different directors in just over five years, with some barely remaining a month in office, as well as facing several institutional crises. According to a report by the Inter-American Commission on Human Rights (IACHR) following a mission to the country in late 2021, the SNAI faces severe institutional challenges which have "facilitated corruption, violence between criminal groups in prisons, and the consequent loss of control of the penitentiary centres."³³ Many directors of the SNAI have been retired members of the military,³⁴ an indication of the entrenched militarization of public security, despite the fact that Ecuador's criminal code was reformed to outline the mandate of the SNAI, and the regulations relating to the country's prison system call for the head of the SNAI to have a civilian background with an understanding of human rights and penitentiary systems.³⁵

³² See Executive Decree 560 of 14 November 2018 of former president Lenin Moreno.

³³ Inter-American Commission on Human Rights, *Personas privadas de libertad en Ecuador*: Aprobado por la Comisión Interamericana de Derechos Humanos el 21 de febrero de 2022 / Comisión Interamericana de Derechos Humanos, par. 215; (OAS. Documentos oficiales; OEA/Ser.L/V/II) ISBN 978-0-8270-7459-0).

³⁴ See for example: *El Mercurio*, Quinto director del SNAI se nombra por crisis carcelaria, 11 October 2022: <https://elmercurio.com.ec/2022/10/11/quinto-director-snai-carcel-ecuador/> and Ecuavisa, Tres crisis golpean al SNAI en seis meses del gobierno de Daniel Noboa, 3 August 2023: <https://www.ecuavisa.com/la-noticia-a-fondo/snai-crisis-tras-seis-meses-del-gobierno-de-daniel-noboa-HB7377108> ; *Todos los directores del SNAI salieron en medio de crisis y masacres carcelarias (ecuavisa.com)*

³⁵ See Reform to Ecuador's Criminal Code (Código Orgánico Integral Penal), article 104: " Artículo 104.- Sustitúyase el artículo 674 del Código Orgánico Integral Penal, por el siguiente: "Art. 674.- Organismo técnico del Sistema Nacional de Rehabilitación Social y de Atención Integral a Adolescentes Infractores.- El Sistema Nacional de Rehabilitación Social garantizará el cumplimiento de sus fines mediante un Organismo Técnico, creado como ministerio, con personalidad jurídica, dotado de autonomía técnica, administrativa, operativa y financiera, que tendrá, entre otras, las siguientes atribuciones y competencias: ". For its part, the Regulation that outlines the roles within the SNAI (Reglamento del Sistema Nacional de Rehabilitación Social, Seguridad y Protección) calls on the SNAI to have civilian control.

According to information received, the poor institutional oversight in prisons appears to have gone unabated. Following the report of the IACHR, in February 2022, former president Lasso announced a public policy for the social rehabilitation of prisoners with the technical support of the Office of the UN High Commissioner for Human Rights.³⁶ However, this policy is still far from being comprehensive and the information available suggests that authorities have not yet provided adequate resources to implement it.

While Ecuador's penitentiary system is in principle under civilian control, faced with a series of riots and massacres in prisons due to control by rival gangs, the executive branch has increasingly relied on states of emergency that have deployed the armed forces in prisons on several occasions.³⁷ These temporary deployments of the armed forces in prisons appear to have become semi-permanent, and since the start of 2024 and the declaration of an internal armed conflict with decrees 110 and 111 of January 2024, president Daniel Noboa brought all prisons across the country under military control. In addition, the Executive has relied on a discourse that stigmatizes people deprived of their liberty as enemies, rather than rights holders with a series of individual guarantees that the State is charged with upholding.

Even though Decree 111 of 9 January recognized the crisis in the prison system, the president specifically overlooked recommendations of the UN Sub-Committee for the Prevention of Torture (SPT) calling for the maintenance of civilian control over prisons.³⁷ While the president quoted the Sub Committee's report in the justification of the state of emergency, the authorities have failed to make the Sub Committee's report public.

For its part, the UN Committee Against Torture also recently called on Ecuador to de-militarize its prison system after the country review in July 2024, having "requested the State party to redouble its efforts to address the prison crisis and its systemic causes with a human rights approach, prioritizing policies of rehabilitation, re-education and social reintegration, the demilitarization of control of prisons, and the prevention of violence."³⁸

Despite multiple international human rights mechanisms expressing specific concerns over the militarized nature of Ecuador's prisons, the Executive appears to have overlooked the concrete measures that must be taken to improve the prison system, and fully guarantee the rights of people deprived of their liberty.

3.2 CHRONIC OVERCROWDING IN ECUADOR'S PRISONS

Institutional failures are compounded by overcrowding in prisons, largely caused by punitive drug policies. Ecuador's prisons are holding 30,804 people deprived of their liberty (29,101 men and 1,703 women), according to latest official figures as of 2023, of which 36% are persons yet to be sentenced.³⁹ The SNAI reported in 2023 an average overcrowding rate of 13.45% over the total capacity for the prison system.⁴⁰ People charged with drug-related offences represent 30% of a prison population that tripled since 2000 amidst reforms providing for harsher penalties, a ban on alternatives to incarceration and almost automatic pretrial detention for drug-related offences.⁴¹

³⁶ Office of the United Nations High Commissioner for Human Rights, Ecuador: Prison violence, 10 May 2022: <https://www.ohchr.org/en/press-briefing-notes/2022/05/ecuador-prison-violence>

³⁷ See, for example: On 24 July 2023, President Guillermo Lasso emitted Executive Decree, 823 which declared a state of emergency in all of Ecuador's prisons, allowing for armed forces and police to enter prisons. This is not the first time armed forces and police have entered prisons in response to massacres.

³⁸ UN Committee Against Torture (CAT), Concluding Observations, CAT/C/ECU/CO/8 (original in Spanish - text quoted above own translation): Paragraph 16 a): "Redoblar sus esfuerzos para promover e implementar un plan integral que aborde la actual crisis penitenciaria y sus causas sistémicas con un enfoque de derechos humanos, priorizando políticas de rehabilitación, reeducación y reinserción social, la desmilitarización del control de los centros penitenciarios y la prevención de la violencia".

³⁹ SNAI, Estadísticas: <https://www.atencionintegral.gob.ec/estadisticas/> – See table entitled "Indicadores ODS 16.3.2"

⁴⁰ See SNAI, Estadísticas. <https://www.atencionintegral.gob.ec/estadisticas/> See table entitled: "Indicadores PNUD 2024-2025".

⁴¹ Inter American Commission on Human Rights, "Personas Privadas de Libertad en Ecuador", 2022, p. 49: https://www.oas.org/es/cidh/informes/pdfs/Informe-PPL-Ecuador_VF.pdf

The prison population in Ecuador rose by more than 400% in 20 years, fueled by increased sentences, abuse in pretrial detention and denial of prison progression for minor and non-violent drug-related offences.⁴² In the national referendum of 21 April 2024, 67.34% of voters responded “yes” to allowing an increase in the criminal sentences for the following crimes: i) terrorism and its financing, (ii) illicit production of and trafficking in scheduled controlled substances, (iii) organized crime, (iv) drug trafficking, (v) illicit drug trafficking, (vi) murder, (vii) contract killings, (viii) trafficking in persons, (ix) kidnapping for ransom, arms trafficking, and (x) money laundering.⁴³ Several of these offences had their sentences increased after this referendum. For example, the crime of illicit production of drugs was increased from a former maximum sentence of ten years to a new maximum of 16 years,⁴⁴ and the maximum sentence for drug trafficking was elevated to 26 years in prison.⁴⁵

Authorities in Ecuador have failed to adopt new models of drug control that put the protection of people’s health and other human rights at the centre and that could alleviate the serious overcrowding in prisons. This should include, as recommended by the Office of the UN High Commissioner for Human Rights (OHCHR), the decriminalization of the use, possession, cultivation and acquisition of drugs for personal use as well as considering alternatives to detention for other minor and non-violent drug-related offences.⁴⁶ Safeguards on the right to liberty and security of person, including fair trial guarantees, must apply equally for drug-related cases.⁴⁷

3.3 DEATHS IN CUSTODY

According to the Ombudsperson’s Office, 1,137 people have died in prisons due to violent causes since 2020.⁴⁸ More than half of these deaths occurred in 2021 alone. Prison massacres have been widespread during recent years, at times involving several dozens of victims at a time.⁴⁹ For 2024, the Ombudsperson’s Office informed Amnesty International that it has registered 24 deaths in custody from 8 January 2024 to the time of writing (September 2024), with three of these deaths attributed to natural causes.⁵⁰

Many of these deaths in custody have been attributed by human rights groups, observers and experts to the rivalry between criminal groups and gangs inside prisons. Nevertheless, as previously noted by the UN Human Rights Committee, the lack of state control does not remove the official responsibility for these killings as states have a duty to protect persons from violence by private individuals, particularly those under their custody, as well as a duty to safeguard the health and wellbeing of people deprived of liberty.⁵¹

⁴² Inter American Commission on Human Rights, “IACHR Issues Report on the situation of persons who are deprived of liberty in Ecuador”, March 17, 2022, para 107-111.

⁴³ See original names of criminal offenses put to popular vote in their Spanish version, in the summary of the National Electoral Council on results of the referendum: National Electoral Council (Consejo Nacional Electoral), Resolución of the full chamber of the Council: Resolución PLE-CLE-1-8-5-2024, 8 May 2024: <https://www.cne.gob.ec/wp-content/uploads/2024/05/RESOLUCION-PLE-CNE-1-8-5-2024-signed.pdf>

⁴⁴ National Assembly of Ecuador, Proyecto de Ley Orgánica para la Aplicación de la Consulta Popular y Referendum del 21 de abril de 2024, Registro Oficial, Suplemento no. 599: https://strapi.lexis.com.ec/uploads/SRO_599_20240712_acd07747fb.pdf See modifications to Article 219 of the Criminal Code, page 10.

⁴⁵ National Assembly of Ecuador, Proyecto de Ley Orgánica para la Aplicación de la Consulta Popular y Referendum del 21 de abril de 2024, Registro Oficial, Suplemento no. 599: https://strapi.lexis.com.ec/uploads/SRO_599_20240712_acd07747fb.pdf See modifications to Article 220 of the Criminal Code, page 10.

⁴⁶ OHCHR, *Human rights challenges in addressing and countering all aspects of the world drug problem*, 2023, para. 29, 68(a).

⁴⁷ Human Rights Committee, General Comment 35: Article 9 (Liberty and security of person), 16 December 2014, UN Doc. CCPR/C/GC/35, para. 40 Universal Declaration of Human Rights, G.A. Res. 217A (III) (1948), arts. 10, 11; International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI) (1966), art. 14; [European] Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 5 (1950), art. 6; American Convention on Human Rights, O.A.S. Treaty Series No. 36 (1969), art. 8; African Charter on Human and Peoples’ Rights, OAU Doc. CAB/LEG/67/3 rev. 5 (1981), art. 7; Arab Charter on Human Rights (2004), art. 13; see generally Human Rights Committee, General Comment No. 32: Right to Equality before Courts and Tribunals and to a Fair Trial, UN Doc. CCPR/C/GC/32 (2007).

⁴⁸ Ombudsperson’s Office (Defensoría del Pueblo de Ecuador), response to Freedom of Information Requests submitted by Amnesty International, No. SAIP-1760013130001-2024-08-22- ASTRID.VALENCIA-13-27-39 del 22 de agosto del 2024, August 2024.

⁴⁹ For a summary of the most emblematic prison massacres in recent years, see Amnesty International, Ecuador: Submission to the UN Committee against Torture: 80th session, 8- 26 July 2024: <https://www.amnesty.org/en/documents/amr28/8132/2024/en/>

⁵⁰ Ombudsperson’s Office (Defensoría del Pueblo de Ecuador), response to Freedom of Information Requests submitted by Amnesty International, No. SAIP-1760013130001-2024-08-22- ASTRID.VALENCIA-13-27-39 del 22 de agosto del 2024, August 2024.

⁵¹ Daley v Jamaica, HRC, UN Doc. CCPR/C/63/D/750/1997 (1998) §7.6

3.4 TORTURE AND OTHER FORMS OF ILL-TREATMENT IN PRISONS

The deployment of armed forces since January 2024 has been accompanied by a series of complaints of torture and other ill-treatment in Ecuador’s prisons. According to the Ombudsperson’s office, in some cases the torture inflicted appears to have resulted in the death of some detainees.⁵²

In response to a request of information, the Ministry of Women and Human Rights informed Amnesty International that it had received 35 alerts between 9 January and 27 February 2024 in relation to allegations of human rights violations committed by the National Police and Armed Forces in the context of the state of emergency.⁵³ These alerts included allegations of torture and other ill-treatment inside prisons. In an interview with representatives of the Public Prosecutor’s office in June 2024, prosecutors confirmed to Amnesty International they had opened 31 investigations for torture and other ill-treatment between 8 January 2024 to June 2024.⁵⁴

The Alliance for Human Rights of Ecuador, alongside the Committee of Families for Justice in Prisons and the Permanent Committee on the Defence of Human Rights (“CDH Guayaquil”), published a report in late April 2024 detailing over 100 complaints of torture and other ill-treatment in Ecuador’s prisons since January 2024 (mainly in prisons near the city of Guayaquil which these NGOs monitor most closely).⁵⁵ The report documents beatings with batons, electrical cables, forced postures, simulating drowning in water containers, ill treatment with electric currents and insults used by the armed forces. In addition, the report outlines complaints by people in prisons of rape through forcing weapons or instruments up the anus of persons deprived of liberty. Amnesty International has also received several reports of cases of trans people facing acute humiliation, neglect and ill-treatment in detention.

These reports from human rights organizations are in line with the information received by Amnesty International, including video footage, of possible acts of torture and other ill-treatment by security forces in some detention centres of the National System for Social Rehabilitation, such as the del Litoral prison. Journalistic investigations have shed further light on the torture techniques possibly being used by the military in prison, including waterboarding, whippings and beatings.⁵⁶

The following table is based on information provided by the Ombudsperson’s Office in relation to the number of alerts in relation to penitentiary conditions sent by the Ombudsperson to the Public Prosecutor’s office, by year, from 2019 to the present.⁵⁷

Year	Alerts regarding prison conditions sent by the Ombudsperson to the Public Prosecutor’s office in relation to treatment of prisoners
2019	3
2020	4
2021	10
2022	3
2023	6

⁵² Ombudsperson’s Office, Press Release: <https://www.dpe.gob.ec/la-defensoria-del-pueblo-ante-las-reiteradas-alertas-y-denuncias-de-tortura-y-malos-tratos-en-los-centros-de-privacion-de-libertad-exhorta-al-estado-a-ejecutar-acciones-urgentes-para-la-garantia-y-pro/>, 29 May 2024

⁵³ Ministerio de la Mujer y Derechos Humanos, Oficio Nro. MMDH-MMDH-2024-0271-0, 8 March 2024.

⁵⁴ Interview with representatives of the Directorship for Human Rights and the Directorship of Criminal Policy of the Public Prosecutor’s Office on 5 June 2024, Quito, Ecuador.

⁵⁵ CDH Guayaquil, Reporte Situación De Crisis Carcelaria Ecuador- Contexto Conflicto Armado Interno, 25 April 2024.

⁵⁶ *El País*, From barbarism to abuse: The ongoing problem of Ecuador’s prisons, 20 May 2024: <https://english.elpais.com/international/2024-05-20/from-barbarism-to-abuse-the-ongoing-problem-of-ecuadors-prisons.html>

⁵⁷ Ombudsperson’s Office (Defensoría del Pueblo de Ecuador), response to Freedom of Information Requests submitted by Amnesty International, No. SAIP-1760013130001-2024-08-22- ASTRID.VALENCIA-13-27-39 del 22 de agosto del 2024, August 2024.

3.5 CONDITIONS THAT COULD GIVE RISE TO ENFORCED DISAPPEARANCES IN THE CONTEXT OF PRISONS

Amnesty International has received several pieces of information from civil society organizations, international observers and investigative journalists that point to chronic failures in ensuring clear registers of the whereabouts of people deprived of their liberty. The information available suggests that both prison authorities and military in charge of prisons lack proper systems for keeping track of detainees, which could suggest a severe omission on the responsibility to protect those persons under their custody.

Civil society organizations mentioned three instances during the month of February 2024 alone where family members denounced cases of possible enforced disappearances of persons under custody of the military in prisons.⁵⁸

3.6 DEPRIVATION OF FOOD AND MEDICAL SERVICES

Access to food and medical services in prisons has been minimal and negligent, with grave reports of cases of malnutrition and the spreading of infectious diseases inside of prisons, including in the provinces of Guayas and Manabi. The situation reached a critical point during late April, when prison authorities informed the families of detainees in at least five provinces in Ecuador that the provision of food and medication would be suspended. Families and charities were forced to bring food and medicines to the prisons.⁵⁹

Prison authorities suspended the provision of food and medication in prisons because of an alleged lack of payment by the state to the prisons' food services provider as the result of a diminished budget. In May 2024, a judge ordered authorities to transfer the funds to ensure food services recommenced.⁶⁰ Even though meals were provided again, family members who visited their relatives suggested in July that people in prison are only receiving one meal per day.⁶¹

According to information provided by lawyers and human rights groups that provide services to families of those detained, health services inside Ecuador's prisons have been practically non-functional since at least 2022. Lawyers told Amnesty International in mid-2023 that the Ministry of Health no longer provided doctors stationed inside Ecuador's largest prison, "Del Litoral", (Guayas Prison 1), in the province of Guayas, which houses over 5,000 people. People with health urgencies in that prison are transported to external health posts with the help of emergency services. Although in the weeks prior to the time of writing this document, some indications suggested that health services had been recommenced, Amnesty International has to date received no information that suggests that systemic measures have been implemented to guarantee comprehensive medical attention to people deprived of their liberty.

⁵⁸ INREDH (Fundación Regional de Asesoría en Derechos Humanos), Informe sobre los hechos de violencia policial y militar durante la declaratoria del Decreto 111. Page 14.

⁵⁹ Amnesty International, Detainees at Imminent Risk, AMR 28/7987/2024, 25 April 2024, <https://www.amnesty.org/en/documents/amr28/7987/2024/en/>

⁶⁰ Amnesty International: Ecuador: Further information: Detainees still at risk - Amnesty International, May 6, 2024 Index Number: AMR 28/8023/2024

⁶¹ El País, "Ecuador reinstaura las visitas en prisión: 'Encontré a mi hijo en huesos, cuenta que todas las mañanas lo golpean'", 10 August 2024.: <https://elpais.com/america/2024-08-11/ecuador-reinstaura-las-visitas-en-prision-encontre-a-mi-hijo-en-huesos-cuenta-que-todas-las-mananas-lo-golpean.html>

3.7 RESTRICTIONS ON VISITS AND PHONE CALLS FROM FAMILIES, LAWYERS, AND HUMAN RIGHTS OBSERVERS

Human rights groups and lawyers have confirmed to Amnesty International that access to persons deprived of liberty has been even further limited since the declaration of the state of emergency in January 2024. Family visits and phone calls with people in detention were suspended for approximately five months after the military took control of prisons in early 2024. Available information suggests that family members had little to no information regarding their relatives during this time. Visits were re-initiated in July 2024 after considerable concerns were raised by family members who had little or no information on the state of their loved ones. According to information received from investigative journalists and civil society organizations representing families, when family members were finally able to visit their relatives, the visits were restricted to ten minutes and families commented on the deteriorated health of the prisoners as well as noting that many of them showed signs of injuries, beatings, bruises and other signs that could be indicative of torture or other ill-treatment.⁶²

The National Mechanism for the Prevention of Torture (MPT) told Amnesty International in a meeting in June 2024 that its members had continued to carry out visits to penitentiary centers during the declaration of state of emergency and internal armed conflict, however with significant obstacles to their work and to access places of detention.⁶³

Forensic services assigned to prisons are slow and often unable to carry out their work. In response to the multiple deaths in custody and massacres over recent years, according to local human rights groups, investigative authorities routinely fail to properly carry out their duties, with forensic services delaying in properly identifying bodies and remains of those deceased and families receiving distressing and confusing information on the fate of their loved ones.

3.8 RECOMMENDATIONS

To the President and the Executive Branch, including the SNAI:

- Ensure that pre-trial detention is not used as a mandatory measure for a particular crime, including drug-related offences, nor ordered for a period based on the potential sentence. Respect all fair trial guarantees in drug-related cases and ensure that people accused of drug-related offences are promptly charged with an internationally recognized offence.
- Refrain from deploying armed forces to control the country's penitentiary system and ensure that prisons fall under solely civilian agencies, including civilian accountability mechanisms.
- Take measures to guarantee the access of family members, lawyers and human rights observers to prisons, ensuring that visits can be carried out without obstacles, as well as ensuring reasonable duration of visits without fear of intimidation or interference.
- Redouble efforts to strengthen medical and forensic services in prison, ensuring sufficient funding and human resources to this end.
- Immediately guarantee the right to food and healthcare in prisons, ensuring full, frequent and nutritious meals and access to the same standards of health care that are available in the community, in line with United Nations Standard Minimum Rules for the Treatment of Prisoners.

⁶² Alianza por los Derechos Humanos Ecuador; Pronunciamento de organizaciones nacionales e internacionales: Comité contra la Tortura (CAT) recomienda a Ecuador atender crisis carcelaria, demilitarizar prisiones y eliminar el Delito de Aborto, 31 de julio de 2024: <https://alianzaddhh.org/pronunciamento-de-organizaciones-nacionales-e-internacionales-comite-contra-la-tortura-cat-recomienda-a-ecuador-atender-crisis-carcelaria-demilitarizar-prisiones-y-eliminar-el-delito-de-aborto/>

⁶³ Interview with members of the National Mechanism for the Prevention of Torture (part of the Ombudsperson's Office), June 2024, Quito, Ecuador.

To the Public Prosecutor's Office:

- Ensure prompt, impartial, independent, and effective investigations into all grave human rights violations, including allegations of crimes under international law such as torture and other ill-treatment or enforced disappearances, and other grave human rights violations allegedly committed by members of the security forces within the context their control of penitentiary centers.

4. HUMAN RIGHTS DEFENDERS (ARTICLES 6, 14)

4.1 SECURITY CONDITIONS FOR HUMAN RIGHTS DEFENDERS AND LACK OF A COMPREHENSIVE PROTECTION POLICY

Human rights defenders in Ecuador face a hostile environment and security risks. Land, territory, and environmental defenders are at particular risk, especially those who oppose oil, mining and gas activities, in their territories. Security incidents include threats, intimidation, online violence and physical attacks, which can be lethal.⁶⁴ The presence of organized criminal groups and the consequent spike in violence in recent years has generated further challenges for defending human rights in a safe environment. One landmark example is the killing on 26 February 2023 of environmental defender Eduardo Mendúa, leader of the A'i Cofán Dureno community in northeastern Ecuador, who opposed the extractive activities of a company in his territory.⁶⁵

The implementation of militarized security policies, including the deployment of the armed forces in the streets and prisons, has not translated into a safer environment for the defense of human rights. During a visit to Quito and Guayaquil in June 2024, Amnesty International met with more than 20 human rights organizations and at least 15 environmental defenders from the Amazon, Sierra, and Coastal regions. All reported to have directly experienced or to know a human rights defender who had experienced some form of security incident in the last year.

For example, human rights defenders from CDH Guayaquil reported an increase in acts of intimidation and harassment, both physical and online, since the start of the declaration of internal armed conflict.⁶⁶ Defenders were also subject to cyberattacks, which prevented them from receiving reports and information of potential cases of human rights violations. CDH Guayaquil views these incidents as reprisals for their human rights work, which has brought attention to human rights violations potentially committed by security forces in the context of the current administration's security policies.

Despite the security risks faced by human rights defenders, Ecuadorian authorities have not yet implemented a comprehensive policy for their protection. Since 2019, various state institutions, including the Public Prosecutor's Office, the Ombudsman's Office, the Ministry of the Interior, and the Ministry of Women and Human Rights participate in an "inter-institutional roundtable" for the protection of human rights defenders aimed at coordinating the state response. Further, in 2023, the Public Prosecutor's Office developed a policy to guarantee access to justice for human rights defenders.⁶⁷ Lastly, the Ministry of Women and Human Rights informed Amnesty International in a letter in March

⁶⁴ Amnesty International, "No future without courage: Human rights defenders in the Americas speaking up on the climate crisis", 23 November 2023, Index Number: AMR 01/7411/2023, <https://www.amnesty.org/en/documents/amr01/7411/2023/en/>

⁶⁵ Ana Cristina Alvarado, "Ecuador: el asesinato del líder indígena Eduardo Mendúa en medio de conflicto petrolero en la comunidad Cofán Dureno, MongaBay", 3 March 2023, <https://es.mongabay.com/2023/03/asesinato-de-eduardo-mendua-en-ecuador/>

⁶⁶ CDH Guayaquil, "Ataque a Defensorxs de Derechos Humanos", 20 February 2024, <https://www.cdh.org.ec/ultimos-pronunciamientos/623-ataque-a-defensorxs-de-derechos-humanos.html>

⁶⁷ Public Prosecutor's Office, Institutional Policies and Guidelines, "Política Criminal para Garantizar el Acceso a la Justicia y la Protección dentro de la Investigación Penal a las Defensorxs de Derechos Humanos y de la Naturaleza", 2023, https://www.fiscalia.gob.ec/politicas-y-directrices-institucionales/#flipbook-df_56061/1/

2024, that it was leading a study on human rights defenders and journalists to inform the creation of a protection policy.⁶⁸

While the abovementioned efforts are important, a comprehensive protection policy and mechanism to guarantee the safety of human rights defenders at risk remains absent in Ecuador. It is worth noting that, in its fourth cycle of revision before the Universal Periodic Review of the UN Human Rights Council in 2023, Ecuador accepted recommendations in relation to the adoption of a policy and mechanism for the protection of human rights defenders.⁶⁹

4.2 STIGMATIZATION AND CRIMINALIZATION OF HUMAN RIGHTS DEFENDERS

Human rights defenders are routinely stigmatized by authorities, including those at the highest level, contributing to an environment conducive to threats and attacks against them.

In 2023, the former minister of Energy and Mines of Ecuador, Fernando Santos, accused in the Ecuadorian National Assembly the lawyer of the Union of People Affected by Texaco (UDAPT), Pablo Fajardo Mendoza, of being an "international criminal" for his defense of human rights, mainly of Indigenous peoples and communities, against the impacts of oil company operations in the Ecuadorian Amazon.⁷⁰ In 2024, president Noboa repeatedly stigmatized human rights defenders working for the rights of people in detention, calling them "antipatriotic."⁷¹ Human rights defenders reported an increase in acts of intimidation and digital attacks following the president's statement. Also in 2024, the former minister of Energy and Mines, Andrea Arrobo, stigmatized a group of child climate activists from the Amazon region insinuating that they were 'manipulated'.⁷² Likewise, after the appearance before the national assembly, young climate activist Leonela Moncayo and her family denounced the explosion of a homemade explosive device in the courtyard of their home.⁷³ In response, a number of UN Special Rapporteurs issued a public communication to the Ecuadorian government regarding this act of intimidation against Leonela Moncayo and her family.⁷⁴

Some human rights defenders, particularly land, territory, and environmental defenders, have also reported that they have been subjected to unfounded criminal proceedings, which they view as a tactic generally pursued by private actors to prevent them from doing their work. One particularly concerning case is that of human rights defenders from Las Naves, in the province of Bolivar, working for the defense of the right to water and opposing mining activities. Numerous human rights defenders from that province have faced criminal proceedings initiated by private actors.⁷⁵ Six human rights defenders were sentenced to three years in prison in March 2024.⁷⁶ That same month, in the province of Cotopaxi, more than 70 individuals, including Indigenous leaders and human rights defenders, faced criminal

⁶⁸ Ministry of Women and Human Rights, Oficio Nro. MMDH-MMDH-2024-0271-0, 8 March 2024.

⁶⁹ UN Doc A/HRC/52/5, Recommendations 100.29 (Romania, Costa Rica, Greece/Peru), 100.35 (Slovenia); and 100.42 (Honduras)

⁷⁰ Amnesty International, "Ecuador: Ecuadorian human rights defender Pablo Fajardo stigmatized", April 28, 2023 Index Number: AMR 28/6732/2023, <https://www.amnesty.org/en/documents/amr28/6732/2023/en/>

⁷¹ See for example: Ecuavisa, "Noboa en respaldo a los militares: 'Que ninguna antipatria nos venga a decir que nosotros estamos violando los derechos de nadie'", 15 February 2024: <https://www.ecuavisa.com/noticias/politica/noboa-declaraciones-derechos-humanos-manabi-DN6816014>.

⁷² Amnesty International, "Ecuador: Further information: Protection without conditions needed for child climate activists", 6 May 2024, Index Number: AMR 28/8024/2024, <https://www.amnesty.org/en/documents/amr28/8024/2024/en/>

⁷³ Amnesty International, "Ecuador: Child Climate Justice Activist intimidated in her home", 4 March 2024, AMR 28/7775/2024 <https://www.amnesty.org/en/documents/amr28/7775/2024/en/>

⁷⁴ Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human right to a clean, healthy and safe environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and right to freedom of opinion and expression; AL ECU 3/2024, 16 May 2024: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29052>

⁷⁵ UN Special Rapporteur on Human Rights Defenders, "Ecuador: acts of violence and criminalization against human rights defenders during environmental consultations for mining projects (Joint communication)", Official Letter and Statements, 31 July 2024, <https://srdefenders.org/ecuador-actos-de-violencia-y-criminalizacion-en-contra-de-defensores-de-derechos-humanos-consultas-ambientales-proyectos-mineros-comunicacion-conjunta/>

⁷⁶ CEDHU, "Campesinos defensores de la naturaleza fueron condenados a prisión por defender su territorio" 22 March 2023, <https://cedhu.org/2024/03/22/campesinos-defensores-de-la-naturaleza-fueron-condenados-a-prision-por-defender-su-territorio/#:~:text=Seis%20defensores%20de>

charges following protests against mining activities and against a consultation process they view as illegitimate.⁷⁷

4.3 RECOMMENDATIONS

To the Executive Branch:

- Urgently design and implement, in consultation with human rights defenders and civil society organizations, a national protection mechanism for human rights defenders at risk which incorporates preventative, collective and gender-sensitive approaches.
- Publicly acknowledge the importance and legitimacy of human rights defenders. Refrain from issuing public statements that stigmatize human rights defenders and call on members of your cabinet to refrain from doing so.

To the Public Prosecutor's Office:

- Conduct prompt, thorough, independent and impartial investigations into attacks and threats against human rights defenders. Consider, when presented with an accusation, whether the accused is a human rights defender, to identify if the proceeding is being used as a mechanism to hinder the work of the human rights defender.

5. TRANSPARENCY (ARTICLE 19)

The adoption of a militarized public security policy has been accompanied by a lack of transparency and access to information that undermines civilian oversight of any measures carried out. In January 2024, president Noboa announced that “Plan Fenix” would be the overarching policy in response to the state of emergency, however, to date this plan has not been made public. The armed forces and the police have failed to provide details as to the circumstances under which the thousands of arrests they have carried out have taken place, providing obstacles for those who defend human rights and seek the truth on the emerging human rights violations. Several official webpages pertaining to public institutions responsible for compiling information on Ecuador’s security measures are non-functional outside of Ecuador, and those within Ecuador are often out of date and lacking full information. In the case of the SNAI, updated data on the prison population of 2024 has not been published.⁷⁸ The lack of information, including on the number of arrests, poses risks of other grave human rights violations being committed, such as enforced disappearances, extrajudicial executions, torture and other ill-treatment. Civil society organizations have faced mounting challenges to access information and to participate in public decision-making processes.

5.1 RECOMMENDATIONS

- Gather and make public information and statistical data about killings resulting from police and armed forces interventions, to be standardized at the national level and for all provinces, to provide timely, accurate, and periodic information about the number of people killed and injured in police operations disaggregated by gender, race, age and other relevant markers.

⁷⁷ OHCHR, “UN experts call for meaningful consultations on Ecuador’s mining projects”, 13 May 2024, <https://www.ohchr.org/es/press-releases/2024/05/un-experts-call-meaningful-consultations-ecuadors-mining-projects>

⁷⁸ SNAI Estadísticas: <https://www.atencionintegral.gob.ec/estadisticas/>

- Urgently make public Plan Fenix, the security plan used throughout the state of emergency, as well as ensuring a centralized webpage for all actions taken by the military and police during the combat on organized crime.
- Ensure civil society organizations, social movements and members of the population are fully informed and consulted on government decisions that affect them, in line with their rights to participation, access to information and freedom of expression.

6. SEXUAL AND REPRODUCTIVE RIGHTS (ARTICLES 7, 17 AND 23)

Ecuador prohibits consented abortion in most circumstances, criminalizing those who seek access to an abortion and those facilitating it, such as medical professionals. Articles 149 and 150 of the Organic Criminal Code establishes that those facilitating an abortion are subject to up to three years in prison; whereas those seeking an abortion are subject to up to two years in prison.⁷⁹ The Code establishes exceptions when the health of the pregnant individual is at serious risk, and for women with a mental disability or who are victims of sexual assault.

In 2022, following a 2021 ruling from the Constitutional Court,⁸⁰ Ecuador approved the “Organic Law that Regulates the Voluntary Interruption of Pregnancies, in Cases of Sexual Assault”.⁸¹ The law expanded access to abortion for all victims of sexual assault and created a regulatory framework for individuals seeking an abortion and for medical professionals facilitating abortions.

Despite this important measure, access to abortion remains severely restricted even in the circumstances allowed by the law. The lack of information about legal protections, social stigma and denial of service for reasons of conscience, among other barriers, impede women, girls, and pregnant people to exercise their reproductive rights.

Moreover, the prohibition of abortion in most circumstances forces pregnant people to have unsafe abortions, putting their health and life at high risk. Prosecution almost invariably targets youth, rural and low-income women, and deters some health professionals from performing life-saving abortions.⁸² Criminalization reinforces social stigma against abortion and pushes health professionals to break confidentiality and report women seeking consented abortions or who face emergencies with their pregnancies.⁸³

By way of example, the case of an Ecuadorian girl was brought to the attention of this Committee through an individual complaint in 2019.⁸⁴ She suffered sexual violence from her father for years without effective protective measures from the authorities. She became pregnant at 14 years old, but the state denied access to abortion, forcing her to give birth and raise a child, being herself a girl. She could not finish school, and her social and economic rights were also violated. The potential violation of her rights to protection from inhuman and degrading treatment, privacy and others due to abortion bans are thus under the analysis of this Committee, whose decision is still pending.

⁷⁹ Asamblea Nacional de la República del Ecuador, Código Orgánico Integral Penal, COIP de 2014, Artículos 149 and 150, Oficio No. SAN-2014-0138 Quito, 03 February 2014.

⁸⁰ Constitutional Court of Ecuador, Sentencia 34-19-IN/21, Quito, 28 April 2021.

⁸¹ Presidencia de la República de Ecuador, LEY REGULA INTERRUPCIÓN VOLUNTARIA DE EMBARAZO EN CASO DE VIOLACIÓN, Registro Oficial Suplemento 53, 29 April 2022.

⁸² Surkuna, “Estereotipos de género en el juzgamiento del delito de aborto consentido en el Ecuador,” April 2024: <https://surkuna.org/wp-content/uploads/2024/05/Final-Estereotipos-de-Genero-en-el-Juzgamiento-del-delito-de-aborto-consentido-en-el-Ecuador-2024-.pdf>

⁸³ *Ibíd.*

⁸⁴ Case brought through the Individuals Complaint Procedure of the UN Human Rights Committee, Case CCPR-3628-2019.

In recent years, numerous UN Treaty Bodies and Special Procedures have expressed their concern for the criminalization of abortion in Ecuador.⁸⁵ Most recently, in July 2024, the Committee against Torture encouraged Ecuador “to decriminalize abortion, protect patients and professionals from criminalization and take measures to ensure access to abortion, and other sexual and reproductive services.”⁸⁶

6.1 RECOMMENDATIONS

To the Executive Branch:

- Adopt all available measures to eradicate barriers to access consented abortion, especially in the context of denial of service for reasons of conscience.
- Adopt all available measures to protect the right to abortion by protecting patients, professionals and other abortion defenders from stigma, harassment, reprisals, intimidation and other attacks.

To the National Assembly:

- Take steps to recognize, respect and protect the right to abortion of girls, women and people who can get pregnant in all circumstances, including by repealing Articles 149 and 150 of the Organic Criminal Code.

⁸⁵ UNHCR, Report of the Special Rapporteur on violence against women, its causes, and consequences Visit to Ecuador, A/HRC/44/52/Add.2, 22 May 2022; CEDAW, Concluding Observations on the Eight and Ninth Periodic Review of Ecuador, CEDAW/C/ECU/CO/8-9, 2015; UNHCHR, Report of the Special Rapporteur on physical and mental health, A/HRC/44/48/Add.1, 2020, párr. 77; Committee against Torture, Concluding Observations on Eight Periodic Review of Ecuador, 28 July, 2024, parr. 41 y 42.

⁸⁶ Committee against Torture, Concluding Observations on Eight Periodic Review of Ecuador, 28 July, 2024, parr. 41 y 42.

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Amnesty International
Peter Benenson House
1 Easton Street
London WC1X 0DW, UK

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Index: **AMR 28/8531/2024**

Publication: **October 2024**

Original language: **English**

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Exhibit 7



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UN experts alarmed by escalating repression and deteriorating civic space in Ecuador

24 October 2025

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GENEVA – UN experts* today expressed concern about a serious deterioration of fundamental freedoms and civic space and the rights of Indigenous Peoples in Ecuador, which has been deepened by the State response to the national protests, and include restrictions on the rights to association, assembly, and expression.

“This pattern of attacks seems designed to silence civil society organisations and Indigenous Peoples. These measures include, among others, reports of freezing of bank accounts without a court order, following the adoption of the Law of Social Transparency, which stigmatises and criminalises the social sector,” the experts said.

The Constitutional Court has also been subjected to **harassment and persecution** by being declared an enemy of the people and subject to reputational attacks, the experts noted.

On 22 September, a national strike was launched to protest the removal of the diesel subsidy, the increase in value-added tax, the implementation of extractive projects without prior, free and informed consent from Indigenous Peoples, and the enactment of the Law on Protected Natural Areas, the experts expressed.

“The Ecuadorian authorities responded to this strike with unnecessary and disproportionate use of force, including tear gas and lethal ammunition,” they said.

The military response to social protests, together with the recurrent declaration of states of emergency since January 2024, several of them declared unconstitutional in whole or in part by the Court, are incompatible with the State’s obligation to protect and facilitate the right to peaceful assembly,” they said.

The experts noted reports that during the strike there has been at least three people killed, 282 injured, 172 arrested and 15 forcibly disappeared.

The majority of these reported human rights violations were registered in Imbabura and Pichincha, two Ecuadorian provinces with the largest indigenous populations.

The experts noted that the authorities attempted to associate the national protests with terrorist acts linked to organized crime without sufficient evidence. That designation reportedly led to the arrest of several individuals on charges of crimes of terrorism, injury or instigation.

"We call for an end to the improper use of force, for open channels of genuine and plural dialogue and consultation with civil society, Indigenous Peoples and social movements, to guarantee due process for those detained, investigate allegations of human rights violations, before and during the demonstration, and ensure accountability," the experts said.

"Justice for the human rights violations that are taking place should be done, and steps must be taken to ensure they do not happen again." they said.

The experts have been in contact with the Government of Ecuador regarding these concerns.

***The experts:**

- Gina Romero, **Special Rapporteur on the rights to freedom of peaceful assembly and of association**
- Cecilia M. Bailliet, **Independent Expert on human rights and international solidarity**
- George Katrougalos, **Independent expert on the promotion of a democratic and equitable international order**
- Albert K. Barume, **Special Rapporteur on the rights of Indigenous Peoples**
- Carlos Duarte, Shalmali Guttal, Davit Hakobyan, Uche Ofodile, Genevieve Savigny, **Working Group on the rights of peasants and other people working in rural areas**

- Pichamon Yeophantong, **Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises**
- Margaret Satterthwaite, **Special Rapporteur on the independence of judges and lawyers**
- Ben Saul, **Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

The Special Rapporteurs, Independent Experts and Working Groups are part of what is known as the **Special Procedures** of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

UN Human Rights, country page – [Ecuador](#)

For inquiries and media requests, please contact: hrc-sr-freeassembly@un.org

For media inquiries related to other UN independent experts please contact Maya Derouaz (maya.derouaz@un.org) or Dharisha Indraguptha (dharisha.indraguptha@un.org)

Follow news related to the UN's independent human rights experts on X: [@UN_SPExperts](#).

Tags

Exhibit 8

Quichua in Ecuador

 minorityrights.org/communities/quichua/

Profile

Quichua (or Kichwa) are a diverse group inhabiting both highland and lowland regions of Ecuador. This name also refers to the most widely spoken indigenous language in South America. In addition to Ecuador, Quichua is spoken in Peru, Bolivia, Colombia, Chile and Argentina, where speakers of this language represent a variety of different ethnic groups. Article 2 of the Ecuadorian Constitution establishes that Quichua, along with Spanish and Shuar, are official languages for intercultural relations.

Historical context

Quichua are arguably the single largest indigenous people in the world. They are known for their important contributions to architecture and elaborate roads from the pre-colonial period. In Ecuador alone, there are at least 15 sub-groups of Quichua people. With a unique tradition of making textiles, the Otavalo Quichua have established relationships with national and international trade that has afforded them a better socio-economic status than other indigenous communities in Ecuador.

In 2004, the Network of Quichuan Nationalities of the Amazon, representing 18 Quichua organizations of the Napo region, opposed a series of policy talks aimed at increasing oil production. In May 2006 Quichuan organizations were instrumental in a series of protests and roadblocks leading to President Alfredo Palacio's ordering of US oil giant Occidental to leave Ecuador. The company subsequently turned to a World Bank arbitration panel with a claim of US\$3.2 billion. In November 2015 the International Centre for Settlement of Investment Disputes (ICSID) ordered the Ecuadorian government to pay US\$1 billion to Occidental; in January 2016, the two parties agreed to a US\$980 million compensation payment after the Ecuadorian government canceled the contract in 2006, under which the oil company was extracting about 100,000 barrels of crude oil per day in the Amazon.

Quichua continue to play a central role in significant development of indigenous peoples' rights, for instance in the noted case of the *Kichwa Indigenous People of Sarayaku v. Ecuador* before the Inter-American Court of Human Rights (IACtHR). In 1996, Ecuador signed a 20-year contract with an Argentinean oil company, Compañía General de Combustibles (CGC), which had been granted governmental permission to search for oil on Sarayaku ancestral lands without informing or consulting the community. In 2002, the project started, and in 2004, CGC planted mines which destroyed part of the forest and put at risk indigenous people's lives. In 2010, the case was brought before the IACtHR

which reached a decision in 2012. According to the Court's judgment, Ecuador violated the right to free, prior and informed consultation (expressly recognized in International Labour Organization Convention No. 169, to which Ecuador is a party) as well as the right to communal property and cultural identity and the right to life and physical integrity.

Current issues

Although Quichua people have tried to spread awareness of the challenges they face through the Confederation of Indigenous Nationalities of Ecuador (La Confederación de Nacionalidades Indígenas del Ecuador, CONAIE), segments of the population continue to face serious socio-economic challenges. In the highlands, Quichua farmers have been compelled by their worsening economic situation to earn their livelihood as day labourers in commercial agriculture or as seasonal migrant workers. Similarly, lowland Quichua continue to suffer from high rates of poverty, little access to education and inadequate health services. The growth of the eco-tourism industry has benefited Quichua communities to some extent. However, international companies without indigenous representation continue to dominate the tourism industry.

The Ecuadorian government indicated in 2014 its intention to allow expansion of oil extraction on Quichua ancestral land in Napo province. Quichua leaders have made clear their opposition to oil companies carrying out their activities on this land.

However, since 2021 the oil company Petroecuador has been negotiating with Comuna Quichua El Edén some social investment measures in the area, although indigenous leaders state that the agreements are not being fulfilled.

Indeed, in April 2020, thousands of barrels of oil leaked from two pipelines, contaminating the Coca and Napo Rivers and causing pollution that affected hundreds of Quichwa communities. CONAIE and other organizations filed an emergency legal petition with the courts, but the case was dismissed by the first and second instances. Judges criminalized Quichwa leaders and lawyers. One year on, hundreds of Quichwa activists marched through the streets of Coca to protest against this injustice. In 2021, the plaintiffs turned to Ecuador's Constitutional Court, but as of this update, the judge has yet to make a ruling. Meanwhile, new spills have taken place in 2022 and 2024, according to Amazon Frontlines, one of the organizations supporting Quichwa communities in their legal claim.

In an interview with Mongabay in 2022, Patricia Gualinga Montalvo, a human rights defender and member of the Quichua people of Sarayaku, commented that the primary issues experienced in their territory are linked to extractive industries such as oil, mining and logging. 'If we still have forests, it is because indigenous peoples have fought with our lives,' Gualinga stated.

Exhibit 9

Indigenous Peoples in Mexico

 minorityrights.org/communities/indigenous-peoples-4/

Profile

Mexico has one of the largest and most diverse Indigenous populations in the Americas. Although the country had recognized the existence of and contributions made by Indigenous Peoples in the construction of the country, it was only with the 1992 Constitution that the nation was deemed pluri-cultural.

Official statistics had traditionally defined the Indigenous population using criteria based on language, which many have argued greatly underestimates the increasingly urban population. However, Indigenous Peoples' organizations were successful in pressuring the Mexican Statistics Bureau to include a broader set of criteria in the 2000 Census, including a question based on self-identification.

According to official figures, Mexico currently has 68 Indigenous communities. In July 2017, the *Comisión Nacional para el Desarrollo de los Pueblos Indígenas* (the National Commission for the Development of Indigenous Peoples, CDI) reported that – based on 2015 figures – there were 25.7 million Mexicans who self-identified as Indigenous, equivalent to 21.5 per cent of the national population at the time, with another 1.6 per cent identifying as part-Indigenous. Over 12 million of these (more than 10 per cent of the national population) lived in Indigenous households and some 7.4 million spoke Indigenous languages. The most common Indigenous language was Najuatl (23.4 per cent of Indigenous language speakers), followed by Maya 11.7 per cent), Tzeltal (7.5 per cent), Mixteco (6.9 per cent), Tzotzil (6.6 per cent), Zapoteco (6.3 per cent), Otomi (4.2 per cent), Totonaca (3.6 per cent), Chol (3.4 per cent) and Mazateco (3.2 per cent). At the time of the 2020 Census, the National Institute of Statistics and Geography (INEGI) recorded that 23.2 million people in Mexico identified as Indigenous. Out of this number 30.8 per cent aged 3 and above speak an Indigenous language.

Historical context

Mexico's Indigenous communities, like Indigenous populations elsewhere in the Americas, still contend with the violent legacy of colonialism and their decimation by disease, conflict and exploitation after the territory of present-day Mexico, then largely dominated by the Aztec Empire, was brought under Spanish rule in the early 16th century. In the ensuing years, continuing long after Mexico's independence in 1810, discrimination and

abuse of the country's Indigenous Peoples by the dominant white elite persisted. While their situation has improved, with greater formal recognition of their rights, many underlying inequalities remain in place to this day.

Nevertheless, Indigenous culture is considered to be at the heart of Mexican society. Mexico is proud of its ancient Maya and Aztec monuments, and its Indigenous cultures contribute significantly to the country's international image. Since the revolution of 1910–20, successive governments have professed a desire to integrate Indigenous Peoples into Mexican society. The Independent Department of Native Affairs, set up in 1946 under the Ministry of Education, began a programme of teaching Spanish to Indigenous children. However, the negative result of such programmes has been a promotion of an assimilatory model for Indigenous Peoples, which has devalued Indigenous languages, cultures and autonomy.

Despite legislative reforms and the signing of treaties and accords, Indigenous Peoples in Mexico experienced multiple forms of discrimination – both because of their low economic standing and limited levels of formal education, and also on grounds of language, dress and other cultural manifestations. What little land they owned was generally insufficient to support them, so many sought waged work from *mestizo* employers, who generally treated them disrespectfully. Generally, Indigenous Peoples retained local forms of organization to defend their culture and livelihoods. Others witnessed the collapse of their traditions under the burden of poverty and believed that they must reject their ethnic identity and integrate into mestizo society if they were to improve their living conditions.

By 1990, the majority of the Indigenous population were still living in small peasant communities where they made up most of the population, typically located in the poorest, least developed parts of the country. Although conditions varied considerably, many communities lacked electricity and running water. Housing was often substandard and overcrowded.

The situation of Mexico's Indigenous communities gained worldwide attention in January 1994 when Indigenous peasants representing a number of different ethnic groups, taking the name of Emiliano Zapata, a popular leader murdered by the military in 1919, launched an armed uprising on the day that the North American Free Trade Agreement came into effect. Occupying four towns in Chiapas – where the situation of Indigenous Peoples has long been worse than in other states – the National Zapatista Liberation Army (EZLN) stated its opposition to indignities faced by Indigenous Peoples and others in Mexico. They called for better conditions for Indigenous Peoples, protection of communal lands and an end to government corruption and human rights abuses. After the initial fighting, the government declared a ceasefire, promised to address EZLN concerns and released prisoners. Negotiations were started between a government-appointed mediator and the EZLN but broke down when the government proved unwilling to accept most of the rebel demands.

The EZLN and Indigenous organizations represented by the National Plural Indigenous Assembly for Autonomy had been demanding constitutional reforms to allow for the creation of pluri-ethnic autonomous regions in areas with significant Indigenous populations. In effect, this would have established a fourth level of government at a regional level, which would coexist with the existing municipal, state and federal government authorities. Regional autonomy would also have allowed Indigenous Peoples greater control over their land and resources in accordance with ILO Convention No. 169. In 1996, the EZLN and Mexican government officials negotiated and signed the San Andrés Accords, which promised land rights, regional autonomy and cultural rights for Indigenous Peoples. The Mexican government later refused to implement these agreements.

At the height of the uprising government forces shot, execution-style, eight suspected members of the EZLN, and, according to human rights observers, dozens of critics of the regime were killed or 'disappeared', reportedly at the hands of death squads organized by government forces working in collusion with private interests. The brutal torture and rape of Indigenous women in Chiapas were also documented; perpetrators were rarely brought to trial.

In the elections of August 1994, the Institutional Revolutionary Party (PRI) candidate, Eduardo Robledo Rincón, officially won the governor's race in Chiapas, but the EZLN and opposition leaders insisted that progressive candidate Amado Avendaño Figueroa was the rightful winner. They created a parallel government, seized government offices, took over radio stations, mounted roadblocks and the EZLN eventually took over 38 towns in the state. The parallel authority permitted peasants to expropriate large estates, liquidated existing state structures and instituted new laws favouring Indigenous people and the poor. Large demonstrations were held in cities across Mexico in support of the rebels.

The Mexican government was forced to devalue the peso by 50 per cent in the last two weeks of December 1994, precipitating a loss of business confidence in the new administration of President Ernesto Zedillo. In an attempt to regain investors' support, Zedillo implemented harsh austerity measures designed to control government spending and inflation. In February 1995, he also ordered a military offensive against the EZLN bases, forcing the rebels to retreat into the mountains.

After the 2000 election, the dismantling the 71-year reign of the PRI presented a political opportunity in which EZLN leaders demanded that the new Fox administration implement the San Andrés Accords and withdraw troops from Chiapas. On 11 March 2000, over 250,000 people gathered in Mexico City in what was the largest ever march of Indigenous people in Mexico, to pressure the Fox administration to comply with the San Andrés Accords. Although Fox did dismantle a number of military encampments in Chiapas, the government's 2001 constitutional reforms fell short of what the EZLN and other Indigenous groups wanted. The

demands for autonomy, the right to territory, access to natural resources and the election of municipal authorities were all ignored, leading the EZLN and other prominent Indigenous groups to refuse to recognize the new Constitution.

Although the EZLN by no means represented Mexico's diverse Indigenous population, this pan-Indigenous movement has been considered the voice of Indigenous Peoples since the uprisings of 1994. The tenth anniversary of the Zapatista uprising highlighted some of the gains of the movement, including the effective governing of a number of autonomous Indigenous communities. Throughout the late 1990s the EZLN mobilized large numbers of Indigenous people and sympathizers in a series of marches and other actions that were met by hostility and sometimes violent repression by Mexican authorities. In an attack in Chiapas by the Peace and Justice paramilitary group, 45 people were killed. Although the Zedillo administration denied the existence of such paramilitary groups, these massacres led to an increase in the number of foreign human rights observers in Chiapas. Many of these observers were later expelled by the Zedillo government.

Many of the issues that had driven the uprising remained unresolved. Indigenous farmers continued to be harassed or attacked by paramilitary groups as they work their land. Police brutality and mistreatment by the justice system were commonly reported.

Some Indigenous communities were prevented from electing their customary representatives. Attempts by communities to defend their lands against illegal loggers or to campaign for their rights met with violence on the part of armed groups who appeared to operate with impunity. Leaders who spoke out for political change were singled out for persecution by powerful landowners who wielded inordinate influence over the local police, political and judicial systems. The repression ranged from incarceration and expulsion from communities to torture and murder. 'Disappearances' and massacres of unarmed peasants were reported.

Indigenous Peoples were also over-represented in the country's prison system, languishing in jail as proceedings stagnated and often spending more time behind bars than a sentence would require were they actually convicted and sentenced. In many cases, they were not provided with interpreters, even though a considerable percentage of Indigenous people do not speak Spanish and despite guarantees of such basic protection under the law. Courts often accepted confessions extracted under duress as the main evidence for sentencing.

Indigenous women were particularly marginalized in many communities. This pattern could be seen across a broad range of socio-economic indicators, including education, employment, earnings and income. In addition to persistent poverty and lack of access to health services, which more markedly affected Indigenous women, they also suffered domestic violence. Alcoholism, child abuse and incest were also reported as significant problems affecting Indigenous families. Women were also more vulnerable to exploitation by

their employers, government officials and the judicial system. According to the 2005 National Household Survey, Indigenous women had about half as much education and were less likely to speak Spanish than Indigenous men.

Conditions were exacerbated by a structural economic crisis that left Indigenous Peoples, who had traditionally sustained themselves mainly in the agricultural sector, subject to increasing privation. The government moved to erode the rights of Indigenous Peoples to communal lands, further exacerbated by the implementation of NAFTA. This, together with failing agriculture and the impact of climate change, also contributed to increased migration by Indigenous people to Mexico's urban centres. This often resulted in new forms of deprivation as Indigenous residents of cities found themselves pushed to the social margins, often in very poor living conditions: a 2010 study by UN-Habitat found that in Mexico City, while 16.4 per cent of all houses had only one room, 34.3 per cent of Indigenous households fell into this category. Although Indigenous women were increasingly migrating themselves, males who migrated to cities in search of work sometimes left women abandoned and with increased economic hardship.

In light of these challenges, there were signs that Indigenous Peoples were reorganizing themselves. Possible fraud in the 2006 presidential election led to something of a resurgence of the Zapatistas as well as other Indigenous and rural movements in Mexico. Despite immense support by the Indigenous population, leftist candidate Andrés López Obrador lost to conservative candidate Felipe Calderón by less than 1 per cent of the vote. The day after the election, Sub-Commandant Marcos, leader of the EZLN, gave an interview on a community-based radio station denouncing the election results as fraudulent; however, the interview was censured by the Mexican government. Following the election, the Popular Assembly of Oaxacan Communities invited Obrador and Sub-Commandant Marcos to join an alternative government symbolized by the creation of the Popular Assembly of Mexican Communities (APPOM). After the election of Calderón, the EZLN issued public statements asserting that the government was on the offensive and that paramilitary groups were encroaching on Zapatista territory.

However, many Indigenous organizations, ranging from small community-based groups to national bodies, also formed to fight for better living conditions for this population. They have campaigned for access to education, health services, potable water, credits, fair wages, political representation, consultation, the protection of local environments, and official recognition of their languages and traditional skills as healers. Some of these groups worked in collaboration with other local non-governmental organizations (NGOs) and human rights bodies and others have partnered with local governments.

Many community activists were vulnerable to intimidation and targeted killings. In July 2013, the body of Heron Luciano Sixto López, an Indigenous rights activist, was found after he was abducted from his office. In May 2013, eight members of the Indigenous rights group Unidad

Popular were kidnapped: three of them were tortured and executed, while the rest escaped and went into hiding. Both crimes highlighted the real challenges that Indigenous Peoples face in advocating for their rights.

In addition to inadequate implementation of laws protecting victims of crime, Indigenous rights and human rights defenders, Indigenous Peoples remained hampered in their search for access to justice by language barriers and limited translation services. They faced ongoing violations of their land and consultation rights by large-scale development or resource exploitation projects in their territories. This included continued resistance to the suspended (in 2012) La Parota hydroelectric dam project in Guerrero State which would, if implemented, result in land expropriation and the displacement of Indigenous communities. Other Indigenous protests included the opposition of Nahua and Totonaca Indigenous Peoples in Zautla, Puebla to a mining project and the movement of Yaqui against the construction of an aqueduct in Sonora without prior consultation that could threaten their water access.

Current issues

Indigenous Women

Indigenous women in Mexico are faced with numerous challenges including discrimination, gender-based violence, and poor access to education, healthcare and economic opportunities. Indigenous women's rights defenders report that one of the main causes of violence against Indigenous women, for instance, is the culture of machismo and the patriarchal system present in the country.

Lack of access to education results in alarmingly high illiteracy rates. According to a 2022 report by the International Working Group on Indigenous Affairs, 64.6 per cent of Indigenous women are illiterate in comparison to Indigenous men. This directly impacts their ability to access gainful employment. Employment rates are lower among Indigenous women at 17.7 per cent compared to non-Indigenous women at 22.9 per cent. Indigenous women suffer very high rates of domestic violence; it is estimated that 59 per cent of Indigenous women experience domestic violence. The maternal death rate of this population is reported to be 11.2 per cent. Discrimination within the healthcare sector is a contributing factor, as Indigenous women are often mistreated and disrespected based on race, culture or social class. Lack of appreciation for cultural norms also contributes to mistreatment of Indigenous women when they try to use traditional medicines and speak their native languages within the national healthcare setting.

However, there may be hope on the horizon, on 30 November 2023, and in keeping with its international obligations, the Foreign Ministry of Mexico in conjunction with Indigenous women under the auspices of the National Institute of Indigenous Peoples (INPI), held a meeting focusing on 'Progress and challenges in implementing General Recommendation

No. 39 (2022) on the rights of Indigenous women and girls made by the Committee on the Elimination of Discrimination against Women (CEDAW)'. The meeting focused on issues of discrimination, gender-based violence, education and culture; food and health; territory and environment; access to justice; and women's full and effective participation. The Indigenous women in attendance emphasized to the Mexican government the need for respect and recognition of their rights and traditional knowledge, and that policies must have a gender, human rights and intercultural approach. Mexico also recently made history by electing its first female President. On 3 June 2024 Claudia Sheinbaum was elected as Mexico's first female President, perhaps paving the way for change in respecting, recognizing and upholding the rights of women in Mexico.

Indigenous Health

The mortality rate during the Covid-19 pandemic was twice as high among Indigenous Peoples in Mexico than non-Indigenous People, reflecting general longstanding inequality in the country. The more traditional the Indigenous community is, the greater the mortality rate it faced during the pandemic. The lack of access to public health care is a significant barrier for Indigenous health. These barriers are caused by discrimination, misunderstanding and mistrust of the public health system. This leads Indigenous Peoples to resort to private health services, which are often inaccessible due to high costs. The lack of cultural sensitivity and understanding of Indigenous worldviews coupled with racism and discrimination from the dominant society was a contributing factor to higher mortality rates during the Covid-19 pandemic among Indigenous Peoples. However, unless these issues are acknowledged and dealt with, inequality will continue, and nothing will change.

Pesticide Impact on Indigenous Health: Rio Yaqui in Sonora, Mexico

The Yaqui Nation is one of many Indigenous Peoples in Mexico. Their traditional lands and territories are situated in the coastal areas of present-day Sonora, Mexico as well as parts of the Arizona, USA, and along the Rio Yaqui or Yaqui River. The fertile lands in this area and the water of the Yaqui River make the region a prime target for industrial agriculture. However, decades upon decades of oppression and persecution by the hands of the state have resulted in the loss of land and water rights of the Yaqui Nation. For those who survived, pesticide use from industrial agriculture has contaminated their lands, waters, food sources and ecosystems, resulting in undermining reproductive and intergenerational health of the Yaquis.

Yaqui Indigenous women and girls working in the fields or living in or near agricultural areas have been exposed to frequent aerial and ground spraying of pesticides by outside agribusiness companies. For some families, their only source of water has been contaminated by irrigation canals. In addition, Yaqui male and female farm workers are not provided by growers with any protective gear in the fields. A study, beginning in 1997 by Dr. Elizabeth Guillette, revealed the health effects of industrial agricultural pesticides in the

homelands of the Yaqui Nation in Sonora, Mexico. Dr. Guillette's study found high levels of pesticides in the cord blood of newborns and in mother's milk. She also provided evidence of the detrimental impacts of pesticide exposure on the development of exposed Yaqui children. The study compared Yaqui children in the valley (where pesticide use is heavy) with Yaqui children in the foothills of the Sierra Madre Occidental mountains (where pesticide and insecticide use are minimal to none) and showed dramatic differences in motor skills, eye-hand coordination and balance. The marked developmental differences included in cognitive skills which were observed in recall, simple problem solving and an ability to draw simple stick figures of people. A follow up study by Dr. Guillette in 2006 documented abnormal breast development in young girls whose mothers had prenatal exposure to toxic pesticides. In 2025, Yaqui women continue to face challenges of breastfeeding their children as some are now unable to produce breast milk due to environmental violence caused by pesticide contamination of their lands and waters.

These challenges continue despite a formal apology by former Mexican President, Andrés Manuel López Obrador in 2022, to the Yaquis for injustices — among those being the denial of their land and water rights, and a history of Yaqui genocide by the Mexican government dating back centuries — and a promise to implement a Justice Plan that would restore the land and water rights of the Yaquis including the building of a treatment plant to treat contaminated water. While Mexico banned the hazardous pesticide known as glyphosate in 2021, it still allows the importation of other harmful pesticides that have been banned in other countries such as the United States. However, advocacy efforts on the part of Yaqui leaders have recently culminated in the drafting of a guidance document submitted to United Nation Food and Agriculture Organization (UN FAO) to encourage countries to reform laws related to pesticides.

Indigenous women across the region have joined forces against the use of harmful substances on their traditional lands and territories. In 2025 the 4th International Indigenous Women's Symposium on Environmental Violence took place in Guatemala, where delegates adopted the 4th Declaration for Health, Life and Defense of our Lands, Rights and Future Generations, in which they stated:

[W]e... express our concerns about the devastating and worsening impacts in our lands and territories where highly hazardous and banned substances continue to be used indiscriminately. This indiscriminate use includes aerial spraying over our homes and schools, as well as applications by hand without protection or information about impacts. We ask decision-makers: how many more of our children will have to die and suffer permanent disabilities before these practices are finally halted?

Impacts of Drug Cartels on Indigenous Territories

It is no secret that drug cartels control numerous areas in Mexico, including some lands and territories belonging to Indigenous Peoples. The cartels often force Indigenous Peoples to cultivate drugs on their lands. Indigenous Peoples find themselves caught between the government's response to the war on drugs and the cartels' illicit activities, resulting in the criminalization of Indigenous Peoples, and loss of their lands, territories and resources. In San Cristóbal de las Casas, Chiapas, for instance, cartel presence affects the daily lives of Indigenous Peoples living in this border town between Guatemala and Mexico. This area serves as a strategic location for drug trafficking, arms dealing and human trafficking because these communities are among the poorest on both sides of the border. Centuries of neglect by the state, lack of basic resources and high levels of inequality allow organized crime to take advantage and exploit the economic instability of these vulnerable communities. The Indigenous communities in this area face significant challenges, including the threat of violence not only from the cartels and but also the militarized government response, which is often infiltrated by the cartels.

In September 2023, the *Cártel de Sinaloa* or the Sinaloa Cartel, invaded the town of La Trinitaria y Frontera Comalapa, Chiapas. Local residents believed they had no choice but to support them because not doing so could result in a threat to their safety and security; the Sinaloa Cartel cleared the blockade of the Inter-American Highway set up by their rival *Cártel Jalisco Nueva Generación (CJNG)* which had disrupted traffic to the town for weeks. This was a problem that the state could not solve but the Sinaloa Cartel did. This cycle of exploitation and fear makes it hard for communities to break free from the grip of organized crime.

Armed incursions by the cartels are not the only threat to the sovereignty, security and self-determination rights of Indigenous Peoples in Mexico. Conflicts brought on by extractive industries also threaten the lands, safety and security of Indigenous Peoples. Additionally, when Indigenous leaders stand up to defend their territories from cartels or extractive industries, they are often met with violence. In 2023, 30 human rights defenders were killed in Mexico, making it an unsafe place of defenders; many of those targeted for their activism are Indigenous. In May 2024, Indigenous Nahua leader Antonio Regis Nicolás was shot dead after being stopped by an armed group affiliated with the CJNG in the town of Aquila, Michoacán. Nicolás had been coordinating the unarmed defense of community lands for the local council.

Yucatec Maya: The Mega *Tren Maya* Project

The Yucatec Maya are one of the many Indigenous Peoples in Mexico, a subgroup of the Maya people. They inhabit the Yucatán Peninsula as well as parts of neighbouring Belize. One of the many challenges and threats to the Yucatec includes the current megaproject known as *Tren Maya* or the Maya Train. *Tren Maya* is a railway service that when completed will cover 1,525 kilometres connecting cities such as Chiapas, Tabasco, Campeche, Yucatán and Quintana Roo to tourist hotspots and archaeological sites in those areas. Promoters of

this megaproject say that it is, ‘more than just a transportation solution, the Maya Train is a transformative project enhancing territorial planning and driving the tourism sector, resulting in economic growth and improved connectivity across the peninsula...’ However, as promising as it sounds, the real impact of this initiative is being felt firsthand by the Yucatec communities in the region. Community members note that the Tren Maya project has devastating impacts on the environment as well as communities. Researcher Dacotah-Victoria Splichalova of the University of British Columbia gathered testimonies from among affected Yucatec communities for her PhD thesis published in 2025, *‘Reimagining the story of H₂O: community-based storytelling to reveal the non-material dimensions of water in Yucatán, Mexico’*. Community members reported that,

[T]he construction of concrete trestles required clearing large tracts of jungle, replacing vibrant ecosystems with barren, lifeless landscapes. The Maya communities, who have lived in deep harmony with their environment for centuries, have voiced their concerns. They are not just worried about the loss of trees or wildlife, but about the rupture in cultural heritage. Scholars have noted that the Tren Maya does more than disrupt the landscape; it fractures the pathways of knowledge, commerce, and community...The encroachment of this project into sacred lands speaks to a much larger story—a story about a cultural rift that goes far beyond physical destruction.

The Yucatán Peninsula is renowned for its vast subterranean river system, the second largest in the world. This underground water is exposed by *Cenotes*—natural sinkholes. To the Yucatec Maya, Cenotes are not merely a water source. They are sacred, revered and filled with ecological and spiritual significance. They are lifelines: the Mayas believe water and Cenotes to be a living entity—embodying memory, identity and power (*poder*). Cenotes are sacred spaces, places where ancestors are honoured, and where the land and water are seen as inseparable from the self. However, their preservation is under siege. Climate change, urban expansion and industrial projects, such as Tren Maya, are disrupting the delicate flow and connectivity of these waters.

The lack of environmental assessments prior to implementation of the project and lack of consultation with Indigenous communities has raised concerns over the environmental damage already seen after the completion of parts of the railway. There are concerns about train tracks running over Cenotes, not only in respect of contamination of these drinking water sources but about whether running a railway over a cenote can sustain such weight and vibration. Government engineers agree that it may not be safe to do so and rerouting may be necessary and claim that testing is being done. However, environmental impact assessments seem to be an afterthought.

Updated December 2025

Exhibit 10



Ecuador


● This article is more than 4 months old

Indigenous and environmental leaders in Ecuador say they are facing state intimidation

Critics say referendum on rewriting country's eco-friendly constitution is president's latest pro-extractivist move

Jonathan Watts

Thu 16 Oct 2025 17.00 BST

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Indigenous and environmental leaders in [Ecuador](#) say they are facing a wave of state intimidation ahead of a national referendum next month on whether to rewrite the world's only constitution that recognises the rights of nature.

The pressure is being applied by the [rightwing president, Daniel Noboa](#), who has begun his second term with a Trumpian agenda of consolidating power and sweeping away legal and social barriers to extractivist businesses, such as mining.

The 37-year-old heir to the powerful Noboa family business group says the existing constitution is an obstacle to his national security and economic development agenda, which includes the construction of a US military base and new housing and hotel complexes on the Galápagos Islands, a Unesco world heritage site and biosphere reserve.

The referendum on 16 November will decide whether to establish a constituent assembly to reform or replace the constitution, a process that would enable the president to put pressure on the main organisation that is resisting his push for more power: the constitutional court. It will also address several other far-reaching changes proposed by Noboa, including a reduction of seats in the legislative assembly, party funding and foreign military bases.



📍 A volcanic crater lake in San Cristóbal, Galápagos Islands. Photograph: Anadolu/Getty Images

The referendum will be the most controversial move yet by the president, who has already prompted alarm with several pieces of legislation that critics say undermine environmental safeguards and democratic checks and balances.

A protected areas law, for example, purportedly enhances environmental sustainability and the management of conservation areas, but Indigenous groups say it is a ruse to bypass their right to free, prior and informed consent, while potentially opening up protected land to privatisation and extractive industries.

A national solidarity law was ostensibly passed to strengthen the government's authority and resources to tackle organised crime, but it has been used, say observers, to militarise public security and provide impunity for police and military killings carried out in the name of a war against gangs. A new intelligence law has given unprecedented surveillance powers to the administration, which can intercept communications without a court order. Meanwhile, a public integrity law, which claims to tame corruption, has become a tool to crack down on civil society.

Social unrest has mounted steadily in Ecuador. The country has one of the **highest homicide rates** in the world. Rising prices of food and diesel have added to the tensions, prompting an ongoing national strike. Last month, an Indigenous land defender, Efraín Fueres, was **shot and killed** by the army during a protest against the high cost of living, a lack of medicine in hospitals, the deterioration of schools and growing social insecurity.

Demonstrators are also angry that at least 61 civil society leaders and organisations have had their bank accounts frozen, pending an “unjustified private enrichment” investigation by the public prosecutors office.

The Guardian has seen a list of those facing persecution. More than half were Indigenous activists, several of them campaigning against mines. Another quarter were environmental defenders. The rest were academics, journalists, women's rights activists and local politicians.

Among those under scrutiny was the Pachamama Foundation, which released a **statement saying** it would resist this attempted intimidation. “We categorically reject the criminalisation process that has been initiated,” the foundation said.

The accusations come at a time when Noboa's administration has been criticised for pushing ahead with mining projects that had been blocked by public consultations, and accused of doing nothing to implement the 2023 **referendum decision** to halt oil production in block 43 of the Yasuni national park, an area of the Amazon rainforest famed for its ecological diversity. Instead, the president has subsumed the environment ministry inside the mining ministry.

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📷 Sunset in Yasuni national park. Photograph: Sebastien Lecocq/Alamy

Alberto Acosta, who helped to draft the current constitution as a president of the last constituent assembly, said: “We have the only constitution in the world that recognises the rights of nature. All of this is being systematically trampled on by the government of President Daniel Noboa. The president does not want to respect the constitution or public consultation.”

Acosta sees this as part of a global trend, led by the US president, Donald Trump: “What is happening in the United States is encouraging many governments in Latin America, and in Ecuador in particular, to mobilise extractivist forces that are destroying the ecological balance and affecting Indigenous communities.”

Justices fear the rule of law is under threat; in recent months, the constitutional court has been the only brake on presidential power, successfully delaying several of Noboa’s moves to remove civil liberties or environmental protections. When the justices [suspended](#) security legislation in August, Noboa denounced them as “enemies of the people” and organised protests outside the court.

In the past decade, Ecuador’s highest court has also set a global example in its rulings in favour of the rights of nature, [most famously in 2021](#) when it declared mining permits in the Los Cedros cloud forest were unconstitutional because they threatened the biodiversity of a protected forest.

The retired constitutional court judge Agustín Grijalva, who played a key role in the Los Cedros ruling, said his former colleagues were under intense pressure, which could get worse depending on the referendum outcome. “They want to reform or replace the constitution so they can impeach constitutional judges,” he said. “They will have their own court. And that is very dangerous for democracy and also for nature. It would put at risk all of the rulings of the past.”

Quick Guide

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An incredible self-own

Exhibit 11

Ecuador: Noboa Pledges New Security Plan After Most Violent Year in History

newsclick.in/ecuador-noboa-pledges-new-security-plan-after-most-violent-year-history

January 30, 2026



President Daniel Noboa at the Cabinet meeting in January. Photo: Ecuadorian Presidency

In January 2024, a group of hooded individuals entered the premises of TC Televisión in Guayaquil, Ecuador's most important port city. At the same time, several attacks took place in the city by people identifying themselves as members of one of several Organized Crime Groups (GDO) that have been fighting for control of the routes across Ecuadorian territory used to export drugs for several years.

Following these attacks, Daniel Noboa's right-wing government declared internal armed conflict, which allowed it to mobilize the Armed Forces against the GDO. Under the pretext of defending the population from crime, he called a referendum in 2024, in which the Ecuadorian people gave him the support he sought on issues related to strengthening the state's control and armed forces. Under a so-called "Plan Fénix" for security, which was never revealed, Noboa promised to reduce violence and eradicate the GDO from the country. But the opposite has happened.

Not only have the GDO increased their economic power and diversified their activities beyond drug trafficking (including arms trafficking, illegal mining, and other illicit businesses), but there is no clear perspective on how the state can confront a power that has clearly interfered in various social functions and the state apparatus itself.

[Ecuador is currently the world's leading exporter of cocaine](#), which is produced on a massive scale in neighboring Colombia and Peru. This has led to violence between large organized crime groups, causing a sharp increase in crime and violence in the country.

One of the most violent countries in the world

[2025 was the most violent year in the country's history](#): nearly 9,216 murders, representing a 32% increase compared to 2024. This means that Ecuador has a chilling [violent death rate of 50.91 per 100,000 inhabitants](#).

This makes it the country with the second-highest homicide rate in Latin America (only behind Haiti) and one of the most violent in the world.

Noboa attempted to repeat the maneuver in 2025, calling a referendum to supposedly tackle crime. According to him, the problem in fighting drug trafficking lies in the legal structure and the absence of foreign troops. However, this time the Ecuadorian people clearly said NO. In a historic referendum, Noboa suffered a quadruple defeat, after which the path long sought by his economic group to eliminate the 2008 Constitution's protective provisions and replace it with a neoliberal one, aligned with the demands of the International Monetary Fund and Washington, the great ally of the Ecuadorian presidency, was closed. Likewise, the possibility of installing foreign military bases in Ecuador, another of Noboa and company's deepest desires, was denied.

A new security plan?

However, time is not on their side. Ecuadorians remain distressed and fed up with living in fear, continuing to demand solutions from politicians who promised to resolve the country's worst security crisis. Noboa is also aware that local elections are approaching, followed by national elections. Several experts are betting that Noboa will seek re-election.

Thus, after a long absence from the country (he is the current president who has spent the most time outside the country in Ecuador's history), Noboa returned to Ecuador to propose a new plan to reduce violence and crime. According to the president, the old political groups used the GDOs to act politically. But he has also made a clear statement by stirring up the waters of Andean diplomacy.

One of the first actions taken by the government, in Trump style, was to increase tariffs on Colombian products by 30%. [Colombia responded by eliminating the sale of energy to Ecuador](#). According to the Ecuadorian government, Colombia is not properly guarding the border crossings through which tons of cocaine enter the country. Bogotá has said that the security problem lies with Ecuador, not Colombia.

[Noboa has recently said](#) that only an international alliance could tackle drug trafficking in the region, although several experts have criticized whether imposing tariffs is the best way to bring about coordination and interstate alliance between several Latin American countries.

Within the borders, [Noboa said](#) that a strategy involving various agencies is needed, such as the authority that investigates money laundering (UAFE), intelligence agencies, the National Police, and the Armed Forces.

And while this is not the first time that the government has announced the coordination of several institutions, it is the first time that it has promised the immediate purchase of seven helicopters, a multipurpose logistics vessel, new radars, scanners, and drones for border control. [According to Defense Minister Gian Carlo Loffredo](#), 180 million USD will be invested in the acquisition of security equipment. He also promised to tighten controls against illegal mining.

Interior Minister John Reimberg also said that construction of the so-called Carcel del Ecuentro and a new prison will be completed by 2027, with a capacity to hold 15,000 inmates. For his part, Julio José Neira, director of the Financial and Economic Analysis Unit (UAFE), promised that the sources of financing for organized crime that sponsors violence, arms sales, and political corruption will be cut off. [According to Neira](#), politicians and local governments that are allegedly receiving financing from illegal groups have already been identified.

In total, [Noboa promised](#) on national television a record investment of 230 million USD to tackle crime, which he said requires “cooperation and political determination.” Some critics of the government fear that, under the pretext of tackling crime by politicians financed by the GDOs, political persecution will begin.

The truth is that Noboa will have to act quickly if he wants to retain the support that enabled him to become president. Ecuadorians are no longer waiting for Noboa to act; they are demanding immediate results. Pessimism is not usually a

good indicator for politicians in power. [According to a survey by the Center for Specialized Studies Research \(CIESS\)](#), about 72% of Ecuadorians see a negative future, and 60% of the population disapproves of Noboa's administration.

Whether Noboa's new security plan arrives on time or delivers the promised results will determine the political future of his right-wing neoliberal project. Poor execution of the plan or a failure to reduce violence could increase disapproval of Noboa, which could lead to the early termination of a project that promised to last several presidential terms.

Courtesy: Peoples Dispatch

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Exhibit 12

Ecuador's Indigenous communities face violent state repression

 newint.org/strikes/2026/ecuadors-indigenous-communities-face-violent-state-repression

27 October 2025

Several land defenders have been killed during nationwide strikes after the far-right government ended a vital fuel subsidy. **Cameron Baillie** reports.

On 30 September, hundreds of Indigenous people formed a long procession through the small Andean town of Quiroga, [Ecuador](#). Flying colourful *wiphala* – the square-patterned emblem of South American Indigenous nations – alongside Ecuadorian *tricolores* and accompanied by panpipe music, they followed a white hearse slowly to the cemetery.

Despite the vibrant displays, it was a day of mourning. The Cotacachi (Kichwa) community is grieving Efraín Fúerez who was shot in the back by military forces on 28 September. Fúerez, a well-known land defender, was executed on the frontlines of a nationwide strike called by the Confederation of Indigenous Nationalities of Ecuador (CONAIE) against soaring living costs and state crackdowns on Indigenous peoples.

Leading the procession was Fúerez's brother.

'Our people are dying, often from hunger,' he told Kichwa radio station Ilumán. 'I want justice because [Efraín] leaves a loving wife, his children, his nieces.'

Between sobs, he repeated: 'We are Indigenous, not terrorists.'

Fúerez's killing follows the 2023 [assassination](#) of Indigenous activist Eduardo Mendúa, who was murdered during opposition to Amazonian oil extraction. But today, Fúerez's family are not alone in their grief. José Alberto Guamán Izama, 30, was shot in the chest by security forces on 17 October at a protest in the city of Otavalo. He died whilst receiving treatment, leaving behind two young daughters.

Rosa Elena Paquí, 61, was killed at home after inhaling police teargas during a nearby protest on 14 October. CONAIE condemned the act as 'indiscriminate' and the movement commemorated her as a 'mother and community pillar'.

Over 130 international organisations have [appealed](#) for concerted human rights protections. Amazon Watch has [denounced](#) the 'criminalization and harassment of the Indigenous movement and social organizations in Ecuador.'

All of those killed by state forces amid the surge of violence over the last month were Indigenous citizens (*comuneros*).

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Dissent met with violence

The national strikes began after Trump ally and hard-right President Daniel Noboa [unilaterally ended](#) Ecuador's decades-long diesel subsidy on 12 September, citing inflation concerns. The subsidy, worth \$1 billion per year, was a lifeline for poorer Indigenous, peasant, and working-class communities. Overnight, diesel prices jumped from \$1.80 to \$2.80, triggering mass dissent and heavy police repression of protestors.

At least [205 civilians](#) have since been detained and 15 [temporarily disappeared](#) according to local NGOs, though government [sources](#) claim the number is closer to 140. In response, 16 soldiers were briefly apprehended by anti-government groups and released unharmed on 1 October. Over 300 injuries and numerous rights violations have been [documented](#) by NGOs, with protestors fundraising online for medical treatment.

Reporters Without Borders [condemned](#) the Ecuadorian state after at least 55 journalists were attacked while documenting the protests.

Beyond reversing the subsidy cuts, CONAIE's demands include curbing mining, oil, and extractive expansion; lowering VAT; defending protest rights; justice for police killings; and freeing the 'Otavalo 12' detainees accused of 'terrorism' for allegedly burning police vehicles in September. No one was harmed in the latter incident.

Protests and clashes have spread to the capital, Quito, and beyond. INREDH, a human-rights NGO, [documented](#) over 600 distinct actions in the month from 19 September. As the violence worsens, universities, the UN, and international civic groups have called for dialogue between the government and protestors.

So disillusioned are Ecuadorians with Noboa's militaristic rule that even soldiers joined a candlelit vigil for Fierrez. 'Nothing justifies the loss of Efraín,' one said. 'It's a loss for the country.'



Fuerez's killing follows the 2023 assassination of Indigenous activist Eduardo Mendúa, who was murdered during opposition to Amazonian oil extraction. CONAIE VIA X

Terrorists or activists?

Since announcing the fuel subsidy cut, the state has also slashed electricity, internet, and communications to affected areas, frozen protestors' bank accounts, prosecuted leaders, and deployed dozens of military vehicles to the province of Imbabura. President Noboa declared a 60-day state of emergency and imposed sweeping curfews.

In Huaycopungo township, San Rafael, Imbabura, a military convoy sent to intimidate demonstrators was met by hundreds of mainly Kichwa protestors, who peacefully [blocked the convoy](#) and escorted it out of town.

But on 28 September, another convoy led by Noboa with UN and EU diplomats was attacked on its way to Imbabura. The so-called 'aid convoy' used force and tear gas to open the roads closed by Indigenous groups

Noboa was quick to brand the demonstrators '[terrorists](#)' intent on causing 'maximum possible damage' – language that was echoed by [Italian](#) and [EU](#) ambassadors.

This conflation of protest and 'terrorism' mirrors the Trump playbook – the US president considers Noboa among his three Latin American 'friends', alongside ruthless Salvadoran president Nayib Bukele and Argentina's anarcho-capitalist leader [Javier](#)

[Milei](#).

Although Quito's European envoys admitted nobody in the military convoy was harmed, presidential spokesperson Carolina Jaramillo declared on state TV: 'These will not be treated as peaceful protests, but as terrorist acts.'



Ecuador's hard right President Daniel Noboa unilaterally ended Ecuador's decades-long diesel subsidy on 12 September, citing inflation concerns. UPI/ALAMY LIVE NEWS

Echoes of Imperialism

Indigenous activists situate the current crisis within a continuum of [imperialism](#).

Since declaring an 'internal armed conflict' against drug trafficking in early 2024, Noboa has drastically [expanded military and executive powers](#). His security platform includes partnerships with Trump ally Erik Prince's notorious Blackwater firm. The result has been escalating repression, killings, and widespread rights abuses.

CONAIE [argues](#) that Noboa, who comes from the country's wealthiest oligarch family, is 'subordinated to the IMF [International Monetary Fund]', whose neoliberal 'structural adjustment' programme – introduced after former-president Rafael Correa's proto-socialist term ended in 2017 – sacrifice public welfare, education, and redistributive taxation in what critics label '*Ganar Perdiendo*' ('win by losing'). The IMF's austerity policies, described by political-economist [Rea Maci](#) as perpetuating 'colonial power structures and dependency', have long fuelled Ecuadorian resistance. CONAIE's own president Leonidas Iza first emerged during the [anti-IMF uprisings of the late 2010s](#).

Still, Noboa's embrace of US-aligned militarism, private security, and extractive industries signals a sharp reversal of the pro-social Correa era. His April 2025 re-election entrenched what political-sociologist [Franklin Ramírez Gallegos](#) labels a regime of 'austerity, extractive accumulation and an "internal war" against drug trafficking.'

Noboa continues to auction off nominally 'protected' indigenous lands to foreign fossil fuel corporations – most recently by [overturning](#) environmental protections at Loma Larga lake, near Cuenca, to benefit Canadian goldmining firm [Dundee Precious Metals](#). He has also introduced alarming new [emergency laws](#) that allow private donors to fund armed forces in exchange for tax benefits and he has proposed a [referendum](#) to reintroduce foreign military bases, reversing Correa's 2008 [constitutional ban](#) on US imperial outposts.

After more than four weeks of protests, the strikes verge on revolt.

While Noboa [insists](#) he would 'prefer to die' than reinstate fuel subsidies, CONAIE has [responded defiantly](#): 'With bullets and repression they seek to silence the voices of our peoples, but they cannot kill dignity. Efraín Fúez lives! The fight continues!'

Exhibit 13

Yale University

Initiative on Race, Gender and Globalization

HOME > REMARKS ON ON RACIAL AND ETHNIC INEQUALITIES IN THE STRUGGLE FOR SOCIAL AND ENVIRONMENTAL JUSTICE

Remarks on on Racial and Ethnic Inequalities in the Struggle for Social and Environmental Justice

Jhon Antón Sanchez

IAEN School of Constitutionalism and Law

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One line of research pursued at our University concerns racial and ethnic-related inequalities in Ecuador.

It is not new news that in the country's social scale, African-Ecuadorians and indigenous peoples are at a disadvantage with respect to other groups, such as whites and mestizos. Specifically, it is an exclusionary racial geography with two opposite poles: whites have the best performance levels, while on the other end are the indigenous peoples and individuals of African descent. This fact is deeply rooted in the experience of slavery and colonialism, effects of which have lasted long after the declaration of Independence from Spain in 1830.

In order to understand racial inequalities in Ecuador, we put advance a theoretical framework based on exclusion. Exclusion is the condition of a group of individuals who are denied societal participation and opportunities where they live. Exclusion is the limitation of citizens' rights, and consequently, involves restrictions to development.

There are many forms of exclusion: social, economic, political, and cultural. In the context of individuals of African descent, social exclusion is reflected in the lack of basic, academic, health, and entertainment services, and lack of access to technology, adequate employment, and consumption opportunities.

Economic exclusion is related to marginalization and subordination in the country's capitalist economic system. An illustrative example is the limited access to ownership, markets, productive

lands, irrigation water, productive credits, and decent employment.

Political exclusion has to do with the capacity of institutions to facilitate the political participation of its minority groups in various national issues: for example, having few possibilities to be elected as mayors or congressmen.

Cultural exclusion involves discrimination factors, racial prejudice and implied and expressed racism that the majority society exerts against individuals of African descent. An example of this is the perceived stigma that they are dangerous and criminal; psycholinguistic racism; miscegenation ideology; and whitening.

Exclusion leads to socio-economic inequality. The latter refers to the scant distribution of resources among the excluded population. This is illustrated by the limited income a family receives for their wellbeing.

Nevertheless, note that the analysis of inequality exclusively from the perspective of income distribution is insufficient: it is important to bear in mind the distribution of opportunities and possibilities, too. Thus, factors that have an impact on opportunities and possibilities, such as participation, political influence and power, are closely related to economic differences, and are key elements in personal and social development.

Ethnic Inequality in Latin America

We will now analyze inequalities among individuals of African descent according to statistical data.

It is well known that “Latin America and the Caribbean is the least equitable region in the world, with regard to wealth distribution.”

According to the Economic Commission for Latin America and the Caribbean (ECLAC, 2006), differences between the population’s poorest and richest quintile are extreme. By the year 2006, 36.5% of the population in the region (194 million people) were poor, while extreme poverty or indigence affected 13.4% of the population (71 million people).

It is estimated that over 30% of the Latin American and Caribbean population are individuals of African descent (about 180 million people), and that there are about 400 indigenous peoples groups, which represent some 40 to 50 million people.

In general, poverty and inequality have predominated in these communities. According to the World Bank’s 2011 survey, while Latin America had demonstrated signs of sustainable economic growth in the late twentieth century and early years of the twenty first, it has also experienced a high degree of inequality and weak social indicators of wellbeing among individuals of African descent and indigenous peoples social groups. Inequality between these groups and others in Latin America has become an insurmountable challenge.

The best way to demonstrate this inequality is with the wage or income gaps of seven countries (Ecuador, Chile, Paraguay, Guatemala, Brazil, Peru, and Bolivia). According to the World Bank, although wage and income gaps are significant between ethnic and non-ethnic groups, they can be narrowed down, by taking into account education levels.

In order to understand the persistent denial of opportunities and lack of stimulus for developing the capabilities of indigenous peoples and individuals of African descent living in the region, we may call upon the notion of structural racial discrimination of a kind that leads to what Charles Tilly (1998) calls “persistent inequality,” and consequently, second-class citizenship. The matter before us is understand the impact or consequences of such “persistence,” or to research exactly when and why this disadvantage has been aggravated.

Ethnic Inequalities and Exclusion in Ecuador

According to the 2010 census, there are 14,483,499 Ecuadorian men and women in the country. The ethnic makeup of this group is as follows: 71.9% are mestizos; 7.4% Montubians; 7.2% African Ecuadorian and 7% indigenous peoples.

Following the six-year administration of President Rafael Correa (2007-2013), who called his governance “Citizen Revolution” (*Revolución Ciudadana*), some positive outcomes and transformations can be seen. Not only changes regarding achievements related to governability, political system stability and the strengthening of the State, but also, certain significant goals related to social policy have been achieved, which the Government calls the “Plan for Good Living” (*el Plan del Buen Vivir*).

According to official reports, during Correa’s administration, some issues such as inequality, unemployment and poverty have been significantly reduced. GDP distribution in the social sector has improved; more hospitals and highways have been built; school attendance rate has increased; and the free education has been guaranteed. Additionally, the Government has launched an ambitious plan to transform the power grid, investing sizeable resources in the hydroelectric sector so that, in the future, the country may be less dependent on energy from oil and gas.

Among all the achievements the Government claims credit for, it is worth analyzing the reported reduction of income inequality. However, at the same time, the Government is aware there are still challenges to overcome, especially in those fields where poverty crosses paths with problematic development variables, such as discrimination, exclusion and inequality among sectors such as the indigenous peoples and individuals of African descent.

The Government itself confirms that discrimination and poverty situation affecting peoples and nationalities continues, through social indicators “that show persistent inequality caused by the ethnic divide.” That is to say, “a clear gap between the levels of wellbeing achieved by the indigenous peoples, Montubians and African Ecuadorians and those of the white and mestizo populations.

This illustration shows the existing disparity in social achievements in Ecuador, as self-identified by the population. It is official data taken from the “2013-2017 Plan for Good Living.” It is noted that income inequality is greater among indigenous peoples, Montubians, and individuals of African descent, while it decreases among white and mestizo social groups. Likewise, the Government is aware that, with regard to illiteracy and access to basic services such as drinking water and social security, the peoples and nationalities have fewer opportunities than mestizos and whites.

One of the factors that widen the country’s “ethnic divide” and “persisting inequality,” to the detriment of peoples and nationalities, is the right to education. According to the Government, this right is guaranteed in the country with negative differences toward peoples and nationalities:

This table demonstrates educational disparity by self-identified group. With regard to illiteracy, peoples, and nationalities show an indicator above the national average of 6.8%. Among indigenous peoples, 20 of every 100 individuals is unable to read or write; among Montubians, 12.9% are illiterate, and 7.6% of individuals of African descent are illiterate.

In the country an individual self-identified as white has an average of 12 years of schooling, mestizos have 11 years, while indigenous peoples only get to 7.6 years, Montubians 8.3 years, and individuals of African descent, 9 years.

However, the greatest disparity exists in connection with higher education: while 21% of Ecuadorians have access to this education level, as regards white people, 32 of every 100 individuals have a college education; 26 of every 100 among mestizos, and only 11 of every 100 among individuals of African descent, 5.5 of every 100 among indigenous peoples and 7.7 of every 100 among Montubians. And what is worse, in Ecuador, 24 of every 100 white people get a university degree, 13 out of 100 mestizos, and only 7 of every 100 individuals of African descent, and only 2 out of 100 indigenous peoples people and 1.4 of every 100 Montubians.

If we adhere to the theory that poverty is a multidimensional phenomenon and the product of the denial of opportunities and capabilities, we can begin to understand the reasons for the inequality affecting peoples and nationalities.

And just as self-identified whites and mestizos have better academic conditions, they will just the same have better employment and higher incomes. The table shows the historical line of Ecuador’s urban unemployment rate from 2003 - 2011. It is easy to see that the financially active African Ecuadorian population has the highest urban unemployment rate every year, and further, urban unemployment is higher for youth and female African Ecuadorians.

Why are urban unemployment rates so high for African Ecuadorians? African Ecuadorians primarily live in urban areas (74.4% according to the 2010 Census). The cities with the greatest numbers of African Ecuadorians are Guayaquil, Santo Domingo, Esmeraldas, San Lorenzo, Quito, and Ibarra. This phenomenon has an impact on these communities that are more dependent on the urban

market, and at the same time, have greater difficulties to insert themselves into the community due to racist prejudices and negative stereotypes built around them.

The following table shows the income disparity among individuals of African descent, mestizos and the national and gender averages. Based on the December 2011 employment survey, while the income of mestizo males amount to a monthly average of \$474.60 USD, an African Ecuadorian male only receives \$379.4 USD, that is, \$100 USD less than mestizo males. However, if we introduce the gender variable, we find that women in all groups earn lower wages and salaries than men, and lower than the national average. So, an Ecuadorian woman earns \$100 USD per month less than that of a man, but a woman of African descent has an income \$126 USD less than the Ecuadorian male, and \$40 USD less than the African Ecuadorian male.

The Geography of Poverty in Urban Territories and where Individuals of African Descent Live

The Geography of Poverty in urban contexts: Inequality of Individuals of African Descent in Guayaquil.

These indicators are part of our research in Guayaquil. Twenty-four percent of African Ecuadorians in the country live in this city, and make up 10% of the city's population, according to the 2010 census. The map shows where African Ecuadorians live in Guayaquil. And if we look carefully, we can see that over 95% of individuals of African descent live in non-consolidated areas of the city, with high poverty levels, poor human development and high social vulnerability. We are referring to areas such as Nigeria, Los Guasmos, Isla Trinitaria, Fertiza, Cristo del Consuelo, and the shantytowns on the northeastern side of the city.

The question is why do African Ecuadorians settle in these poor areas? It is a phenomenon of racial residential segregation in a city where dominant groups have insisted on building the city in the middle of an exclusionary geography, an intentional policy of ghettos created since the end of 1888, when the last big fire took place and dominant white classes in Guayaquil, they decided to carry out an urban regeneration and sectorization of the city.

However, it is worth noting that the racial residential segregation in Guayaquil is not a model applied only by the racial dominant wealthy class in Guayaquil against individuals of African descent. If we carefully analyze the country's geography, we find that this model extends and applies to those traditional or ancestral African Ecuadorian regions. According to the 2010 census, rural and urban districts where more than 60% of the population is made up of African Ecuadorians, has poverty levels, according to NBI (unmet basic needs), ranging from 76% to 100%. There are 24 districts (parroquias) located in the provinces of Esmeraldas and El Carchi. This proves that the poverty in the country, in addition to the ethnic element, also has a territorial component, both urban and rural, since not even San Lorenzo with population of 25 thousand, 75% of which are individuals of African descent, is exempted from this rule, given its 65% NBI.

The last indicator is related to environmental and territorial inequality among African Ecuadorians. It refers to the environmental and social conditions in the ancestral collectively held territories of individuals of African descent in the province of Esmeraldas, specifically, in the San Lorenzo municipality.

Map 2 shows the collectively held territories belonging to individuals of African descent, which were granted by the Government as communes, during the 90s (97 thousand hectares). We are specifically looking at collectively held territories of Palenque de la Federación de Comunidades Negras del Alto San Lorenzo. Map 3 shows environmental inequality as an indicator of the denial of rights.

In these collectively held territories, individuals of African descent would aspire to build their own development vision, based on the constitutional standards of “good living.” However, currently, the exercise of this constitutional right is not possible, given the many threats affecting ownership and the use of the land granted by the Government to African Ecuadorian communities and associations in Northern Esmeraldas. Currently, the pressure on communal territories still exists. These lands have been interrupted due to the progress of the agro-industrial capital (palm farming, shrimp farming, mining, tree felling) on their territories. As a result, the communal territory is divided and in the worst of cases, has been delivered through different means to individuals who do not belong to the communities. This intervention by capitalism produces deterritorialization, affecting community life in a variety of ways: migration to other cities, food dependency, and increased poverty.

Map 3 shows that in the FECONA territories, 32.5% of the forest has already been taken over by oil palms and forest exploitation. Thirty-three percent of the land is used for grazing. Twenty-two percent is for perennial cultivation, such as teak and eucalyptus. Only 11% is for agro-forestry cultivation, such as banana trees and tropical fruit. The worst is that there is no longer a natural forest, and this is serious, since it affects the food sovereignty of the communities who can no longer hunt. If African Ecuadorians ancestral territories are under these permanent threats posed by capitalism, we could understand that these communities are very far from feeling that the constitutional “good living” guarantee applies to them.

Explanation as to the Cause for the Persistence of Poverty and Inequality among the Peoples and Nationalities of Ecuador

How can we understand the social and environmental inequality affecting peoples and nationalities in Ecuador? Especially that of the individuals of African descent?

Generally, when researching the causes of perverse poverty, persisting inequality and structural discrimination affecting peoples and nationalities, we find that they’re basically determined by dynamics prevailing in Latin American society since colonial times up to today, and through which

ethnic communities are exploited, they produce capital and surplus for others, instead of producing them for themselves, a situation that keeps them in a permanent decapitalization process.

From our anthropological focus, we are attempting to find a rational explanation for the inequality phenomenon in the shaping of the national identity and the nation-state model created in Ecuador in 1834, where the racial dominant position of the mestizo group and the exclusionary and negative position towards peoples and nationalities were designed. We consider that the origin of the inequality and poverty arises from the denial of racialized individuals and from exploitation of them by the capitalist system.

Whitten's work (1999) analyzes how the invention of racial categories was functional for building concepts such as nation and citizenship in America. Through the invention of these categories, racial concepts such as "black," "indigenous," "white," "mestizo," are created. Thus, ideas about race gave rise to cultural values of white supremacy and black and indigenous people insubordination. This polarization between white and black ended up mediated by the concept of mestizo (mixed).

When analyzing the mestizo concept as an exclusionary ideology, Whitten uses the case of Ecuador as example. By researching the social and ethnic structure of Ecuador, the author presents three constitutive socio-racial elements: white, indigenous and black. The three of them are in an asymmetric position with regard to power, hierarchy and prestige. What is white represents the dominant elite of the structure, while the other two groups support the weight of the white power. It is a three-party paradigm (see illustration) "which is present in all structures and social levels in Ecuador." (1993:25)

What Whitten is trying to explain is defined by Carlos de la Torre (2002) as the Racial Dictatorship, upon which the Ecuadorian society was structured. Under such dictatorship, the Ecuadorian society placed the black and the indigenous peoples as the last others, and as inferior, where the indigenous peoples were the good wild and the black, the uncivilized barbarian. These racialized images of African Ecuadorians are also sustained by writer José de la Cuadra, who in 1937 stated, "the majority of blacks are incorporated into the national economy, several hundred have returned to their primitive savage condition, rebuilding tribal organizations, in a curious process of social regression." (de la Cuadra: 1937:34-35, quoted by de la Torre (2002))

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Guilherme Castilho Zaia (Bar N. 334469)
Attorney at Law
11810 Grand Park Ave, Ste 500
North Bethesda, MD 20852
Counsel for Respondent