



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
10 July 2012
English
Original: Spanish

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;

* 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).