

**Chart of
Violations of the Sapara People's Rights enshrined in International Human Rights Instruments,
committed by the Government of Ecuador
September 2016**

This chart on the violations of the Sapara People's individual and collective human rights and fundamental freedoms enshrined in international human rights instruments, committed by the government of Ecuador, is intended as an initial systematization and as such may be subject to amendments and further documentation. This chart is intended to help identify the full spectrum of violations, so that the corresponding instruments, mechanisms and remedies can be applied.

International Human Rights Instrument	Articles Violated	Comment	Ratified by Ecuador
Universal Declaration of Human Rights http://www.un.org/en/universal-declaration-human-rights/index.html	Articles 1, 2, 3, 7, 8, 11, 12, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28	Almost all the rights of the Sapara People enshrined in the Universal Declaration on the Human Rights are violated by the government of Ecuador.	Adopted by the UN General Assembly on 10 December 1948.
Convention 169 of the International Labour Organization http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:312314,en	Articles 2,3,4,5, 6, 7, 8, 9, 10, 12, 13, 14, :15, 17,18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33	Almost all the rights of the Sapara People enshrined in Convention 169 are violated by the government of Ecuador.	15 May 1998
UNDRIPs - United Nations Declaration on the Rights of Indigenous Peoples https://www.un.org/esa/socdev/unpfij/documents/DRIPS_en.pdf		Almost all the rights of the Sapara People enshrined in UNDRIPs are violated by the government of Ecuador including but not limited to: Article 1: Right to All Rights Article 2: Right to be Free of Discrimination Article 3: Right to Self-Determination Article 4: Right to Autonomy and Self-Government Article 5: Right to Own Institutions Article 7: Right to Life and Liberty Article 8: Right to Not be subjected to Forced Assimilation or Cultural Destruction; Right to Not be Deprived of Integrity as People or Land, Territory or Resources Article 10: Right to Not be Forcibly Removed Article 11: Right to Cultural Traditions and Archeological Sites Article 12: Right to Spiritual Traditions and Sacred Sites Article 13: Right to History and Language Article 14: Right to Own Education Systems Article 15: Right to have Culture and History reflected in Education Systems Article 18: Right to Participate in Decision-Making	Ecuador voted for UNDRIPs when the UN General Assembly adopted it on 13 Sept 2007

		<p>Article 19: Right to Free, Prior, Informed Consent on Laws Article 20: Right to Own Means of Subsistence and Development Article 21: Right to Improve Economic and Social Conditions Article 22: Rights of Indigenous Persons with Disabilities Article 23: Right to Development Article 24: Right to Traditional Medicines Article 25: Right to Spiritual Relationship with Land, Territory and Resources Article 26: Right to Land, Territory and Resources Article 27: Right to Land Tenure Recognition Article 28: Right to Redress, Restitution and Compensation Article 29: Right to Conservation and Protection of the Environment Article 30: Military Activities will not take place in lands or territories Article 31: Right to Cultural Heritage, Traditional Knowledge, Human and Genetic Resources, and Intellectual Property Article 32: Right to Development and to determine priorities and strategies for development; Right to Free, Prior and Informed Consent before the approval of any project affecting land, territory and resources Article 36: Right to Cross Borders Article 39: Assistance for the Enjoyment of Rights Article 40: Effective Remedies</p>	
<p>CEDAW – Convention on the Elimination of all forms of Discrimination against Women http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm</p>	Articles 3 and 14	<p>Article 3 –The basic human rights and fundamental freedoms as well as the full development and advancement of Sapara women are not being ensured nor guaranteed. On the contrary, their very survival is threatened and gender specific rights violations including sexual violence are committed such as the killing and possible rape of the Sapara mother Anacleta Dahua on 2 Mayo 2016 in the Naku community. Article 14 on rural women is not being implemented for Sapara women.</p>	17 July 1980
<p>ICERD – International Convention on the Elimination of all forms of Racial Discrimination http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx</p>	<p>Article 2 Article 4 Article 5 Article 6 and 7</p>	<p>Article 2 (a) among other provisions is violated the by the government of Ecuador because violating the human rights and fundamental freedoms of the Sapara People is an act and practice of racial discrimination. Article 4 condemns all propaqanda that promotes and incites racial discrimination such as that used by the media which compared Sapara traditional dress to a clown's clothes. The government of Ecuador has failed in its duty to punish this offence and may be complicit with said. Article 5 - Not only is the government of Ecuador not complying with the fundamental obligations laid down in Article 2 of this Convention whereby States Parties must undertake to prohibit and to eliminate racial discrimination but the government of Ecuador is practicing racial discrimination by violating the Sapara People's collective and individual human rights and fundamental freedoms.</p>	Accession 22 Sept 1996

<p>CRC – Convention on the Rights of the Child http://www.ohchr.org/en/professionalinterest/pages/crc.aspx</p>	<p>Article 4 Article 6 Article 8 Article 12, 13 and 14 Article 16 Article 17 especially 17(d) Article 19 Article 24 Article 27, 28 Article 29 Article 30 Article 31</p>	<p>Article 4 - Ecuador has not taken all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention for Sapara children. Nor has Ecuador with "regard to economic, social and cultural rights undertaken such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." On the contrary, oil concessions hinder the exercise of all the rights enshrined in CRC.</p> <p>Article 6 – The right of life of Sapara children is being violated by the State of Ecuador by the oil concessions and Socio Bosque project as well as by other ways.</p> <p>Article 8 on the right to identity is violated by the oil concessions since Indigenous children's identity is intrinsically, inseparably and inalienably linked to Indigenous Peoples' land, territory and natural resources.</p> <p>Article 12 is being violated by the Ecuadorian government because the views of the Sapara children are not being provided an "opportunity to be heard in any judicial and administrative proceedings affecting the child" such as the granting of oil concessions and the Socio Bosque project. Similarly, Sapara children's freedom of expression and freedom of religion is also being violated.</p> <p>Article 19 on the protection of the child from all forms of physical or mental violence, injury or abuse is being violated by the oil concessions which constitute a form of violence against the Sapara children. The protective measures required include the immediate and definitive cancelation of the concessions and the Socio Bosque project.</p> <p>Article 24 on the right of the child to the enjoyment of the highest attainable standard of health and the diminishment of infant and child mortality is violated by oil exploitation which can cause cancer, miscarriages, birth defects, respiratory illness, skin rashes and depression.</p> <p>Article 29 which stipulates that "States Parties agree that the education of the child shall be directed to... (e) The development of respect for the natural environment" is violated by State sanctioned destruction of the environment by oil exploration and exploitation and carbon offsets.</p> <p>"Article 30 - In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language." Sapara children's right to their culture, religion and language is violated by the government of Ecuador.</p> <p>The killing of the Sapara child Emerson Ushigua on 3 February 2013 is also relevant to the lack of implementation of the rights of Sapara children.</p>	<p>23 March 1990</p>
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<p>Convention on the Prevention and Punishment of the Crime of Genocide http://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx</p>	<p>Article II Article III Article IV, VI, VII, VIII, IX apply</p>	<p>Article II – At least two of the criteria for genocide apply to the situation of the Sapara People as indicated below: “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (b) “Causing serious bodily or mental harm to members of the group;” Both the oil concession granted by the government of Ecuador as well as its Socio Bosque project cause serious mental harm to the Sapara People and threaten their survival as a people. (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; The government of Ecuador is deliberately inflicting conditions of life in the form of oil exploration and exploitation, the carbon offsets project and the criminalization of Sapara leaders, which could “bring about [the Sapara People’s] “physical destruction in whole or part.” According to “Article III The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide” The government of Ecuador may be both attempting and complicit in genocide. Article IV on those to be held accountable for genocide applies and includes “constitutionally responsible rulers, public officials or private individuals.”</p>	<p>21 Dec 1949</p>
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<p>2005 United Nations World Summit Outcome (A/RES/60/1) http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf</p>	<p>Responsibility to Protect para. 138-140</p>	<p>The government of Ecuador is failing in its responsibility to protect the Sapara People from genocide as stipulated in para. 138-140: Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity 138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. 140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.</p>	<p>16 Sept 2005</p>
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<p>ICCPR - International Covenant on Civil and Political Rights http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx</p>	<p>Article 1 Article 2 Article 14 and 17 Article 18 and 19 Article 24 Article 27</p>	<p>Article 1- The Sapara People have the right to self-determination and that right is being violated by the government of Ecuador. Article 2 on state duty to ensure and protect rights is not being complied with. Article 14 is being violated by the government of Ecuador, which criminalizes Sapara leaders. Article 17 is being violated by unlawful interference in the home of Sapara leaders. Article 27 states that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." Article 27 is being violated by the government of Ecuador since oil concessions deny the right of the Sapara People to "enjoy their own culture, to profess and practice their own religion, or to use their own language."</p>	<p>6 Mar 1969</p>
<p>ICESCR - International Covenant on Economic, Social and Cultural Rights http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx</p>	<p>Article 1 Article 11 Article 12 Article 13 Article 15</p>	<p>Article 1 enshrines the right to self-determination and states that "In no case may a people be deprived of its own means of subsistence." Destruction of the Amazon by oil exploration and exploitation deprives the Sapara People of their "means of subsistence." Article 11 enshrines the fundamental right to be free of hunger, which is violated by the destruction of the environment caused by oil exploration and exploitation, especially since the Sapara People are hunter-gatherers who depend almost entirely on their ecosystem to eat. Article 12 enshrines the right to the highest possible standard of physical and mental health, which is undermined by destruction for the environment.</p>	<p>6 Mar 1969</p>
<p>UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003 http://unesdoc.unesco.org/images/0013/001325/132540e.pdf</p>	<p>Article 2 - Definitions Article 11 Article 13 Article 14 and 15 Article 21</p>	<p>"Article 2 - Definitions (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage (e) knowledge and practices concerning nature and the universe; 3. "Safeguarding" means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage." Ecuador is violating its obligation to safeguard the Sapara People as practitioners and guardians of this intangible heritage as well as its obligation to support the revitalization of this heritage. "Article 21 (d) the elaboration of standard-setting and other measures;" does not appear to be being implemented.</p>	<p>13 Feb 2008</p>
<p>UNESCO Declaration of Oral heritage and cultural manifestations of the Zápara people as Intangible Heritage of Humanity Inscribed in 2008 (3.COM) on the Representative List of the Intangible Cultural Heritage of Humanity (originally</p>	<p>The Declaration is not applied nor implemented by the government of Ecuador insofar as the government is endangering the Sapara People and intangible heritage of humanity with the</p>	<p>The Zápara developed in what is one of the most bio-diverse areas in the world and are the last representatives of an ethno-linguistic group that included nearly 39 other Peoples before the Spanish conquest. (Video http://www.unesco.org/culture/ich/en/RL/oral-heritage-and-cultural-manifestations-of-the-zapara-people-00007) Four centuries of history, marked by the Spanish conquest, slavery, epidemics, forced conversions, wars and deforestation, have driven the Zápara people to near extinction. ...The current situation of the Zápara people is critical, and today they are in very serious danger of disappearing altogether. In 2001, their population numbered no more than 300 (200 in Ecuador</p>	

<p>proclaimed in 2001) http://www.unesco.org/culture/ich/en/RL/oral-heritage-and-cultural-manifestations-of-the-zapara-people-00007</p>	<p>oil concessions rather than protecting them.</p>	<p>and 100 in Peru), of whom only five, all aged over 70, still speak the Zápara language.”</p>	
<p>Inter-American Court of Human Rights – Case Of The Kichwa Indigenous People Of Sarayaku V. Ecuador, and the right to free, prior, informed consent, 2012 http://www.corteidh.or.cr/docs/casos/articulos/resumen_245_ing.pdf http://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf</p> <p>Inter-American Court of Human Rights - Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, 2001 and right to communal property http://www.corteidh.or.cr/docs/casos/articulos/seriec_79_ing.pdf</p> <p>UN Office of the High Commissioner on Human Rights Guidelines on free, prior, informed consent of Indigenous Peoples http://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf</p>	<p>This jurisprudence on free, prior, informed consent is key to the defense of the rights of the Sapara People.</p>	<p>The Sapara People’s right to free, prior, informed consent has been violated by the government of Ecuador despite the precedent established by Case Of The Kichwa Indigenous People Of Sarayaku V. Ecuador, and other legal precedence and jurisprudence of the Inter-American Court of Human Rights as well as other United Nations bodies and the guidelines on free, prior, informed consent of the UN Office of the High Commissioner on Human Rights.</p>	
<p>American Declaration on the Rights of Indigenous Peoples (AG/RES 2888 (XLVI-0/16)) http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-075/16</p>	<p>Articles II, III, V, VI, VII, IX, X, XI, XII – XXIII, XXV, XVI, XXVIII, XXIX, XXX, XXXI, XXXIII and XXXIV</p>	<p>Almost all the rights of the Sapara People enshrined in the American Declaration on the Rights of Indigenous Peoples are violated by the government of Ecuador including Article XI against genocide, Article XXX that prohibits military activities in the lands and territories of indigenous peoples and Article XXVI on the protection of Indigenous Peoples in Voluntary Isolation.</p>	<p>Adopted 14 Jun2016</p>
<p>Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect http://www.un.org/en/preventgenocide/adviser/</p>		<p>These Special Advisors need to be engaged as it within the purview of their mandates to address threats to survival such as those faced by the Sapara People.</p>	

<p>Human Rights Upfront Initiative https://undg.org/wp-content/uploads/2015/09/Overview-of-Human-Rights-up-Front-2015-07-24.pdf http://www.un.org/News/dh/pdf/english/2016/Human-Rights-up-Front.pdf https://undg.org/home/guidance-policies/country-programming-principles/human-rights/rights-up-front-initiative/</p>		<p>All of the United Nations early warning mechanism must be immediately activated and the UN must fully engage including the Human Rights Upfront Initiative.</p>	
<p>Draft Guidelines On The Protection Of Indigenous Peoples In Voluntary Isolation And In Initial Contact Of The Amazon Basin And El Chaco http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/2nd/docs/A_HRC_EM RIP_2009_6.pdf</p>		<p>These are important to address the situation of the Tagaeri and Taromenene who are also affected by the oil concessions.</p>	
<p>Crimes against Humanity (No convention has been drafted as of yet to prevent crimes against humanity. The International Criminal Court provides a list of crimes against humanity: https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf</p>		<p>This category of violations may be pertinent to consider if the situation escalates and/or if oil exploration and exploitation persist.</p>	