



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

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TO:

Lorena Rapia, Minister of the Environment
His Excellency, President of the Republic of Ecuador, Rafael Correa

CC:

José Serrano, Interior Minister

13 December, 2013

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of more than 250 organizational and individual members in 68 countries.

We are writing to express our grave concern at the closure of offices of the Fundación Pachamama on December 4, 2013. Fundación Pachamama has worked in Ecuador for the past sixteen years to promote an innovative, alternative development model and the recognition of and respect for human rights. ESCR-Net has worked in close partnership with Fundación Pachamama on the implementation of key decisions on Indigenous Rights issued by the Inter-American Court on Human Rights. In addition to their valued work promoting the enforcement of legal decisions in Latin America, ESCR-Net appreciates the longstanding advocacy work of Fundación Pachamama in order to promote the rights of indigenous peoples in the face of the expansion of the frontier of oil exploration in the Amazon region. In recent months, Fundación Pachamama has expressed opposition to a decision by the Ecuadorian Government to auction 13 oil concessions in the provinces of Pastaza and Morona Santiago in the Amazon region without obtaining the free, prior and informed consent of the area's indigenous peoples, who have expressed concerns about the potential impacts of this project on their way of life and means of subsistence.

At the time of the decision by the Government of Ecuador to cancel the organization's permission to operate in the country, we understand that Fundación Pachamama was not granted adequate prior notice, nor was it allowed an opportunity to refute the allegations against it. In light of the information we have received, we are concerned that the decision to close the organization's office in Quito represents an act of reprisal against the work of its staff to protect and defend human rights in Ecuador.

We wish to remind Your Excellency that Ecuador is a part to the International Covenant on Civil and Political Rights and is bound to respect the right of freedom of expression and opinion, the freedom of association and the right to peaceful assembly. Ecuador is also bound to uphold the standards established in the UN Declaration on the Rights of Human Rights Defenders which recognizes the right of each person to promote the realization of human rights and provides protection "of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of" their rights as human rights defenders. In addition, Ecuador is party to the International Covenant on Economic, Social and Cultural Rights which recognizes the right of all people to an adequate standard of living for himself and his

family, including adequate food, housing, health and to the continuous improvement of living conditions. Both Covenants establish that, in no case, “may a people be deprived of its own means of subsistence.” Ecuador also has obligations to comply with the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples, including the right to free, prior and informed consent.

Fundación Pachamama has raised legitimate concerns regarding the potential impacts of expanded oil exploration consistent with the Government of Ecuador’s obligations under international human rights law. The Government of Ecuador has the obligation to work towards the progressive fulfillment of economic, social and cultural rights; to ensure the free, prior and informed consent of indigenous communities; and to refrain from taking measures to impede activities by civil society organizations undertaken in defense of human rights.

We, the undersigned, are deeply concerned with the closure of the office of Fundación Pachamama. We collectively appeal to the Government of Ecuador to cease imposing restrictions on Fundación Pachamama and to allow the organization to resume its normal activities in the defense and promotion of human rights. We also urge the Government of Ecuador to undertake all possible measures to respect, protect and fulfill the human rights of all people – including indigenous peoples who have voiced their opposition to oil exploration in their territories.

Finally, we request that you inform us of any further developments in this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Grove', is written over a light gray rectangular background.

Chris Grove

Director