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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Report of the Working Group of experts on people of African descent

Visit to Ecuador (22 to 26 June 2009)

Summary

At the invitation of the Government of Ecuador, the Working Group of experts on people of African descent undertook an official mission to Ecuador from 22 to 26 June 2009. In the present report, the Working Group examines the general situation of people of African descent in Ecuador, describes the position in which people of African descent find themselves and the situations that expose them to discrimination, and outlines the action taken at various levels for their well-being. It concludes with recommendations that the Working Group believe will, if implemented, make tangible improvements in the situation of people of African descent in Ecuador.

During its visit to Ecuador, the Working Group found that the problems faced by people of African descent in the country related mainly to a lack of access to such basic services as adequate housing, health care and education, disproportionately high levels of unemployment and representation in detention centres, an undervaluing of the Afro-descendent contribution to the national identity and the negative representation of Afro-descendents in the media. The Working Group attributes this, in large part, to structural racism that exists as a result of the colonial past of Ecuador, which informs its collective psyche to the present day.

In this respect, the Working Group appreciates that the Government of Ecuador is open, aware of the existing problems and committed to facing these challenges with innovative programmes and legislative initiatives. The Working Group is particularly impressed by the new Constitution adopted in 2008, which allows for advances to be made in the protection and promotion of the human rights of all vulnerable groups, including the population of African descent. Such elements as the recognition and protection of the collective rights of people of African descent are forward-thinking initiatives that will go a

long way towards redressing historical injustices and disenfranchisement of this sector of society.

The Working Group praises the creation of the Corporation for Afro-Ecuadorian Development (CODAE) and the work that it has been undertaking in guiding Government policy on the population of African descent in Ecuador. The experts trust that the new institution that replaces it, in accordance with a broad institutional restructuring introduced with the adoption of the new Constitution of 2008, will continue to effectively orient Government policy to address the challenges faced by Afro-Ecuadorians and ensure their equal participation in all aspects of society and the advancement and economic development of the country.

The Working Group notes the unprecedented amount of resources that the Government has invested in social services during the last two years to benefit poorer sectors of society particularly, and recognizes that this will have a continuing beneficial impact upon many persons of African descent. The experts suggest, however, that targeted investment directed specifically towards Afro-descendent communities is also necessary to alleviate the serious shortfalls in the provision of fundamental services that some of these communities endure.

The Working Group welcomes the measures contained within the National Development Plan 2007–2010, designed to encourage the institutional development of Afro-Ecuadorian organizations, promote the integration of the Afro-descendent population through, inter alia, quotas in State institutions and advance the situation of Afro-Ecuadorian women. The experts encourage the Government to redouble its efforts to ensure that all of the measures contemplated in the National Development Plan to benefit the Afro-Ecuadorian population are implemented.

The concrete measures recommended by the Working Group include the adoption of specific legislation on non-discrimination; the development of a national campaign to promote multiculturalism and respect for the dignity of the Afro-Ecuadorian people; the adoption of measures to reduce the educational gap that exists between Afro-Ecuadorians and the wider population; the introduction of ethno-education for people of African descent; the strengthening of Afro-Ecuadorian civil society; measures to eliminate racism and discrimination in the media; further efforts to encourage participation of persons of African descent in public administration; the establishment of a centre for Afro-Ecuadorian studies; the further development of free legal aid services; the creation within the office of the Ombudsman of a sub-unit dedicated to issues related to people of African descent and the creation of special programmes to promote the education of women of African descent.

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I. Introduction

1. Bearing in mind its status as a special procedure of the former Commission on Human Rights, the Working Group of experts on people of African descent decided at its fourth session to undertake country visits as a means of effectively discharging its mandate. The Working Group recognized that such visits could contribute to in-depth understanding of the situation of people of African descent in various regions of the world.¹

2. At the invitation of the Government of Ecuador, the Working Group undertook a country visit to Ecuador from 22 to 26 June 2009. The delegation, headed by Joe Frans, the Chairperson of the Working Group, also included the expert Mirjana Najcevska. During their mission, the experts visited Quito, Guayaquil, Chota and San Lorenzo.

3. In Quito, the Working Group met with the Director-General of Human Rights and Social Affairs from the Ministry of Foreign Affairs; the Vice-Minister for Coordination of Internal and External Security; the Executive Director of CODAE; the President of the National Congress; the Minister of Justice and Human Rights; an adviser on intercultural affairs from the Coordinating Ministry for Natural and Cultural Patrimony; the Under-Secretary for statistics and analysis from the Coordinating Ministry for Social Development; the Under-Secretary and staff of the National Secretariat for Planning and Development; the Attorney-General of Ecuador; the Director of the Programme for Afro-Ecuadorian Development of the Quito Directorate for Social Inclusion; the President of the National Court of Justice; the National Ombudsman and the Minister of Social and Economic Inclusion. They also met with representatives from United Nations agencies, international organizations, non-governmental organizations (NGOs), academics and members of the Afro-Ecuadorian communities in Guayaquil, Chota and San Lorenzo. In San Lorenzo, they also visited a primary school with predominantly Afro-Ecuadorian students.

4. The experts wish to thank the Government of Ecuador for its invitation and for its help and assistance before and during their visit to the country. They would also like to thank the representatives of international organizations, NGOs, academics and people of African descent with whom they met during their mission. In this report, the experts examine the situation of people of African descent living in Ecuador. This report describes the facts observed and the information received by the Working Group during its visit.

II. Context of people of African descent in Ecuador

A. General situation

5. The African ancestors of Ecuadorians of African descent began arriving in Ecuador as a result of the slave trade and ensuing African diaspora to the Americas that began in the sixteenth century. Their marginalization during the period of slavery precluded any possibility of social ascension or integration into the wider population. Slavery was abolished in Ecuador in 1851 and the slaves were progressively set free over the following five years. The emancipation of Afro-Ecuadorians did not mean, however, that they gained immediate access to political, economic or property rights. To this end, various movements were organized during the twentieth and twenty-first centuries with the aim of

¹ See E/CN.4/2005/21, para. 98.

enfranchizing the Afro-Ecuadorian population, but the objective of full enjoyment of all rights on an equal basis with those of the majority Ecuadorian culture is yet to be realized.

6. Today, people of African descent are found all over Ecuador, but are more numerous in certain regions. In the province of Esmeraldas, in the north-west of the country, 39.9 per cent of the population is composed of people of African descent. The national census of 2001 estimated the Afro-Ecuadorian population at 4.97 per cent of the national population and, five years later, a survey on living conditions in Ecuador (*Encuestas de Condiciones de Vida en el Ecuador*) fixed their number at 5.7 per cent of the population. This survey found that people of African descent enjoy standards of living below the national average and endure multiple challenges in the areas of access to housing, education, health and other fundamental services. The average monthly household income in Ecuador, for example, is about US\$ 522, while for an Afro-Ecuadorian household it is \$400. The average monthly personal income for Afro-Ecuadorians is \$210.80, while for the white population it is \$316.60 and the national average is \$268. Moreover, according to the survey, while 12.9 per cent of Ecuadorians live below the extreme poverty line, the figure stands at 13.7 per cent for Afro-Ecuadorians.

7. In the area of education, attendance rates show that Afro-Ecuadorians have, on average, fewer years of study than whites. According to the 2006 survey, 12.63 per cent of Afro-Ecuadorians are illiterate, as compared to 9.13 per cent of the rest of the population. People of African descent in Ecuador begin with lower attendance and completion levels in primary education and progressively and exponentially fall behind the levels of the majority ethnic group throughout secondary education until they are even further underrepresented at the level of tertiary education. The attendance rate for secondary education for Afro-Ecuadorians is 38.8 per cent, whereas for the rest of the population it is 55.3 per cent. Only 8 per cent of Afro-Ecuadorians attend universities, whereas in the wider population it is 18 per cent.

8. The inequality endured by Afro-Ecuadorians is also apparent in the area of work. They are often underpaid in comparison with the majority of the population and are found employed as unskilled labour and with precarious job security. The nature of the work that Afro-Ecuadorians are engaged in is closely related to their lower average levels of education and so they are less represented in professional employment. This situation is even more dramatic in the case of Afro-Ecuadorian women, who suffer gender discrimination as well, and whose unemployment rate is 17.5 per cent.

9. As regards the area of health, Afro-Ecuadorians also experience difficulties in accessing the health-care system. The most common diseases among this population are related to unsanitary living conditions, often characterized by high levels of environmental contamination, poor access to clean water and badly managed disposal of waste materials.

10. The poverty that is often characteristic of the living conditions of people of African descent in Ecuador is closely related to several factors; from the deep historical roots of marginalization during the construction of the nation to the failure of the State to adequately implement policies for the purpose of integrating this sector of the population. Moreover, their condition is aggravated by the racial discrimination and the structural racism to which they are exposed.

11. The new Constitution that was adopted in 2008 contains several provisions designed to advance the situation of people of African descent and, once the necessary enacting legislation is passed, offers a real opportunity to redress the historic and structural discrimination long endured by people of African descent in Ecuador.

B. Framework for the protection of the human rights of people of African descent

1. The international legal framework for the protection of the human rights of people of African descent

12. Ecuador has demonstrated its commitment to combating racism and discrimination by signing and ratifying a series of international conventions that deal with racism and discrimination: the International Covenant on Civil and Political Rights, the two Optional Protocols to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Ecuador also voted for the United Nations Declaration on the Rights of Indigenous Peoples. Regionally, Ecuador has also signed and ratified the American Convention on Human Rights and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.

13. In 2000, Ecuador adopted the United Nations Millennium Declaration containing the Millennium Development Goals (MDGs). The Government went on to develop the National Development Plan 2007–2010 to implement the MDGs, and this plan includes various provisions designed to improve the situation of the Afro-Ecuadorian population. Ecuador has also drawn upon the commitments and recommendations contained within the Durban Declaration and Programme of Action in formulating its National Development Plan 2007–2010, particularly as relates to the situation of people of African descent and the challenges that face them.

2. The national legal framework

14. Ecuador adopted a new Constitution in 2008 that contains many guarantees that advance the fight against racism and discrimination and promote the integration of minorities, such as people of African descent. Importantly, its first article affirms that the country is, among other characteristics, “intercultural and multinational”. Article 11 goes on to stipulate that “no one may be discriminated against for reason of ethnicity ... cultural identity ... [or] language” and that “the law will punish all forms of discrimination”. This same article also includes the important initiative that “the State will adopt measures of affirmative action that promote real equality in favour of rights holders that are in situations of disadvantage”. The Constitution also establishes that rights and guarantees contained in the Constitution and international instruments will be of direct and immediate application by, and before, all public servants. That the Afro-Ecuadorian people have collective rights is specifically established in article 58 of the Constitution: the article begins to characterize these rights, stating that communities, indigenous nationalities and peoples (among them the Afro-Ecuadorian people) have the right not to be subject to racism or any other form of discrimination based on their origin, ethnic identity or culture. Article 57 furthermore states that collectivities affected by racism, xenophobia and related forms of intolerance and discrimination have the right to the recognition of the violation and reparation.

15. The experts note that the Ecuadorian Penal Code includes provisions on hate crimes where a racist motivation for the perpetration of the crime is considered an aggravating factor. There is, however, no specific law devoted to non-discrimination. The Act on Collective rights of the Afro-Ecuadorian People was enacted in 2006, in which Afro-Ecuadorian communities are recognized as a people with economic, political, social, cultural, civil, territorial and collective rights. This law also creates the National Council for

Afro-Ecuadorian Development, which is charged with developing policy to advance the situation of the Afro-Ecuadorian population.

16. The Corporation for Afro-Ecuadorian Development (CODAE) also falls under the jurisdiction of the Presidency of the Republic. It was evident to the experts that CODAE plays a fundamental role in combating discrimination against Afro-descendants through its policy development, programmes and outreach to civil society. One of the most important initiatives under way at the moment to combat discrimination is the draft National Plan against Racism and Discrimination. The main goal of this project is to eliminate the different forms and practices of racial discrimination and ethnic-cultural exclusion, thereby promoting a pluralist, intercultural and inclusive society. The plan is intended to combat racial discrimination by focusing on the human, civil, political, economic, social, cultural and collective rights found in a diversity of international instruments.

3. Framework of the City of Quito

17. In Quito, a variety of measures have also been taken to promote the inclusion of the Afro-Ecuadorian population. In 2001, the City of Quito created the Afro-Descendant's Unit within the Municipal Directorate of Social and Economic Development. The responsibilities of this unit were to establish and apply public policies for the development of the Afro-Ecuadorian people which aim at reducing poverty, strengthening self-management and achieving the democratic integration of Afro-Ecuadorian people. Those aims were to be achieved with due regard to Afro-descendants' own vision of development and enhancing their present resources, i.e., their human and social capital. Through this initiative, the City of Quito has implemented a diverse range of measures, among which, mention should be made of municipal ordinance for social inclusion, with an ethno-cultural focus, of the Afro-Ecuadorian community, which stipulates that the City of Quito must incorporate the Afro-descendent population into the plans, programmes, projects and services that it executes.

III. People of African descent in Ecuador: general comments

A. Participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of the country

18. The Working Group experts were informed that CODAE is the national institution that formulates State policy for issues related to Ecuadorians of African descent. The Working Group was also informed that the Government is working on the National Plan against Racism and Discrimination and that, once completed, the actions of all State institutions will have to be in conformity with the plan. Both the policy formulation of CODAE and the content of the plan identify and address the most important challenges facing people of African descent in Ecuador. Through its many meetings held with State and Government officials and Afro-descendant communities, civil society representatives, academics, the international community and United Nations agencies, the experts found the following to be the most pressing issues as regards the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their country.

1. Access to education

19. In the Working Group's meetings with State authorities, it was emphasized that, for the first time, education at the primary level is free in Ecuador, including the provision of

uniforms, textbooks and school lunches. The experts noted, however, that levels of illiteracy are higher among the Afro-Ecuadorian population than the national average² and access to education presents an ongoing challenge to this population group. Traditionally, levels of school attendance for the Afro-Ecuadorian population have been lower than the national average, but the Government's policies, particularly the abolition of school fees, have had a positive impact on access to education by Afro-Ecuadorian children. Recently, Ecuador has been mainstreaming an intercultural aspect in its education system, which has allowed indigenous communities to benefit from the provision of lessons in indigenous languages and on subjects that are particularly culturally relevant to indigenous communities. Intercultural education is yet, however, to be extended systematically by the State to Afro-Ecuadorians. The experts were informed that Afro-Ecuadorian history and the contributions made by Ecuadorians of African descent to Ecuadorian culture do not figure greatly in the school syllabus.

20. According to information received, a limited number of Afro-Ecuadorian children complete primary education, even fewer continue to secondary education and exceptionally few enrol in universities. Less than 1 per cent of university graduates in Ecuador are of African descent, although Afro-Ecuadorians constitute 5.5 per cent of the population.³ High levels of poverty and the associated attraction of entering the workforce as soon as possible contribute greatly to the very low numbers of Afro-Ecuadorians studying at university. The experts were also informed that there is a tendency for university lecturers to view Afro-Ecuadorian students as intellectually unsuited to serious study. As well as affirmative measures (such as a quota system in universities for students of African descent), it was suggested that there needed to be a support structure at the universities that helps Afro-Ecuadorian students navigate within what is often a very unfamiliar environment.

21. During its meeting with the Quito authorities, the experts were informed that, although the education programme is managed at the national level, they are currently working on a municipal ordinance that will ensure places in local schools for students from disadvantaged groups, such as the Afro-Ecuadorian population. The ordinance will also smooth the way for the free school meals programme, which will help prevent students dropping out of school. To further improve access to education by vulnerable groups, the City of Quito intends to provide a number of scholarships to students from disadvantaged backgrounds and require that schools report on the number of Afro-Ecuadorian students enrolled and the number that complete their studies.

22. While meeting with NGOs in the Chota valley, the experts were informed about a project currently being conducted by the Federation of Black Communities of Imbabura and Carchi to produce educative modules on the history of Ecuadorians of African descent, in the hope that these modules will be included in the syllabus of local schools. During their meeting with academics, the experts heard that although ethno-education (Afro-education) has taken place informally, an educational programme that caters to the specific needs of students from communities of African descent needs to be formalized. Such a programme should not be a copy of the ethno-education developed for indigenous communities but rather one that is tailored to the particular situation and needs of students of African descent. In meetings that the experts held with NGOs and community members from San Lorenzo in the Esmeraldas province, participants also underlined that Ecuadorian history and other textbooks do not cover the role and contribution of Ecuadorians of African

² According to the survey on living conditions in Ecuador (ECV), 2006, 9.13 per cent of the Ecuadorian population was illiterate, as compared with 12.63 per cent of Afro-Ecuadorians.

³ The most recent census conducted in Ecuador took place in 2001 and found that the Afro-Ecuadorian population constituted 4.97 per cent of the general population. The national survey on living conditions, carried out in 2006, found that they made up 5.7 per cent of the population.

descent sufficiently. As well as the obvious benefits for children of African descent to be taught about the history of their forbears, it was pointed out that all Ecuadorian children should be educated about the contribution that Afro-Ecuadorians have made to the country throughout its history.

2. Access to fundamental services

23. Over the last two years, the Government of Ecuador has invested an unprecedented amount of resources in social services designed particularly to benefit poorer sectors of society. Despite this, during many of their meetings, the experts were informed that Afro-Ecuadorians still face reduced access to fundamental services such as health care, education and adequate housing. The experts were informed that strategies to reduce poverty and enhance access to fundamental services are implemented on the basis of identified geographical necessity, rather than being directed at specific sectors of society, such as people of African descent. The experts consider that, while such an approach is beneficial in raising living standards in an identified geographic area, it would still be appropriate to have specific programmes aimed at benefiting Afro-Ecuadorian communities, wherever they are found.

24. The experts were informed of difficulties faced by Afro-Ecuadorian families when seeking rented accommodation because of racist attitudes on the part of landlords. This is particularly so in the case of large families seeking accommodation. Access to clean water was also identified as a problem among many Afro-Ecuadorian communities, including the communities that the experts visited in Guayaquil. In one of these communities, the experts were informed that drinking water had only recently been introduced and only then as a result of the collective efforts of the residents themselves. Access to water was also identified as a problem for the Afro-Ecuadorians living in the Chota valley with whom the experts met: in this case, it was the insufficient quantity of water to irrigate crops that was of concern.

25. During their visit to the communities of Cenepa on Trinitaria Island and Portete de Tarqui, both in the province of Guayaquil, the experts were greatly moved by the abject poverty of these communities and the need for immediate redress. The condition of the houses was precarious. The roads were mostly unpaved, unstable wooden walkways connected many houses that were perched over a river and improvised electrical wiring was draped along the street and in front of the houses, constituting a danger to all who passed by. Investment is urgently needed to raise the standard of housing available to the communities visited by the experts on Guayaquil. The experts were informed that there were no health clinics, public schools or childcare services in either of the communities visited and that the residents themselves, with the help of NGOs, meet their basic needs in whichever way they can.

26. As well as developing governmental programmes to provide adequate fundamental services for Afro-Ecuadorian communities where they are lacking, the experts encourage the Government to examine the work that is being carried out by NGOs in marginalized Afro-Ecuadorian communities, such as Cenepa and Portete de Tarqui, in order to identify ways in which it can collaborate with these organizations to improve access to fundamental services for people of African descent.

3. Participation in public life

27. CODAE plays an important role in identifying and highlighting issues of discrimination faced by Afro-Ecuadorians and orienting State policy to redress such discrimination. The experts were impressed by CODAE understanding of the challenges facing people of African descent and its intention to ensure the realization of the rights contained within the new Constitution that benefit the Afro-descendent population.

CODAE should not, however, be considered a substitute for participation by people of African descent in public life. The experts stress the need to enhance such participation in all spheres of public life, including political parties, the judiciary, the police force and professions such as education, the legal profession and academia.

28. The experts were informed that Afro-Ecuadorians lack a strong and cohesive civil society movement to represent and advance their interests. Efforts should be made by civil society and the Government to strengthen civil society so that it may effectively advocate for the advancement of the situation of Ecuadorians of African descent and contribute to the fight against the discrimination faced by them. The experts recognize the many and varied measures that the Government has adopted — and intends to adopt — to advance the situation of people of African descent, but firmly believes that civil society has a vital role to play in this regard that should not be overshadowed by State institutions.

29. While encouraging the Government to continue with its plans to transform its institutions and programmes so as to reflect the intercultural and multinational society referred to in the new Constitution, the experts urge the Government to take active steps to strengthen participation in public life by Afro-descendent civil society groups and movements. In the National Development Plan 2007–2010, it is stipulated that CODAE and the Ministry of Social Welfare will encourage the institutional development of Afro-Ecuadorian organizations by means of technical cooperation and training in the areas of planning, presenting, follow-up and evaluation of programmes and projects. The experts welcome this commitment and encourage the relevant authorities to devote all necessary resources to this end.

30. The experts were informed that four Ecuadorians of African descent had been elected to Parliament at the last elections; however, that number is not representative of the percentage of the Ecuadorian population of African descent. According to the 2001 national census, around 5 per cent of the population is of African descent, while the 4 parliamentarians make up just 3 per cent of the 124 members of Parliament. The experts were encouraged by the fact that an Electoral Council was to be created that would have one of its five posts designated to an Ecuadorian of African descent. The experts support more such affirmative action initiatives that will have the effect of strengthening participation by Afro-Ecuadorians in public life. Another such initiative is evidenced in the establishment of the Council for Citizen Participation and Social Control, which must include at least one representative of the Afro-Ecuadorian community.

4. Portrayal in the media and societal attitudes

31. The experts were informed on several occasions that Ecuadorians of African descent are often caricatured and ridiculed in the media. That the Afro-Ecuadorian population is often reduced to two-dimensional and humiliating stereotypes by the media is a worrying indication of not only a lack of sensitivity by the media, but also underlying racist attitudes in Ecuadorian society. In a number of meetings, the experts were told that there is a general tolerance in society of racist attitudes towards people of African descent and that unflattering stereotypes portrayed in the media are just a reflection of this wider phenomenon. The Government is encouraged to implement an awareness-raising campaign to educate the public about racism directed at people of African descent. The media should be engaged as an active participant in this campaign.

32. Members of the public service are not separate from society, and racist attitudes in society towards people of African descent are also found in members of such institutions as the police force. One case of particular resonance that was brought to the attention of the experts on several occasions is that of the detention and alleged mistreatment of 23 young men of African descent by the police in a public park on 13 April 2008. According to the information received, the reason given by the police for their arrest was that they were

acting suspiciously. The same source explained that the men were, in fact, preparing for a football game. The case is widely seen as one of racial profiling by the police against Afro-descendants and caused much controversy. It is worth noting that the police carried out the operation accompanied by the media. The resulting media coverage in no way advanced the cause of combating the negative stereotyping of people of African descent. The experts were informed that a police superintendent had been sanctioned over the incident, but not the officer who was in charge of the operation. The experts recommend that an independent body be charged with the investigation of this and any other case of alleged racial profiling by the police.

33. The National Plan against Racism and Discrimination that is currently being formulated by the Government should include measures that address the portrayal of negative stereotypes of Afro-descendants in the media and promote positive change in societal attitudes towards this sector of the Ecuadorian community. The experts were informed that the National Ombudsman's Office had taken action in the case of a racist radio advertisement in the lead-up to the last elections, referring the case to the relevant electoral body. The Ombudsman's Office has a vital role to play in advancing the fight against discrimination in Ecuador, and the experts encourage the Office to contribute actively to the development of the National Plan against Racism and Discrimination.

5. Poverty

34. Of all issues negatively affecting Ecuadorians of African descent, the experts found that poverty is one of the most pernicious. During their visits to Afro-Ecuadorian communities in the province of Guayaquil, the experts found conditions of poverty where living standards were well below acceptable international standards. According to the 2001 census, 70.3 per cent of Afro-Ecuadorians live in poverty, while the national average is 61.3 per cent. There is also a notable difference between levels of poverty in urban centres and rural contexts. While the level of poverty of Afro-Ecuadorians in urban centres is 62.6 per cent, the level of poverty of Afro-Ecuadorians in rural areas is 87.2 per cent.⁴

35. Poverty among Ecuadorians of African descent is, to a large degree, caused by the high levels of unemployment that they experience. Where employment is found, it is often unskilled and poorly paid. A large number of households consist of a single mother and her children surviving on the sole, small salary that she obtains. The experts were informed that over 50 per cent of women of African descent who have employment engage in unstable, informal jobs. Some of these women expressed their concerns to the experts that new laws that combat the informal economy (illegal importation of goods) place their livelihoods at risk and their ability to support their families financially. While the experts recognize the Government's responsibility to regulate imports, they suggest that projects for alternative means of income generation be explored as a way to minimize the impact on the families of African descent that have relied on the informal economy to sustain themselves.

36. During their meeting with the Quito authorities, the experts were informed that Afro-descendants living in the national capital also suffer from high levels of poverty. While the percentage of the general population living in poverty (measured on the basis of basic necessities unsatisfied) is 33.5 per cent, the number of Afro-descendants living in poverty in Quito is 44 per cent. In some neighbourhoods this level rises significantly: to 45 per cent in Calderon, 56.6 per cent in Tumbaco and 77 per cent in Quinche. In Quito, unemployment among Afro-descendants is also identified as a major cause of poverty.

⁴ Technical Secretariat of the Social Front, *Los Afroecuatorianos en cifras* (Afro-Ecuadorians in Numbers), 2006, p. 43.

37. Poverty has a negative impact on the enjoyment of many rights (such as education, housing and health) and reinforces negative stereotypes of Afro-descendants in the wider public consciousness. The experts encourage the Government to continue to implement programmes to alleviate the poverty endured by Afro-Ecuadorian families and to explore new and innovative income-generating projects. The experts took note that the Government is developing a plan for the redistribution of land, particularly of unused land owned by the Government. This would be an important economic stimulus for Afro-descendent families that benefit from this plan and has the potential to contribute significantly to alleviating poverty in rural areas. The experts suggest that any such redistribution programme should be accompanied by the technical assistance necessary to enable the land to be a viable income-generator for the beneficiary.

B. Policies for the integration of people of African descent

38. Racism in Ecuador is not manifested openly in society. There are no racist movements, for example. The Government recognizes that racism exists, however, and has taken, and continues to take, measures to combat it. The creation of CODAE represents a laudable initiative that demonstrates the Government's commitment to improving the situation of people of African descent, including by addressing the racism and discrimination faced by them. Under the Government's plan to implement the new constitution adopted, CODAE will be replaced by an Equity Council for Afro-descendants. The experts hope that this Equity Council will continue to make important strategic contributions to the fight against racism faced by Afro-Ecuadorians. The experts are also pleased to highlight that the National Plan against Racism and Discrimination currently being developed will include quotas for the number of Afro-Ecuadorian staff to be employed in the civil service.

39. The experts were pleased to hear that the Quito municipal authorities have taken numerous actions in favour of the Afro-Ecuadorian population, including an international forum of the Coalition of Latin-American and Caribbean Cities against Racism, a campaign to encourage literacy and the completion of studies by Afro-descendent students and the strategic municipal plan for overall development of the Afro-descendent population in Quito. Special mention should be made of the Municipal Social Council for the Elimination of Racial Discrimination that was created by the Quito authorities to combat discrimination and promote harmonious coexistence and interculturality. The Council includes both Government and civil society representatives. Similarly, the municipal ordinance for social inclusion, with an ethnocultural focus, of the Afro-Ecuadorian community is to be commended. This ordinance stipulates that the City of Quito must, in an equitable manner, incorporate the Afro-descendent population into the plans, programmes, projects and services that it executes.

40. At the national level, the National Development Plan 2007–2010 contains many policies, programmes and other elements that promote the integration of the Afro-descendent population. The Ministry of Labour, for example, has a programme "Work without discrimination" which guarantees that at least 3 per cent of posts and contracts in the public and private sector will be for Afro-descendants.

C. Measures to promote a greater knowledge of and respect for the heritage and culture of people of African descent

41. On several occasions, the experts were informed that there was a lack of information on the history and culture of Afro-Ecuadorians in school curricula and that this was one of the reasons that there was the scant knowledge and appreciation in the general population

of the contribution that Afro-Ecuadorians have made to the history and culture of the country. In a meeting with academics, the experts were informed that, since 1988, the culture and specific educational needs of indigenous people have been systematically recognized, but not those of Afro-descendants, who have generally been viewed in terms of how closely they approximate to the indigenous or mestizo cultures. Interest has been shown by the Ministry of Education in introducing ethno-education for Afro-descendants, but a programme is yet to be developed. Any such programme would have to be tailored to the specific characteristics and needs of the Afro-Ecuadorian population and should not be simply an adapted version of that used for indigenous communities.

42. The experts were informed that, although at the Simon Bolivar Andean University there is an Afro-Ecuadorian documentation fund containing a collection of oral testimonies and photographs that could be used in the future as the basis for research and education, there is currently no research centre devoted to the study of Afro-Ecuadorian culture and history. The creation of such a centre would greatly advance knowledge of and respect for the heritage and culture of people of African descent in Ecuador. In the National Development Plan 2007–2010, it is stipulated that the Ministries of Education and of Culture will create a centre for study, investigation, production and dissemination of Afro-Ecuadorian thought and knowledge. Similarly, the plan envisages the creation by the Ministry of Education of an Afro-Ecuadorian commission for ethno-education and a university-level course of Afro-Ecuadorian studies. The experts are under the impression from their interviews, however, that these three measures have not yet been put into place and would encourage the relevant ministries to effect them as soon as possible.

43. The above-mentioned municipal ordinance for social inclusion, with an ethnocultural Focus, of the Afro-Ecuadorian community also stipulates that educational institutions in Quito must incorporate Afro-Ecuadorian history and culture in their curricula.

D. Violence and people of African descent

44. During their visit to Esmeraldas province, the experts received information concerning alarming levels of violence that are affecting some communities there, particularly Afro-Ecuadorian youths, as a result of the influence of illegal armed actors from Colombia and the illicit drug trade. The experts were informed that members of illegal armed groups from Colombia are crossing into Ecuador and pressuring farmers to sell their land and recruiting young men from Afro-descendent communities. Also, young Ecuadorians are crossing into Colombia to work cultivating and harvesting coca. This situation is a source of violence that requires the urgent attention of the Ecuadorian authorities.

45. According to information received, domestic violence is prevalent in Ecuador, including within the Afro-Ecuadorian community. There appears to be a tacit cultural acceptance of this situation and recourse is also made to violence in other environments, such as the classroom, where some teachers use corporal punishment to reprimand children. It was explained to the experts that patterns of violence that are learned at home are repeated in other areas of daily life and, although this may be the case in Ecuadorian society in general, it was emphasized that this is of concern within the community of African descent.

46. As well as the case of the detention and mistreatment of 23 young men of African descent by the police in Carolina Park referred to above, the experts received anecdotal accounts of several cases of racially motivated violence against people of African descent. None of these cases, they were informed, had reached the stage of being decided upon in a court of law. One hindrance to adequately dealing with cases of racism and racial

discrimination is that, according to those interviewed, Ecuador does not have legislation that prohibits racism or discrimination per se. The presence of racism is an aggravating factor when accompanying the commission of an actionable crime but does not in itself constitute a crime. The experts suggest that the Government consider enacting legislation that specifically prohibits racism and discrimination.

47. People of African descent in Ecuador are overrepresented in detention centres in comparison with the general population. The experts were informed that more than 11.6 per cent of the incarcerated population is of African descent when, as has already been noted, Afro-descendants account for just over 5 per cent of the Ecuadorian population. In the city of Quito, 18.4 per cent of the prison population is of African descent, while they make up just 3.1 per cent of the city's inhabitants. It was explained to the experts that these disproportionate figures may be due to the high levels of unemployment, low incomes, low levels of education and prevailing racism to which people of African descent are subject.

E. Gender perspective

48. The National Development Plan 2007–2010 contains several provisions designed to advance the situation of Afro-Ecuadorian women. Among them, it requires CODAE to conduct education campaigns for the general public and authorities in order to eradicate racism, discrimination and sexism. It stipulates that the National Council for Ecuadorian Women will prompt the formulation of policies to redress poverty among Afro-Ecuadorian women and will include a gender and ethnic perspective in all of its programmes and policies. It also states that the Ministry of Health, together with the Pan American Health Organization, will stimulate the adoption of special measures to guarantee Afro-Ecuadorian women's right to health.

49. The experts believe that more needs to be done to fulfil such commitments, as discrimination against women of African descent and the denial of their fundamental rights is still widespread. Women of African descent suffer particularly from poverty, poor levels of education and health problems. The experts were informed that women of African descent are particularly affected by certain skin diseases. This phenomenon should be investigated by the relevant health authorities and programmes implemented to address this health issue.

50. The experts were concerned by the number of Afro-Ecuadorian households headed by single mothers and the difficult economic circumstances which they endured. Single Afro-Ecuadorian mothers are very often employed in low-paying, unskilled jobs, especially as domestic workers, where they are often unregistered, have no health insurance or pension and suffer other forms of exploitation. They often begin having children at a very young age, reducing their possibilities for completing education and training that would allow them more opportunities in the labour market. The experts were told that, as is the case in many countries, in Ecuador women are generally paid less than men for the same work. This disparity affects women of African descent even more so when combined with the racial discrimination that they face.

IV. Conclusions and recommendations

Conclusions

51. **The experts note with satisfaction the efforts of the Government of Ecuador to protect the human rights of people of African descent and to address the issues concerning their well-being. The experts were in a position to establish a sincere and**

frank dialogue with governmental authorities on areas of concern and to gather information on actions, measures and policies enacted to overcome the problems faced by people of African descent living in the country.

52. The experts are concerned with the existence of a general tolerance in society of racist attitudes directed at people of African descent. The experts note that the Government is well aware of the problems faced by people of African descent in Ecuador and recognizes that racism exists in their country.

53. The experts welcome the new Constitution adopted in 2008 which contains several provisions designed to advance the situation of people of African descent. The experts take note that the very specific article in the Constitution, according to which Afro-Ecuadorian people have collective rights, could play a positive role in addressing discrimination against Afro-Ecuadorian people by enhancing the enjoyment of the right not to be subject to racism or any other form of discrimination based on their origin, ethnic identity or culture.

54. The experts perceive the current situation as a period of transition in which the results of legislative and institutional changes are yet to be fully seen. The experts encourage the Government to continue to adopt the necessary legislation which will offer a real opportunity to redress the historic, structural and long-endured discrimination faced by people of African descent in Ecuador.

55. During the visit, the experts identified the existence of a generalized feeling among people of African descent of being discriminated against (structural and widespread in everyday life) which, according to them, is based on widely held stereotypes and prejudices. During the visit, the experts also identified areas where people of African descent find themselves in a disempowered situation vis-à-vis the mainstream community. These areas are: access to employment, housing, education, access to fundamental services, and participation in public life.

56. The experts endorse the creation of CODAE under the President's jurisdiction. It was evident to the experts that CODAE plays a fundamental role in combating discrimination against Afro-descendants through its policy development, programmes and outreach to civil society. The experts view the announced replacement of CODAE by an Equity Council for Afro-descendants as a step forward in the fight against discrimination.

57. The experts are also pleased to highlight that the National Plan against Racism and Discrimination currently being developed will include quotas on Afro-Ecuadorian personnel in the civil service.

58. The experts praise the efforts of the Ecuadorian authorities in providing free education at the primary level which enables people of African descent greater access to education. The experts are concerned at the higher levels of illiteracy than the national average among the Afro-Ecuadorian population and their traditionally lower levels of school attendance. The experts are specifically concerned by the limited number of Afro-Ecuadorian children who complete primary education, the lower number who continue on to secondary education and the exceptionally few who enrol in universities.

59. The experts are also concerned by the absence of a multicultural approach in education which expresses Afro Ecuadorian history, culture and tradition. The experts take note of the efforts of civil society to produce educative modules on the history of Ecuadorians of African descent in the hope that these modules will be included in the syllabus of local schools. The experts invite the Government to support and assume a leading role in these efforts.

60. The experts welcome the determination of the Government of Ecuador to fight poverty and, at the same time, they wish to stress that — of all issues negatively affecting Ecuadorians of African descent — poverty is one of the most pernicious. When employment is found, it is often unskilled and poorly paid. The experts encourage the Government to continue to implement programmes to alleviate the poverty endured by Afro-Ecuadorian families and to explore new and innovative income-generating projects.

61. The experts take note of the investment by the Ecuadorian authorities of an unprecedented amount of resources in social services designed particularly to benefit poorer sectors of society. They recommend, however, that additional measures be taken to enable Afro-Ecuadorians equal access to fundamental services such as health, education and adequate housing.

62. The experts are concerned by the implementation of the strategy to reduce poverty and enhance access to fundamental services on the basis of identified geographical necessity, rather than with a focus on specific sectors of society, such as people of African descent. The experts consider that such an approach should be supplemented with specific programmes aimed at benefiting Afro-Ecuadorian communities, wherever they are found.

63. The experts were informed that Afro-Ecuadorians lack a strong and cohesive civil society movement to represent and advance their interests. They are similarly concerned by the apparent lack of systematic and continual communication between NGOs, as well as between NGOs and Government.

64. The experts take note of the efforts of the Ecuadorian authorities in support of the participation of people of African descent in public life and decision-making processes through various initiatives at the central, regional, municipal and community level. They stress the need to enhance such participation in all spheres of public life, including political parties, the judiciary, the police force and professions such as education, the legal profession and academia. The experts urge the Government to take steps to strengthen participation in public life by Afro-descendent civil society groups and movements.

65. The experts also endorse the establishment of an Afro-Ecuadorian documentation fund at the Simon Bolivar Andean University. The experts are concerned by the absence of a research centre devoted to the study of Afro-Ecuadorian culture and history.

66. The experts are specifically concerned by the alarming levels of violence affecting some communities, domestic violence within Afro-descendent families and cases of detention and mistreatment of people of African descent by the Ecuadorian police. The experts underline the present situation of overrepresentation of people of African descent in detention centres as compared with the general population.

67. The experts are concerned by the representation of Afro-Ecuadorians in the media, specifically the presence of stereotypes and prejudices connected with Afro-Ecuadorian people. The experts were informed on several occasions that Ecuadorians of African descent are often caricatured and ridiculed in the media.

68. The experts note the measures contained in the National Development Plan 2007–2010 to advance the situation of Afro-Ecuadorian women. The experts perceive that gender discrimination is exceptionally rife in the field of protection, poverty, education, work and equal remuneration. The experts are specifically concerned by the situation of under-age and single-parent mothers and women who are domestic workers.

Recommendations

69. The Working Group urges the Government to address the condition of widespread poverty of Afro-Ecuadorian people with investment targeted at this particular group.

70. The Working Group calls upon the Government to adopt a specific law to combat ethnic, racial and gender discrimination and to establish a monitoring mechanism to examine cases of discrimination against people of African descent.

71. The Working Group urges the Government to enhance its efforts to promote respect for Afro-Ecuadorian people, their culture, traditions and contribution to Ecuadorian society. To this end, a national campaign should be initiated to promote multiculturalism and respect for the dignity of the Afro-Ecuadorian people, their culture and traditions.

72. The Working Group calls upon the Government to take measures to reduce the educational gap that exists between Afro-Ecuadorians and the wider population and counter inequalities in educational outcomes.

73. The Working Group emphasizes that all health and other basic services should be made readily accessible, as rapidly as possible, to all Ecuadorians of African descent.

74. The Working Group considers that ethno-education is needed to familiarize people of African descent with their own history and culture, and also expose the wider community to the histories and cultures of others.

75. The Working Group underlines that Afro-Ecuadorian civil society organizations, as well as the Afro-Ecuadorian people themselves, have an essential role to play in the construction of a just and democratic multicultural society. The Working Group recommends that associations of people of African descent should devise strategies for cooperating and establishing a common platform to act as an interface with the governmental authorities to voice the concerns and needs of people of African descent in Ecuador. They should also plan concerted actions directed at improving the situation of people of African descent in the country.

76. The Working Group considers that the media has a particular responsibility, and important role, in combating discrimination and racism directed at the Afro-Ecuadorian population. In the absence of adequate legislation, the Working Group urges the media to adopt measures for monitoring and self-regulation, in order to eliminate all vestiges of racism and ethnic discrimination in their programmes and other content. Equally, the Government should support specific training of the media on overcoming discrimination against Afro-Ecuadorian people.

77. The Working Group urges the Government to redouble its efforts to ensure the full participation of Afro-Ecuadorian people in public affairs and instruct relevant authorities to take appropriate measures to ensure that Afro-Ecuadorian people participate at all levels of public administration.

78. The Working Group encourages universities and research institutions to make greater efforts to study the culture of Afro-Ecuadorian people. Institutional policies should be developed to include the largest possible number of Afro-Ecuadorian researchers and professionals in these projects. The Working Group calls on the Government to support the establishment of a centre for Afro-Ecuadorian studies as a tool for preserving the history, traditions and culture of the Afro-Ecuadorian people.

79. The Working Group urges the Government to further support the ongoing development of free legal aid as a measure to combat the overrepresentation of Afro-Ecuadorian people in detention centres.

80. As a measure to address stereotypes and prejudice directed at Afro-Ecuadorian people, the Working Group emphasizes the necessity of relevant training for specific professional groups (police, lawyers, judges and teachers).

81. The Working Group urges the Government to strengthen the Office of the Ombudsman, including by creating a separate sub-unit dedicated to Afro-Ecuadorian people.

82. The Working Group emphasizes that particular attention should be paid to the situation of Afro-Ecuadorian women (regarding such issues as education and work and as victims of violence). Special programmes are needed to educate women and provide them with the opportunity to achieve the qualifications necessary to attain more rewarding employment. There is also a need for a quota system and special protection mechanisms that are easily accessible to women.
