



THE OBSERVATORY
for the Protection of
Human Rights Defenders



FORUMCIV.



05 October 2023

International human rights groups call for justice in case of modern slavery against Furukawa S.A. in Ecuador

On January 15, 2021, the Ecuadorian courts recognized for the first time that the conditions of Furukawa Plantaciones C.A. workers constituted a violation of the right to equality, non-discrimination, the prohibition of slavery by serfdom (*servidumbre de la gleba*), the right to health, housing, education and identity. The judgment established the responsibility of both the Ecuadorian State and Furukawa Plantaciones C.A. del Ecuador, and ordered them to implement several clearly stipulated reparation measures. On appeal, the Provincial Court of Justice of the Santo Domingo de los Tsáchilas region confirmed the company's liability, but exonerated the Ecuadorian State from liability. It did not revoke the reparation measures in favor of the workers.

Abacá fiber is used and exported to the United States, Europe and other countries such as the Philippines to make paper money, rope, tea bags, cars and a wide variety of other products. Ecuador is the second largest exporter of abacá fiber, but those who cultivate the raw material have done so for generations in conditions similar to slavery. Hundreds of families have worked for Furukawa Plantaciones C. A. in the areas of Esmeraldas, Los Rios and Santo Domingo, living in camps on the company's plantations for generations, enduring conditions of minimal pay, exploitation, lack of access to adequate basic services, education, health, sanitation and other violations of their rights. Many community members, including children, have chronic health problems, in part due to the dust released by the drying abacá fiber, which penetrates their respiratory tract and lungs. For years, they had no electricity or potable water.

The case has gained momentum after an intense process of vindication of rights carried out by the workers themselves, who faced different threats and harassment by the company. However they have managed to advance a complaint about the living and working conditions to which they have been subjected for almost 60 years, which was formalized in May 2018 with the legal support of the Ecumenical Human Rights Commission (CEDHU) and together with the Solidarity Committee Furawaka Nunca Más (Never Again Furawaka Solidarity Committee). The abacaleros accused the company of maintaining at least three generations of rural workers in conditions of modern slavery.

When the case became public in 2019, the company retaliated and demolished most of the camps where the abacaleros and their families lived, evicting hundreds of people. This was done in part to hide damning evidence of the conditions in which Furukawa Plantaciones C. A kept its workers. A group of abacaleros opposed the eviction and remained in three of the camps, an occupation that continues four years later. After facing new threats, the abacaleros, in defense of their collective rights, were able to obtain precautionary measures to prevent their eviction from the camps.

Almost three years later, no progress has been made in the application of this sentence, while the economic and social situation of the abacaleros is increasingly precarious and the threats and harassment against them for their legitimate human rights claims have worsened. So far, six former workers of the company have died without knowing the justice of their case, due to health problems that they never had the possibility of medical treatment, dozens are still sick with precarious medical attention and undignified living conditions, so their lives are at risk. The former workers and lawyers of CEDHU have faced charges and accusations of extortion, intimidation, illegal occupation and use of land and fiber theft, in a clear attempt of judicial pressure and criminalization. All of these charges have been dismissed for lack of evidence.

The irresponsibility of the Furukawa company and the Ecuadorian government and the lack of comprehensive reparation has exacerbated the risk situation of the abacaleros, who continue to demand recognition of their rights, despite living in highly vulnerable conditions.

The abacaleros are dissatisfied with the decision of the Provincial Court of Justice of Santo Domingo de los Tsáchilas to absolve the State of responsibility and have appealed to the Constitutional Court to review their case. The Constitutional Court admitted the case for processing and selected it for review on January 18, 2022, but so far the case has not been processed. It is important to note that, unlike other judicial systems, this does not mean that the implementation of the judgment must wait until the Constitutional Court reaches a conclusion. According to the Ecuadorian judicial system, the Provincial Court of Justice's judgment on appeal is firm and should be implemented, especially with regard to the reparation measures. However, the company continues to file appeals to delay the process and prevent the reparations from being implemented.

In May 2023, Front Line Defenders recognized the struggle of these communities to defend human rights and put an end to the modern slavery conditions of abacaleros with its [Human Rights Defenders at Risk Award](#). [Segundo Ordoñez](#) was the winner of the award for the Americas, for his prominence and leadership in that process and traveled to Dublin and Brussels to accept the award on behalf of the group of abacaleros.

Because of its seriousness, the undersigned international organizations are deeply concerned about the Furukawa case. The decision in this case may set an important precedent for workers' rights and have a concrete impact on the protection of human rights defenders at risk. For this reason, the undersigned organisations:

- Express our concern about the delay of the Constitutional Court in examining the case. We reinforce that this process is being closely followed by the international community;
- Agree that it is the duty of the Ecuadorian authorities to guarantee the protection and fundamental rights of the former Furukawa workers throughout their human rights struggle;
- Ask the Ecuadorian authorities to enforce the sentence of the Provincial Court of Justice of Santo Domingo de los Tsáchilas, including compliance by Furukawa Plantaciones C. A of full reparation;
- Express our solidarity and support to the human rights defenders and former workers of Furukawa Plantaciones C. A.

Signatories:

- CIVICUS

- FIDH (International Federation for Human Rights), within the framework of the Observatory for the Protection of Human Rights Defenders
- ForumCiv
- Front Line Defenders
- People in Need
- Protection International
- SICAL-Europa
- World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders