



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**
Seventy-third session
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**WRITTEN REPLIES BY THE GOVERNMENT OF ECUADOR TO
THE LIST OF ISSUES TO BE TAKEN UP BY THE COMMITTEE
ON THE ELIMINATION OF RACIAL DISCRIMINATION IN ITS
CONSIDERATION OF THE NINETEENTH PERIODIC REPORT
OF ECUADOR (CERD/C/ECU/19)**

General information and general legal framework

1. Please indicate whether the State party has up-to-date statistics from the 2001 census, in particular on the ethnic make-up of the population. What methods were used in conducting the census? (Concluding observations, para. 9, report, paras. 11, 84, 101)

The Ecuadorian State conducted the sixth population census and the fifth housing census, organized by the National Institute of Statistics and Censuses (INEC), in 2001. This census yielded data on the population's ethnic composition because the census form included for the first time a question on ethnicity (black, mulatto, indigenous, mestizo, white), language and culture (for indigenous people). The methodology used was the census interview based on the form.

In addition to these updated statistics on the national population as a whole there is also sample data from the December 2007 employment, unemployment and underemployment survey, which covered urban and rural areas.

This survey included a variable for self-identification and language spoken, putting two questions to everyone aged 5 or over: "How would you describe yourself?" and "What language or languages do you speak?". The following are some of the results obtained.

Of the total Ecuadorian population recorded by the 2001 census (12,156,608), 851,217 or 6.9 per cent describe themselves as indigenous; 74.3 per cent of these live in rural areas. The total population of Afro-Ecuadorians accounts for 4.98 per cent. However, according to the 2006 standard of living survey, Afro-Ecuadorians account for 5.7 per cent of the total population.

It is hoped that a national research project on the Ecuadorian population will be conducted in 2011.

(Annex 1: Statistical tables with additional data showing standard of living by ethnic group.)

2. Please indicate the exact legal status of the Convention in the State party's domestic law. Can the Convention be invoked directly before the domestic courts? If so, please provide examples of cases.

Under Ecuador's domestic law the 1998 Constitution incorporates international conventions in national legislation and they can therefore be invoked by Ecuadorian citizens in defence of their rights. Thus article 17 of the Constitution of the Republic of Ecuador, on the application and interpretation of human rights, provides that "the State shall guarantee to all its inhabitants, without discrimination, the free and effective exercise and enjoyment of the human rights set forth in this Constitution and in the declarations, covenants, agreements and other international instruments in force. The State shall implement measures, including permanent and short-term programmes and plans, to ensure the effective enjoyment of these rights". Further, under article 18, "the rights and guarantees laid down in the Constitution, and in the international instruments in force, shall be directly and immediately applicable before any judge, court or authority".

Similarly, article 163 stipulates that the norms contained in international treaties and conventions, once they have been promulgated in the *Official Gazette*, shall form part of the domestic legal order and shall take precedence over laws and other norms of a lower rank. Most of the provisions of the Convention on the Elimination of All Forms of Racial Discrimination have been incorporated into the 1998 Constitution currently in force.

Further, under article 274 of the Constitution, any judge or court, either ex officio or on request, and in any case at trial, may declare inapplicable any legal norm that runs counter to the provisions of the Constitution or international treaties or conventions, without prejudice to the right to rule on the case at hand.

Article 2

3. ***Please indicate whether a follow-up mechanism has been set up for the PRODEPINE project that ended in August 2004, the aim of which was to strengthen the technical, administrative and management capabilities of indigenous and Afro-Ecuadorian organizations at the local, regional and national levels, so as to promote their effective participation in the formulation of government policies. (Report, paras. 29 ff.)***

In the PRODEPINE project, the counterparts to the State, which was represented by the Ministry of Finance, were the Council for the Development of Ecuadorian Nationalities and Peoples (CODENPE), the Council for Afro-Ecuadorian Development (CODAE), and the indigenous and Afro-Ecuadorian communities.

Since PRODEPINE was terminated there has been no mechanism to monitor its impact. There was a winding-down phase, but no mechanism for ex-post evaluation has been put in place.

In the view of the Council for Afro-Ecuadorian Development (CODAE), the project had little impact on Afro-Ecuadorians' development. Firstly, although it targeted the indigenous and Afro-Ecuadorian peoples, the execution was unbalanced: indigenous peoples received 94 per cent and Afro-Ecuadorians 6 per cent. The project's beneficiaries were thus distributed asymmetrically, in the proportion 10 indigenous people to 1 Afro-Ecuadorian.

Because of this investment imbalance, what few resources were invested in the Afro-Ecuadorian people had minimum impact in terms of building capacity and skills at the individual and the organizational levels. Ultimately, the PRODEPINE experiment made no significant contribution to poverty reduction among Afro-Ecuadorians or to project sustainability.

Under the present Government, the State has set up the Rural Development Project (PRODER) under the Ministry of Economic and Social Inclusion, so as to maintain the momentum of the Poverty Reduction and Local Rural Development Project (PROLOCAL), which came to an end in 2007 and which, with its seven regional offices, was reaching the citizens of several provinces and cantons with indigenous and Afro-Ecuadorian populations, such as the El Angel River Basin in northern Ecuador.

Through its Under-Secretariat for Social Development, the Ministry of Economic and Social Inclusion is also funding the implementation of a number of projects in the framework of a rural and marginal urban land development strategy that targets indigenous and Afro-Ecuadorian organizations, among others.

- 4. Please provide detailed information on the practical implementation of constitutional provisions, in particular article 23, paragraph 3, of the Constitution, which explicitly prohibits all forms of discrimination including racial and other related forms of discrimination. Please also provide information on the legislation prohibiting racial discrimination and guaranteeing the implementation of special protection measures for indigenous peoples and Afro-Ecuadorian communities and members of other ethnic minorities, particularly through national courts and other competent bodies. (Concluding observations, para. 11, report, para. 21)**

The Government of Ecuador guarantees a democratic, participatory and inclusive social system, one that is respectful of human rights and safeguards citizens' civil rights, including the right of all Ecuadorians to enjoy the same rights, freedoms and opportunities without discrimination of any kind, as established in article 23, paragraph 3, of the Constitution.

Similarly, and in accordance with that provision of the Constitution, chapter VIII-A of the Criminal Code (Offences relating to racial discrimination) establishes prison sentences of between six months and three years, under article 212-A, for anyone who (1) disseminates, by any means, ideas based on racial superiority or racial hatred; (2) in any way incites racial discrimination; (3) commits, or causes to be committed, acts of violence against any race, person or group of persons of any colour or ethnic origin; or (4) finances, aids or abets any kind of racist activity. Where any of these offences are ordered or committed by public officials or employees, the penalty is one to five years' imprisonment. As well as article 212-A, articles 212-B to 212-E also deal with racist offences punishable by law.

In addition to the current (1988) Constitution, the above-mentioned provisions of the Criminal Code and the international instruments adopted by Ecuador, there is also Metropolitan Ordinance No. 216, issued by the Quito Metropolitan Council, on the social inclusion of Quito's Afro-Ecuadorian people, with due regard for ethnicity and culture.

In order to guarantee the principle of non-discrimination as established by the Constitution, the Quito Metropolitan Council has over the last eight years taken special steps to promote the development of the Afro-Ecuadorian and indigenous peoples.

Among the measures adopted are: the Afro-Ecuadorian and Indigenous Peoples Development Programmes (2001), the Metropolitan Ordinance on the Social Inclusion of Quito's Afro-Ecuadorian People (2007), the Metropolitan Social Council for the Elimination of Racial Discrimination (2007), and the Metropolitan Strategic Plan for Comprehensive Development of Quito's Afro-Ecuadorian people, 2007-2015. All these measures aim at improving the standard of living of the indigenous and Afro-Ecuadorian people resident in the Metropolitan District of Quito. Membership of these bodies is indigenous and Afro-Ecuadorian.

Notwithstanding these legal measures to prohibit and condemn all forms of racial discrimination, cases of discrimination against Afro-Ecuadorians have occurred in practice. One example occurred in Quito on Sunday, 13 April 2008, when 23 Afro-Ecuadorians were arrested for alleged “suspicious behaviour”, when in fact they were enjoying a day off in the La Carolina public park. The Minister of the Interior, Fernando Bustamante, subsequently made a public apology on behalf of the State for the events of 13 April 2008 involving these Afro-Ecuadorians.

5. *Please provide detailed information on the practical outcomes of the Indigenous Women’s Conference held in 2004 in connection with the Equal Opportunities Plan. (Report, para. 77)*

The Indigenous Women’s Conference took place in March 2004 as part of the process of preparing the Equal Opportunities Plan. As a result, the demands of Ecuador’s indigenous women were incorporated into the Equal Opportunities Plan 2005-2009, which was proclaimed a State policy in March 2006 and committed the State as a whole to a concerted effort to promote women’s rights and build a more just and equitable society.

Various national women’s organizations were involved in preparing the Plan, with due regard for ethnicity, culture, age, sexual orientation and geographical distribution. Their main demands focused on violence and respect for women’s economic rights, women’s political rights, and social rights.

Violence is one of indigenous women’s most vital concerns because they are subject to all forms of discrimination and violence, most notably femicide - on which specific studies have yet to be done but which do affect indigenous women - and domestic violence, which affects mainly indigenous women and girls.

As to women’s economic rights, access to and ownership of land, water and biodiverse natural resources associated with different ecosystems have been identified as one of the main problems of indigenous rural women. Another important point regarding these rights is the fact that indigenous women have little or no access to microfinance because institutionalized discrimination against them in financial institutions, both as women and as indigenous people, means they are not regarded as creditworthy.

Similarly, there has been little progress in the political involvement of indigenous women. Some women leaders have managed to gain a foothold in this area but there are many political, social and cultural obstacles. Indigenous women become politically involved if they have no family responsibilities. Another of the main factors limiting indigenous women’s active involvement in politics is their poor education. In order to boost the numbers of indigenous women in politics, it is clear that what is needed is a proper training school to prepare women leaders and support and strengthen the participation of women as a group in the political arena.

With regard to social rights, especially in education and health, it is necessary to reinforce bilingual cultural education so as to preserve indigenous women’s history, knowledge and cultures. In relation to sexual and reproductive health, it is necessary to recognize the traditional health practices of midwives, healers, *yachaks* (spiritual healers), and *sobadoras* (healers who use a form of massage).

The Ecuadorian State promotes public policies in favour of diverse women, such as Act No. 103 on violence against women and families, and the Free Maternity and Childcare Act, but these laws take no account of the specificities of indigenous women, so very few of them benefit.

The new approach adopted in the Equal Opportunities Plan, which incorporates a gender and interculturality perspective, has enabled the State to formulate public policies to help women to exercise their rights and hold the State to its obligations.

In accordance with the Plan, through the National Council for Women (CONAMU) Ecuador's gender agency, and with the support of several national women's institutions and organizations, the State is in the process of formulating a priority national policy on rural women, with the involvement of women belonging to Ecuador's diverse ethnic and cultural groups.

In this context, the importance of the Equal Opportunities Plan for indigenous women lies in the State's undertaking to adopt the necessary measures and mobilize human, financial and technical resources as required to promote equality for women, young women and girls belonging to the various ethnic and social groups. It is this commitment that has made it possible, in recent years, for Ecuador to give greater prominence to the diverse women's agendas and to women's demands and the promotion and dissemination of their rights. Although significant progress has been made towards equality and the means of achieving social equity, the Ecuadorian State is still determined to support the diverse women of Ecuador in the realization of their aspirations.

Article 4

6. *Please indicate whether the Criminal Code or any other legislation contains provisions reflecting the terms of article 4 of the Convention. (Report, para. 45)*

The Ecuadorian State has for decades been concerned to legislate against racial discrimination and has condemned acts of this kind as criminal offences. Thus, in order to effectively outlaw racial discrimination, Supreme Decree No. 3,194 (*Official Gazette* No. 769 of 8 February 1979) defines several acts as crimes related to racial discrimination, and these are contained in articles 212-A to 212-E. This article and its subparagraphs deal with racial discrimination, bodily harm (including death), illegal organizations or groups that promote racial discrimination, incitement to racial discrimination and offences committed by public officials. The penalties laid down range from 6 months' to 12 years' imprisonment, depending on the seriousness of the crime.

The following are the relevant provisions of the Ecuadorian Criminal Code:

“Article 212-A - Forms of racial discrimination - Anyone who

- (1) Disseminates, by any means, ideas based on racial superiority or racial hatred;
- (2) In any way incites racial discrimination;

(3) Commits, or causes to be committed, acts of violence against any race, person or group of persons of any colour or ethnic origin; or

(4) Finances, aids or abets any kind of racist activity

shall be liable to between six months' and three years' imprisonment.

“Where any of these offences is ordered or committed by public officials or employees, the penalty shall be one to five years' imprisonment.

“Article 212-B - Bodily harm - Where the acts of violence referred to in paragraph 3 of the preceding article result in bodily injury to another person, the perpetrators shall be liable to between two and five years' imprisonment. If such acts of violence result in another's death, the perpetrators shall be liable to between 12 and 16 years' imprisonment.

“Article 212-C - Illegality of organizations or groups promoting racial discrimination - Any organization, propaganda or publicity that promotes or incites racial discrimination is illegal and therefore banned in the Republic. Anyone involved in such organizations or activities shall therefore be liable to between two months' and two years' imprisonment.

“Article 212-D - Incitement to racial discrimination - National, regional and local authorities and public institutions shall not promote or incite racial discrimination. Any violation of this prohibition shall incur the responsibility of the authorities in question or their legal or administrative representatives, who shall be liable to between six months' and three years' imprisonment and shall forfeit their political rights for the term of the sentence.

“Article 212-E - Applicability of constitutional provisions - Public officials or employees committing any of the offences of racial discrimination defined in this Decree shall be subject to the special constitutional provisions covering violation of constitutional guarantees.”

In this way Ecuador gives effect to the provisions of article 4 of the Convention. The Code of Criminal Procedure needs amending, however, in order to ensure that these definitions are applied in practice.

Additionally, under article 30, paragraph 6, of the Criminal Code, one of the aggravating circumstances that augment the maliciousness of an act by reason of racial discrimination is “committing the offence for reasons of discrimination on the basis of place of birth, age, sex, ethnicity, colour, social origin, language, religion, political affiliation, financial status, sexual orientation, state of health, disability or difference of any other kind”.

By criminalizing such acts the Ecuadorian State ensures compliance with the provisions of article 4 of the Convention.

Article 5

7. ***Please indicate the current status of the bill on the harmonization of the functions of the indigenous justice system with those of the regular judicial system, which provides, among other things, that conflicts of jurisdiction between the indigenous and the ordinary judicial authorities shall be resolved by the Constitutional Court. (Report, paras. 113 and 114)***

The bill to harmonize the administration of justice and assign jurisdiction (indigenous justice) referred to in paragraph 113 of Ecuador's report was submitted to Congress on 27 November 2002 (No. 23-936), but has not been debated in plenary.

Since Congress went into recess by order of the Supreme Electoral Tribunal in November 2007, to make way for the National Constituent Assembly charged with drafting a new constitution for Ecuador, it has not been possible to produce a new draft of the bill. When the Assembly has completed its work, a new draft will be presented giving the broad outlines of the two systems of justice and bringing the judicial functions of the indigenous peoples into line with those of the national system.

In its work on the alignment of the indigenous and national judicial systems, the Ministry of Justice and Human Rights, as represented by the Under-Secretariat for Legislation, has made the revival of several bills awaiting adoption a key priority for its 2009 Plan of Action; one of these is the bill to harmonize the administration of justice and assign jurisdiction (indigenous justice).

This new process will require a study of the operation and coordination of the indigenous and ordinary justice systems so that a plan for indigenous justice can be drawn up by the indigenous peoples themselves, working with non-indigenous sectors.

The indigenous nationalities and peoples are looking forward to the Constituent Assembly's completion of its task so that they can press on with the process of adopting new subsidiary legislation to bring indigenous justice into line with the national judicial system.

8. ***Please provide examples of the application of the Consultation and Participation Act, approved in 2002 to supplement the provisions of the Constitution requiring prior informed consent. Have participatory consultation mechanisms been established to duly inform communities about the environmental impact of projects to exploit natural resources and to take due account of their decisions?***

Articles 84 and 85 of the Constitution refer to collective rights, and as part of those rights establish guarantees for the indigenous and Afro-Ecuadorians peoples. Article 84, paragraphs 5 and 6, establish the State's obligation to recognize and guarantee the right of both peoples to be consulted on plans and programmes for prospecting for and exploiting non-renewable resources to be found on their lands, which might impact upon their environment or culture, and their right to maintain and promote their own biodiversity and environmental management practices.

This provision of the Constitution is implemented by the Environmental Management Act, the Central Environmental Management System, Environmental Regulation No. 1,255, governing hydrocarbon operations, and the Regulations governing Public Consultation, promulgated under Executive Decree No. 1,040 of 22 April 2008 and published in the *Official Gazette*, No. 332, 8 May 2008; according to these rules, any project involving environmental risk must obtain the proper environmental permit.

The Ministry of the Environment reports that, under these laws and regulations, in order to obtain an environmental permit the proposer of a project must carry out an environmental impact assessment. Once the assessment has been submitted to the authorities, a public consultation exercise must be conducted, which in the case of oil-related activities involves specific steps including a full meeting, attended by the supervisory authorities, to explain the project and the environmental impact study to all residents of the area directly affected by the project; opening of an information and enquiries office for a minimum of 15 days; and a meeting before closing the information office.

As this indicates, the public consultation process is followed in all oil and mining projects. Examples include seismic projects, exploratory drilling, development drilling and production and others, as documented by the Ministry of the Environment.

Under article 26 of Executive Decree No. 1,040, the public consultation procedure referred to in the regulations is without prejudice to the special arrangements for the indigenous peoples - who define themselves as nationalities with ancestral roots - and the Black or Afro-Ecuadorian peoples, established in articles 84 and 85 of the Constitution.

Nevertheless, the consultation process needs to be used more widely in all cases of exploitation of land where indigenous and Afro-Ecuadorian communities live; the consultation process established by law has had limited application in practice.

9. *Please indicate what measures have been taken recently to eradicate “cultural violence against indigenous women in public spaces of various kinds”. (Report, para. 78)*

“Cultural violence” is an aspect of gender discrimination against women and doubly affects indigenous women, who suffer dual discrimination on grounds of sex and of ethnicity. In the first place the Ecuadorian State has taken steps to overcome illiteracy among these groups and, secondly, it has put credit programmes in place for indigenous women so that, with better education and sufficient funds, they can be trained and improve their employment prospects, which will give them access to public spaces of various kinds and improve their economic and social situation.

In this regard, the National Council for Women (CONAMU) has managed to bring down illiteracy levels by means of programmes and projects promoted by local governments. In the municipality of Cotacachi, for example, where the population is predominantly indigenous, it has successfully eradicated illiteracy, which affected mainly indigenous women. Similarly, in other places in the Central Highlands, the Ministry of Education is conducting campaigns to involve the female, mainly indigenous, population in literacy and adult education programmes.

The Government has started a Women's Bank - still in its infancy - through which it will target women of limited financial means, most of whom are indigenous. It will provide financial incentives in the form of lower interest rates than those applied in the private financial sector, flexible terms and grace periods. The PROMUJERES programme, which seeks to raise awareness of rural women's production, is another priority on the Government's agenda.

The Government has now set out the strategic priorities in the State's policy agenda, and these are in the implementation phase. In this initial phase it is important to define the sectors to be given priority with regard to State programmes and subsidies, and then plans can be prepared and implemented in those sectors that could not be included owing to technical and economic difficulties. The monitoring and evaluation phases to measure the benefits and outcomes accruing from implementation of the inclusion and social equity system will take place later, since the projects are designed for medium- and long-term evaluation.

The Council for the Development of Ecuadorian Nationalities and Peoples (CODENPE), through the Department of Reinforcement, has conducted training and awareness-raising workshops on collective rights and women's rights. As the body responsible for indigenous policy, CODENPE has also run integrated projects to ensure the rights of indigenous women in general, in order to prevent cultural violence against women in public spaces of various kinds. In addition, in order to obtain its own programmes to help indigenous women and prevent cultural violence against them, it has hired an indigenous woman who is an expert in gender and the family to support it in implementing this concept within the agency. This training is expected to yield positive results.

10. *Please provide detailed information on the practical role of the Human Development Voucher and the Social Agenda in particular, in the distribution of resources to the indigenous peoples and the Afro-descendant communities. What difference have these resources made to the full enjoyment of economic, social and cultural rights by these populations and communities? (Concluding observations, para. 13; report, para. 61)*

The Government of Ecuador, through the Ministry of Economic and Social Inclusion and the Ministry's Social Protection Programme (MIES-PPS), supports and assists all vulnerable groups by means of a monthly cash transfer, so as to safeguard their rights. Among these groups are women heads of families with children aged under 18, older people and persons with disabilities, who are given training in their rights and provided with loans as part of efforts to combat and reduce poverty.

As of May 2008, MIES-PPS had provided human development vouchers to 1,009,154 women heads of families, 258,250 older people and 21,754 people with disabilities (differently abled), a total of 1,289,158 in all, either through counters in banks or savings and loan cooperatives or by magnetic card.

Also through MIES-PPS, the State delivered 5,328 solidarity loans to a total of US\$ 2,112,626 in 2007 and, as at May 2008, 31,498 human development loans to a total of US\$ 10,702,667.12, in both cases to families or individuals entitled to the human development voucher.

The Government is making great efforts to extend coverage and to that end is to carry out a survey, to be done by the National Institute of Statistics and Censuses (INEC), which will enable it to update the Social Programme Beneficiaries Database; as well as providing more payout points through the banking system and making magnetic cards universally available to facilitate payouts.

Unfortunately, since no account is taken of beneficiaries' ethnic or cultural background within these totals, either for receipt of the human development voucher or for access to solidarity or human development loans, it is not possible to give precise figures as to sex and ethnicity for those entitled to these State-protected and State-distributed benefits.

However, taking as it does an approach that aims to guarantee and protect the rights of the individual (citizens for life), the Government makes financial and in-kind contributions, as a form of State emolument, for unpaid work in the home - mostly done by women - in caring for older persons and persons with disabilities (differently abled) not covered by Social Security; and above all it contributes to food security among the beneficiaries of social programmes, for the cash payment will cover their minimum daily calorie intake. Thus the Government makes a major contribution to its citizens' enjoyment of economic rights.

Through the Ministry's Aliméntate Ecuador food programme, which regards food and nutrition security as a right, the State also promotes food security and economic inclusion by providing education and training in healthy eating and a nutrition and communication programme, as well as three food rations a year to 305,070 beneficiaries (mothers, older people and children under 5) in 795 rural parishes and marginal urban areas (40,000 people in the latter). At the same time, it promotes social cohesion by setting up parish food-security networks.

As at May 2008, 866,344 food rations of various kinds (depending on location and age) have been delivered under this scheme, as well as 311,557 rations to help 1,557,785 people hit by natural disasters in several provinces; 540 community health and nutrition meetings were held, attended by some 270,000 families; 1,800 nutrition education workshops were organized, attended by agencies and some 30,000 families; and 150 food-security networks were set up around the country. In addition, the programme encourages autonomous local production and certifies and purchases from small local producers, thereby promoting local development and raising product standards; and it supports the compilation of indigenous and Afro-Ecuadorian peoples' traditional food practices and knowledge in the *Ecuador Food Atlas*.

To conclude, the strenuous efforts made by the Government through the Ministry of Economic and Social Inclusion cannot be fully reflected in figures specifically relating to gender, ethnic or cultural background, or membership of indigenous or Afro-Ecuadorian peoples because no variables or indicators, either quantitative or qualitative, have been developed for these characteristics. In the design and implementation of public policy on the indigenous and Afro-Ecuadorian peoples, this is a task that cannot be shirked.

11. Please comment on the situation of certain indigenous peoples along the northern border of Ecuador who have reportedly been affected by spraying, including the Awá and Quechua in the highlands, and the Cofán, Siona, Secoya and Quechua in the Amazon region, and indicate what urgent measures have been taken to alleviate the pernicious consequences of the spraying, which has caused migrations of people - including drug traffickers, guerrillas and paramilitaries - from Colombia into Ecuador, in turn resulting in displacement of people. Please also indicate whether the State party has paid compensation to victims.

On the urgent measures taken to alleviate the pernicious effects of aerial spraying in Colombia, the Department of Border Relations with Colombia, of the Ministry of Foreign Affairs of Ecuador, reports that, from the moment Colombia began aerial spraying in October 2000, Ecuador has sought by all means, formal and informal, to reach an understanding with Colombia to contain illicit crop eradication within reasonable technical parameters so that it does not harm or endanger Ecuadorian land or residents along the border with Colombia.

The dialogue and negotiation has gone on for nearly a decade, to the extent of setting up three separate scientific commissions in each of the two countries in order to address the issue at the technical level also, but it has proved impossible to reach any agreement.

The Ecuadorian State has persisted with dialogue and negotiation for 10 years in an effort to protect its border residents and their rights. A proposal was made for Colombia to establish a 10-kilometre no-spray strip along its own side of the border with Ecuador, but this suggestion, too, has unfortunately been consistently rejected by that country.

All Ecuador's efforts have been in vain and it is mainly for that reason that it has decided to make the aerial spraying dispute a judicial matter, taking it to the International Court of Justice in The Hague on 31 March 2008. The hope is that the Court will order Colombia to cease all spraying and pay compensation to the State and those affected.

This step represents Ecuador's last hope of safeguarding the health and interests of its border populations, and should not be seen as an act of aggression but rather as the Ecuadorian State's fulfilment of its obligation to its citizens.

In taking this case to court, Ecuador is doing no more than invoke a peaceful dispute-settlement mechanism provided for in international law; in resorting to such a measure it is simply acting in strict compliance with the law and with its own inescapable duty to safeguard the interests of its citizens.

Under article 4 of Executive Decree No. 1,151 (*Official Gazette*, No. 238 of Tuesday, 23 December 2003), the Minister for the Environment or their deputy is responsible for convening the inter-agency commission established to address this issue.

One of the actions taken by the Ministry of the Environment has been to design a system of environmental and health control and monitoring to prevent the use of potentially environmentally harmful chemical or biochemical substances or biological agents in the control and eradication of marijuana, coca and poppy crops, and to establish an early warning

mechanism in the provinces of Sucumbíos, Orellana, Carchi and Imbabura to prevent the risk of exposure to environmentally harmful chemical, biochemical, biological or other agents.

The Ministry assisted in the inquiry to determine the environmental damage caused by glyphosate spraying on the northern border, but in April 2007 another technical committee, drawn from the academic and scientific sectors, was formed and has now taken over the task of substantiating Ecuador's position in this regard on a scientific basis, by documenting the extremely extensive harm done to the health of humans, animals, crops and the environment in Ecuadorian territory by the spraying operations carried out by the Government of Colombia along its border with Ecuador.

In addition to the indigenous population living on the northern border, a significant number of Afro-Ecuadorians also live in the area and have also been affected. In the province of Esmeraldas particularly, and most notably in the cantons of Eloy Alfaro and San Lorenzo, the internal armed conflict in neighbouring Colombia has disrupted the tranquillity and well-being of Afro-Ecuadorian families. The canton of San Lorenzo, where there are also Afro-Ecuadorian communities, has attracted thousands of displaced Colombians fleeing the actions of Colombian armed groups and the use of glyphosate in Colombian territory, which forces them to take refuge in the Afro-Ecuadorians' ancestral lands.

12. *Please say what steps have been taken to prevent illegal logging and otherwise protect the "untouchable" areas or zones occupied by the Taromenane and Tagaeri peoples.*

The State body responsible for the protection of indigenous peoples living in voluntary isolation is the Ministry of the Environment, which has designed and is implementing the Plan for the Protection of Indigenous Peoples Living in Voluntary Isolation. This plan is based on implementation of the protective measures granted by the Inter-American Commission on Human Rights towards the Tagaeri and Taromenane peoples. It goes further, however, in that it attempts to find a more comprehensive solution to the problem. The solution is not limited to controlling the illegal logging of timber, but attempts to address local people's serious social problems.

To this end, a joint army-police team has been set up, under the Inter-Institutional Cooperation Agreement to Implement the Protective Measures Plan for the Taromenane and Tagaeri Peoples, signed on 27 February 2008 between the Ministry of the Environment, the Ministry of Defence and the Ministry of the Interior and Police. The 18-member security force specializes in this issue. A technical team has also been set up, comprising seven social, environment and health experts, seven technical support staff of Huaorani nationality, who will contribute their knowledge of the terrain and of local issues, and seven ethno-environmental monitors who will work from within their communities, and be responsible for informing the team of any new development that could affect indigenous peoples living in voluntary isolation.

Since 9 April this team has been in charge of the first Tagaeri-Taromenane Untouchable Zone Monitoring Station, located near the bridge over the river Shiripuno - the area where indigenous peoples living in voluntary isolation have been at greatest risk in recent years. Since then there has been round-the-clock monitoring of the zone, and monitoring is being extended to other zones as well. In a few weeks' time, ongoing monitoring will be introduced into La Wester (Inés Arango) sector, another strategic point for oversight of the zone.

Importantly, the Plan is supported by a special inter-institutional commission, headed by the Ministry of the Environment and comprising a number of other State institutions (Ministry of Defence, Ministry of the Interior and Police, Ministry for the Coordination of the Natural and Cultural Heritage, Ministry of Oil and Mining, Ministry of Justice, Ministry of Tourism, Ministry of Health, Ministry of Foreign Affairs, Office of the Procurator-General and Ecuadorian Institute for Eco-Development in the Amazon Region (ECORAE)). The Commission started work in February 2008.

Other State actions that are important for the protection of indigenous peoples living in voluntary isolation are as follows:

- (a) Progress has been made in highlighting the issue in the National Constituent Assembly;
- (b) Policies on indigenous peoples living in voluntary isolation were introduced by the current Government in 2007;
- (c) A code of conduct to be observed by public and private companies located near “untouchable” zones, and engaged in oil activities in Ecuador’s Amazon region was introduced in March of this year by the Ministry of Oil and Mining, the Ministry of the Environment and the Ministry for the Coordination of the Natural and Cultural Heritage;
- (d) Under the Plan, a contingency protocol is being drawn up in case of contact with indigenous peoples living in voluntary isolation. In addition, the Ministry of the Environment has included a doctor in the technical team, to help draw up in the course of the year a preventive health plan and a contingency plan in case of initial contact. These plans are being coordinated with the Ministry of Health;
- (e) Draft legislation on indigenous peoples living in voluntary isolation is being drawn up under the Plan;
- (f) With the support of the Ministry for the Coordination of the Natural and Cultural Heritage, the Ministry of the Environment is trying to establish a reliable, and sustainable high-level institutional structure to work on this issue.

The Ministry of the Environment has allocated an initial budget of over US\$ 700,000 for the period March-December 2008, and has included US\$ 2.8 million in its 2009 budget for continuing control and monitoring work and the implementation of a social plan that will ease the pressure from those living around the territory inhabited by indigenous peoples living in voluntary isolation.

As part of this work, the Ministry of the Environment is continuing to forge closer ties with the Huaorani community, in order to facilitate protection of the indigenous peoples living in voluntary isolation. To that end, two visits to the zone were made by the Environment Minister, Marcela Aguiñaga. The first visit, in February 2008, was to the Shiripuno River Sector, where the Tagaeri-Taromenane Untouchable Zone Monitoring Station has been set up, and the second visit, on 10 June 2008, was to the Huaorani community of Ñoneno.

It should be pointed out that, in order to protect the communities of indigenous peoples living in voluntary isolation in the protected zones, Ecuador set up a national system of protected natural areas over 10 years ago, with the aim of ensuring biodiversity preservation and sustained ecological services, in accordance with international agreements and treaties, and the human rights of the indigenous peoples living there.

As regards logging, the State has discovered illegal lumber operations in this zone. Local companies and inhabitants are known to be involved in such illegal activities. Accordingly, the Ministry of the Environment has undertaken to investigate, with the aim of introducing regulations prohibiting the illegal extraction of timber resources in this zone, as well as inspections with a view to revoking logging “licences”, so as to prevent clashes between settlers and the “untouchable zones” communities.

Inspections are carried out on an ongoing basis by the Ministry of the Environment and the Ministry of Oil and Mining, since illegal logging is linked with oil production. The aim is to prevent oil platforms being used to store the timber and load it onto trucks going mainly to Quito and the border with Colombia. At the same time, the inspections prevent further environmental damage affecting the customs and way of life of the zone’s communities (mainly the Huaorani).

In parallel with these inspections carried out by State bodies, steps have been taken, through the Ministry of Tourism and in coordination with the World Tourism Organization, to regulate tourism in the zone and prevent it from affecting the life and integrity of the zone’s communities.

The State is also in dialogue with the Huaorani peoples to ensure that the trafficking in animals from the area does not become a problem for these communities.

Similarly, in line with the protective measures for the Tagaeri-Taromenane zone, media activities such as reports, documentaries and feature articles are regulated and duly monitored. Foreign reporters must apply to the Ministry of Foreign Affairs and the Secretariat for the media.

(Annex 2: Details of visits to the peoples of this zone)

Additionally, as part of the State’s efforts to protect the communities of the “untouchable” zones and their natural environment, the Government conducted an extensive campaign to inform the international community about the ITT Project to increase awareness of the need to avoid exploiting the Ishpingo-Tiputini-Tambococha (ITT) oilfield in the Yasuni National Park, and involve the international community in joint, committed action with Ecuador to that effect. It is hoped that this innovative project, which has met with a positive response and international political support, will receive external funding to compensate the State of Ecuador for half the cost of not extracting the oil in order to jointly ensure the protection of the Yasuni Biosphere Reserve, and thus of the indigenous peoples living in voluntary isolation in this territory.

Lastly, it is important to note that the Government of Ecuador stands fully ready, through its institutions, to continue with these measures of environmental protection, control and conservation in the “untouchable” zones inhabited by the Tagaeri, Taromenane and other peoples living in voluntary isolation.

13. *What steps have been taken to improve and extend health services to cover indigenous women, particularly those who are victims of violence? (Report, para. 78)*

The National Council for Women (CONAMU), in conjunction with the Ministry of Health, has supported the effective application of the Free Maternity and Childcare Act, which benefits all women, without discrimination of any kind, (whether ethnic, socio-economic, cultural or on grounds of age).

The package of services guarantees women's sexual and reproductive health and care for children up to the age of five. In the restructuring of State institutions, it was deemed necessary to incorporate the lessons learned from the decentralized, autonomous and participatory implementation of the Act into the reform of the health sector and the model of care, in order to guarantee the rights of all women. The State has encouraged rural and indigenous women in particular to join the watchdog committees that monitor implementation of the Act at community level; it provides training, reinforces their organizational structures, and considers the services provided by traditional midwives to be services within the meaning of the Act.

In addition, in establishing the Ministry of Health's regulatory framework, it was accepted that it was necessary to update the guidelines on comprehensive care for survivors of sexual and gender-related violence; this process is under way, with the aim of institutionalizing the guidelines and applying them at the national level. This entails coordination between the health and legal sectors, and benefits all women, without discrimination of any kind.

(Annex 3: Detailed report and tables on health care for women victims of violence in Ecuador)

In addition, indicators covering the different needs of urban, rural, indigenous and Afro-Ecuadorian women have been incorporated in the annual plans for projects under the Global Fund to Fight AIDS, Tuberculosis and Malaria, so that the strategic initiatives to be developed in the next five years can meet those needs on a basis of universality, solidarity and equal opportunities.

14. *Please provide information on recent steps to eradicate illiteracy, particularly among the indigenous population, where the illiteracy rate is 28.2 per cent, the Afro-Ecuadorian population (10.3 per cent) and the mestizo population (8 per cent). (Report, para. 12)*

The eradication of illiteracy in Ecuador has a constitutional basis; under the Constitution, the State is obliged to establish policies in this area. Under articles 66 and 67 of the Constitution, the State recognizes education as an inalienable human right, and the State therefore has an obligation to define and implement policies in this area. In addition, under the third paragraph of article 67 of the Constitution, the State is obliged to draw up plans and programmes for ongoing education to eradicate illiteracy and strengthen education in rural and border areas, as a matter of priority.

The fourth State policy of the Ten-Year Plan for Education, approved by referendum in 2006, is a commitment to the eradication of illiteracy and the strengthening of further education, with the participation of the teachers, students, district and local government, governmental and non-governmental organizations, and civil society.

In line with this policy, by Ministerial Decision No. 314 of 14 August 2007, the Government established the National Basic Education Programme for Young People and Adults, comprising the Manuela Sáenz project (Spanish language); the Dolores Cacuango project (indigenous languages); the Cordón Fronterizo project (Colombia/Ecuador/Peru border area); the Voluntad project (for prisoners); and the Discapacidades Diversas project (for people with various disabilities).

The programme and its five projects are implemented by the Ministry of Education's Department of Further Education, with the support of the Department of Bilingual Intercultural Education (DINEIB).

It is important to show the results of the first phase of the Dolores Cacuango project for the indigenous population, from September 2007 to May 2008, which reached a total of 9,068 illiterate indigenous persons. These results are shown in the following table:

No.	Province	Participants
1	Azuay	160
2	Bolívar	529
3	Cañar	360
4	Cotopaxi	1 140
5	Chimborazo	2 950
6	Imbabura	287
7	Loja	320
8	Napo	400
9	Orellana	490
10	Pastaza	107
11	Pichincha	131
12	Sucumbios	413
13	Tungurahua	1 381
14	Coastal Provinces and Galápagos	400
	Total participants	9 068

Source: Provincial Offices of Bilingual Intercultural Education (DIPEIBs)
July 2008

According to information from the Ministry of Education, the Manuela Saenz project, another component of the National Basic Education Programme for Young People and Adults, was drawn up taking the diversity of Ecuador's population as a starting point, and is designed to improve literacy in Spanish; the project therefore targets the mestizo and Afro-Ecuadorian population, including those indigenous peoples that have lost their ancestral tongue and wish to learn to read and write in Spanish. Although it is being implemented in various provinces, the Ministry of Education's Department of Further Education does not yet have any information about the project's results or the number of illiterate persons it has reached.

In addition, an inter-agency agreement has been drawn up between the National Council for Women (CONAMU) and the Ministry of Education, with the aim of including a gender perspective and women's human rights in the implementation of the Ministry of Education's Manuela Saénz and Dolores Cacuango literacy projects, for mestizo, indigenous and Afro-Ecuadorian young people and adults.

Similarly, CONAMU has introduced training programmes for teachers of young people and adults, and officials and technical staff of the National Department of Further Education, who are members of the Literacy Campaign's national facilitators team.

Lastly, in conjunction with the Ministry of Education, CONAMU has helped promote national registration campaigns for women, to enable them to benefit from literacy education, particularly in the northern border areas and areas with a large indigenous and Afro-Ecuadorian population.

All these steps taken by the Government help reduce illiteracy rates, particularly among indigenous and Afro-Ecuadorian groups.

(Annex 4: Table showing education levels among Ecuador's population)

15. *Please provide detailed information on the affirmative action policies guaranteeing that indigenous and Afro Ecuadorian children and adolescents have access to and remain in the education system. (Report, para. 81)*

In order to guarantee that indigenous and Afro-Ecuadorian children and adolescents have access to and remain in the education system, the State - through the Ministry of Education - implements the State policies contained in the Ten-Year Plan for Education.

One of the main policies implemented by Ecuador is to improve the education infrastructure. The Millennium School, with more than 600 places, is being built in San Lorenzo, where there are large numbers of Afro-Ecuadorians, and this will take pupils from the various schools in the area and provide them with everything they need for their education.

Similarly, the voluntary contribution of US\$ 25 that parents used to pay to school administrations is to be abolished in order to facilitate school attendance for children from low-income households - many of whom are indigenous or Afro-Ecuadorian.

School textbooks are provided free of charge to every student; in the case of the Quechua population, for example, around 500,000 textbooks in the "Kukayu Pedagógico" series are printed each year and distributed in nine provinces in the Highland region, one in the Coastal region, and one in Amazonia.

School uniforms are free and there is a School Meals Programme in every school.

In addition, the Ministry's different departments and units run training programmes for all provincial offices, especially in rural areas.

Affirmative action in education forms part of the Government's social policy, to which Ecuador has allocated record levels of financial and human resources. For education in 2007

alone, the budget was up by 20 per cent compared to 2006, teachers' pay was considerably higher and 12,000 new teaching posts were created. Overall, this policy has resulted in higher quality education and better coverage for vulnerable social groups.

Article 6

16. Please provide more information on the amicable settlements handled by the Department for the Indigenous Peoples (DINAPIN), and the results. (Report, paras. 34-36)

Through the Council for the Development of Ecuadorian Nationalities and Peoples (CODENPE), the State has helped to strengthen indigenous peoples' own dispute-settlement mechanisms thus avoiding proceedings and complaints in State courts. However, the CODENPE has no studies or statistics to show the impact of these efforts on the settling of disputes.

The National Department for the Indigenous Peoples (DINAPIN), which is part of the Ombudsman's Office, worked with the Network of Indigenous Human Rights Defenders on amicable settlements from 2001 until the end of 2006. In February 2008 DINAPIN was replaced by the National Commission for the Human Rights of the Indigenous Peoples (CONADHPIN), attached to the Ombudsman's Office.

According to a summary of the cases dealt with and settled by DINAPIN, in 2001 and 2002 there were not many cases, as during this period DINAPIN was busy promoting and publicizing its activities within the Ombudsman's Office; the collective rights and human rights of the country's indigenous peoples and nationalities under the Constitution and International Labour Organization (ILO) Convention No. 169, ratified by Ecuador in 1998; and the activities of the Network of Indigenous Human Rights Defenders.

Between 2003 and 2006 a total of 259 cases were settled, 120 through mediation and 139 without mediation; 30 cases were not settled, the users or complainants having dropped their claims. The Ombudsman's involvement meant that it was possible to avoid often prolonged and costly legal proceedings. This has resulted in harmony, peace and unity among the indigenous communities, peoples and nationalities, and between them and the State authorities.

The success of the DINAPIN individual and collective disputes-settlements procedure for indigenous communities is due to the fact that it is not prolonged, and that the parties and the mediating authority try to settle the dispute through negotiation and mediation in a public hearing. Agreements are recorded in a written document. If no agreement is reached, the injured party is free to apply to the competent authorities for restoration of the violated right.

Cases dealt with and settled by DINAPIN include the following:

- (a) Right to individual and collective property rights;
- (b) Right to work;
- (c) Right to education;
- (d) Right to an identity;

- (e) Right to water;
- (f) Right to compensation;
- (g) Family problems.

(Annex 5: Details of cases settled by DINAPIN)

17. Please provide examples of cases dealt with by the indigenous mediation system for resolving judicial problems arising in indigenous communities. (Report, para. 115)

In the Quito Metropolitan District, by Ordinance No. 239 of 20 December 2007 (*Official Gazette* No. 272 of 13 February 2008), the Quito Metropolitan Council established the Metropolitan Centre for Mediation to provide a dispute-settlement service to residents of the Quito Metropolitan District and other municipalities in Ecuador, using appropriate strategies and in the interests of peaceful co-existence. Within this framework it provided mediation services (322 cases a year), legal advice (365 cases) and socialization (804 cases) to Afro-Ecuadorian and indigenous communities and organizations in the Metropolitan District and adjacent cantons including Cayambe, Puerto Quito, Pedro Vicente Maldonado, and Santo Domingo de los Tsachilas. Alternative dispute-settlement has been an effective tool for the Metropolitan District, in its work to combat racism and racial discrimination, and promote full respect for human rights.

Article 7

18. Please provide detailed information on the human rights training in all 22 provinces, under the National Human Rights Plan, carried out by the Standing Committee on the National Human Rights Plan. Please state whether the syllabus includes study of the provisions of the Convention. (Concluding observations, paras. 12 and 20, and report, para. 38)

Ecuador's National Human Rights Plan, under a bipartite body comprising five State institutions and five civil society institutions, was adopted as a State policy in 1998. To implement the Plan, a Standing Committee on the Evaluation, Monitoring and Adjustment of Ecuador's Human Rights Plans was established in 1999, to work in four main areas: policy; sectors; decentralization; and training, communication and dissemination.

In the area of training, 63 workshops have been held since 2003 in all provinces, for some 2,200 participants, on topics relating to the rights of detainees, young people, consumers, older persons, children and adolescents, migrants and refugees; trafficking in persons; torture; mental health; sexual diversity; the Andean Charter for the Promotion and Protection of Human Rights; public policies; and human rights and local government.

The Standing Committee's programme of work has not incorporated training workshops on the rights of the Afro-Ecuadorian people or racial discrimination; however, in view of the importance of these subjects, by a Committee decision of May 2008, a training cycle under the National Human Rights Plan is to start in the second half of this year, with the aim of combating racial discrimination and promoting and publicizing the human rights of the Afro-Ecuadorian people as established in the main international instruments, the recommendations of the

Committee on the Elimination of Racial Discrimination, and the implementation of the Durban Programme of Action. These workshops will conclude with the formulation of specific requests to State institutions, with broad social participation, given that the Standing Committee comprises the Ministry of Justice and Human Rights, Ministry of Economic and Social Inclusion, the Supreme Court, the Ombudsman's Office and the National Secretariat for Planning and Development.

The National Human Rights Plan contains an analysis of Ecuador's human rights situation and proposals for solving the main problems through the adoption of specific measures and activities, as set forth in the sectoral operational plans.

With regard to the Afro-Ecuadorian people, the operational plan on the rights of the Black or Afro-Ecuadorian people is designed to protect what is one of the most vulnerable and marginalized groups - in employment, social, political and cultural terms - in Government and State policy; the lack of any policy has contributed to the slow development of this people.

With regard to the indigenous people, in view of the overall situation, the Standing Committee on the Evaluation, Monitoring and Adjustment of Ecuador's Human Rights Plans, constituting as it does a forum for analysis and action on the rights of vulnerable groups, intends to draw up in the near future an operational plan on indigenous people's rights, with the aim of promoting and protecting the collective rights of Ecuador's two representative peoples.

19. *Please provide information on the steps taken to eliminate prejudices and negative stereotypes affecting indigenous peoples and people of African descent. (Report, para. 99)*

In order to guarantee and protect the rights of all inhabitants, the State has acceded to international agreements to combat racial discrimination. Domestic law contained provisions to combat and punish negative stereotypes and prejudices against indigenous and Afro-Ecuadorian peoples. Among the principles of international law applied in the 1998 Constitution (art. 4, para. 6) establishes that the Ecuadorian State rejects any form of discrimination or segregation. This principle underpins the country's domestic and foreign policy on discrimination and national policies on stereotyping and prejudice, which mainly affect indigenous and Afro-Ecuadorians peoples.

On the basis of these provisions of the Constitution, in 2006 the State introduced education policies aimed at eliminating negative stereotypes and prejudices against indigenous and Afro-Ecuadorian peoples. However, there are as yet very few general policies addressing this problem. The State has taken some initiatives for indigenous peoples but, no special campaigns have yet been launched for Afro-Ecuadorians.

State measures in this area include Ministerial Decision No. 274 of 30 May 2006, which establishes that "within the framework of the Civic Education Campaign, educational institutions shall arrange, among other things, activities related to the recognition of Ecuador as a multicultural and multi-ethnic country".

In order to strengthen this educational campaign to teach Ecuadorian children and young people to respect the diversity of the national population, the Education for Democracy Act (*Official Gazette* No. 402 of 22 November 2006) is now in force. This Act provides that all plans and curricula for all primary schools, high schools and trade and vocational and training courses shall include courses in the values of democracy, multiculturalism, integration, equality, justice and human rights as a cross-cutting subject, to be taught in a pluralistic, not dogmatic, manner.

In order to regulate implementation of the Act, the President of the Republic, economist Rafael Correa, by Executive Decree No. 711 of 5 November 2007, issued the Regulations of the Education for Democracy Act, which established a Programme of Education for Democracy and a plan for building a sense of citizenship valuing the country's diversity and thereby contributing to the construction of a democracy that dignifies the lives of all Ecuadorians. This is done by means of promotional activities, coordinated with all components of the education system, encouraging respect for the diversity of all citizens, men and women, from an early age.

Another of Ecuador's initiatives to combat negative prejudices and stereotypes in respect of certain population groups in Ecuadorian society, is one taken by the Quito Metropolitan Council, whose Municipal Education Department has set up a civic education programme.

This initiative, consisting in a methodology applied from the first years of school up until the end of secondary school, is a teaching strategy designed to train urban and rural students in civil and political human rights, in order to familiarize them with everyday reality, the problems and practices of ordinary people, and culture.

The main point is to get beyond the local level and discuss problems that affect Ecuadorian society and jeopardize the country's unity, in order to shape citizens with ethical, social and cultural principles and values.

The programme aims to make the city of Quito a model for values education, that is to say in development of human rights, customs, human relations, community membership; citizen's rights and duties, sustainability, non-discrimination, justice, hospitality - in short, values that make for healthy coexistence and sustainable social development. To better implement the programme, the council has also prepared textbooks for students and manuals for teachers.

In the area of awareness-raising to eliminate stereotypes, Quito Metropolitan Council has lent its support to other publications, including the following: "Ayán el Orishá de los tambores", *Cuadernos de Etnoeducación del Programa de Desarrollo Afroecuatoriano números 6 y 7 (2007)* ("Ayan, Orisha of drums", Afro-Ecuadorian Development Programme, *Journal of Ethnic Education*, Nos. 6 and 7 2007); "Instrumentos Internacionales Contra la Discriminación Racial", *Boyokani Moninga, Kosomba (2005)* ("International Instruments Against Racial Discrimination", *Boyokani Moninga, Kosomba, 2005*).

At this point, it should be noted that, while the State needs to coordinate specific, sustained policies against discrimination, there are a number of civil society initiatives that have been supported by various State institutions, including Congress, the Technical Secretariat of the Social Front (now the Technical Secretariat of the Ministry for the Coordination of Social Development), the National Institute of Statistics and Censuses (INEC), Quito Metropolitan Council and the Council for Afro-Ecuadorian Development (CODAE). These initiatives were

also supported by international organizations such as the Inter-American Development Bank (IDB) and the Economic Commission for Latin America and the Caribbean (ECLAC).

The civil society initiatives include: the Act on the Collective Rights of the Black or Afro-Ecuadorian people (2006); the third Latin American and Caribbean Conference of Race Equality Bodies (2008); funding for research and publications, including: “Indigenous and Afro-Ecuadorian Population in Ecuador”, a sociodemographic study based on the 2001 Census; a project on “indigenous peoples and the population of African descent in censuses; a sociodemographic atlas of the indigenous and Afro-Ecuadorian population in Ecuador; ECLAC project on indigenous peoples and the population of African descent in censuses, (2005); “Analysis of Afro-Ecuadorian Issues and Proposal for Priority Action” (2003); “Afro-Ecuadorians in Figures” (2004); “Racism and Racial Discrimination in Ecuador” (2005); “Ethnicity, Inequality and Racism”, bulletin No. 10 (2007).

Quito Metropolitan Council has also taken up two proposals from civil society: Metropolitan Ordinance No. 216 on the social inclusion of the Afro-Ecuadorian people of Quito, with due regard for ethnicity and culture, and the Jonatás Sáenz medal, named for a nineteenth-century Afro-Ecuadorian leader, which is awarded on merit to people or institutions working for social inclusion.

20. *Please provide detailed, up-to-date information on information campaigns and human rights courses for law enforcement officers, public officials and members of the judiciary, in order to prevent and combat racial discrimination.*

The State of Ecuador attaches importance to human rights training for public officials and law enforcement officers. Accordingly, the Ministry of Justice and Human Rights, established in November 2007, aims to train all members of the judiciary in human rights and is currently planning various workshops for law enforcement officials.

The Ministry of Justice and Human Rights plans to hold several training workshops for the National Police, the Armed Forces and prison guards. The subjects to be covered in the training are related to human rights, and include specific topics such as migration processes, human trafficking, diversity and gender, public security and non-discrimination.

Each workshop will last for approximately three days, eight hours a day. It is expected that an average of 400 police officers will attend each workshop.

In addition, following the events of 13 April 2008, the Ministry of the Interior and Police and the Ministry of Justice and Human Rights have drawn up a human rights and non-discrimination training programme for the National Police, to start on 17 July 2008. The content of these training programmes has now been finalized.

Similarly, an anti-racism campaign is being prepared jointly with other ministries and civil society organizations and will be launched during the second half of 2008.

The Ombudsman’s Office, as part of its training and human rights dissemination activities, has a cooperation agreement with the National Police, which enables it to work on various topics related to human rights in formal or open courses for both the rank and file and officers.

21. *Please state what steps the State party plans to take to ensure publication of this report and the Committee's concluding observations and recommendations.*

Through the Human Rights Coordination Commission, the State will take the necessary steps to distribute the Committee's recommendations to all the State institutions and numerous social organizations concerned. Four workshops are to be organized in strategic locations in Ecuador under the National Human Rights Plan, and in cooperation with the Standing Committee for the Evaluation, Monitoring and Adjustment of Ecuador's Human Rights Plans, the Council for Afro-Ecuadorian Development (CODAE) and numerous Afro-Ecuadorian associations, in order to publicize the rights of the Afro-Ecuadorian people established in the main international instruments, the recommendations of the Committee on the Elimination of Racial Discrimination, and information on implementation of the Durban Programme of Action. These workshops will conclude with the formulation of specific requests to State institutions, with broad social participation.

Quito
11 July 2008
