**TABLE OF CONTENTS**

|  |  |
| --- | --- |
|  | Paragraphs |
| **Introduction** | 1-5 |
| **IMPLEMENTATION OF THE RECOMMENDATIONS**  | 6-49 |
| **Recommendations A/HRC/36/4, 118.153 and 118.151: upholding the principles of the UN Declaration on the Rights of Indigenous Peoples and participating in decisions on lands and territories, and status of implementation** |  |
| Observance of their own forms of governance and proposed recommendation | 8-10 |
| Rights to lands, territories and natural resources  | 12-13 |
| Untitled indigenous territories included in protected areas and proposed recommendation | 14-16 |
| Indigenous peoples' rights concerning cross-border territories and proposed recommendation | 16-18 |
| Impacts on traditional territories by unconsulted extractive activities and proposed recommendation | 19-22 |
| 1. *Mecheros* (flares) in the Northern Amazon region and proposed recommendation
 | 23-26 |
| 1. Oil spills and proposed recommendation
 | 27-31 |
| 1. Consequences of Chevron's operations and proposed recommendation
 | 32-33 |
| 1. Impacts of mining and proposed recommendation
 | 34-37 |
| **Recommendations A/HRC/36/4 118.151 and 118.152: Consultation and free, prior and informed consent** |  |
| State of play and proposed recommendations | 38-44 |
| **Recommendation A/HRC/36/4 118. 155: indigenous peoples in isolation** |  |
| State of play and proposed recommendations | 45-48 |
| **Recommendation A/HRC/36/4 118.122: Preventing and combating violence against women**  |  |
| State of play and proposed recommendations | 49 |

**Introduction**

1. In May 2017, the third Universal Periodic Review (UPR) of Ecuador took place. As a result of the Review, the Ecuadorian State received and accepted several recommendations concerning compliance with the rights of indigenous peoples enshrined in the UN Declaration on the Rights of Indigenous Peoples ('the Declaration'), the International Labour Organisation (ILO) Convention No. 169 –ratified by Ecuador in 1998– and other instruments and case-law relating to indigenous peoples' human rights[[1]](#footnote-1). Ecuador deemed these recommendations to be already implemented or in the process of being implemented.
2. This report addresses the status of Ecuador's compliance with these recommendations. It also suggests specific and measurable recommendations linked to these recommendations that allow for monitoring progress in their implementation.
3. As a general observation, it can be noted that during this period (2017-2022) there has been no progress in legislation or in the implementation of public policies aimed at respecting and protecting Ecuador's indigenous peoples' rights. Nor has there been any progress in the enforcement of the judgments on indigenous peoples' rights issued by the Constitutional Court, nor has there been full compliance with the judgment of the Inter-American Court of Human Rights in the case of the indigenous people of Sarayaku[[2]](#footnote-2).
4. Ecuador has also failed to take specific measures to implement the concluding observations made by the Treaty Committees in relation to consultation and extractive projects, among other issues, as well as those made by the UN Special Rapporteur on the rights of indigenous peoples following her visit to the country in 2018[[3]](#footnote-3).
5. We are grateful to the Union of People Affected by Texaco Operations (Unión de Afectados por las Operaciones de la Texaco-UDAPT) and Amazon Frontlines for their contributions to this report.

**IMPLEMENTATION OF THE RECOMMENDATIONS

Recommendations A/HRC/36/4 118.153 and 118.151: Respect for the principles of the UN Declaration on the Rights of Indigenous Peoples and decisions on lands and territories

Status of implementation:

118.153: no new legislative measures have been adopted in line with the principles of the Declaration: no progress in implementation

118.151: Indigenous participation in decisions on their lands, territories and resources has not been promoted and outstanding issues have not been resolved: not implemented**
6. At the 2017 UPR, Canada recommended Ecuador to establish a legal framework that recognises the principles of the UN Declaration on the Rights of Indigenous Peoples, with the participation of indigenous peoples and their organisations (A/HRC/36/4 p.118.153). Meanwhile, Peru recommended promoting the active participation of indigenous peoples in decision-making, especially in relation to lands and territories (A/HRC/36/4 p.118.151).
7. The implementation of these recommendations implies appropriate recognition of indigenous peoples' rights to their own systems of governance, and of their rights over their lands, territories and natural resources. Some aspects that illustrate the lack of progress in the implementation of these recommendations in relation to self-governance and territorial rights will be discussed below.

***Observance of their own forms of governance***
8. The Declaration establishes in Art. 4 the right of indigenous peoples to autonomy or self-governance in exercise of their self-determination (Art. 4) and to maintain and strengthen their own institutions (Art. 5 and 34).
9. Executive Decree No. 29 of 26 May 2021 established the Secretariat for the Management and Development of Nations and Nationalities (Secretaría de Gestión y Desarrollo de Pueblos y Nacionalidades), which is responsible for registering indigenous peoples, both in terms of their legal status in relation to by-laws and the registration of their political authorities[[4]](#footnote-4). When reviewing registration procedures, the Secretariat applies Decree No. 193 of 2017, which establishes general requirements for all social organisations, without taking into account intercultural perspectives and differentiated ethnic criteria that acknowledge the different forms of social organisation and generating authority of each indigenous nation. Due to these criteria, for example, the registration process for the reform of the Waorani Nationality of Pastaza's By-laws was delayed for several months because of inadequate prior requirements for the communities' own territorial logics.
10. In order to advance in the implementation of recommendation 118.153, it is necessary to review State procedures for the registration of indigenous peoples so that they respect the rights of the indigenous peoples mentioned above.
 **Rights to lands, territories and natural resources**

**Proposed recommendation: Ecuador must adjust, in consultation with indigenous organisations, State procedures for registering indigenous peoples so that they do not cause any unnecessary interference and respect the rights of indigenous peoples to their forms of autonomy or self-governance and to maintain their own governance structures.**

1. In order to comply with the principles of the Declaration, the rights of indigenous peoples over their lands, territories and natural resources must be adequately recognised and protected (Arts. 25, 26, 27, 28 and 29 *inter alia*).
2. In the period 2017-2022, no legislative, administrative or policy measures have been adopted by the State that have brought about progress in the recognition and respect of these rights. On the contrary, there are still ongoing issues in the lands and territories of indigenous peoples that impede the enjoyment of these rights and all associated human rights, as the following examples illustrate.

**Untitled indigenous territories included in protected areas**
3. In Ecuador, the administration of territories that form part of protected areas is in the hands of the Ministry of Environment, Water and Ecological Transition, which unilaterally establishes and imposes the forms of use of these lands, even on ancestral territories that have been superimposed on these protected areas. Indigenous peoples can only use them through agreements on the cession of use and management, but the State denies the property title and the exercise of their territorial rights, which constitutes an unjustified and illegitimate limitation to the right to ancestral territory and to the development of their ways of life and organisation, as well as an omission of the guarantee of legal certainty.
4. Since 2018, the Siekopai Nationality has been requesting the Ministry of Environment to adjudicate and formalise their ancestral territory located within the Cuyabeno Wildlife Reserve. The Ministry’s response has been that there are no instructions or technical standards that would allow for the allocation of their ancestral territory[[5]](#footnote-5).
5. The same situation affects dozens of indigenous communities in the Ecuadorian Amazon region. For example, the A'i Cofan community of Sinangoe requested the formalisation and adjudication of their territory within the Cayambe National Park in 2021. Government responded that the request would be processed as soon as the instructions or technical standards were in place. In other words, the promotion and guarantee of fundamental rights is conditioned to the elaboration and application of sub-constitutional, and even sub-legal, legal norms.
**Indigenous peoples' rights concerning cross-border territories**

**Proposed recommendation: Ecuador must establish, in agreement with indigenous peoples, clear procedures for the adjudication, formalisation and free handing over of property titles to indigenous peoples over their territories of ancestral possession included in protected areas.**

1. The Declaration states in Article 36 that indigenous peoples divided by international borders have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members, as well as with other peoples across borders. It also notes the obligation of States, in consultation and cooperation with indigenous peoples, to take effective measures to facilitate and secure this right.
2. Ecuador has a border of over 3,155 kilometres with Peru and Colombia. The border area includes the territories of 18 indigenous peoples, including the intangible and ancestral territories of indigenous peoples in voluntary isolation.
3. The expansion of oil operations in the Yasuní area, the extension of agribusiness plantations, illegal mining, drug trafficking, and the presence of irregular armed actors are putting pressure on natural systems and preventing these peoples from maintaining connections and exchanges among communities, free transit and the use and exploitation of traditional territories. The State is not providing basic social services nor is it adequately protecting indigenous peoples in these areas.
**Impacts on traditional territories by unconsulted extractive activities**

**Proposed recommendation: Ecuador must recognise the transnational and cross-border existence and status of indigenous peoples whose ancestral territories expand beyond Ecuador's borders, in order to guarantee and protect their fundamental rights to free mobility and traditional use of their territory. It must also provide adequate social services, in cooperation with indigenous peoples, in cross-border areas.**

1. In 2020, the Inter-American Commission on Human Rights (IACHR)[[6]](#footnote-6) recommended States "to refrain from promoting legislative initiatives and/or advances in the implementation of productive and/or extractive projects in the territories of indigenous peoples for the duration of the pandemic, given that it is impossible to carry out the processes of prior, free and informed consultation (due to the WHO's recommendation to adopt measures of social distancing) provided for in ILO Convention 169 and other relevant international and national instruments on the matter". The government of Ecuador has ignored this recommendation and has continued to grant licences during the pandemic.
2. Concessions for mining and hydrocarbon exploitation in indigenous territories in the Ecuadorian Amazon region, without consultation with the affected indigenous peoples, have increased. Almost all of the traditional territories of some indigenous peoples have been concessioned for extractive projects, putting their survival as peoples at risk, as noted by Special Rapporteur Tauli-Corpuz[[7]](#footnote-7). This is aggravated by activities such as illegal logging that limit the use of the territory and undermine livelihoods.
3. In 2021 the national government issued two executive decrees: Decree 95 of 7 July, on the Petroleum Policy Action Plan, and Decree 151 of 5 August, on Mining Policy. These two decrees extend, respectively, the oil frontiers in indigenous territories and the mining cadastre. Neither of the two instruments went through a process of consultation and free, prior and informed consent of indigenous peoples (*see para. 40*).
4. Oil and mining activities without consent in indigenous peoples' territories violate the rights recognised in the Declaration, including their territorial rights and the right to decide their own development priorities, as well as seriously affecting all their human rights, including their right to a healthy environment, food and health. Some worrying impacts in this regard are outlined below. *a) Mecheros (flares) in the Northern Amazon region*

**Proposed recommendation: Ecuador must repeal Decree 95 on oil policy of 07 July 2021 and Decree 151 on mining policy of 5 August 2021, on the grounds that they constitute a violation of the rights of indigenous peoples to their lands, territories and natural resources, to decide their own development models, and to consultation and free, prior and informed consent**

1. Since the early 1970s, oil has been extracted from the Ecuadorian Amazon region, including from the territories of indigenous peoples and nationalities, resulting in serious environmental and human impacts, especially when this activity is carried out without applying clean and responsible technologies, or preventive and precautionary principles.
2. One of the components that generates serious negative impacts is the combustion of gas through so-called *mecheros* (flares)[[8]](#footnote-8). According to an investigation carried out by the Union of People Affected by Texaco Operations (UDAPT)[[9]](#footnote-9) and the University of Padua (Italy), there are 432 *mecheros[[10]](#footnote-10)* in the provinces of Orellana and Sucumbíos. The toxic waste emitted from the *mecheros* is extremely toxic and the particulate matter can affect water, soil, crops and air within a radius of at least 10 kilometres. Emissions also impact the quality of rain and surface water. This directly affects human health, as corroborated by a study conducted by UDAPT and the Environmental Clinic (Clínica Ambiental), which shows a high rate of cancer cases of different types among the population. The study indicates that 72% of cancer cases occur in women[[11]](#footnote-11).
3. In February 2020, UDAPT filed an action for protection against the Ecuadorian State (number 20201-2020-0017) for the threat to the lives of nine girls between the ages of eight and 15 due to toxic waste from the oil industry. After two years of litigation, the Provincial Court of Sucumbíos issued a judgment in favour of the nine girls, acknowledging that the combustion of gas in the *mecheros*, authorised by the Ecuadorian State, violates the constitutional rights to good health, to a healthy and ecologically balanced environment and the rights of Nature. The judgment points out the State' s responsibility for not providing clean technologies[[12]](#footnote-12).
4. On 24 March 2022, CONFENIAE organised a march to ask the government to comply with the judgment and extinguish the *mecheros*, which has not happened to date.
*b) Oil spills*

**Proposed recommendation: Ecuador must eliminate all gas flares near populated areas and must not issue any new authorisations to oil companies to burn gas near populations, as ordered by the Ecuadorian justice system.**

1. On 2 February 2020, the San Rafael waterfall collapsed, evidencing the regressive erosion towards the pipelines. The Ministry of Energy and Non-Renewable Natural Resources, the Ministry of the Environment, the Ministry of Public Health, the Company OLEODUCTO DE CRUDOS PESADOS (OCP) ECUADOR S.A. (Heavy Crude Oil Pipeline), the Public Hydrocarbon Company of Ecuador-EP PETROECUADOR, and the State Attorney General's Office, did not take any action in response to the experts' warnings, which could have prevented the subsequent disasters.
2. On 7 April 2020, an oil spill occurred in the San Rafael sector, on the border between the provinces of Napo and Sucumbíos, in quantities that have not yet been disclosed. It was caused by the rupture of the Trans-Ecuadorian Oil Pipeline System (SOTE), the Heavy Crude Oil Pipeline (OCP), and the Shushufindi-Quito pipeline, due to erosion of the Coca riverbed. During the environmental disaster, the State did not communicate the spill to the population in a timely manner, increasing the risk to the population in the area.
3. The Federation of Communes Union of Natives of the Ecuadorian Amazon Region (Federación de Comunas Unión de Nativos de la Amazonía Ecuatoriana-FCUNAE), CONFENIAE, the bishops of Orellana and Sucumbíos, and several affected people filed a Protection Action with precautionary measures with the support of the Alliance for Human Rights, in favour of 120,000 people affected by the oil spill before a judge in Orellana. The lawsuit alleged the violation of the rights to water, to food, to health, to live in a healthy environment, to information, to the people' and nationalities' territory, and to the rights of nature, since the oil spill could have been foreseen, as the State institutions being sued were alerted about the instability of the area.
4. On 28 January 2022, a new spill occurred due to a lack of foresight and prevention, affecting the rivers Piedra Fina, Quijos, Coca, and all the riverside communities, as a result of actions carried out in the framework of the process of regressive erosion of the previous spill. No restoration, compensation and reparation procedures were established for the damage caused to the communities and to nature. Because of the measure taken by the companies (PetroEcuador and OCP) to establish a by-pass to guarantee the transport of crude oil in an area of imminent risk of new spills due to the progressive advance of the erosion of the Coca River, there is no certainty nor security that these events won't happen again.
5. In November 2020, there was another example of a spill due to a rupture in the pipes located on the Shiripuno bridge, which extended to the Cononaco River, affecting the health and access to water and food of the Waorani communities of Ñoneno, Gemeneweno, Cononaco Chico, Omere, Omakaweno, Boanamo and Bameno. The community members of the Shiripuno River sector continue to denounce non-compliance on the part of the Petrobell company and State institutions. It has been reported that the entire Cononaco River, which is the heart of the Tagaeri-Taromenani Intangible Zone (ZITT) and the Yasuní National Park, is contaminated and that dead animals have been found[[13]](#footnote-13).
*c) Consequences of Chevron's operations*

**Proposed recommendation: Ecuador must include an intercultural approach regarding its actions in the norms that regulate the interventions of the National Secretariat for Risk Management, so that the specific needs of indigenous peoples and nationalities are taken into account, and so that immediate action is taken in the event of oil spills that threaten the lives of indigenous peoples and nationalities.**

1. The oil company Texaco, now called Chevron, has been operating in the Ecuadorian Amazon region since 1964. Chevron carried out an operation designed to obtain the greatest economic profit with the least investment. The oil company dumped more than 26 billion gallons of formation water into the rivers of the Ecuadorian Amazon region.
2. In 2018, the Constitutional Court ordered the payment of 9.5 billion dollars as compensation to those affected by the impacts on their water sources and territories in Lago Agrio, Sucumbíos province (María Aguinda vs Chevron case, judgment NQ230.1S-SEP-CC, case N05-14-EP of 27 June 2018). The Ecuadorian State has obstructed the enforcement of this judgment.

*d) Impacts of mining*

**Proposed recommendation: Ecuador must not interfere in the process of homologation and enforcement of the Constitutional Court's sentence in the case of María Aguinda vs Chevron (sentence NQ230.1S-SEP-CC).**

1. Mining projects developed in indigenous territories under State concessions without adequate consultation and consent of the affected indigenous peoples are having enormous environmental impacts and have led to forced displacement, violence and other violations of the individual and collective human rights of indigenous peoples.
2. The State is failing to take the necessary measures to address the encroachment of illegal mining into indigenous territories, resulting in extremely worrying impacts on rivers, which are fundamental to the lives of riparian indigenous peoples. A 2019 report revealed that high levels of heavy metals, including aluminium, cadmium, iron, copper, zinc, nickel and lead, are found in the tributaries of the Napo River, with concentrations 500 times higher than permitted by national regulations[[14]](#footnote-14).
3. Along the Jatunyacu River, Yatzupino-Napo is home to some 50 Kichwa indigenous communities, who have co-existed with the rivers for centuries. They know of its richness and some myths speak of 'Sacha Kuri Warmi' (the woman of the golden forest). Currently the area is invaded by illegal mining. Between October 2021 and January 2022 alone, illegal mining has taken over 70 hectares of the left arm of the Jatunyacu River in the Napo province. On 13 February 2022, an operation led by the Ministry of the Interior and the Ministry of Defence halted mining operations. In the operations, the prosecution found machinery belonging to public institutions.
4. Since 2007, different collectives have denounced the onslaught of illegal mining in the Napo province, but no concrete action has been taken to stop it. This has led indigenous leaders and activists to believe that local authorities are behind the illegal mining structures.
**Recommendations A/HRC/36/4 118.151 and 118.152: consultation and free, prior and informed consent

Status of implementation: no action has been taken to implement these recommendations in accordance with international standards on indigenous peoples' rights: not implemented.**

**Proposed recommendation: Ecuador must refrain from granting licenses for mining activities in indigenous peoples' traditional territories without their free, prior and informed consent, and take all necessary measures, in cooperation with indigenous peoples, to end illegal mining in their territories.**

1. Ecuador has received recommendations related to the duty to carry out free, prior and informed consultation with indigenous peoples in all previous reviews. In the 2017 UPR, six States recommended Ecuador to establish effective consultation processes (A/HRC/36/4 p. 118.151 and 118.152). Treaty committees and UN Special Rapporteurs have stressed their concern about the persistence of extractive concessions in indigenous territories without adequate consultation[[15]](#footnote-15).
2. Ecuador continues to fail in its duty to consult indigenous peoples and to respect their free, prior and informed consent. The above recommendations have not been implemented.
3. As noted, in 2021 the government adopted Executive Decrees 95 of 07 July on oil policy and 151 of 05 August 2021 on mining policy, which expand the oil and mining frontiers respectively. Neither decree had been consulted with indigenous peoples. On 18 October 2021, a lawsuit (case no. 98-21-IN) was filed to declare Decree 95 unconstitutional. The case is under consideration by the Constitutional Court. On 22 December 2021, indigenous organisations filed a public action for the unconstitutionality of Decree 151 (case no. 9-21-IA). The two lawsuits allege violations of the right to pre-legislative consultation; to free, prior and informed consultation; and other related human rights.
4. Indigenous peoples have had to resort time and again to the courts to demand compliance with the State's duty to consult. In this way, the State granted several mining concessions without consultation in the territory and areas of use of the A'i Cofan community of Sinangoe, in the province of Sucumbíos. The community's lawsuit was brought before the Constitutional Court. The case (Case No. 273-19-J) was selected to generate binding case-law by the Court[[16]](#footnote-16). On 4 February 2022, the Court issued a judgment acknowledging that the purpose of any consultation process is to obtain the consent of the communities prior to the implementation of any measure, investment or extractive project within their ancestral territories, or that may affect their rights and interests, and establishing consent as a general rule of the consultation process. In addition, it ratified that one of the measures of reparation is the loss of legal effectiveness of administrative acts enacted without prior, free and informed consultation. However, the State has refused to comply with the judgment and to declare the reversion of the mining concessions.
5. The Waorani Nationality in the Pastaza province filed a Constitutional Action (No 16171-2019-00001) due to the tendering of oil blocks in the South-East Round and the granting of concessions without conducting prior, free and informed consultation, in accordance with international and constitutional standards. In 2019, the Constitutional Court ruled that this right and the right to territory, linked to self-determination, had been violated, ordering the training of State officials as a reparation measure. The government has refused to carry out concerted processes in accordance with the principle of interculturality and with a differentiated ethnic approach, so that the Waorani people's way of life and worldview are known.
6. The Constitutional Court has also ruled for violation of the right to pre-legislative consultation in the case of the lack of consultation in the declaration of the Cuembí Triangle Protected Forest by the Ministry of Environment, which includes ancestral territories in the Sucumbíos province. In 2020, the Court acknowledged the violation, annulled the Ministerial Agreement and ordered the executive branch to comply with collective rights and proper consultation processes. The Court also ruled the violation of this right in the drafting of the Water Law and ordered the National Assembly to proceed to initiate adequate consultation processes in order to enact a new law.
7. The above judgments, observations and recommendations demonstrate that Ecuador continues to fail to effectively comply with its duty to consult with indigenous peoples and obtain their free, prior and informed consent, in accordance with international human rights standards on the matter, in relation to legislative or other measures affecting their individual and collective rights.
**Recommendation A/HRC/36/4 118. 155: indigenous peoples in isolation

Status of implementation: Ecuador has taken some measures regarding the protection of indigenous peoples in isolation, but such protection is not guaranteed. There are concerns about the possible expansion of extractive activities in the buffer zone and the lack of control over illegal activities that would affect the ZITT. Partially implemented.**

**Proposed recommendations:**

**Ecuador must effectively implement all court judgments relating to the fundamental rights of indigenous peoples in relation to consultation and free, prior and informed consent in line with relevant international standards relating to the human rights of indigenous peoples.**

**Ecuador must acknowledge and respect indigenous peoples' own protocols on consultation and free, prior and informed consent in any process of intervention in their territories or outside their territories that might affect their rights.**

1. Norway's recommendation 118.155 calls on Ecuador to take appropriate measures to ensure the protection of indigenous peoples in isolation, including respect for intangible zones.
2. Ecuador has not complied with this recommendation. This was evidenced by the issuance in 2019 of Executive Decree No. 751, which made official an increase of approximately 60,000 hectares of the Tagaeri-Taromenane Intangible Zone (ZITT) to comply with the will of the voters expressed in a referendum. In addition, the decree establishes a step backwards in the protection of the territory by lifting restrictions on resource extraction in the buffer zone surrounding the ZITT. This allows for further oil development and leaves around 400,000 hectares at risk.
3. Despite the fact that the Constitutional Court declared the Decree unconstitutional[[17]](#footnote-17) for allowing the installation of oil platforms within the buffer zone, the Ecuadorian government intends to continue to open more oil wells in the area. There are concerns arising from Executive Decrees 95 and 151 (see above), which could promote extractive activities in breach of the recommendations made by the IACHR[[18]](#footnote-18).
4. There is concern over photographs and testimonies about the loading of trucks full of timber near the Shiripuno River bridge, precisely in the area where the ZITT Monitoring Station under the responsibility of the Ecuadorian Ministry of the Environment is located[[19]](#footnote-19), which would indicate the lack of application of protection measures. There have also been reports of suspected illegal miners on the southern boundary of the ZITT.
**Recommendation A/HRC/36/4 118.122: Preventing and combating violence against indigenous women

Status of implementation: Ecuador has adopted measures regarding violence against women, but necessary measures with an intercultural approach have not been adopted with regard to violence affecting indigenous women**

**Proposed recommendations:**

**Ecuador must adopt effective measures to guarantee the rights of indigenous peoples in voluntary isolation to their lands, territories and natural resources, and refrain from carrying out or permitting extractive activities that interfere with the enjoyment of these rights and endanger their survival.**

**Ecuador must comply with the recommendations issued by the IACHR regarding the territorial rights of peoples in isolation.**

**Ecuador must comply with Constitutional Court judgment no. 0028-19-IN on the prohibition of oil platforms within the buffer zone of the Yasuní Park.**

1. Ecuador was given several recommendations concerning initiatives to be undertaken to combat discrimination and violence against women, including indigenous women. In this regard, Italy recommended Ecuador to strengthen initiatives to prevent and combat all forms of discrimination and violence against women and children and other vulnerable groups (118.122).
2. Indigenous women suffer higher rates of sexual, physical and psychological violence, particularly in the context of large-scale development projects, investment and extraction in their territories; the militarisation of indigenous lands; and in the context of their work as human rights defenders[[20]](#footnote-20). They also face specific obstacles to safe, adequate, effective and culturally appropriate access to justice when their human rights are violated. Specific recommendations need to be made to address these problems in the case of indigenous women.

**Proposed recommendations:**

**Ecuador must instruct the CTA Technical Secretariat, the ProAmazon programme and other programmes in the region to allocate budget to strengthen indigenous women's livelihoods and combat gender-based violence, femicides and sexual violence through education and awareness-raising with an intercultural approach.**

**Ecuador must articulate, adopt and implement a gender and intercultural perspective to prevent, investigate, prosecute and punish all forms of violence against indigenous women.**

1. All references to recommendations: A/HRC/36/4, Report of the Working Group on the Universal Periodic Review. Ecuador. 10 July 2017. [↑](#footnote-ref-1)
2. “Caso Pueblo Indígena de Sarayaku vs Ecuador. Fondo y Reparaciones” (Case of the Indigenous People of Sarayaku vs Ecuador. Merits, Reparations and Costs.) Judgment of 27 June 2012. <https://corteidh.or.cr/docs/casos/articulos/seriec_245_esp.pdf> [↑](#footnote-ref-2)
3. See Report of the Special Rapporteur on the Rights of Indigenous Peoples. Visit to Ecuador. A/HRC/42/37/Add.1, 13 September 2019; Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined 23rd and 24th periodic reports of Ecuador, CERD/C/ECU/CO/23-24 15 September 2017; Committee on Economic, Social and Cultural Rights, Concluding Observations on Ecuador's fourth periodic report, E/C.12/ECU/CO/4 14 November 2019. [↑](#footnote-ref-3)
4. A/HRC/42/37/Add.1, paragraph 25. [↑](#footnote-ref-4)
5. Alianza Ceibo. <https://www.amazonfrontlines.org/chronicles/siekopai-covid-19-ecuador-lagarto-cocha/> [↑](#footnote-ref-5)
6. Resolution number 1/2020 (IACHR, 2020a) [↑](#footnote-ref-6)
7. A/HRC/42/37/Add.1, para. 25. [↑](#footnote-ref-7)
8. *Mecheros* (flares) are metal pipe infrastructures, currently ranging in height from 5 to 10 metres. They burn the associated gas extracted from underground. [↑](#footnote-ref-8)
9. The Union of People Affected by Texaco Operations (Unión de Afectados por las Operaciones de la Texaco-UDAPT) is an organisation that consists of the SIONA, SIEKOPAI, KOFANES, KICHWAS, SHUAR, WAORANI and COLONOS peoples, affected by the contamination of the transnational company Chevron, formerly Texaco. [↑](#footnote-ref-9)
10. https://redamazonica.org/wp-content/uploads/Informe-MECHEROS-EN-ECUADOR.pdf [↑](#footnote-ref-10)
11. UDAPT and the Environmental Clinic have been building the Biprovincial Tumour Registry since April 2018. By 30 September 2021, 354 cancer cases had been documented. https://texacotoxico.net/7-informe-del-registro-biprovincial-de-casos-de-cancer-sucumbios-orellana [↑](#footnote-ref-11)
12. [http://esacc.corteconstitucional.gob.ec/storage/api/v1/10\_DWL\_FL/e2NhcnBldGE6J3NvcnRlbycsIHV1aWQ6JzE3MGUwOGFkLTNmZDYtNDNkOC04NzVhLTNhNDFiMTVhM2U1OS5wZGYnfQ==](http://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcnBldGE6J3NvcnRlbycsIHV1aWQ6JzE3MGUwOGFkLTNmZDYtNDNkOC04NzVhLTNhNDFiMTVhM2U1OS5wZGYnfQ%3D%3D) [↑](#footnote-ref-12)
13. See: <https://ddhhecuador.org/sites/default/files/documentos/2020-12/ALERTA%2071-3.pdf> [↑](#footnote-ref-13)
14. MAAP#151 Minería Ilegal en la Amazonía Ecuatoriana <https://maaproject.org/2022/mineria-ecuador/> [↑](#footnote-ref-14)
15. See note 3. [↑](#footnote-ref-15)
16. The current judgment is derived from the analysis of the ruling of Sucumbíos Provincial Court, which, in 2018, obliged the Ecuadorian State to revoke 52 gold mining concessions granted without consultation, on the banks of the Aguarico River and its tributaries, affecting the A'i Cofán community of Sinangoe. [↑](#footnote-ref-16)
17. See 0028-19-IN [↑](#footnote-ref-17)
18. IACHR. Report No. 152/19. Case 12.979. Merits report. *Pueblos indígenas Tagaeri y Taromenane (en aislamiento voluntario). Ecuador*. 28 September 2019.

 <https://www.oas.org/es/cidh/decisiones/corte/2020/EC_12.979_ES.PDF> [↑](#footnote-ref-18)
19. Alert 28: <https://ddhhecuador.org/sites/default/files/documentos/2020-05/Alerta%20_%2028.pdf> [↑](#footnote-ref-19)
20. [oas.org/es/cidh/indígenas/docs/pdf/Brochure-indígenas.pdf](http://oas.org/es/cidh/ind%C3%ADgenas/docs/pdf/Brochure-ind%C3%ADgenas.pdf) [↑](#footnote-ref-20)