



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eighty-first session

6–31 August 2012

Item 4 of the provisional agenda

**Consideration of the reports, comments and information submitted  
by States parties under article 9 of the Convention**

## Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

### List of issues to be taken up in connection with the consideration of the combined twentieth to twenty-second periodic reports of Ecuador (CERD/C/ECU/Q/20-22)\*

The following is a list of issues identified by the country rapporteur in connection with the consideration of the combined twentieth to twenty-second periodic reports of Ecuador. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues may be raised in the course of the dialogue.

1. **Framework for the implementation of the Convention, the availability and accessibility of solutions, and complaints mechanisms for racial discrimination (arts. 2, 6 and 7)**
  - (a) Invocation of the Convention by individuals before the national courts;
  - (b) Complaints, legal proceedings and judgements dealing with racial discrimination;
  - (c) The role of civil society in the drafting of the periodic report and the fight against racial discrimination;
  - (d) The case of the Kichwa Peoples of the Sarayaku community in central Ecuador before the Inter-American Court of Human Rights;
  - (e) Cases of indigenous leaders participating in social protest and accused of sabotage and terrorism since 2008;

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\* Late submission.

(f) The fight against racial prejudices, the promotion of interculturalism and respect for diversity.

**2. Implementation of the legal framework against racial discrimination (arts. 1, 4 and 5)**

(a) The 2008 Constitutional reform and the implementation of the constitutional protection of rights under the Convention;

(b) Status of the various bills and draft bills in progress, including:

(i) The Water Act;

(ii) The Land Act;

(iii) The draft bill on coordination and cooperation between the indigenous and domestic courts (CERD/C/ECU/20-22, para. 31);

(iv) The bill on collective rights;

(c) Administrative and criminal penalties as provided by the Organic Act on Communication in the event of the publication of discriminatory material (*ibid.*, paras. 100 to 103);

(d) Implementation of the Plurinational Plan for the elimination of racial discrimination and ethnic and cultural exclusion (2009–2012).

**3. The equality of indigenous people and the challenges they face (arts. 2, 4, 5 and 7)**

(a) Guarantee of indigenous peoples' right to non-discrimination, including those in voluntary isolation;

(b) Participation of indigenous peoples in public service (*ibid.*, para. 50);

(c) Safety and protection of indigenous women against violence and the double discrimination suffered by indigenous women (*ibid.*, para. 35);

(d) Guarantees of protection for indigenous peoples against the exploitation and commercialization of natural resources in indigenous territories (*ibid.*, paras. 51 and 52);

(e) Linguistic and cultural barriers to the enjoyment of economic, social and cultural rights (*ibid.*, paras. 69 and 75).

**4. The equality of Afro-Ecuadorian communities and the challenges they face (arts. 2, 4, 5 and 7)**

(a) Exercise and enjoyment of human rights;

(b) Greater participation in public life;

(c) Experiences and lessons learned from the International Year for People of African Descent 2011 (*ibid.*, paras. 91–96).

**5. Enjoyment of human rights by groups vulnerable to racial discrimination (arts. 2, 4, 5 and 7)**

(a) Human rights situation of the Montubio people;

(b) Human rights situation of refugees, in particular those from Colombia;

(c) Human rights situation of the Roma people (CERD/C/ECU/CO/19, paras. 11 and 12).