

## Lenguaje y discriminación racial del afroecuatoriano

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**Abstract:** This article analyzes the language of racial discrimination against the Afro-Ecuadorian people in Ecuador, which violates the right to equality and non-discrimination. The objective of the study is to analyze the regulatory framework that seeks to prevent and punish racial discrimination against the Afro-Ecuadorian people and how this phenomenon is manifested at the level of language in Ecuador. A documentary type study was carried out, where the materials used are books, scientific journal articles, institutional reports and current Ecuadorian legislation related to the subject, analyzed according to their nature through the methods of documentary analysis, deductive of legal norms. The result is a characterization of the current regulatory regime to prevent and punish the manifestations of disbelief expressed through language, which allowed concluding that beyond the current legal norms, racial discrimination against the Afro-Ecuadorian people has cultural roots that merit a comprehensive response within the framework of the principles of interculturality and plurinationality.

**Keywords:** Waves, fractality, change.

**Resumen:** En este artículo se realiza un análisis del lenguaje la discriminación racial contra el pueblo afroecuatoriano en el Ecuador, lo cual atenta contra el derecho a la igualdad y no discriminación. El objetivo del estudio es analizar el marco regulatorio que busca prevenir y sancionar la discriminación racial contra el pueblo afroecuatoriano y cómo ese fenómeno se manifiesta a nivel del lenguaje en el Ecuador. Se realizó un estudio de tipo documental, donde los materiales utilizados son libros, artículos de revistas científicas, informes institucionales y la legislación ecuatoriana vigente relacionada con el tema, analizados según su naturaleza a través de los métodos de análisis documental, deductivo de las normas jurídicas. El resultado es una caracterización del régimen regulatorio vigente para prevenir y sancionar las manifestaciones de descremación que se expresan a través del lenguaje, lo que permitió concluir que más allá de las normas legales vigentes, la discriminación racial contra el pueblo afroecuatoriano tiene raíces culturales que amerita una respuesta integral en le marco de los principios de interculturalidad y plurinacionalidad.

**Palabras clave:** Ondas, fractalidad, cambio.

## Introduction

I would like to begin by pointing out a truism: the complex relationships arising from the recognition of different peoples, cultures, nationalities and communities in Ecuador make any approach to racial discrimination from a unitary point of view highly inadequate. In fact, a study of this nature should cover various aspects, from individual and group self-identification to the political, social, media or linguistic perception of the specific ways in which people belonging to different social sectors or groups are treated or perceived by the rest of society.

This is more complex when it comes to social groups that are distinguished from each other by some physical or genetic trait, as in the case of Afro-Ecuadorians who, in addition to their peculiar traditions, their way of dressing, their cultural manifestations and their ways of interacting with the rest of society, are differentiated from the rest of Ecuadorians by the color of their skin and their ethnic origin; The same distinction can be applied to differentiate, in general, members of indigenous peoples from the rest of Ecuadorian society, with the difference that the latter have become an important political and social actor since the 1990s, comparatively more active and cohesive than Afro-Ecuadorians.

However, the constitution of indigenous movements into first-order political actors has not substantially improved their social situation, at least not in a way that is correlated with the expansive force with which they are able to challenge the established order and influence the course of political events in the country; Afro-Ecuadorians, with less strength and capacity to influence the national political order or the course of public policies that may affect them, surely bear the brunt in the distribution of social inequalities present in Ecuadorian society.

In this context, one of the most complex forms of racial discrimination is analyzed, precisely that which is manifested in the use of language that often conceals or discovers a reality present in Ecuador, despite the fact that the Constitution itself prohibits and criminalizes any type of discrimination, which has not had a significant practical influence in the case of racial discrimination against the Afro-Ecuadorian people. The research question is as follows: How is racial discrimination against the Afro-Ecuadorian people in Ecuador manifested at the language level? The objective of the study is to analyze the regulatory framework that seeks to prevent and punish racial discrimination against the Afro-Ecuadorian people and how this phenomenon manifests itself at the level of language in Ecuador.

The article is developed under six headings. The first is entitled Afro-Ecuadorians, the most discriminated against; the second, the international decade for Afro-descendants, about which nothing has been done in the country; the third, entitled language and racial discrimination, in which it is pointed out how language plays its role in discrimination; the fourth discusses the prohibition of discrimination in Ecuador; the fifth deals with the obligation to guarantee non-discrimination and, finally, the sixth section points out that discrimination is a crime and, at the end, some conclusions and the bibliography that has served as support and points of reference for the analysis of the article are noted.

## Materials and Methods

In order to achieve the mentioned objective, a documentary type study was carried out, where the materials used are books, scientific journal articles, institutional reports and the Ecuadorian legislation in force related to the subject. Its analysis was carried out through the methods of documentary analysis, induction and deduction, analysis and synthesis and the method of exegetical analysis of legal norms. All this made it possible to respond to the research problem and the objectives formulated.

## Results

Afro-Ecuadorians would be, in this context, more discriminated against than indigenous people, which is expressed in a harsh but sufficiently expressive word for the phenomenon we are dealing with: *negrophobia*.

Negrophobia in Ecuador is lacerating. It hurts, burns, scorches the nerves and puts us in the condition of perverse beings, for accepting it as part of our coexistence. Without underestimating the racist problem, being *cholo* or Indian is now a little more 'profitable'. Some go to Europe to exploit this condition, often folklorically or sexually. Blacks just by setting foot in the Embassies of the European Union or the United States are already suspects or, at least, subject to double investigation? What will happen if a black person enters a bank, a supermarket, a church, or if he walks down the street, stands in a park or tries to take a cab? Being black is scary.

Although it can be said with certainty that cases of explicit racial discrimination against Afro-Ecuadorians are isolated, some have drawn the attention of Ecuadorian society and the press, such as the lynching of Juan Pablo Pavón in 2004: "The fate of being black was harsh. The young man was lynched, burned, his limbs cut off, mutilated and accused of being a delinquent. There was no justice. It was a lynching." Apparently, the determining cause of the attack of which he was a victim was his being of African descent. Another emblematic case, openly racist, was the arrest of "23 black citizens in La Carolina Park, in Quito"; according to what transpired, the cause of their arrest was due to "a suspicious attitude" and "public vagrancy."

These facts, isolated but representative of a deeper social phenomenon, show a daily reality that is not openly expressed in all cases but that in any case underlies social relations involving Afro-Ecuadorians in different contexts of national life, and with respect to whom two radically different positions are usually assumed: on the one hand, condescension, attempts at assimilation or overprotection due to their ancestral social disadvantage, and on the other, rejection and discrimination that distinguishes and separates them because of their own condition of having a different ethnic origin, and being the bearer of a culture that does not conform to the canons of what is considered "normal" for the majority society.

Both attitudes are reflected in various aspects of the country's political, social and cultural life; However, in order to reduce the limits of this paper and adapt to the length of the work, we are interested in reflecting on the concrete ways in which both attitudes are expressed in academic, institutional and media language,

with the purpose of systematizing the main linguistic expressions, positive and negative, used in specialized studies to refer to Afro-Ecuadorians in the context of the International Decade for People of African Descent, and the ways, also linguistic, that are proposed to overcome racial discrimination in Ecuador.

Rather, it is a study that uses content analysis as a research technique, applied to different sources related to the topic and in which the different linguistic forms of referring to Afro-descendants, their customs, their culture, their way of defining themselves and their social stereotypes to point out the individuals that integrate this social group in Ecuador are reflected. It also analyzes those linguistic forms through which it is proposed to overcome the discriminatory barriers and repair the historical damages caused to the Afro-Ecuadorian people from different national and international instances.

In 2015, the United Nations proclaimed the International Decade for People of African Descent, the celebration of which foresees a plan of activities around three thematic axes: Recognition, Justice and Development; this implies recognizing that this social group has so far suffered invisibility and lack of recognition, injustices and lack of integration into the general development of society, from which they have been largely marginalized, despite the great contributions they have made to civilization.

In this regard, the UN proclamation of the Decade sees it as "an opportunity to compensate them", while urging "an end to racial discrimination and the systematic exclusion of people of African descent" throughout the world. Several actions are envisaged to be carried out by States within the framework of the decade, with the aim of strengthening laws prohibiting racial discrimination and helping to ensure their enforcement, and promoting greater awareness of the cultural heritage of people of African descent and their many fundamental contributions to the advancement of humanity. In the same vein, it is envisioned to "foster greater knowledge, value and respect regarding the achievements of people of African descent and their contributions to humanity."

This declaration is preceded by many other international instruments, binding or not, which together define the position of the international community with respect to racial discrimination against people of African descent, its causes, consequences and concrete ways in which States should act through laws and public policies to reduce or eliminate this social phenomenon that condemns a considerable part of humanity to a life marked by misery and lack of access to basic rights that are considered universal and inherent to every human being.

And such a general position is naturally expressed through language that qualifies, classifies, divides and separates people into races, ethnicities, peoples or cultures and, like any classification, draws a dividing line between people of different social groups, to the detriment of those historically vulnerable for whom the international community has adopted the aforementioned instruments, without the good wishes having been effectively translated into equal treatment and a just social position for Afro-descendants to date.

In the following section we make an inventory of the main derogatory expressions or terms used to refer to Afro-descendants in international documents, academic writings and periodical publications, with the purpose of confirming that discrimination is expressed both in the facts and in the ways of referring to them or the people who are involved in them. The analysis is divided

into two parts: on the one hand, the denigrating expressions used to refer to them, and on the other, the positive expressions used to try to make amends for the injustices committed.

Much has been written about racial discrimination and the contributions of Afro-descendants to the development of humanity, although this has not been enough to eliminate the discrimination to which they are subjected, at least at the linguistic level, which is what interests us here. It has also been written about the ways in which they are represented through different media, the overt or covert ways in which discrimination is expressed in public institutions or at the social level. For the following analysis, these three aspects of social life are used to classify the expressions used to refer to Afro-descendants.

It should also be clarified that, being a content analysis, the research consulted documents of different academic, scientific or journalistic value related to the topic, highlighting from them only the key words that indicate the specific ways of referring to Afro-descendants; for this reason, not all terms or expressions were extracted from documents that are discriminatory in themselves, but from those that refer to these subjects in the third person or as victims of discrimination. The sources consulted but not cited are listed at the end of the text, although those cited at the foot of the page were also used for the content analysis.

The thesis underlying the study is that expressed by Héctor Islas Azaïs, a researcher on the relationship between language and racial discrimination; in his opinion, "the language of discrimination feeds on the flesh and blood of people historically placed in a situation of vulnerability". The ultimate presupposition of racial discrimination is the idea of "race," which was "imposed as a basic criterion of universal social classification of the world's population, according to which the world's major new social and geo-cultural identities were distributed." Racial discrimination is an ideology that is based on the differences of "races", and assumes that there are inferior races and superior races, and at that level it does not matter if the distinction is scientifically correct, because it works for the purposes it is used for, and because like any ideology it is not interested in the scientific veracity of its theses, but in the functionality to justify its ends or the means it uses to impose itself.

In order to systematize the expressions and terms that underlie any form of racial discrimination against Afro-descendants, we use the three criteria already suggested: expressions that refer to individuals, expressions that refer to the group and expressions linked to public institutions or the vision that these institutions have of them. These are arbitrary criteria valid only in the context of this paper, but they work for the purposes that follow and allow us to account for the different expressions most commonly used in these three spheres. For a better exposition of the subject, a correlation is made between the negative expressions and the positive ones that are suggested as a way of linguistic overcoming racial discrimination against Afro-descendants.

**Table 1.** *Racial discrimination*

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**Racial discrimination**

Criteria	Negative view	Overcoming pathway	Comments
Individuals	Incapable, lazy, violent, inclination to violence, limited access to the labor market, lack of education, delinquency, promiscuity, savagery, intolerance, life imprisonment, limited access to employment, education and security, persecution, threat to security, distrust, fear and resentment, threat to democracy and cultural identity, the vicious circle between racism-exclusion-poverty.	Righting wrongs, re-humanization, policy of recognition, justice, development, affirmative action, vindication of rights, self-determination, ensuring full access to justice, education, health and social security, acceptance of diversity, recognition of the other	These would be the basic characteristics that in the texts consulted are attributed in a pejorative manner, the actions that should be taken to avoid discrimination and ensure the right to equality among individuals considered in isolation. The former are structural limitations of society or attributes that are assumed to be proper to Afro-descendants as individuals, and in both cases they limit or prevent them from exercising the rights to which they are entitled, but which they cannot fully exercise because of the negative aspects that society attributes to them. The latter, on the other hand, refer to the measures or actions that should be adopted to avoid or eliminate racial discrimination.
Groups	Marginalization, hatred, segregation, slavery, poverty, misery, disease, most vulnerable groups, lack of access to justice, racial superiority, anti-black racism, anti-black violence, racialized subjects, crime-prone race, unequal distribution of assets, poor social recognition of their histories, heritage and culture, xenophobic attitudes, social stigmatization.	Legitimizing Afro-descendant identity, greater cultural visibility, awareness programs on equality and non-discrimination, participation and inclusion, native culture, self-determined transnational community, cultural citizenship, recovery of ancestral knowledge.	Unlike the former, these characteristics are attributed to the social group of Afro-descendants, having been victims of the former, it is assumed that the actions envisaged in the latter will contribute to diminishing or eliminating racial discrimination among different social groups. In the first case, it is a question of the stereotypes that have been historically constructed at the social level as attributes of Afro-descendants, without their empirical confirmation or the degree to which each of the negative characteristics attributed to them is manifested being relevant. In the second case, it is considered that the proposed actions would make an important contribution against racial discrimination, while allowing the revaluation of the Afro-descendant social group for its contributions to the culture and national identity.
Institutional	Racism, racial or ethnic discrimination, stereotypes, unequal protection under the law, deprivation of rights, stigmatization, exclusion, racial profiling, persistent inequalities, harm, injustice, mockery because of their skin color, structural racism, historical genocide, invisibility, precarious labor insertion, living in precarious areas, lack of access to housing, forced displacement, lack of judicial guarantees, prejudice by public officials, impunity, racist bias, police violence, death penalty, crime.	Review and repeal of laws conducive to discrimination, adoption of non-discrimination laws, right to redress, elimination of obstacles to equality, identification and elimination of related forms of discrimination, adoption of legislative and institutional measures to eliminate institutionalized stereotypes.	This point summarizes the main manifestations of racial discrimination that are considered to be practiced by public institutions, or the stereotypes that have been constructed by those in power to separate, segregate and discriminate against Afro-descendants, which limits or prevents their access to public services, to the benefits that each person should receive from the State and the effective enjoyment of their rights before public institutions. In order to eliminate or reduce institutional racial discrimination, systematized actions are suggested as ways to overcome racial discrimination or the violation of the right to equality among people.



It can be stated with certainty that in current Ecuadorian legal language, or more precisely, in the legal language used in the country, it is not possible to find any of the expressions systematized in the previous section, at least not in their pejorative and discriminatory sense with respect to Afro-descendants. This contrasts, for example, with the 1998 Constitution, where collective rights were recognized for indigenous and black or Afro-Ecuadorian peoples, without noting the negative ideological charge of the term "black".

On the contrary, the principle of equality and the prohibition of discrimination on any grounds, including discrimination on the grounds of race, ethnicity or skin color, is a constant feature of the entire legal system in force. Specifically, two attitudes can be noted with respect to racial discrimination: on the one hand, the prohibition in all its forms, and on the other, the requirement that affirmative action or reverse discrimination measures be adopted in all areas of society where racial discrimination may be present.

In what follows we systematize concrete cases at the constitutional level of both attitudes, without pretending to exhaust all possible examples, but emphasizing those that can be considered paradigmatic for the clarity with which they express the rejection of racial discrimination. In the current Constitution of the Republic of Ecuador of 2008, any form of discrimination is prohibited, and particularly that which distinguishes people on the basis of their ethnic or cultural origin: only on one occasion the constituent took as a possible cause of discrimination the racial origin of persons in its article 46, referring to the comprehensive protection of children and adolescents.

The legislative technique used by the constituent in the face of possible acts of discrimination goes in two different, although complementary, directions: in the first, in accordance with the guaranteeing conception of the State defined as "of rights and justice, intercultural and plurinational", the State is obliged to guarantee the application of laws and public policies contrary to any form of discrimination, while in the second it uses the imperative form to prohibit any form of discrimination, ensure the application of sanctions to those who incur in such attitudes and repair or compensate the affected persons or groups. Let us look at concrete examples of both ways of dealing with discrimination.

Non-discrimination among persons on the basis of their ethnic or cultural origin is the most frequent among the techniques employed by the Constituent Assembly; thus, the duties of the State are established as "guaranteeing without any discrimination whatsoever the effective enjoyment of the rights established in the Constitution and in international instruments", guaranteeing access to education "without any discrimination whatsoever"; the protection of children and adolescents "against the influence of programs or messages, disseminated through any media, that promote violence, or racial or gender discrimination"; guarantee to communities, peoples and nationalities the right "not to be subjected to racism and any form of discrimination based on their origin, ethnic or cultural identity" and the right to the "creation of their own social communication media in their languages and access to others without any discrimination whatsoever."

It also recognizes the right of all persons to "formal equality, material equality and non-discrimination"; the training of the Armed Forces and the National Police under the principle of respect "for the rights of persons without any

discrimination"; non-discrimination is also one of the principles governing the national system of inclusion and social equity; finally, the State is obliged to "promote a culture of peace and prevent forms of violence and discrimination".

These obligations of the State, however, do not guarantee that the equality proclaimed as a principle is materialized in the spheres of its competence, whether in the provision of public services, the effective enjoyment of fundamental rights or access to public services under equal conditions; For this reason, the constitutional text itself resorts to the legal figure of affirmative action, through which reverse discrimination measures can be applied, i.e., creating norms, public policies, plans or programs where traditionally marginalized persons or groups can benefit under favorable conditions compared to the rest of society.

As a principle, affirmative action is provided for in several constitutional norms; thus it is manifested in the obligation of the State to adopt such measures to promote "real equality in favor of rights holders who are in a situation of inequality;" in the access and exercise of public positions of discriminated sectors; in the fulfillment of the right of access to work of communities, peoples and nationalities, where it must adopt specific measures so that their members may have access to employment under equal conditions. Finally, it is also an obligation of the State, with respect to traditionally marginalized and discriminated groups, to repair and compensate the damages they suffer as a result of racism or other related forms of intolerance and discrimination.

The second technique employed by the constituent is to prohibit any form of discrimination, without distinguishing whether it is based on racial, ethnic or cultural criteria. In any case, the latter, which are the object of our analysis, are implicitly or explicitly prohibited. In particular, it is established as a general principle the prohibition and sanction "of all forms of discrimination"; the media are prohibited "from broadcasting advertising that induces violence, discrimination, racism...and all that which violates rights"; it is also prohibited in the exercise of public service to civil servants "actions of discrimination of any kind."

Unlike the obligations that the State must fulfill with respect to guaranteeing non-discrimination, the prohibitions imposed, due to their imperative nature, are generally accompanied by a criminal sanction, as provided for in articles 176 and 177 of the Organic Integral Criminal Code, which typify the crimes of discrimination and acts of hatred, respectively. The first of these crimes punishes any person who "propagates practices or incites any distinction, restriction, exclusion or preference on the basis of" different criteria provided, among which are, as far as our object of analysis is concerned, membership to a specific ethnicity or cultural identity; such actions must be carried out, for the crime to be configured, "with the objective of nullifying or impairing the recognition, enjoyment or exercise of rights under conditions of equality." The penalty provided for the crime, in its basic figure, is deprivation of liberty for one to three years, and in its aggravated figure (when the acts are carried out by a public official), the penalty provided is three to five years.

The crime called acts of hate, on the other hand, provides for three different sanctioning frameworks: the basic figure establishes a penalty of deprivation of liberty of one to three years for any person who "commits acts of physical



or psychological violence of hate, against one or more persons because of their...ethnicity... [or their] cultural identity"; if such acts cause injury to the victim the penalty will be higher, and in the event of death it will be deprivation of liberty of twenty-two to twenty-six years.

The important thing with respect to the crime of discrimination is that it is configured through the word, that is, through the use of any of the pejorative expressions systematized above: in this sense, discrimination as a crime under the COIP is configured when a person uses any of the derogatory or pejorative expressions systematized, to refer to any other person or group. This is, in short, the relationship that can be established between language and racial discrimination in Ecuador, the central theme of this paper.

## Conclusions

Despite the progress achieved in today's societies, discrimination on the basis of race continues to be a problem that must be addressed at the international, national and local levels. This need was taken up by the UN when in 2005 it proclaimed the International Decade for People of African Descent as an opportunity to compensate for the historical discrimination suffered by these peoples, to end racial discrimination and the systematic exclusion of people of African descent, and to promote greater knowledge, value and respect for the achievements of people of African descent and their contributions to humanity.

In Ecuador, Afro-Ecuadorians are one of the peoples most discriminated against because of their racial origin; although this discrimination is not systematic, it exists and is manifested at the level of language and also in attitudes or actions of public and private institutions and citizens, who sometimes unconsciously or voluntarily give unjustified differential treatment to members of these social groups for the simple fact of having a different racial connotation, even when the Constitution and laws recognize the right to formal equality, material equality and non-discrimination.

The current regulatory framework uses different legislative techniques to address racial discrimination against Afro-Ecuadorians. First, it prohibits all forms of discrimination at the constitutional level, considering it contrary to the right to equality. Secondly, it requires the State to guarantee the legal, institutional and public policy conditions necessary to prevent racial discrimination. Thirdly, it criminalizes acts of discrimination or hatred based on racial or any other grounds. Therefore, anyone who propagates, practices or incites any distinction, restriction, exclusion or preference due to ethnic origin, nationality, sex or any other personal or social condition is criminally punished.

From the analysis carried out, it can be concluded that although there is a regulatory framework to prevent and punish racial discrimination against the Afro-Ecuadorian people, it is necessary to complement it with the creation and application of anti-discriminatory public policies to promote cultural diversity and its historical values, and the creation of social awareness at institutional and social levels to minimize and progressively eliminate any act of discrimination that violates the dignity of persons and is contrary to the right to equality of all persons in Ecuador.

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