Research Findings from Project

"A Multifaceted Examination of the Application of Ethnoracial Law for Afrodescendants in Contemporary Multiculturalist Ecuador" (2021-2024)

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Florida International University

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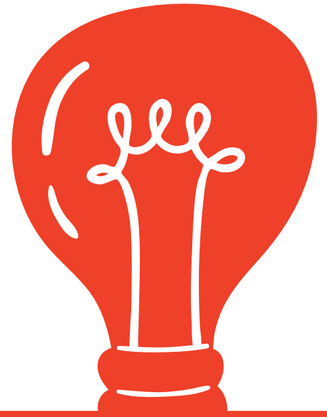
Preface

This Power Point presentation was put together to increase the global impact of the research, conducted from 2021 to 2024. This presentation provides an excellent description of the research findings and preliminary analyses of the same. It is accompanied by a text that provides more details (page on https://ojala.fiu.edu in which this Power Point presentation was uploaded and made available). We highly recommend the readers to also regularly consult OJALA's website for the scholarly publications we plan to publish with this material. Such publications will include more elaborated analysis of the data. We are currently at work preparing, among other things, a book manuscript focused on this case study on the Ecuadorian judicial system, ethno-racial law, and Afrodescendants.

This project has been funded by the National Science Foundation (NSF).



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General Introduction

- The overarching goal of this project was to examine the application of "ethno-racial laws" in the practice of the Ecuadorian judicial system for the benefit of Afrodescendants.
- The term "ethno-racial laws" is linked to the so-called "turn towards multiculturalism in Latin America" and its associated "new constitutionalism." The term "ethno-racial law" refers to two different types or categories of legal instruments:

1) the articles of constitutions and special laws that recognize and protect collective rights, based on an ethno-racial identification, over a "territory" and cultural practices and perspectives; these instruments are often referred to as "multicultural legal instruments"; and
2) the constitutional articles and special laws called "racial equality laws" or "anti-discrimination laws" aimed at protecting indigenous peoples, Afrodescendants, and other ethno-racial minorities from discrimination.

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As indicated in the project's title, the research focused on various facets of the application of ethno-racial law in the practice of the Ecuadorian judicial system. This power point presentation presents with some details the various facets of our examination as follows:

Facet 1: The political and legislative processes and negotiations that led to the adoption of ethno-racial legal instruments in Ecuador since the adoption of the 2008 constitution

Facet 2: The relative inclusion of ethno-racial legal instruments in the curricula of Ecuadorian law schools and in training workshops for operators

Facet 3: Level and quality of knowledge that judicial system operators have about ethno-racial legal instruments

Facet 4: The application of ethno-racial legal instruments in the court of law during 13 emblematic litigations involving Afrodescendants attempting to defend their rights

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Specific Objectives of the Project

1) To reconstruct the history of relevant international legal instruments and processes, as well as the decisions of international courts that create significant jurisprudence in support of the application of ethno-racial law in Ecuador.

2) To explain the history of current national and municipal ethno-racial laws in Ecuador relevant to Afrodescendants since 2008—the year the second multiculturalist constitution was adopted. The first Ecuadorian multiculturalist constitution was adopted in 1998.

3) To qualitatively and quantitatively assess the level of knowledge that justice system operators (judges, prosecutors, lawyers, public defenders) have about the ethno-racial laws applicable to Afrodescendants.

4) To examine the application of ethno-racial legal instruments in the courts, during 13 ‘emblematic’ litigations involving Afrodescendants and the defense of their rights.

5) To qualitatively and quantitatively evaluate the teaching of relevant ethno-racial law in Ecuadorian law schools and in post-law school training spaces (workshops, short seminars, and other forms of training) for justice system operators.

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The academic literature that informs and provides a theoretical framework to the project

Race and the Law

During the colonial period, different legal norms regulated different ethno-racial categories. Spanish laws regulated the behaviors of Spaniards and their descendants. Enslaved persons were regulated by norms often referred to as 'black codes' or *Codes Noirs* (in French). Those classified as indigenous were regulated by the Laws of the Indies. This means that there were three different judicial regimes that were applied according to the ethno-racial identification of each individual.

The rigorous and prolonged demands made by groups, sectors, and individuals historically excluded from Latin American societies propelled the constitutional modifications that recognize the ethno-racial, social, political, and cultural diversity of these societies. This set of normative and institutional changes is what underpins what is known in academic circles as "the turn toward multiculturalism." From these new legal and jurisdictional frameworks, at both the national and international levels, norms have emerged that no longer advocate for the abstract nature of legal norms but rather push for greater concrete applications and specifics. These legal norms have become the tools with which ethno-racial collectives and individuals, especially Afrodescendants, currently demand comprehensive reparations and historical redress that states and societies still owe them.

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Laws in the book, laws in action

This project attempts to understand the gap that exists between the ethno-racial law in books and the ethno-racial law in action (or in theory and in practice), in all its nuances and variations.

Towards a New Anthropology of the Latin American Multiculturalist State

For decades, the social sciences have narrated the State as a somewhat mysterious, abstract, and monolithic entity, separate from and dominating society. Such imaginaries and representations stem from modern theories of the State, particularly those of Max Weber and Karl Marx. However, with the help of ethnography as a methodological tool, anthropology has complicated the narratives about what the State is and how to understand it, reaching the point of proposing a polyform and relational vision of its agencies and institutions, which often contradict each other.

Our work was inspired by what Akhil Gupta and others have done in the 1990s, and proposes a processual and relational approache to the State that provide for a dynamic perspective on the relationships between ‘bureaucrats’ and citizens. We aim to contribute to the building of ‘a new anthropology of the State’ that rethinks the State, its agencies and institutions, taking into account the practices and beliefs of its agents and officials, with whom citizens interact in their relationships to the ‘State’.

The Turn towards Multiculturalism in Latin America

With the study of the application of ethno-racial law in mutliculturalist Ecuador, this projects aims to contribute to the academic conversations and discussions that have unfolded around the theme of the multicultural turn in Latin America, and its associated "new Latin American constitucionalism." Our study is the study of a 'multiculturalist judicial system'.

Ecuador has had so far two multiculturalist constitutions. The first was adopted in 1998, and the second in 2008-2009. This project is mostly inscribed within the legal universe of the 2008-2009 constitution and associated special laws.

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I

FIRST FACET
The political and legislative processes and negotiations that led to the adoption of ethno-racial legal instruments in Ecuador since the adoption of the 2008 constitution

Methodology to establish lists of ethno-racial legal instruments (municipal, provincial, and national) adopted since 2008 and in force in Ecuador in 2021-2024.

To find the texts of the relevant legal instruments, we used a number of search engines available in Ecuador to research legal instruments (Lexis y Fiel Web, most importantly). We also consulted the archives of the National Assembly.

To identify the ethno-racial legal instruments relevant to Afrodescendants in Ecuador, with the experiences of our previous research on emblematic litigations involving the rights of Afrodescendants, we selected from among the existing laws the norms that have at least one of the following characteristics:

1) Norms whose objective is expressly directed at "Afrodescendants," "Afro-Ecuadorians," or issues of "race" or "racism."

2) Norms that make indirect reference to Afrodescendants, without mentioning them expressly, but whose objectives are framed within the rights of the nationalities and peoples of Ecuador, in accordance with article 56 of the 2008 Constitution.

3) Norms that aim to guarantee the rights to equality and non-discrimination, collective rights, and the construction of the Plurinational and Intercultural State.

Legal instruments that we privileged during our research

Of the about 70 municipal, provincial, and national legal instruments that we identified as being in existence in Ecuador at the time of the research, we mostly focused on a list of 20 instruments.

To identify the ethno-racial legal instruments relevant for Afrodescendants in Ecuador, thanks to our previous research on emblematic litigations involving the rights of Afrodescendants, we selected from among the existing laws the norms that have at least one of the following characteristics:

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1) Decreto 942 de 2019 por el cual se Ratifica en todo su Contenido la “Convención Interamericana Contra el Racismo, la Discriminación Racial y Formas Conexas de Intolerancia

2) Código Orgánico Integral Penal – COIP

3) Constitución de la República del Ecuador, 2008

4) Ley Orgánica de Cultura - LOC y Reglamento General a La Ley Orgánica de Cultura

5) Ley Orgánica de Comunicación - LOC y Ley Orgánica Reformatoria a la Ley Orgánica de Comunicación

6) Decreto Ejecutivo 915 de 2016 por el cual se declara como Política Nacional el Cumplimiento de los Objetivos y Metas del Programa de Actividades del Decenio Internacional para los Afrodescendientes: Reconocimiento, Justicia y Desarrollo 2015 – 2024

7) Ley Orgánica Reformatoria de la Ley Orgánica de Educación Intercultural y Reglamiento General a la Ley Orgánica de Educación Intercultural – RGLOEI

8) Ley Orgánica de Recursos Hídricos, Usos y Aprovechamiento del Agua

9) La Ley Orgánica de Educación Superior

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10) La ley de Tierras y Territorios Ancestrales

11) La ley de Consejo Nacional para la Igualdad

12) Ley de Derechos Lingüísticos de los Pueblos y Nacionalidades

13) Ley de Minería

14) Decreto 60 de 2009

15) Ley Orgánica de Prevención y Sanción de la Violencia en el Deporte

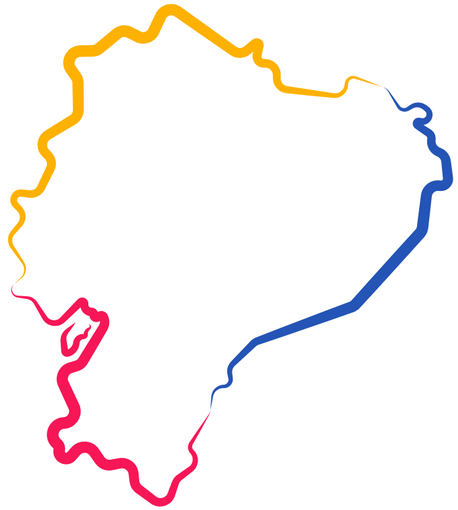
16) Decreto Ejecutivo 1328- La Procuraduría General del Estado como el Órgano Competente para Receptar Reclamos Respecto de Toda Forma de Discriminación Racial

17) Ley Orgánica 2006-67 de Salud – LOS

18) Ley Orgánica de Participación Ciudadana – LOPC

19) Ley de Creación de la Universidad Intercultural de las Nacionalidades y Pueblos Indígenas, Amawtay Wasi

20) Ley de Organización y Régimen de las Comunas - LOYRC



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Ethno-racial legal instruments in force in Ecuador as an illustration of the utopian energy of regional neo-constitutionalism

With the multiculturalist turn across Latin America, official narratives of the nation shifted markedly in a movement from ideological "monocultural mestizaje" ("racial democracy" in Brazil) and the "invisibilization" of ethno-racial differences within national populations, to multiculturalism and the state-constitutional 'embrace' of the ethno-racial differences of 'national populations' in a logic of state corporatism/co-optation and ethno-normativity that always racializes indigenous peoples differently from Afrodescendants.

Scholars of Latin American judicial systems describe what they call the "New Latin American Constitutionalism" as the most visible expression of the turn toward multiculturalism in the region. For them, current Latin American constitutionalism is "new" because it is utopian and transformationalist. It is utopian and transformationalist, as opposed to "conservative," because it does not aim to preserve a current state of affairs considered good and desirable, as typical liberal democratic constitutions do. Instead, the new Latin American constitutionalism seeks to contribute to the establishment of a state of affairs, which it describes, that has not yet come into existence but is considered ideal, necessary, and beneficial: "What does not yet exist and has not existed, and which we consider urgent to achieve: a truly democratic society".

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Our preliminary research and the inquiries we made during this project have revealed that in Ecuador too, the turn towards multiculturalism and the creation (writing) and adoption of a new constitution and a series of special laws and regulations were accompanied by a utopian effervescence to design a better Ecuadorian society and re-form the State. Publications about the Monte Cristi (the town where the Constituent Assembly was held) constituent process accompany very well the content of the interviews we have conducted with sociopolitical actors who were involved in the processes of designing, negotiating and adopting the ethno-racial legal instruments, that is, the constitution and the special laws that followed it. Generally, these materials or data are characterized by two types of specific content:

1) The identification of a particular socioeconomic problem (usually related to social inequality) for the solution of which one or more legislation is designed to remedy it and bring us all closer to a situation where that problem has disappeared, in a more just society.

2) Beyond the enthusiasm shared by those who designed, negotiated, and adopted these legal instruments, the interviews with them and other sociopolitical actors point to deep frustrations and disappointments after coming to term that despite the adoption of such and such other instruments, the sociopolitical problem that the legislators wanted to solve has not been solved at all.

Monte Cristi, Ecuador

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SECOND FACET

The relative inclusion of ethno-racial legal instruments in the curricula of Ecuadorian law schools and in training workshops for operators

In our exploration of what happens to ethno-racial legal instruments after the political negotiations that led to their elaboration and adoption by municipal and national legislative bodies (mainly the National Assembly of Ecuador)—processes described and discussed in the previous facet/chapter—we devoted this facet to examining the relative integration of these instruments in, or their absence from, the curricula of Ecuadorian law schools. For it is in these schools that the operators of the judicial system in charge of applying the current legal instruments were educated, and who are the focus of our project: judges, prosecutors, public defenders, and private attorneys.

We can reveal from the outset that this facet reveals the lack of integration of the teaching of these legal instruments related to collective rights or ethno-racial equality and anti-discrimination in the curricula of law schools. We underline the fact that in the curricula in which a relative integration of these instruments can be observed, greater—if not exclusive—attention is always given to the instruments that recognize collective rights, compared to the complete invisibility of the instruments that proclaim and defend ethno-racial equality. By emphasizing this primacy of the former over the latter in the curricula, we confirm that the study of curricula uncovers what we call ‘the preeminence of the indigenous’ in the field of ethno-racial alterity in Ecuador.

In our study, we only took into account courses whose titles expressly included topics related to the collective rights of ethno-racial communities or their right to live without discrimination. In this regard, we considered subjects such as “Legal Pluralism” and “Indigenous Law,” as well as the presence of terms such as “interculturality” and “plurinational” in the titles of courses that involved the study of the aforementioned instruments. Using this criterion, we reviewed the curricula and managed to identify 17 law schools (out of 41 in total) where the aforementioned topics are taught. Below we present our qualitative and quantitative approach to the curricula of these law schools. Figure 3.1 presents the 17 law schools and the total number of courses that each one teaches.

Of these 17 law schools and curricula considered, we found that 9 of them teach only one subject related to ethno-racial legal instruments. 7 law schools offer two courses in this area. The Amawtay Wasi Indigenous University’s law school stands out notably, as it teaches 30 subjects related to the ethno-racial legal instruments.

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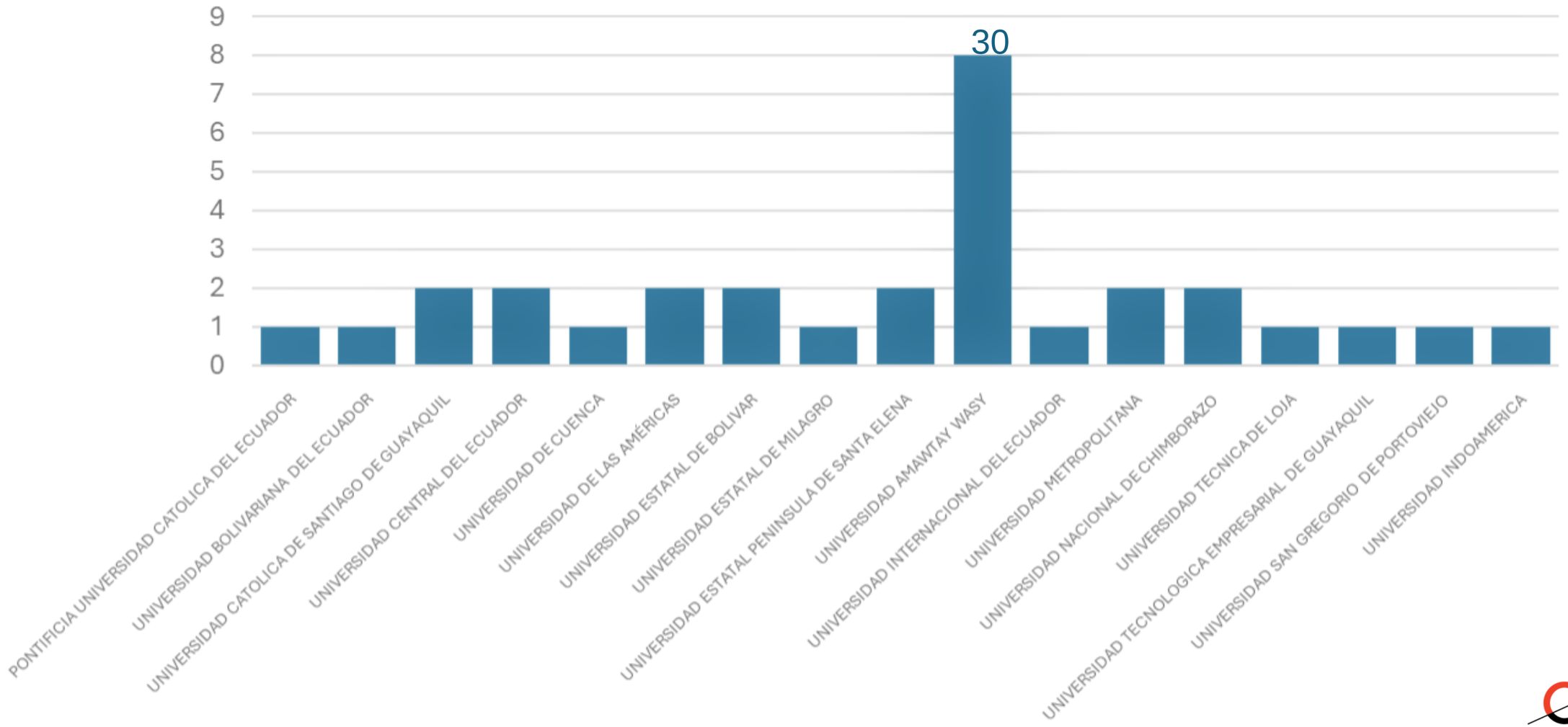
Figure 3.1 Ecuadorian law schools and number of courses taught during studies for law degree



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We must emphasize the fact that the teaching of ethno-racial legal instruments has been marginalized in Ecuadorian law schools. The majority (24/41 or 59%) of Ecuadorian law schools do not teach any courses on ethno-racial legal instruments. The 17 (41%) schools that do include one or more specific subjects on such instruments tend to cover exclusively those instruments that recognize and protect collective rights while completely ignoring the teaching of legal instruments that proclaim ethno-racial equality and protect minorities from discrimination. We interpret this relative visibility of the former and the unambiguous invisibility of the latter as another expression of the domination of 'the indigenous' (*lo indígena*) in the field of ethno-racial alterity in Ecuador.

The perspectives of law students and professors on the teaching of legal instruments in their and other Ecuadorian law schools

We conducted two focus groups through Zoom with students in 2024, one in March and the other in April. To allow for more complex conversations and discussions, we decided to invite no more than 5 participants per group. Each group lasted a little over an hour and a half. The participants were all law students at an Ecuadorian university. Some had just started their studies while others were about to graduate. We sought to compose two groups representative of the gender and ethno-racial diversity of the Ecuadorian population. The fact that the meetings were held online starting at 6:30 pm facilitated the participation of students living in various cities, after their work or student obligations. A member of our research team, Francia Jenny Moreno Zapata, led each of the two focus groups. Quito and Guayaquil were the cities most represented in the places of residence of the participants. To recruit participants, we circulated a call through social media, in youth WhatsApp groups, and we also asked for advice and help from well-known people in university circles, and in circles of lawyers involved in political activism and/or teaching.

In general, in the focus groups, the participating students complained about a notable gap in their academic training with respect to the laws and regulations that protect the collective rights of the Afro-Ecuadorian people and their right to live without discrimination. They mentioned that most of the “ethno-racial” teaching, which was very limited, focused on indigenous rights, leaving aside or minimizing the realities of Afrodescendants. They perceive this lack of knowledge as a significant failure of legal training.
In both focus groups, students called for curricular reform that incorporates an intersectional perspective in the study of law, recognizing the intersections between race, gender, class, and other social categories. This includes the need for courses to address the persistence of structural inequities that disproportionately impact the Afro-Ecuadorian population.

Afrodescendant students shared personal experiences of structural racism and discrimination, both within and outside the academic field. They stressed the need to raise awareness among law students as well as judicial system operators about subtle and explicit forms of discrimination, as well as its psychological and emotional impact on the daily lives of Afrodescendants. We discussed the psychological effects of racism, including low self-esteem, self-exclusion and other mental health problems.

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The students discussed the use of hate crime as a legal tool to address racism. They debated the effectiveness of current legislation and the need to reform it to remedy the subtle but damaging manifestations of racism. They called, for example, for judicial operators to be adequately trained to understand and apply these laws more effectively. They repeated that most judicial operators are white-mestizos and do not understand at all the affective and emotional consequences of racism, the deep damage it causes.

In summary, the focus groups with students highlighted the marginalization of teaching about instruments that recognize Afro-Ecuadorian collective rights, or their right to live without discrimination. They called for a curricular reform that addresses intersectionality and structural racism. They highlighted the need for greater social awareness and more effective implementation of laws to combat racism, including a greater focus on the psychological aspects of the damage it causes. They confirmed that the visibility of instruments that protect “indigeneity” in the curricula of their law school contrasts with the total absence of coverage of anti-discrimination legal instruments.

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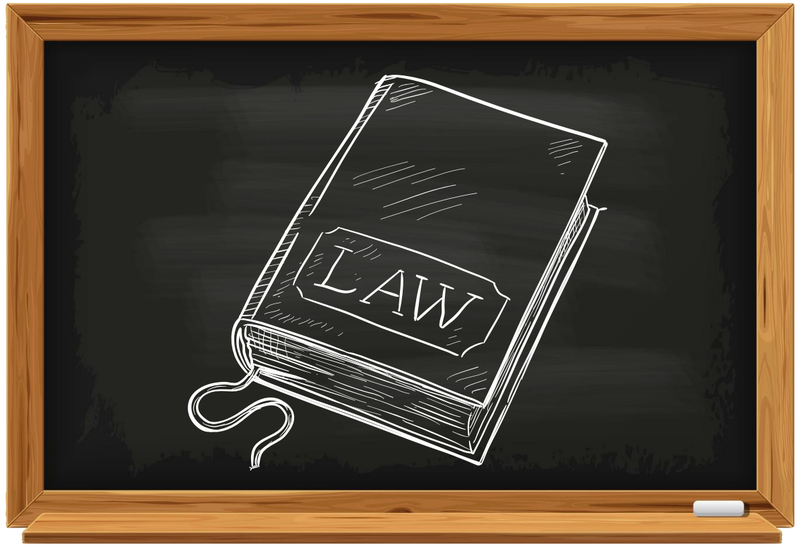
Of the 11 teachers who answered the question about whether or not they knew the ethno-racial legal instruments that recognize and protect collective rights, only 11 of the 15 law professors answered, and all 11 indicated that they knew such instruments. 11 answered the question about the best-known ethno-racial legal instrument on collective rights: 8 answered that it was the Constitution, two answered that it was the Law of National Equality Councils, and one answered the Organic Law of Intercultural Education.

In general, all professors who answered our survey revealed knowing very little about ethno-racial legal instruments, their applications, the remedies they should provide, etc.



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III

THIRD FACET
Level and quality of knowledge that judicial system operators have about ethno-racial legal instruments

This facet of the project is dedicated to sharing findings brought by the more than 1,300 responses to the questionnaire we developed to measure the level of knowledge that operators of the judicial system in Ecuador (prosecutors; judges; public defenders; and private lawyers) have about ethno-racial legal instruments.

The results of our survey, entitled “Questionnaire for Ecuadorian judicial operators, private lawyers and law professors”, reveal that our working hypothesis was quite accurate: knowledge of ethno-racial legal instruments (which recognize collective rights on an ethno-racial basis; and which protect ethno-racial minorities against discrimination and hatred) by operators of the judicial system is quite limited. Perhaps our survey allows to access aspects that refine this initial hypothetical assertion.

Of the 1,310 responses we collected, after taking out the incomplete responses from surveys ended very early on in the responding process, while keeping the incomplete responses from surveys abandoned much later in the responding process, we worked with a body of 1,166 responses, complete and incomplete.

Distribution of incomplete and complete surveys by professional activity

Professional activity	Incompletes		Completes		Total
Other	37	(24%)	117	(76%)	154 (100%)
Judge	163	(28%)	418	(72%)	581 (100%)
Prosecutor	20	(22%)	71	(78%)	91 (100%)
Law professor	4	(27%)	11	(73%)	15 (100%)
Public defender	40	(14%)	240	(86%)	280 (100%)
Practicing attorney	18	(40%)	27	(60%)	45 (100%)
Grand Total	**282**	**(24%)**	**884**	**(76%)**	**1,166 (100%)**

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Among those who selected the “Other” option can be found the surveys of people who identified as legal assistants, prosecutor's assistants, court and prosecutor's clerks, law office directors, as well as civil servants and public servants.

While the distribution of respondents by gender was pretty much equal (50% - 50%), most of the respondents self-identified as mestizo/as. The category "Other" includes responses such as Jewish, *longo*, black, Venezuelan, human being, mestizo-afro, and "none because races do not exist". We have decided to keep these responses in the category "Other," as chosen by the respondents.

In the National Census conducted in 2010, most of the population self-identified as mestizo/as (71.9%), followed by montubios (7.4%), Afro-Ecuadorians (7.2%), indigenous (7.0%), and White (6.1%). The proportion of mestizos increased in the 2023 census.

There is a higher percentage of mestizos and montubios in the population of respondents than there is in the Ecuadorian 2010 national census, while the other ethno-racial self-identifications have a lower percentage than they have in that same census, especially indigenes and whites.

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Distribution of respondents by ethno-racial self-identification

Ethno-racial self-identification	Numbers	Percentage
Mestizo	947	81.22%
Montubio	114	9.78%
Afrodescendant	50	4.29%
Indigenous	33	2.83%
White	13	1.11%
Other	9	0.77%
Total	**1,166**	**100.00%**

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We initially drew the hypothesis that those who have a graduate degree, post-law school, in human rights would know the ethnoracial legal instruments better. We wrote a question about that. It drew the following responses.

Distribution of respondents with and without a postgraduate degree in Human Rights

Respondents with and without postgraduate degree	
Without a postgraduate degree in HR.	526
With a postgraduate degree in HR	488
Unanswered	152
Grand total	**1,166**

As these results reveal, most respondents did not have exposure to graduate studies in Human Rights.

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Evaluation of Ecuador's judicial system operators' knowledge about available ethno-racial legal instruments that establish/recognize and 'protect' collective rights for Afrodescendants

Justice system operators who declare having knowledge, or having no knowledge, about ethno-racial legal instruments recognizing and protecting collective rights (all surveyed individuals)

Knowledge about instruments (CR)		
With knowledge	822	70%
No knowledge	106	9%
No response	238	21%
Total	1,166	100%

21% of the participants did not provide a response to the question the survey asked about their knowledge or lack thereof about ethno-racial legal instruments about collective rights.

70% of the surveyed individuals expressed familiarity with these instruments, while 9% indicated not being acquainted with them. 30% of respondents either do not know about such instruments or have decided to not answer the question

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The most well-known ethno-racial legal instruments that recognize and protect collective rights among justice system operators who claim to be familiar with such instruments

Constitution	648	79%
Law on national equality councils	71	9%
Organic law of intercultural education	41	5%
Law on ancestral lands and territories	21	3%
Another instrument	41	5%
Total	822	100%

These are the results collected from answers to the following question: “Mark an X next to the instrument recognizing and protecting collective rights that you are familiar with.” The multiple-choice answer options were: “The constitution, the law of national equality councils, the organic law on intercultural education, or the law on lands and ancestral territories.” Survey participants also had the option to choose “Other instrument not listed above” and enter the name of an instrument they were familiar with.

The legal instrument recognizing and protecting collective rights most chosen by the respondents was the constitution, with a decisive majority of 79%. It was followed by the law of national equality councils with 9%, and the organic law on intercultural education, with 5%.

Among the ‘other instruments’ mentioned by the respondents (5%), the following were the most prominent: the ILO (International Labour Organization) Convention 169, the CEDAW (Convention on the Elimination of all Forms of Discrimination Against Women), the Ecuadorian Organic Comprehensive Penal Code, and the American Convention on Human Rights.

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The ethno-racial legal instrument that establishes/recognizes and protects collective rights most cited by respondents who claim to be familiar with such instruments (by professional activity)

Professional activity	The constitution		Law of national equality councils		Organic law on intercultural education		Law on ancestral lands and territories		Another instrument		Total
Judge	317	78%	37	9%	11	3%	16	4%	26	6%	407
Prosecutor	53	78%	6	9%	3	4%	2	3%	4	6%	68
Law professor	8	73%	2	18%		0%	1	9%	0	0%	11
Public defender	171	80%	17	8%	3	1%	18	8%	7	3%	216
Practicing attorney	21	88%	1	4%	2	8%	0	0%	0	0%	24
Other	78	81%	8	8%	2	2%	4	4%	4	4%	96
Total	**648**	**79%**	**71**	**9%**	**21**	**3%**	**41**	**5%**	**41**	**5%**	**822**

The constitution was the most cited legal instrument by all professional groups, with preferences exceeding 70% in all cases. However, an interesting pattern emerges among judges: 26 of them (6%) prefer other instruments, mostly of international law, considering them more relevant than the law on ancestral lands and territories (3%) or the organic law on intercultural education (4%).

A similar phenomenon is observed in the case of prosecutors and public defenders, who apparently do not perceive the law on ancestral lands and territories as a significant instrument for protecting collective rights. In this regard, “other instruments” appear to be a more frequent choice.

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The data we collected indicates that having a graduate law degree or certificate in human rights does not really affect the knowledge about ethno-racial legal instruments. About 50% of respondents who proclaimed to know about ethno-racial legal instruments that recognize and protect ethno-racially-based collective rights have such a graduate degree, and about 50% have not.

Professional experience of respondents with cases/litigations involving the use of ethno-racial legal instruments that establish/recognize and protect collective rights (by professional activity)

Professional activity	No Experience		With Experience		Total
Judge	247	56%	197	44%	444
Public defender	191	78%	55	22%	246
Prosecutor	50	67%	25	33%	75
Practicing attorney	24	80%	6	20%	30
Law professor	7	64%	4	36%	11
Other	104	85%	18	15%	122
Total	**623**	**67%**	**305**	**33%**	**928**

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In all professional activities, respondents with experience applying ethno-racial legal instruments that establish/recognize and protect collective rights are a minority. Proportionally, judges are the group with the most experience in these cases, followed by law professors and prosecutors. On the other hand, self-employed lawyers are the group with the least experience with such ethno-racial legal instruments.

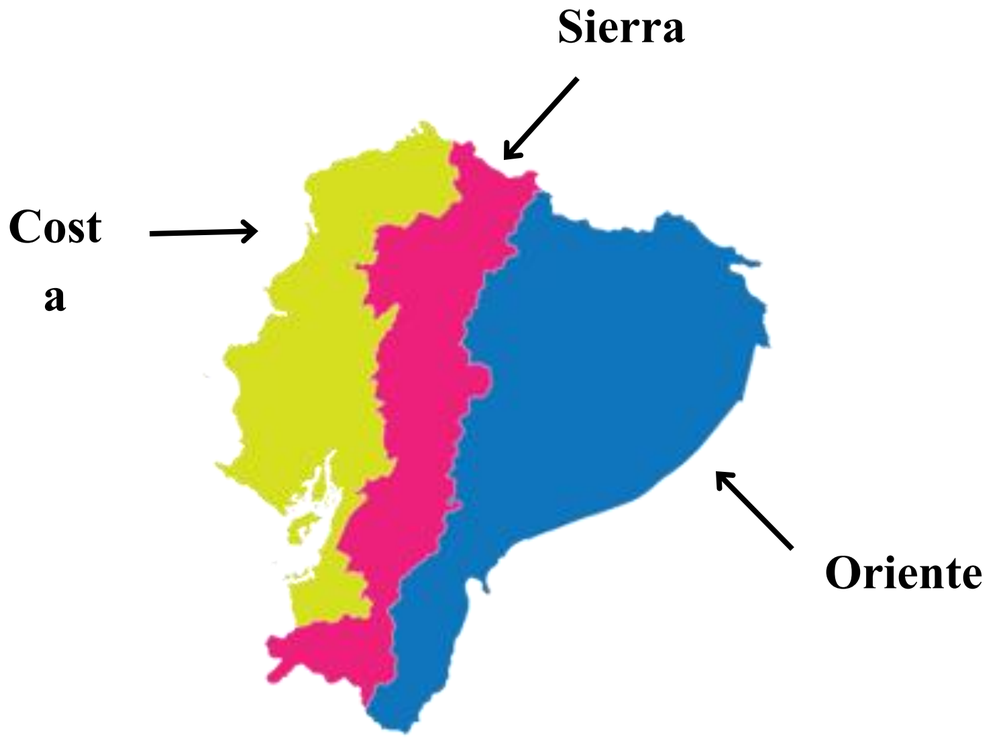
Professional experience with cases/litigations involving the use of ethno-racial legal instruments that establish/recognize and protect collective rights (by ethno-racial self-identification)

Ethno-racial self-identification	No		Yes		Total
Montubio	61	69%	27	31%	88
Mestizo	515	67%	249	33%	764
Indigenous	14	54%	12	46%	26
White	7	70%	3	30%	10
Afrodescendant	22	71%	9	29%	31
Other	4	44%	5	56%	9
Total	**623**	**67%**	**305**	**33%**	**928**

OBSERVATORY OF JUSTICE FOR AFRODESCENDANTS IN LATIN AMERICA

The group with the most experience in using ethno-racial legal instruments that establish/recognize and protect collective rights in cases or litigations are the indigenous respondents, followed by the mestizos and the Montubios. Conversely, Afrodescendants make the group with the least experience.

Furthermore, and this is not represented in the table above, although respondents from the Oriente area a numeric minority as participants in the survey, in proportional terms, 44% of them have had experience with cases or litigations involving such instruments. In contrast, the percentage of respondents with such an experience is 35% in the Sierra and 28% in the Costa. This suggests that such cases have apparently been more frequently used in the Oriente.



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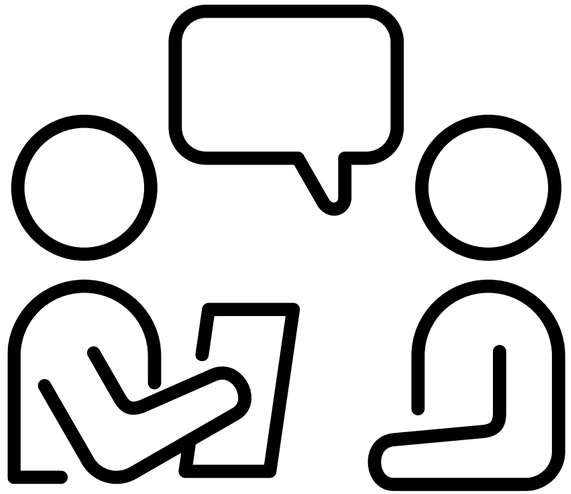
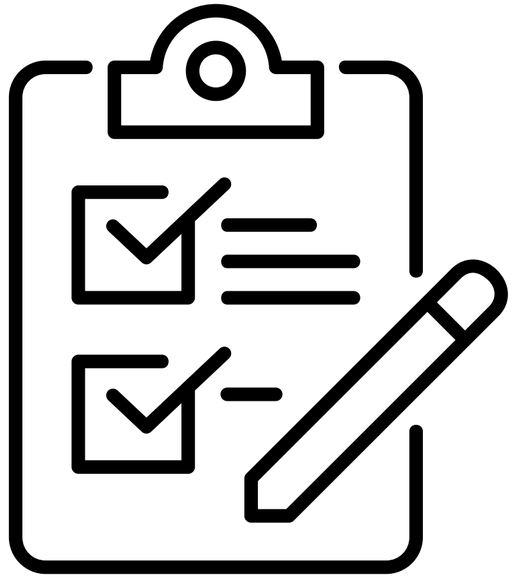
The legal instruments that establish/recognize and protect collective rights benefit more and are more relevant to (chose all applicable groups)?



Ethno-racial groups	The number of times chosen by survey participants	
Indigenous	551	39%
No response	238	17%
Afrodescendant	216	15%
White-Mestizo	128	9%
Montubio	110	8%
Other	89	6%
None	68	5%
Total	1,400	100%



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In general, the respondents agreed that the ethno-racial group that most benefits from ethno-racial legal instruments establishing/recognizing and protecting collective rights is the Indigenous, with 39%, followed by Afrodescendants (15%), and in third place, White-Mestizo individuals (9%).

On the other hand, the ethno-racial group considered least favored by collective rights is the Montubios. However, most respondents believe that several ethno-racial groups benefit from these instruments, as the “none” option was the least chosen (5%). Furthermore, most of those who chose “Other” also stated that collective rights benefit all ethnic groups.

The total of 1,400 responses is explained by the fact that respondents could choose more than one ethno-racial group in their answers.

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Importance of ethno-racial legal instruments that establish/recognize and protect collective rights, considering all categories of respondents

Assessment		
Very important	783	84%
Important	107	12%
Can be important on certain occasions	34	4%
Serve no purpose	4	0%
No response	238	26%
Total	**928**	100%

Overall, 96% of respondents consider collective rights to be important and very important. Almost none of the respondents believe these rights “serve no purpose.”

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Evaluation of Ecuador's justice system operators' knowledge about available ethno-racial, anti-discrimination legal instruments

In this section, we provide an overview of the information gathered from self-knowledge evaluations by Ecuadorian justice system professionals (judges, prosecutors, public defenders, practicing attorneys, and professors of law) about anti-discrimination legal instruments. The data also sheds light on the practical experiences of these surveyed operators of the judicial system when it comes to handling cases and legal disputes involving anti-discrimination legal instruments.

24% of the respondents did not answer whether they knew or not ethno-racial anti-discrimination legal instruments.

59% of the respondents claimed to know these instruments, while 17% indicated being unfamiliar with them.

On the other hand, the number of operators who claimed to know these instruments is smaller than the number of those who declared to have knowledge about legal instruments designed for the acknowledgement and presumed protection of collective rights.

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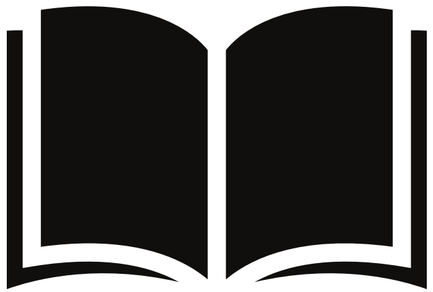
Judicial system operators who declare having knowledge or lack of knowledge about ethno-racial, anti-discrimination legal instruments

Knowledge about Instruments		
With Knowledge	689	59 %
No Knowledge	195	17 %
No Response	282	24 %
Total	1,166	100 %

Judicial system operators who answered the question about their knowledge of ethno-racial, anti-discrimination legal instruments (by ethno-racial self-identification of respondents)

Of those who responded to the question, 78% of individuals with different ethno-racial self-identifications assert having knowledge about ethno-racial, anti-discrimination legal instruments.



Autoidentificación étnico-racial	No Knowledge		With Knowledge		Total
White	1	10 %	9	90 %	10
Indigenous	5	21 %	19	79 %	24
Afrodescendant	7	24 %	22	76 %	29
Montubio	18	21 %	68	79 %	86
Mestizo	161	22 %	565	78 %	726
Other	3	33 %	6	67 %	9
Total	**195**	**22 %**	**689**	**78 %**	**884**

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The most known ethno-racial, anti-discrimination legal instruments by judicial system operators who claim to be familiar with such instruments

Penal Code	616	41%
Constitution	486	32%
Law ratifying International Convention on the Elimination of all Forms of Racial Discrimination	311	21%
Organic Law on Communication	54	4%
Another instrument	33	2%
Total	1,500	100%

These are the results obtained from answers to the following question: “Please, select the legal instrument(s) (laws, decrees, constitutional articles, etc.) that criminalize discrimination that you know: Penal Code, Constitution, Law ratifying International Convention on the Elimination of All Forms of Racial Discrimination, Organic law on Communication, another instrument.” Respondents had the option to choose more than one instrument, as well as to provide the name of an instrument they knew and that was not included in the provided options, which explains the total of 1,500 selections collected.

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Among the 'other instruments' mentioned by respondents (2%), there was the Labor Code, the American Convention on Human Rights (ACHR), the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (apparently, respondents who chose this instrument consider it different from the ratification law), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Law to Prevent and Eradicate Violence against Women, and the American Convention on Human Rights, among others.

The familiarity with ethno-racial, anti-discrimination legal instruments does not seem to corelate with the level of education received. That is: there is no significant difference between respondents who received postgraduate education and those who did not.

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Professional experience of respondents with cases/litigations involving the use of ethno-racial, anti-discrimination legal instruments (all respondents)

No Experience	753	65%
With Experience	131	11%
No Response	282	24%
Total	**1,166**	100%

A mere 11% of the surveyed individuals stated to have been involved in litigations or cases where one or more ethno-racial anti-discrimination legal instruments were applied.

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Professional experience of respondents with cases/litigations involving the use of ethno-racial, anti-discrimination legal instruments (by professional activity)

Professional activity	No Experience		With Experience		Total
Judge	339	81%	79	19%	418
Public defender	216	90%	24	10%	240
Prosecutor	59	83%	12	17%	71
Practicing attorney	24	89%	3	11%	27
Law professor	9	82%	2	18%	11
Other	106	91%	11	9%	117
Total	**753**	**85%**	**131**	**15%**	**884**

In all professional groups, a minority of the surveyed individuals have experience applying ethno-racial, anti-discrimination legal instruments.

Proportionally, judges have the most experience with such instruments, followed by law professors and prosecutors.

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The importance of ethno-racial, anti-discrimination legal instruments, considering all categories of respondents

Assessment		
Very important	764	66%
Important	96	8%
Can be important on certain occasions	20	2%
Serve no purpose	4	0%
No response	282	24%
Total	**1,166**	100%

74% of the respondents consider ethno-racial, anti-discrimination legal instruments as important or very important. Virtually no respondent indicated that these instruments lack utility. It is worth emphasizing that the comparable percentages for ethno-racial legal instruments that recognize/establish and protect collective rights is 96%.

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FOURTH FACET

The application of ethno-racial legal instruments in the court of law during 13 emblematic litigations involving Afrodescendants attempting to defend their rights

Introduction

An ordinary definition of "emblematic litigation" explains such litigation as a strategy followed by freelance feminist lawyers and activists to allow justice and reparation for affected women in specific cases, as well as to constitute "an important precedent for similar cases since it can address policies that would allow preventing new human rights violations." (Caso KL vs Peru). In other words, this is a legal action in which a group of freelance lawyers who may or may not belong to a political organization, initiate the action because of the exemplary value that such litigation, as they envision it, may have for the application of a law in defense of the rights of identified communities.

Caso KL Versus Peru Case File

The organization Ilex Acción Jurídica, “led by Afro-Colombian lawyers from different regions of the country with the purpose of achieving racial justice in Colombia, Latin America and the Caribbean through legal mobilization actions, research and strategic communications with an intersectional approach, based on the leadership of black-Afro-Colombian people” (ilexaccionjuridica.org/nosotros/quienes-somos), prefers the expression “strategic litigation”. With “strategic litigation”:

> Ilex seeks to identify litigious issues that generate a high impact on the materialization of the general well-being of Afro-descendant communities-populations, a transformation of their realities through strategic litigation, connections with public and private authorities that have influence in the formulation of public policies, laws or institutional measures that seek to strengthen and improve the living conditions and opportunities of this population. (ilexaccionjuridica.org/nuestro-trabajo/lineas-estrategicas/litigio-estrategico)

ILEX Acción Jurídica Links

About Organization

Strategies for Litigation

In the context of this project, the term “emblematic litigation” is defined a posteriori, meaning that all the litigations in our list of 13 began well before 2021, the year when this research project initiated. We identified that list of litigations involving the rights of Afrodescendants and in which references to ethno-racial laws can be observed in the arguments of the plaintiffs as well as—eventually—in the arguments of the defendants’ lawyers. Taking advantage of our professional and personal experiences with Afro-Ecuadorian individuals, social movements and organizations, we sought a limited list of what we initially called “representative litigations” in which the application of ethno-racial legal instruments could be observed. Our list of 13 cases is actually a combination of two separate lists: one list with emblematic litigations that deal with legal instruments that recognize and defend collective rights of ethno-racial minorities in general, and of Afrodescendants in particular, and another list of litigations that involve ethno-racial anti-discrimination legal instruments.

The following list of 13 litigations is representative of what happens in the daily lives of Afrodescendants in their relations with the judicial system in Ecuador. This list should be interpreted as the culmination of what happens in reality, since many cases are archived at various early stages and never reach a court.

List of emblematic litigations involving Afrodescendants and ethno-racial legal instruments for collective rights

Litigation # 5: Merlin Mina Rolan Tiverio, Abogado Estuardo Walter Estuardo Rivilla Pereira, y Abogada Aura Mercedes Paz Aguilera (en representación de la comunidad de Wimbi, provincia de Esmeraldas) Versus

Fabian Vasquez Barrios, Genaro, Fabricio Vazquez Valencia y Tanya Apraez Olaya en representación de la Subsecretaria de Tierras y Reforma Agraria.

For: Request for a Protection Order after having received an eviction order from the district office of the Undersecretary of Lands, violating Art. 24 of the agrarian reform law... The case began on February 3, 2015. (The case is also known as the "Wimbí Community Case")

Note: This judicial process is linked to a complaint filed by the Company Energy & Palma S.A. against the leaders of the Wimbí community.

Resolution of the case (Judgment): The protection order sought by Merlin Mina Rolan Tiverio is rejected by the judge in charge of the case on September 30, 2016.

Litigation # 1: Daniel Hernandez Vera (and his attorney Dr. Gandhy Gaspar Gamboa Requene) and the Attorney General's Office Versus

Zambrano Cuero Martin Adolfo, Caicedo Valdez Ernan Evangelista, Caicedo Valdez Ernan Evangelista, Obregon Mejia William, Obregon Mejia Zacarias, Obregon Zambrano Dufer, Obregon Zambrano Francisco, Zambrano Cuero Agripina, Zambrano Cuero Martin Adolfo, Zambrano Cuero Martirez, Zambrano Cuero Martirez

For occupation, illegal use of land or land trafficking. Started on August 4, 2022. (Case also known as the "Fragmentation of the Río Santiago Cayapas Commune", Esmeraldas Province)

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Litigation # 3: Comuna Afroecuatoriana Barranquilla de San Javier versus Jaime Ramón González Artigas, Gerente General de la empresa Energy & Palma S.A.

For violation of their collective rights, right to territory, legal security and also for the rights of Nature.

In the plaintiffs' complaint, these words can be found:

> "The company has created a situation of dependency with the members of the commune by being the employer of a significant part of the population, thereby generating a pressure mechanism to prevent legal actions against it, putting the commune in a clear position of subordination to Energy & Palma S.A. Through a Constitutional Protection Action, we claim our human and community right to the recognition and protection of community property and ancestral territorial rights, which have the characteristic of being imprescriptible, inalienable, unseizable and indivisible, in addition to the constitutional right to NOT be displaced from the ancestral territory."

The proceedings began with labor lawsuits against Energy & Palm. The constitutional protection action was initiated subsequently. Following the complaint filed by the community members against Energy & Palm S.A., the company requested precautionary measures in its favor. In addition, they sued seven community leaders for 300 thousand dollars.

(Legal instruments involved in the case: The Constitution, rights of Nature, ...)

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Litigation # 4: Fiscalía de violencia de género No. 1 (Ibarra) Versus Caicedo Nazareno Santo Yoffre,-Valarezo Torres Rina Judith,-Meza Roja Miguel Enrique,-Cerezo Velasco Jair,-TabangoCastro Álvaro Xavier,-Angamarca Cuaspud Luis Eduardo,-Morales Delgado Miguel Ángel,-Aguilar Espinosa Jorge Vladimir,-Encalada Paladines Carlos Obando,-Valarezo Reyes Luis Andrés,-Guiz Arias Dionicio Vicente,-Torres Asanza Edwin Alejandro,-Campaña Belalcazar Eduardo Emilio,-Sánchez Moreno Marco Vinicio,-Valarezo Reyes Manuel Efrain,-Montaguano Sánchez Segundo Miguel,-Ochoa Román Edgar Gustavo,-Agila Díaz Pedro Alberto,-Pindo Nauga Rodrigo Hermogenes,-Feijoo Zambrano Mauricio Eduardo,-Morales Morales Manuel Mesías,-Zambrano Luna Segundo Luis,-González Suarez Carlos Alberto,-Montaguano Anangonó Luis Miguel,-Morales Guevara Luis Alfonso,-Buele González Norman Patricio,-Torres Revelo Cristian Bolívar,-Mora Romero Lizardo Filoteo,-Crespo Romero Servio Fernando,-Valarezo Galarza Pedro Xavier,-Torres Medina Henry Paul

For: Contamination of several rivers in San Lorenzo and Eloy Alfaro counties due to (illegal) gold mining

The case began in 2018 (instruments referred to: Penal Code, the Constitution) and ends in 2023 with the defendants fined the amount of two minimum wages.

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Litigation # 6: Valencia Cuero Isaha Esequiel (y su Abogado Edmundo Moran Mier) Versus Palmeras de los Andes S.A.–Salomon Gutt Brandwayn (Gerente General), Fabian Mino Benalcazar y Gari Marini-Vargas Granados José Roberto (Gerente General de los Esteros EMA S.A. Palesema, Palmeras de los Andes).

For damages and the deterioration caused to the community's general health and to the environment, including the biodiversity and its constituent elements, in the communities of La Chiquita and Guadualito in the canton of San Lorenzo in the province of Esmeraldas. The plaintiffs are speaking out against the companies Palmar de los Esteros EMA-PALESEMA and Palmeras de los Andes. The demandants are asking for payment for damages and deterioration caused to the environment, including biodiversity and its constituent elements and, consequently, to "our health." In relation to material damage, it indicates the collective social damage that directly affects the use and exploitation of the natural resources of the communities of Guadualito and La Chiquita, such as the forest that provided animals for hunting and food, the water from the rivers and estuaries that gave them the satisfaction of using it for their different domestic uses and enjoying a daily bath. The contamination caused by agrochemicals by the defendant companies has destroyed the forest for the conversion of land use to African palm cultivation for commercial purposes, without considering the collective rights of local communities. The case is ongoing.

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Lista de Litigios Emblemáticos Involucrando Afrodescendientes e Instrumentos Jurídicos Anti-Discriminación

Litigation # 2: 123 accionantes/trabajadores (58 son afrodescendientes, es decir el 71,34%) versus

- **Furukawa plantaciones C.A., representada por el Ab. Adrián Herrera, Gerente General**
- **Ministerio de Gobierno (antes Secretaria Nacional de Gestión de la Política) anteriormente representada por la Ab. María Paula Romo, actualmente por el señor Patricio Pazmiño, Ministro**
- **Ministerio de Trabajo, representado anteriormente por el señor Ab. Andrés Vicente Madero Poveda. Siendo el Ministro actual de esta cartera de estado el señor Ab. Andres Isch**
- **(Posteriormente, con fecha 11 de junio de 2020, presentan un escrito donde solicitan que se tomen en cuenta como legitimados pasivos a las siguientes instituciones: -Ministerio de Inclusión Económica y Social, representado en ese entonces por el señor Iván Granada Molina, actualmente por el señor Lic. Vicente Andrés Taiano González; -Ministerio de Salud Publica, representado por el señor Dr. Juan Carlos Zevallos López)**

This case was also called the “Furukawa Case”; it is about families subjected to slavery by the Japanese firm Furukawa Plantaciones del Ecuador C.A.)

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The litigation # 2 was for: The collective of workers of the Furukawa company argues that there has been a systematic violation of their constitutional rights to work and social security, subjecting them to unworthy and miserable living and working conditions, which constitute a process of exploitation and servitude. The suing of the ministries is based on the fact that the Ecuadorian state is accused of omissions, because although they were aware of the rights violations that were taking place in that company, they did not carry out investigations and did not sanction the conduct contrary to the law, such as the work of entire families living inside the camps that did not have sanitary facilities (bathrooms or showers), so that they were always forced to carry out their physiological needs in the open air. They also did not have drinking water, environmental sanitation, or any basic service.

The case began in 2019, it involved arguments making references to the constitution, labor law, and the penal code.

A sentence was reached in this case on November 21st, 2024.

The ruling states that Furukawa violated the prohibition of slavery to the detriment of the abacafiber farmers and tenants of their farms, nullifying their human dignity. As full reparation for Furukawa's actions, the Court ordered the company to pay financial compensation for non-material and material damages, as well as to apologize in public.

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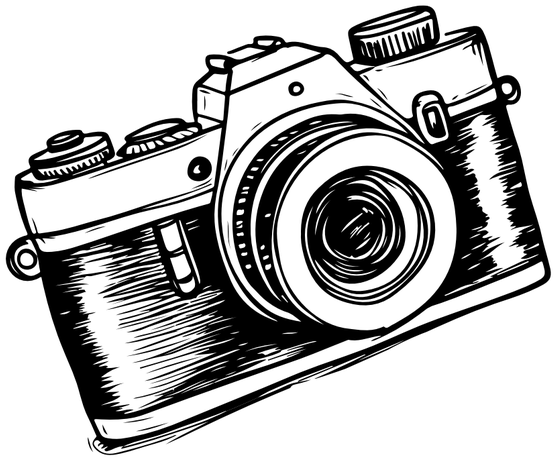
Litigation # 7: Jimmy Javier Ocles Morales, Fiscalía General del Estado versus Policías Carlos Homero Boada Pozo, Johnny Arturo Rodriguez Cedeño, Marco Vinicio Jumbo Rojas

For: Racial profiling and racism (at one stage in the case, there was talk of 'hate') by police officers in Quito. A dismissal order was issued in favor of the defendants; the plaintiffs appealed; but they lost there as well. This despite the behavior of the defendants who did not attend hearings, etc.

The case began in 2021 and ended up being filed in 2023.

(This case is often referred to as "Case of racial profiling by police officers against model and photographer Jimmy Ocles.") (Instruments used in argument of demandant: Código Penal or COIP)



Jimmy Ocles

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Litigation # 8: Fiscalía General del Estado, Juan Virgilio Nazareno Quiñonez
versus
Santiago Emilio Gangotena Gonzalez

For: The accused allegedly committed a crime of discrimination against the complainant through his Twitter account in May 2021. The Prosecutor's Office began the investigation on May 14, 2021 for an alleged crime of discrimination and ordered proceedings. The investigative part, the version of the complainant, of the accused, and the psychological report carried out on the complainant concluded that there was no psychological affliction. Despite the investigative proceedings, the Prosecutor's Office indicates that it was unable to determine elements to initiate criminal action after 1 year of investigation.

RESOLUTION: On October 6, 2022, based on the background presented, and based on the request of Dr. Elba Garzón, Public Prosecutor for Persons and Guarantees No. 6, head of the criminal action, the investigation is ordered to be closed.

(Case also known as “Gangotena Case” (Complaint for hate crime against Mr. Santiago Gangotena, former rector of the Universidad San Francisco de Quito). (Organic Law on Communication).

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Litigation # 9: Juan Marco García Quiñonez
versus
Corporación Eléctrica Nacional (sucursal de Esmeraldas)

For racial discrimination related to the plaintiff's locks.

Juan Marco García Quiñónez, a CNEL worker, filed a complaint for alleged racial discrimination against the head of Human Resources at CNEL EP-Esmeraldas. Through an internal email, he was informed, by the Human Resources leader, Víctor Andrés Vascos Barro, of the bad impression that his hair and its alleged bad smells generate. According to the head of that department, the complaints would come from García's colleagues, who would have complained about his rats according to the statement. In addition, it is cited that, according to an internal regulation of the institution, the worker is transgressing a rule. For that reason, Vascos Barro orders him to cut his hair and get rid of his bad smell, because that does not allow for a good work performance. García, who has worked as a maintenance and electrical transmission lines professional for the institution since 2018, rejected these assertions and initiated a legal action for discrimination.

The case was archived in 2022.

(Instruments used in the arguments: the Constitution, the Código Integral Penal)

Litigation # 10: Michael Andres Arce Mendez, Fernando Naranjo, Manuel Dominguez, Ivan Coello, Gina Gomez de la Torre (Fiscal), Dirección Nacional de Personal de la Policia Nacional, Demencio Angel Molina Mosquera, Nancy Quintero, Luis Zhunio, Mario Pruna Muñoz versus
Teniente Fernando Mauricio Encalada Parrales, instructor en la Escuela Superior Militar Eloy Alfaro (ESMIL)

For: Legal proceedings initiated by the former military cadet, Afro-Ecuadorian Michael Arce and his mother, Liliana Méndez, for racial discrimination and hate crime committed against the former cadet by the white-mestizo lieutenant Fernando Encalada, instructor at the Escuela Superior Militar Eloy Alfaro (ESMIL).

(Case also known as “Cadet Michael Arce versus Lieutenant Encalada”. The events occurred in 2011).

The case led to the imprisonment of the defendant, who was promoted to Captain during the litigation by the military leadership. The plaintiffs were not satisfied with the court-ordered defendant's “public apologies”.

(The Constitution, The Código Integral Penal)

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IN LATIN AMERICA

Litigation # 11: Argentina Jaqueline Delgado, Andres Martin Padilla Delgado, y Fiscalía General del Estado Versus
Victor Alfonso Acosta Vera, Daniel Javier Chulde Alvarez, David Eduardo Velastegui Carrera.

For: Murder of Andrés Padilla by police officer David Eduardo Velastegui Carrera in the Chota Valley.

(Case also known as the case of the young Andrés Padilla, killed by bullet shot in the back of the head from police officer David Eduardo Velastegui Carrera in 2018)

(The Constitution, the Comprehensive Criminal Code)

The current status of the case is that the defendant has been found not guilty by the Corte Nacional. The attorneys of the Padilla family plan to bring the case to the Corte Constitucional. If the innocence of the police officer is maintained, the attorneys plan to bring the case to the Inter-American Court of Human Rights.

See a 20 minutes video about this case on OJALA's website: https://ojala.fiu.edu

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Litigation # 12: Ofelia Lara Calderon, Yadira Jacqueline Hurtado Bedoya, Eufemia Alodia Borja Nazarene, Pilar Janeth Angulo Sanchez, Lindberg Oswaldo Valencia Zamora, Juana Leder Sanchez Cortez, Juan Carlos Ocles Arce, Irma Bautista Nazarene, Luzmila Bolanos, Rocio Villalba, Rosa Mosquera, Oliva Arce, Maria Susana Cervantes, Lenin Valencia Zamora, Johana Espinoza, Carlos Maldonado y Jorge Mosquera; integrantes de las organizaciones afroecuatorianas: Confederaci6n Nacional Afroecuatoriana- CNA, FOGNEP, Las Cumbayas, Fundación Afroecuatoriana Azucar, AFORMATAE, AFRO29, CEDESTU, Centro de Investigaciones de Ia Mujer de Piel Africana, Movimiento de Mujeres Negras, Flor Africana, MalcomX, Casa Oshun, Red Cultural Afro, e Intercultural Canela y Purpura, respectivamente

Versus

Diario El Universo y Rodrigo Xavier Bonilla Zapata (Bonil)

For alleged violation committed by publishing the content of the "Bonil Column" of Page 8 of the *El Universo* newspaper on August 5, 2014

("Socioeconomic discrimination", organic law of communication)

(Case also known as "Agustín Delgado versus Bonil and El Universo case" even though Agustín Delgado was not part of the plaintiffs.

Resolution: After a couple of public sessions, in 2016 the Super Intendencia de Communicación (SUPERCOM) ended up reprimanding *El Universo* and Bonil, demanding that both publicly apologize to Tin Delgado and Afro-Ecuadorians in general in the same space in the newspaper where the violation had been committed (Bonil's column in *El Universo*).

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Litigation # 13: Fiscalía General del Estado (Azuay) Versus Byron Francisco G.

For: Assassination (with 113 stab wounds) on November 3, 2020 of Maribel Pinto, an Afro-Ecuadorian woman who worked as a sex worker when she faced financial problems during the COVID 19 pandemic. Maribel Pinto was also an activist and co-founder of the Afrodescendant movement in the province of Azuay, in the southern highlands of Ecuador.

(Case also known as "The feminicide of Maribel Pinto")

Resolution: On the afternoon of Friday, July 16, 2021, a Criminal Court of Azuay issued a sentence of 34 years and 8 months for Byron Francisco G. U., for the murder of Maribel Pinto with 113 stab wounds, on November 3, 2020.

(Instrument referred to in the case: Código Integral Penal; despite the fact that Maribel Pinto was an Afro-Ecuadorian activist, her self-identification as an Afrodescendant does not seem to have been taken into account in the proceedings of the case).

Maribel Pinto

Illustration by Tsunki Escandón

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