



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
2 October 2024
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

114th session

25 November–13 December 2024

Item 4 of the provisional agenda

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

List of themes in relation to the twenty-fifth periodic report of Ecuador

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Recent and complete disaggregated statistics on the ethnic composition of the population based on the results of the eighth population census and the seventh housing census, and compiled through other data collection mechanisms. Updated information on the socioeconomic situation of the different ethnic groups and groups likely to face racial discrimination, including Indigenous Peoples, people of African descent, Montubio people, migrants, asylum-seekers and refugees.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1 and 2)

3. Information on respect for the Constitution of Ecuador of 2008, which establishes the State party as a plurinational and intercultural State and the collective rights of Indigenous Peoples and people of African descent, as well as their right to participate in local and national governance. Also, information on the implementation of the decisions issued by the Constitutional Court of Ecuador to guarantee the rights of Indigenous Peoples and people of African descent.

4. The status of the draft organic act on the prevention and eradication of racial discrimination and ethnic and cultural exclusion.

5. Information on the implementation of the provisions of the Comprehensive Organic Criminal Code that criminalize acts of racism and racial discrimination.² Information on

¹ [A/65/18](#), para. 85.

² [CERD/C/BOL/Q/21-26](#), paras. 10 and 11.



complaints of acts of racial discrimination and the outcome of the investigations conducted into these complaints, including the penalties handed down to the persons found responsible.

6. The functioning of, and resources allocated to, the National Council for the Equality of Peoples and Nationalities and the extent to which Indigenous Peoples, people of African descent and Montubio people are represented.

Structural discrimination and intersectional discrimination (arts. 2 and 5)

7. Special measures taken to combat structural discrimination against Indigenous Peoples, people of African descent and Montubio people. Information on the outcome of the implementation of social inclusion and identity-sensitive development policies.³ Information on the outcome of the implementation of the “Whole Life” National Development Plan (2017–2021).

8. The concrete impact of anti-poverty measures and, in particular, how they have helped to improve the exercise of economic, social and cultural rights by Indigenous Peoples, the Montubio people and people of African descent, particularly in respect of their access to employment, social security, housing, health and education.

9. Measures to combat intersectional discrimination based on the grounds prohibited under article 1 of the Convention, as well as on other grounds of discrimination, such as sexual orientation, gender identity, disability, and social and economic status.

Situation of Indigenous Peoples, people of African descent and the Montubio people

10. Concrete measures taken to protect and safeguard the rights of the Indigenous Peoples, the Montubio people and people of African descent, in particular concrete measures to ensure legal security of tenure in respect of land, territories, and natural resources.

11. Implementation of the policy for the protection of Indigenous Peoples in voluntary isolation or a situation of initial contact and measures for the protection of their health and their physical and cultural survival.⁴

12. Concrete measures taken to prevent and mitigate the adverse effects of natural resource exploitation projects on the environment, especially water resources, which particularly affect Indigenous Peoples and people of African descent. Information on the environmental impact studies carried out to prevent such effects. Information on the penalties handed down and reparation measures granted for environmental damage caused to the territories of Indigenous Peoples and people of African descent.⁵

13. Concrete examples of free, prior and informed consultation processes carried out with respect to measures that may affect the rights of Indigenous Peoples and people of African descent and consultation processes carried out prior to the implementation of natural resource exploitation projects. Progress made towards the adoption of a specific law to ensure respect for the right of Indigenous Peoples to be consulted with a view to obtaining their free, prior and informed consent.⁶

14. Concrete measures taken to ensure the implementation of the outcome of the public consultation held on 20 August 2023, in which it was decided to halt current and future petroleum exploitation projects in the Ishpingo, Tambococha and Tiputini areas of Yasuní National Park.

15. Concrete measures taken to safeguard Indigenous languages⁷ and promote their use, particularly those identified as being at risk of disappearing.

16. Outcome of the implementation of the bilingual intercultural education model⁸ and the extent to which intercultural bilingual education has become more available. Information

³ CERD/C/BOL/Q/21-26, paras. 6 and 7.

⁴ Ibid., paras. 14 and 15; and CERD/C/ECU/25, paras. 136–147.

⁵ CERD/C/ECU/25, para. 146.

⁶ CERD/C/ECU/CO/23-24, para. 19 (a) and (b).

⁷ CERD/C/ECU/25, para. 71.

⁸ Ibid., para. 126.

on the measures taken to promote the enrolment and retention of Indigenous Peoples, people of African descent and Montubio people in schools at all levels, and in particular to promote access to higher education.

17. Concrete measures taken to ensure that Indigenous Peoples, people of African descent and Montubio people have access to quality and culturally appropriate health facilities, goods and services.

Situation of Indigenous women, Montubio women and women of African descent (arts. 2 and 5)

18. Outcome of the measures taken to combat multiple and intersectional discrimination against Indigenous women, Montubio women and women of African descent. Measures taken to increase their participation in political and public life and improve their access to employment, education and health services, including sexual and reproductive health services.

Situation of migrants, asylum-seekers and refugees (arts. 2 and 5)

19. Measures taken to ensure full respect for the principle of non-discrimination against migrants and to prevent refoulement and collective expulsions from being carried out without an adequate assessment of protection needs. Specific measures taken to ensure that asylum-seekers and other persons in need of international protection have access to procedures for determining refugee status.

Situation of human rights defenders (arts. 2, 5 and 6)

20. Concrete examples of measures taken to prevent acts of violence against human rights defenders, including leaders and defenders of the rights of Indigenous Peoples, people of African descent and Montubio people.⁹ Information on investigations conducted into allegations of persecution, harassment and acts of violence committed against human rights defenders.

Political participation (arts. 2 and 5)

21. Political participation of members of the Indigenous Peoples, the Montubio people and people of African descent, especially Indigenous women, Montubio women and women of African descent, in representative institutions and public affairs, as well as in decision-making positions in both the public and private sectors.

Access to justice (art. 6)

22. Measures taken to strengthen access to justice for Indigenous Peoples, people of African descent and Montubio people. Measures taken to eliminate racist attitudes and racial discrimination in the judicial system. Measures taken to incorporate a gender and intercultural perspective into the judicial system.

23. Progress made towards the adoption of the draft organic act on the application of Indigenous justice in Ecuador.¹⁰

24. Information on investigations into cases of excessive use of force; cruel, inhuman and degrading treatment; and arbitrary detention directed at Indigenous Peoples, people of African descent and Montubio people.

25. Measures taken to combat racial profiling against Indigenous Peoples, people of African descent, Montubio people and migrants.

⁹ CERD/C/ECU/CO/23-24, paras. 20 and 21.

¹⁰ CERD/C/ECU/25, para. 132.

Combating racial stereotypes (art. 7)

26. Information on the impact of awareness-raising campaigns carried out to combat racial prejudice and stereotypes. Measures taken to promote intercultural dialogue and tolerance.¹¹

27. Concrete measures taken to ensure that curricula include the history, culture and contributions of the Indigenous Peoples, the Montubio people and people of African descent. Measures taken to promote the dissemination and preservation of the cultural and linguistic identities of these groups.

¹¹ [CERD/C/ECU/CO/23-24](#), paras. 8 and 9; and [CERD/C/ECU/25](#), para. 125.