

International human rights groups call for justice and corporate accountability in case of modern slavery committed by Furukawa Plantaciones S.A. in Ecuador

The undersigned international human rights organizations condemn in the strongest terms the inhuman conditions that have been imposed on the rural workers in Esmeraldas, Los Ríos and Santo Domingo in Ecuador impacted for generations working and living in inhuman conditions, and express solidarity and support to the human rights defenders of Furukawa Plantaciones S.A. that can finally reach justice.

The group of international human rights organizations that has been [accompanying and calling for justice](#) in the case of modern slavery against Furukawa Plantaciones S.A. in Ecuador celebrates that the Constitutional Court of Ecuador will address the case in the following weeks. The first hearing will take place on 9 April, starting a process that holds the potential to set a historic precedent in the fight against modern slavery not only in Ecuador, but across the region. In addition, another case will start on 18 April, the criminal trial of Furukawa S.A. and three of its directors, charged with human trafficking for the purpose of labour exploitation.

Hundreds of families have worked for Furukawa Plantaciones S. A. in the areas of Esmeraldas, Los Rios and Santo Domingo for more than 60 years, living in camps inside the company's abacá 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. Several workers from the community, 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 two upcoming hearings are first and foremost a reflection of the courage and resilience of the *abacaleros* and human rights defenders in the areas of Esmeraldas, Los Rios and Santo Domingo in their search for justice with the support of the Ecumenical Human Rights Commission (CEDHU) and the Solidarity Committee Furawaka Nunca Más (Never Again Furawaka Solidarity Committee). For years, the rural workers have tried to reclaim their rights and denounce their working and living conditions to different local and national authorities without a proper follow up and facing retaliation, intimidation and attempts of criminalization from the company. The permanent struggle of the *abacaleros* gives room to the Ecuadorian State to recognize the important role of human rights defenders in the implementation of basic human rights guarantees.

The case now before the Constitutional Court has gone through a long legal process, with several incursions by the company to try to dismiss it. On January 15, 2021, the Court of first instance recognized for the first time that the conditions of Furukawa Plantaciones S.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. This decision was later confirmed on October 15, 2021 by the Appeals Court, the responsibility of the company was confirmed and clear reparation measures were sustained. Only the liability of the Ecuadorian State was exonerated. Since then, the rural workers have been waiting for the enforcement of the judgment in a situation of economic precariousness which left them vulnerable to harassment and attempts of criminalization carried out by Furukawa Plantaciones S.A..

On the 9 April the Constitutional Court of Ecuador will determine whether it reconfirms the responsibility of Furukawa Plantaciones S.A., the responsibility by omission of the state of Ecuador and rule on the matter of reparations. According to the Ecuadorian judicial system, the Provincial Court of Justice's judgment on appeal is firm and should be implemented, so Furukawa Plantaciones

S.A. should have already complied with its legal obligation to provide reparations for the community. The Constitutional Court must be clear that this dereliction of duty from Furukawa Plantaciones S.A. goes against the rule of law and will not be tolerated any longer.

In the criminal case, the Criminal Court of Santo Domingo will start the trial against Furukawa Plantaciones S.A. and three of its directors, charged with human trafficking for the purpose of labour exploitation. If convicted, the directors may face prison time and Furukawa Plantaciones S.A. can be dissolved.

Furukawa Plantaciones S.A. has sought to delay both judicial processes for years, with judicial strategies to prevent the justice of the Ecuadorian State from running its course, besides directly pressuring and intimidating workers and former workers to drop the case. Most recently, on Thursday 4 April the management of Furukawa Plantaciones S.A., flanked by staff from the Ministries of Labour and Public Health and security forces, visited the abacá camps in an attempt to intimidate the community and make them abandon the case. This is in flagrant violation of the protection measures established by the judge of criminal guarantees of Santo Domingo de los Tsáchilas.

In the coming weeks, Ecuador will have a historic chance to right the wrongs committed against these workers and their communities, and take a decisive step against modern slavery and corporate accountability. The state of Ecuador must present clear guarantees that this situation will not be repeated, by putting into place public policies to combat slavery and human trafficking, and establishing strict state oversight of businesses. The judicial decision also sets a optimistic precedent for human rights defenders looking for justice in the country.

The undersigned international human rights organizations condemn in the strongest terms the inhuman conditions that have been imposed by Furukawa Plantaciones S.A. on the communities impacted for generations, and express our solidarity and support to the human rights defenders and former workers of Furukawa Plantaciones S.A. For this reason, the undersigned organizations:

Call on the Constitutional Court of Ecuador:

- to deliver justice by confirming the liability of Furukawa Plantaciones S.A. and its obligation to fulfill its responsibilities towards the communities by complying with the judgments and implementing the reparations established by the courts;
- Call on the Constitutional Court of Ecuador to reestablish the liability of the Ecuadorian state by omission, as established in the original ruling;

Ask the Criminal Court of Santo Domingo

- to follow the due process and, without unnecessary delays, hold the management of Furukawa Plantaciones S.A. accountable for the charges of human trafficking for the purposes of labour exploitation, and end the cycle of impunity that has lasted for generations;

Call on the Ecuadorian State to:

- develop public policies to protect workers and address modern slavery and human trafficking for the purposes of labour exploitation. This process must be participatory and transparent, with the direct involvement of human rights defenders and civil society.

- Develop public policies and legislation in line with the UN Guiding Principles on Business and Human Rights, and establish strict state oversight of corporate practices in order to prevent similar situations in the future.
- To develop public policies and concrete initiatives to protect human rights defenders from different violations, including attacks, criminalization and intimidation throughout the country.

Signatories

- Civicus
- FIDH (International Federation for Human Rights), within the framework of the Observatory for the Protection of Human Rights Defenders
- Forum Civ
- Front Line Defenders
- Grupo belga Solidair met Guatemala
- Protection International
- Red europea de Comités Oscar Romero (SICSAL Europa)
- World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders
- International Service for Human Rights