



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 3111th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 26 November 2024, at 3 p.m.

Chair: Mr. Balcerzak

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The meeting was called to order at 3 p.m.

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

Twenty-fifth periodic report of Ecuador (CERD/C/ECU/25; CERD/C/ECU/Q/25)

1. *At the invitation of the Chair, the delegation of Ecuador joined the meeting.*
2. **A representative of Ecuador** said that his country had displayed clear leadership in international bodies, including the Human Rights Council, in the areas of combating discrimination and promoting and protecting the human rights of Indigenous Peoples, people of African descent and Montubio people. For example, Ecuador, together with Bolivia, acted every year as facilitator of the General Assembly resolution on the rights of Indigenous Peoples. It had also been part of the Steering Committee for the International Year of Indigenous Languages.
3. The Constitution guaranteed respect for the cultural diversity of the country's peoples and nationalities and granted collective rights to Indigenous Peoples, people of African descent and Montubio people with regard to the preservation of their identity and culture. The country's institutional framework was comprised of the Secretariat for the Management and Advancement of Peoples and Nationalities, the National Council for the Equality of Peoples and Nationalities and the Secretariat of Bilingual Intercultural Education and Ethno-Education.
4. The eradication of racial discrimination was a cross-cutting public sector policy objective, as set out in the National Development Plan 2021–2025 and the Agenda for the Equality of Peoples and Nationalities 2021–2025. The five national equality councils worked to uphold the rights of Indigenous Peoples, people of African descent and Montubio people. As part of the International Decade of Indigenous Languages for the period 2022–2032, Ecuador was implementing a 10-year plan to revitalize and promote the country's Indigenous languages.
5. Since the submission of its periodic report, the country had made progress in a number of areas relevant to the Convention. A range of affirmative action policies had been put in place to close the gaps in access to education, employment and political participation. Expanded guidelines had been issued for the investigation of online and offline discrimination offences and hate crimes, as defined in criminal legislation, and awareness-raising campaigns had been organized to eliminate intersectional discrimination in public and private institutions. Traditional ancestral medicine and alternative medicine had been incorporated into the national health system, and a technical secretariat had been set up to address chronic child malnutrition through the distribution of cash benefits in rural areas. The Model Bilingual Intercultural Education System was designed to preserve Indigenous languages and promote their use in scientific and cultural fields. The Inter-Agency Commission for the Revitalization of Languages, Traditional and Ancestral Knowledge and Intangible Heritage was tasked with ensuring the use and preservation of Kichwa and Shuar, which were recognized as official languages for intercultural relations, and of other official languages used by Indigenous Peoples. An ethno-educational model had been developed to improve the quality and relevance of education for Afro-Ecuadorians. Advisory councils for peoples and nationalities had been set up in 19 provinces, where public policies affecting those groups had been rolled out locally. Approximately \$900,000 had been allocated to projects designed by organizations of peoples and nationalities to improve the socioeconomic conditions of their members. Lastly, legal personality had been granted to 63 organizations of peoples and nationalities to facilitate the work of entrepreneurs and cultural leaders.
6. **Mr. Tlemçani** (Country Rapporteur) said that, while the State party had in place a robust legal framework governing the collective rights of Indigenous Peoples, people of African descent and Montubio people, he wished to know how the authorities ensured that decisions handed down by the Constitutional Court and the provisions of the Criminal Code regulating racism and racial discrimination were implemented effectively. It would be useful to receive an update on the status of the draft organic act on the prevention and eradication of racial discrimination and ethnic and cultural exclusion, as well as statistics on complaints of racism and racial discrimination and on the outcome of any related investigations. It would

be helpful to hear about the operations of the National Council for the Equality of Peoples and Nationalities and the resources allocated to it. He wondered whether Indigenous Peoples, people of African descent and Montubio people were represented in the Council. He would welcome the delegation's assessment of the impact on those groups of the state of emergency that had been declared by the President in January 2024.

7. In the area of political participation, he would be interested to learn about the main barriers faced by Indigenous Peoples, people of African descent and Montubio people and the extent to which women from those groups were represented in decision-making roles in public institutions, as well as any initiatives designed to increase the participation of those groups, especially women, in public affairs and to enhance their inclusion in local and national decision-making processes. He wished to know what was being done to ensure that the voices of Indigenous Peoples, people of African descent and Montubio people were heard in the context of decisions that concerned them, in both the public and the private sector. He wondered how the impact of current policies on the political representation of those groups was assessed and what mechanisms were in place to encourage their participation in decision-making processes, including at the local level.

8. He would like to know what impact awareness-raising campaigns had had on racial prejudice and stereotypes, how measures designed to promote intercultural dialogue were implemented at the community level and what effect those measures had had on relations between different ethnic groups. It would be useful to hear about how the history, culture and contributions of Indigenous Peoples, people of African descent and Montubio people were included in educational programmes and about any steps the authorities had taken to preserve and promote the culture and languages of those groups in the education system and ensure that they were adequately represented in school textbooks. He would welcome an account of the challenges faced in those areas and the effect that awareness-raising campaigns had had on the attitudes of young people towards Indigenous Peoples, people of African descent and Montubio people. He wondered how the Government and educational institutions could work better together to promote tolerance and inclusion through education and awareness-raising campaigns and what strategies were in place to evaluate the effectiveness of such campaigns.

9. **A representative of Ecuador** said that, in connection with the torture and killing of Owel Cañola, a young man of African descent, four police officers had each been sentenced to 12 years' imprisonment and the payment of \$22,000 in compensation. Another two officers had been found guilty of unlawful detention and sentenced to 2 years' imprisonment and the payment of \$15,000 each. An apology had been offered in a public ceremony, and a plaque commemorating Mr. Cañola had been unveiled at the provincial library in Puerto Bolívar in October 2017.

10. The draft organic act on the prevention and eradication of racial discrimination and ethnic and cultural exclusion was currently before the National Assembly committee on constitutional guarantees, human rights, collective rights and interculturality. However, the Assembly was influenced by the political interests of its constituent groups, and the resulting fragmentation directly affected the progress of bills that were brought before it.

11. The expanded investigation guidelines that had been issued to prosecutors set out the difference between discrimination offences and hate crimes, outlined the prohibited grounds for discrimination and described the elements that should be taken into account during investigations.

12. The annual budget allocated to the National Council for the Equality of Peoples and Nationalities had been set at \$1,237,027 in 2017 and at \$750,097 in 2024.

13. **A representative of Ecuador** said that around 98 per cent of the officials in the National Council for the Equality of Peoples and Nationalities came from an Indigenous, African or Montubio background. The Council's technical division was comprised of three units focused on research, participation and monitoring and evaluation, respectively. The Council also had a legal division, a financial and administrative division and a planning division. The responsibilities of the monitoring and evaluation unit included giving follow-up to cases involving violations of the rights of members of peoples and nationalities whose collective rights were recognized, and it worked closely with the Ombudsman's Office and the Public Defence Service.

14. The Government had implemented a range of public policies designed to uphold the rights of marginalized groups. Its affirmative action policies had led to increased enrolment in higher education among Indigenous and Afro-Ecuadorian students. Article 99 of the Organic Act on Elections and Political Organizations had been amended to include a requirement for the alternation of male and female candidates on electoral lists. In application of decision No. 159-2023-TCE issued by the Electoral Court in July 2023, 50 per cent of the candidate lists in the presidential and legislative elections held in 2023 and in the referendum processes on ending petroleum extraction activities in Yasuní and on banning mining in Chocó Andino were headed by women.

15. Women held leading roles in electoral bodies, including the Electoral Tribunal and National Electoral Council, in which three of the five councillors were women. Ecuador ranked twentieth globally for women's participation in the parliament, with women comprising 43.1 per cent of representatives. Initiatives such as the international "Women, Power and Democracy" workshop and data-collection collaborations between the National Electoral Council and the Centre for Social Planning and Studies aimed to promote gender equality and address violence against women in politics, and the validation, follow-up and implementation of recommendations issued in election monitoring reports, including those related to gender issues, were currently under way. In 2024, Ecuador had celebrated 100 years of women's suffrage in the country with events honouring the legacy of Matilde Hidalgo Navarro de Procel, the first woman to exercise the right to vote in Latin America, and advocating for the political participation of women and young people. However, challenges remained in ensuring ethnic diversity, as persons of mestizo ethnicity dominated elected positions, while Indigenous Peoples, people of African descent and Montubio people were underrepresented.

16. **A representative of Ecuador** said that his Government was addressing stereotypes and promoting inclusion through workshops and educational initiatives. Between 2022 and 2024, 82,320 people, including Indigenous Peoples, people of African descent and Montubio people, had participated in training activities on community micro-businesses, taxation, labour rights, governance and public administration. Educational efforts included intercultural bilingual models tailored to the diverse nationalities and peoples of Ecuador. The various models integrated scientific knowledge with cultural wisdom, local languages and different world views to foster a plurinational and intercultural society, emphasizing educational quality and holistic human development from humanist and biocentric perspectives.

17. **Mr. Tlemçani** said that he would welcome information on the impact of the measures taken under the state of emergency on groups protected under the Convention.

18. **Ms. Stavrinaki** said that she wished to know more about the criminal penalties for discrimination and racially motivated violence and would appreciate statistical information on the application of the criminal provisions prohibiting discrimination and hate crimes.

19. **Ms. Shepherd** said that she wondered how education in human rights had affected the prevalence of racial discrimination and racially motivated hate crimes in Ecuador. She would also be grateful for an explanation of the factors behind the low rate of convictions in cases of racial discrimination and racially motivated hate crimes.

20. **Ms. Tebie** said that data from the most recent census showed a decrease in the Afrodescendent population. She would be interested to learn the reasons for that decline. Regarding the participation of women in the public administration, she wished to know how many women in positions of authority in the public sector were Indigenous or Afrodescendent women.

21. **Mr. Diaby** said that he would be grateful for a detailed explanation of the initiatives taken by the State party to harmonize its laws with the Convention, in particular articles 176 and 177 of the Criminal Code. He would also be interested in an explanation of the reasons behind the fact that people of African descent made up less than 7 per cent of the general population but comprised 21 per cent of the prison population. Lastly, he wondered whether Indigenous Peoples enjoyed collective rights to the protection of their ancestral lands from extractive and agricultural activities.

22. **A representative of Ecuador** said that the President of the National Electoral Council and a female councillor came from Indigenous communities of the Amazon.

23. **A representative of Ecuador** said that, from 2020 to 2024, Ecuador had processed numerous cases of racial discrimination and hate crimes. Regarding discrimination, 133 cases had been filed, 102 had been shelved, 1 had been resolved through mediation and 1 had resulted in an indictment. In the same period, 473 hate crime cases had been filed, with 282 shelved, 4 resolved through mediation, 5 dismissed owing to the statute of limitations and 1 resulting in a conviction. The victims were distributed across various age groups, with adolescents and adults between 30 and 64 years old being the most affected.

24. **A representative of Ecuador** said that acts of discrimination and hatred were more prevalent in white and mestizo society than among Indigenous Peoples, people of African descent and Montubio people. The Government was working to promote the inclusion of Indigenous Peoples, people of African descent and Montubio people while raising awareness of their rights in their territories. However, challenges remained, particularly with self-identification in the census, as exemplified by the census data referred to by the Committee. For example, while the Montubio population had grown due to increased self-identification, the Afro-Ecuadorian population had seemingly decreased, as some individuals who had previously identified as Afro-Ecuadorian now identified as another ethnicity, like mestizo. Indigenous populations had also fluctuated depending on the region. Many people seemed disconnected from their cultural identity despite the State's recognition of different ethnic groups. That disconnect had led to weakened representation in some areas, complicating efforts to support Indigenous communities. The Government was working to address that issue through initiatives such as collaboration with community leaders and the civil registry to promote self-identification and educate communities about the importance of preserving cultural identity. One challenge was a lack of cooperation between community leaders and the Government. Expert panels had been set up with various stakeholders to bridge equality gaps and strengthen country-wide commitment to the construction of a plurinational, intercultural State.

25. **A representative of Ecuador** said that a major milestone was the 2021 revision of the Education Act, which had established the Secretariat of Bilingual Intercultural Education and Ethno-Education. There were 1,736 intercultural bilingual schools applying an educational model developed by Indigenous leaders, educators and experts, integrating native languages and cultural perspectives to promote mutual understanding and respect across communities. The Afro-Ecuadorian population also benefited from their own ethno-education model, which was being implemented in schools in areas with large Afro-Ecuadorian populations, with plans to expand nationally. Campaigns such as "I Know Myself" and "I Recognize Myself" had been carried out to promote self-identification and cultural pride, particularly in preparation for the national census. While progress had been made, challenges remained, such as the need to increase awareness and sustain statistical representation for groups like Afro-Ecuadorians. The Secretariat for the Management and Advancement of Peoples and Nationalities and the Secretariat of Intercultural Bilingual Education and Ethno-Education were working together to promote inclusion and fulfil government commitments to Indigenous and Afro-Ecuadorian populations. The Secretariat of Bilingual Intercultural Education and Ethno-Education was relatively new but its efforts to raise awareness of ethnic and cultural diversity should bear fruit in the future.

26. **A representative of Ecuador** said that Ecuador was a unified nation of over 18 million people, but its Constitution recognized the existence of 15 Indigenous nationalities and 18 peoples across the country. Those groups had their own languages, territories, lifestyles and governance systems, which the State officially recognized and respected. The Government was committed to preserving and strengthening linguistic diversity, encompassing 14 Indigenous languages, as well as promoting the unique cultural identities of Montubio and Afro-Ecuadorian people. Efforts were under way to address challenges, learn from past mistakes and build stronger collaborations between the State and those communities to ensure their well-being and uphold their rights.

27. **Ms. Shepherd** said that, although grateful for the statistics provided on cases involving racial discrimination and hate crimes, she would appreciate an explanation of why the number of convictions in such cases was so low.

28. **Ms. Stavrinaki** added that the Committee would be interested to receive more qualitative information on cases of hate crimes and racial discrimination, including the kinds of offences involved and the differences between cases of discrimination and hate crimes in which complaints had been submitted, prosecutions brought and convictions handed down.

The meeting was suspended at 4.25 p.m. and resumed at 4.35 p.m.

29. **Mr. Sibande** (Country Task Force), noting that, between 2016 and 2019, public resources had been earmarked for the promotion of interculturalism and the fight against racism and discrimination, said he would be interested to know about any further plans to mobilize public resources to fight racism, discrimination and intolerance. As the report indicated that the Ombudsman's Office had been established with a mandate to defend and observe the fundamental individual and collective rights guaranteed by the law and international treaties, he wished to know how many cases of racial discrimination and hate speech the Ombudsman's Office had handled and how it ensured that victims were afforded the proper remedies.

30. He would be grateful for up-to-date statistics on the Indigenous, Afrodescendent, Montubio and Roma populations and the number of migrants, asylum-seekers and refugees in the country, and disaggregated data on their socioeconomic situation. It would be useful to know what measures were being taken to address the rights and needs of those groups. He would be glad to receive information on investigations into the excessive use of force and cruel, inhuman and degrading treatment committed against Indigenous Peoples, people of African descent and Montubio people, and into arbitrary detention. It would be interesting to receive statistics, disaggregated by ethnicity, on the prison population, and to know whether any research had been carried out on its composition. It would be helpful to hear about the prison conditions in Ecuador, which had been reported to be harsh and life-threatening owing to overcrowding, scarce food, inadequate sanitation facilities and lack of medical care.

31. According to multiple reports, Ecuador had experienced a wave of violence in recent years, seemingly as a result of organized crime, which had sent the homicide rate soaring. Elections had been marked by violence, including the assassination of presidential candidate Fernando Villavicencio. He therefore wished to know whether the Government had launched an investigation into the pattern of violence, its causes, and the impact on Indigenous people, people of African descent and Montubio people. He wondered what steps were being taken to address the escalating homicide rate and whether the Government had investigated the ethnic backgrounds of the victims in order to determine whether minority groups were disproportionately affected by the violence.

32. Gang violence also posed a major problem. In March and April 2024, there had been a spate of 80 homicides, including the fatal shootings of 5 young men in the fishing community of Puerto López and 10 men at a volleyball match in the Guasmo neighbourhood of Guayaquil. Two gangs, Los Choneros and Los Lobos, were said to be responsible for much of the extreme violence. He would like to know what investigations had been carried out into the killings and whether data on the ethnicity of the victims was available. As the gang violence had spread to prisons, where a series of massacres had claimed the lives of more than 600 people since 2019, he wondered what steps were being taken to ensure that the Government remained in control of prisons.

33. The Committee welcomed the introduction of legislation on hate crimes, resulting in a first conviction, in 2021, in a case concerning an Afro-Ecuadorian former cadet at the Eloy Alfaro Military Academy. The Committee would be interested to know what steps were being taken to encourage people to file complaints of racial discrimination and acts of hatred. It would be useful to know what measures were being taken to strengthen access to justice for Indigenous Peoples, people of African descent and Montubio people, to eliminate racist attitudes and racial discrimination in the judicial system, and to incorporate gender and intercultural perspectives. The Committee would appreciate an update on the progress made in adopting the draft Organic Act on the Application of Indigenous Justice.

34. Furthermore, the Committee would be glad to receive up-to-date statistics on migrants, refugees and asylum-seekers in the State party. It would be particularly interested to receive data on the ethnicity of forcibly displaced persons in Imbabura Province, a transit hub for migrants, refugees and asylum-seekers. According to reports, such persons faced

xenophobia and racial discrimination, there had been public protests against persons in situations of human mobility, and Venezuelan nationals had been subjected to forced evictions. Further information on measures to improve the economic situation of migrants, refugees and asylum-seekers would be appreciated.

35. The Committee would be interested to know how many people had been arrested or detained under the state of emergency that had been in force in parts of Ecuador for some time. It would be useful to know whether the Government maintained disaggregated statistics on persons detained under the emergency measures, which would allow it to determine the extent to which Indigenous Peoples, people of African descent and Montubio people were affected.

36. Lastly, he would be grateful for an update on the situation following the social protests of June 2022, when some 10,000 Indigenous people had taken to the streets. As one Indigenous person had died during the protests, he wished to know whether any investigations had been conducted into the excessive use of force and what steps the Government was taking to ensure that State security personnel who used excessive force were held accountable. He would be interested to know how many Indigenous persons had been arrested during the protests, how many had been tried and sentenced, and what measures had been taken to address the concerns that had led to the protests.

37. **A representative of Ecuador** said that all branches of government were working hard to combat drug trafficking and eradicate the violence afflicting the country, especially its largest cities. The territories of Indigenous Peoples and nationalities had been less badly affected, and the local authorities in those territories dealt with trafficking and violent crimes by outsiders by reporting them to the State or administering Indigenous justice.

38. Imbabura Province was a transit hub for migrants, including Venezuelan nationals. Hostility towards migrants had decreased in recent years. Migrants received support from the Ministry of Foreign Affairs and Human Mobility, the Ministry of the Interior and Office of the United Nations High Commissioner for Refugees, which had a significant presence in the province.

39. To ensure effective cooperation between the Indigenous and ordinary justice systems, the Council of the Judiciary had published a guide to mainstreaming the principle of interculturality in the ordinary justice system, with the aim of raising awareness of interculturality among justice officials. A protocol had been drawn up for interpreters and translators working on cases of gender-based violence, which had been translated into the Kichwa language. Indigenous persons who were arrested were provided with an interpreter so that they could ask questions, make statements or file complaints in their own language. A road map had been devised for building and strengthening the intercultural approach in judicial bodies. In order to guarantee the principle of equality before the law, the Council of the Judiciary had strengthened the system for the participation of experts in judicial proceedings and had certified numerous experts specializing in subject areas such as anthropology, Indigenous law and ancestral languages. On 18 December 2018, the Confederación de Nacionalidades Indígenas del Ecuador (Confederation of Indigenous Nationalities of Ecuador) and the Council of the Judiciary had signed an agreement on cooperation between the Indigenous and ordinary justice systems with a view to establishing coordination, inter-institutional cooperation and mutual support mechanisms. On 8 February 2021, the Council of the Judiciary and the Eugenio Espejo Higher Intercultural Technological Institute had signed an educational partnership agreement to disseminate policies, decisions, protocols and procedures in ancestral languages. The Council of the Judiciary had punished some professionals for abuse of the right to due process, including in cases where they had brought proceedings before the ordinary courts with a view to overturning a decision of the Indigenous justice system. The Organic Code of the Judiciary recognized the principles of intercultural justice.

40. The draft Organic Act on the Application of Indigenous Justice remained before the National Assembly, where it was under review by the Committee on Constitutional Guarantees, Human Rights, Collective Rights and Interculturality. The adoption of an Act covering the 18 Indigenous Peoples and 14 nationalities of Ecuador, who maintained their

customs in accordance with an oral tradition, was not a simple task. The State respected the collective rights of Indigenous peoples and nationalities, in accordance with the Constitution.

41. In discrimination cases, recourse to the criminal justice system was a measure of last resort that was applied only when other legal tools had been shown to be insufficient to address the unlawful conduct. The Ecuadorian legal system provided for many non-criminal remedies to address acts of discrimination. For example, the Organic Act on Judicial Safeguards and Constitutional Review permitted the reversal of the burden of truth in constitutional actions, including in respect of discrimination, which made it easier for victims to obtain reparation without having to institute criminal proceedings. In the labour sphere, complaints of discrimination could be processed through flexible administrative procedures that favoured immediate reparation and restitution of rights. In some cases, acts that might be deemed discriminatory were not sufficiently harmful to justify bringing criminal proceedings; in others, they were dealt with under specialized laws, such as those on gender-based violence, that carried greater penalties. The small number of prosecutions in discrimination cases was thus explained by the fact that the country had a comprehensive framework for combating discrimination that offered alternatives to criminal proceedings.

42. The Government was conducting an investigation into organized crime groups in order to learn more about those responsible for the insecurity afflicting the country. All necessary work was being done in a responsible manner, with the involvement of all relevant governmental and judicial authorities. All acts of violence committed in the country were investigated in order to identify the perpetrators and shed light on the causes. The Government was not at liberty to disclose the details of ongoing investigations, and a reasonable amount of time was needed to assess the situation and develop methods for eradicating the violence. Prison violence had somewhat abated since 2022. The killing of Mr. Villavicencio during the presidential election campaign had been met with trepidation both in Ecuador and abroad. Although it was now known who had perpetrated the crime, it was necessary to bring to justice those who had instigated it, and therefore the competent authority continued its investigation.

43. The response to the nationwide Indigenous-led protests in 2022 had raised considerable concerns among civil society. The Government had instructed the Attorney General's Office to conduct an investigation and report on its findings. It should be noted that the National Assembly had granted amnesty to persons who had been prosecuted for their involvement in previous protests, many of whom had been released.

44. **A representative of Ecuador** said that a specialized unit for the investigation of incidents involving the illegitimate use of force by members of the police, armed forces and prison security service had been established in September 2023. The unit was competent to handle cases of genocide, ethnocide, extermination, enslavement, deportation or forcible transfer of population, enforced disappearance, extrajudicial execution, persecution, crimes against humanity, torture and abuse of authority. It was made up of eight prosecutors' offices, most of which were attached to existing human rights establishments that had been set up to address cases brought to the Truth Commission. The only exception was in Guayaquil, where a new stand-alone office had been established.

45. Acts involving the excessive use of force were also investigated by the national investigation unit in the Attorney General's Office in order to facilitate coordination between the Office and the National Police and enhance the independence of such investigations, in line with the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The unit was made up of an independent team of police investigators who had been selected by the Office. They had recently participated in a training course on criminal law and the investigation of cases of illegitimate use of force. Such training had also been provided to the staff of the specialized unit.

46. **Mr. Sibande** said that he wished to know whether the State party was taking steps to address the economic concerns raised by Indigenous Peoples during the protests of June 2022 and whether it would consider releasing the Indigenous individuals who had been imprisoned solely on account of their involvement in those protests.

47. He wondered how easy it was for foreign nationals, migrants, refugees and asylum-seekers to obtain Ecuadorian citizenship through the naturalization procedure

provided for under article 70 of the Organic Act on Human Mobility and whether the delegation had information on the number of such persons who had done so. It would be helpful to learn whether stateless persons had also been able to acquire citizenship under that article.

48. **Ms. McDougall** said that she was concerned that the justice system was being used to serve corporate interests rather than protect the rights of Ecuadorians. Accordingly, she would be grateful for the delegation's comments on reports that around 350 human rights defenders had been prosecuted for protesting against the use of Ecuadorian land for palm oil production and the extractive activities of Canadian mining companies. She was also concerned about reports that the Government was unable to guarantee public safety in certain areas that were home to Indigenous Peoples and Afro-Ecuadorians owing to the lack of a police presence in those areas. She would like to know what steps were being taken to ensure that they were duly protected by the law enforcement and court system, particularly in areas where there were problems caused by cross-border movements.

49. **Ms. Tlakula** said that she would welcome an update on the status of the bill on coordination and cooperation between the Indigenous and ordinary justice systems, which had been the subject of the recommendation contained in paragraph 13 of the Committee's previous concluding observations (CERD/C/ECU/CO/23-24), and the progress made by the Council of the Judiciary in developing a plan that would allow the two systems to work together. In addition, it would be useful to learn whether the State party had implemented the recommendation contained in paragraph 21 (b) to conduct a thorough investigation into the persecution of human rights defenders and, if so, what the outcome of such an investigation had been.

50. **Mr. Yeung Sik Yuen** said that the Committee had heard reports that the efforts to prosecute Indigenous individuals who had protested against palm oil production and extractive activities had been driven not by the local prosecution authority, but by the foreign companies themselves. It would be helpful to know whether the investigations into those protests had also been led by those companies. He wondered whether the delegation considered that the local prosecution authority concerned had committed a dereliction of duty and whether it could be said that a parallel justice system existed within the State party.

51. **Mr. Diaby** said that he would appreciate a response to his earlier questions concerning the measures envisaged to harmonize articles 176 and 177 of the Criminal Code with article 4 of the Convention and the disproportionate representation of people of African descent in prisons. It would be interesting to learn whether the security forces received training on human rights, including on the provisions of the Convention, and issues relating to the maintenance or restoration of public order. He wished to know whether the State party intended to adopt laws that would enhance the protection of defenders of the rights of Indigenous Peoples and people of African descent.

52. **Mr. Tlemçani** said that, while he understood the delegation's explanation regarding the impact of self-identification on census results, self-identification was unlikely to be the sole factor behind the decrease in the population of African descent recorded by the 2022 census. In that connection, he invited the delegation to provide further information on the possible causes of that trend.

53. **Mr. Amir** said that he would appreciate details of the rules and procedures for ethnic self-identification for the purposes of censuses and other surveys. It was not clear whether any documents were required for such self-identification.

54. **A representative of Ecuador** said that the country's 18 Indigenous Peoples and 15 Indigenous nationalities all had their own ways of life and bodies of law, which meant that combining those laws into a single system and ensuring the coordination of that system with an ordinary justice system centred on mestizos was proving to be extremely challenging. The Government was continuing to work on identifying ways to ensure that its recognition of the individual right to self-identification would not undermine the collective rights of Indigenous Peoples and nationalities, Afro-Ecuadorians and Montubio people. Institutions that developed interculturally relevant public policies sought to take into account the specific needs of Indigenous Peoples and nationalities and recognize the historic discrimination they had faced.

55. In July 2019, an executive decree had been adopted to enable Venezuelan nationals who were not known to have committed any violations of Ecuadorian law to receive a migrant amnesty. As part of that process, the Ecuadorian consular offices in Caracas, Bogotá and Lima had been instructed to issue eligible Venezuelans with temporary residence visas on humanitarian grounds. They had continued to do so until July 2022, when a new form of amnesty for Venezuelan migrants in an irregular situation and members of their families had been introduced. In August 2024, a new process had been established so that Venezuelans who had not obtained the necessary visa prior to the expiry of their residence permits could regularize their situation. Almost 95,000 visas and 72,000 identity cards had been issued to Venezuelan nationals. A very small number of documents had been granted to individuals from Cuba, China, Argentina and Peru.

56. **A representative of Ecuador** said that, under article 24 of the Organic Act on the Ombudsman's Office, the Office was required to support the Government in fulfilling its obligation to protect human rights defenders and environmental activists. In 2019, the Office had issued regulations to govern efforts to promote and protect the rights of such persons. Along with the Ministry of Women and Human Rights, it was co-chair of an inter-institutional committee that had been set up to formulate a comprehensive policy on the protection of human rights defenders and environmental activists. The committee had met on a number of occasions to identify the best course of action to ensure the effective design and implementation of the policy. It had begun by preparing a concept paper on the policy's development, in which it had identified the need to gather and systematize information that would enable it to gain an idea of the main issues and potential solutions. The Office had therefore worked with the Ministry of Women and Human Rights to devise a methodology for gathering primary information through surveys and interviews with human rights defenders and environmental activists from across the country. It had issued guidelines that would guarantee the proper handling of the information it obtained. The project would be implemented once the funding pledged by the Spanish Agency for International Development Cooperation had been received.

The meeting rose at 6 p.m.