

## **Convención Internacional chamachikpi nishka shina tukuy chikan chawchuk tiyakta chinkachina**

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### **Chikan chawchuk tiyakta chinkachinkapak tantakkuna. Comité para la eliminación de la Discriminación Racial.**

Willachiyta churak; Yaku Perez Guartambel

Atinalla yuyay: Presunta víctima

Mamallaktachiy kуска: Ecuador mamallakta

Willachiypak pacha: Panchi killa 10 punchapi killkarishka

Hamutachishka pacha: Ayriwa killa, 28 pucha 2022 wata

Willachikkuna: 91 kamachikta mushukyachishka mamallaktaman willachishka (manarak killkashpa wallachishka), tantapak kamachik mamallaktachikman manarak willachishka, 28 pucha, pawkar killa, 2017 wata.

Yuyarimay: Ayllullakta ukupi sawarishkata chikanyachishpa mana kutinriksishkamanta.

Yachayrurayñan: ayllullakta kawsay killkashka sampa/irki kashkamanta: sinchi tiksí Yachay pishi kaymanta.

Tiksí Yachay ukumanta: Llakta runa rayku chikanyachikmanta.

Convención kamachikmanta: 1,1,2 y 4: 2.1 a) y 2; 5 a) y d) iv); 9.1

1. Yaku Perez Guartambel runa mañakmi kan, 1969, panchi killapi, 26 punchapimi wacharishka kan. Ecuador mamallakta, Escaleras ayllullaktamantami kan, Kañari Kichwa runami kan, (ECUARUNARI) tantaripak pushakmi kan, shinallatak (CAOI) tantaripash rikushpa apakmi kan. Ecuador mamallaktachiy payta llakichiktami riman, shinallatak 1 kamachik, killkashka yuyaypi niktá riman. Mamallaktachiyka Parte ratificó la Convención en 1966 shuktakunapash kan.

2. Mañakuk runaka Manuela Lavinás Piq warmiwan Escaleras ayllullakta ukukawsaypi, karma killapi, 21 punchapi, 2013 watapi sawarishka kan. Lavinás Piq warmika tukuy ima tukushkata willakmi kashka, shinallatak brasileña francesa llaktayuk kawsaymanta yachachikmi kan. Paykunataka Kichwa Kañari tantarimanta pushakkunami kikin kawsay yachaywan, willkaywanpash sawarichishka kan. Shinallatak, paykuna sawarishkaka Acta de Registro de matrimonio ancestral Escaleras ayllaktapimi killkarishka kan, shinallatak Confederación Pueblos Nacionalidad Kichwa Ecuador tantaripipash killkarishka kan. 2015 watapi runa llaktakuna hatarikmanta chay sawarichitaka harkachishkakuna, Manuela Piq warmitapash paypa llaktaman tikrachirkami, shinakpi chay warmika paypak llaktaman tikrarka. Sawarishka hari warmipash visa nishkata kutin Ecuadorman tikramunkapak mañana, paypa kusawan kawsankapa llamkankapash. Visa nishkata pushakkunaka mana kararkachu registro civil Mamallaktachiy wasipi mana killkarishkamanta. Chaymanta runaka Dirección General del Registro Civil wasi uku pushakta paypa sawarishka pankata killkarichunmi mañarka, Chay mañaytapash Registro Civil llamkak pushakkunaka ayllullakta runakunaka sawarichinata mana ushanchu nishpa mana nirkachu. Chay mañak runaka acción de protección constitucional rikuchirka, shinami kutinllatak Registro Civil ukupi killkay churachun shinallatak visa pankatapash paypak warmiman karachunmi mañay katirka. Kay acción de protección rikuchiy mañaytaka mana nishpa

tikrachirka, valor jurídico illashkamanta, ayllu llakta ukupi sawarishkataka mana killkay tukunchik nirka, ashtawan mamallaktachiy pushak ñawpakpi mana sawarishkamanta mana nirka. Mañakka recurso de apelación nishkata churarka, chaypash Código Civil y la Ley Orgánica de Gestión de la Identidad y Datos Civiles ukupi mana sawarishkamanta harkarirkami. Kay tukuy manta mañakka paypa sawarishkata mamallaktachiy pushakkuna mana killkayta munakpimi sapankawsayta chikanyachinkuna nin. Chaymanta chay runaka chikan laya marka runakunapak kawsayta, llamkayta, shimita, runa tantarikunata, tukuytapash mana allikachinkuna ninmi. Shinami ima kay ruraykunata, ayllu llakta runakuna kawsayta mamallaktapa kamachiy pushakkunaka mana arinishpa allikachinchu.

3. 2019 watapi, kapak killapi, 4 punchapi, de conformidad con el artículo 14 de la Convención y el artículo 94 de su reglamento, el Comité declaró admisible la comunicación.

Kallaripika Comité tantarika willachiy mañaytaka ari chaskinami kan nirka, kay tantarika runa allawninata, paykunapak haniy kawsayta ayllullakta tantari runakunapak shutipi mañakukpika llakimi hamutrin, paykunapak mañay haynita kichukun, ashtawan ayllullakta ukupi sawarishkata mana nikukpi, chayka paykunapak hayni kawsaymi kan nirka. Chaymanta, shuk nikipika Comité tantarika runakuna tantari shutipika mana mañayta ushanchu nirka, ashtawanka paylla sapalla paypa warmimantalla mañay tukun nirka. Ishkay nikipika Comité tantarika mañak runaka paypa sawarishkata mamallaktachiy killkarichun tukuy pushak ukunapi mañayta rurashpa tukuchishkami nirka, tukuykuna sawarishkataka mana killkarinkachu nishkawan kutipashka kan nirka. Kimsa nikipika, Comité tantarika, mañakka politicamanta llakichik tiksikunataka mana tukurishkachu nirka, kayka mana achikllachu nirka. Chuskunikipika Comité tantarika mañak runaka paypak mañayka mana sinchita tiksiyachishkachu kan nirka, ashtawan yuyaykunata tiksichishpa ashtawan sinchiyachishpa mirachinami kan, nirka. Tukuripika, ayllu llakta ukupi sawarishkataka Registro Civil kamachik killkakamaypi churachun mañaktaka manatak nishpa tikrachishkamanta chay runaka ninan llakirishka sakirin, chikan sami runa kashkamantami Ecuador mamallaktapa pushakkuna hawayashpa mana nishpa tikrachin nirka, shinallatak warmimanpash visa pankata kunatapash manatak yanaparkachu. Comité tantarika mamallakta kamachikpa kamachishkata taripahamutashpa ari mamallaktapa kamachik nishka shina chay sawaritaka Registro Civil ukupimi sawarina karka nin, shina karpimi Registro Civil kamay usharin nirka. Shinapash Mamallakta kamachik shuk yupay, Naciones Unidas sobre los Derechos de los Pueblos Indígenas kamachishkawan chimpapurashpa rikunami kan nirka. Chay kamachikkuna allí hamutashpa yachakuna, rikuna, rimarina, willachinapash kan nirka. Comité nishkaka tukuy rikushkakunata yuyaykunatapash sinchiyachishpa killkashpa willachiyta churachun mañarka. Ashtawan mañak runa imakuna mñashka willachiykunata, yuyaykunata, rikuykunatapash (CERD/C/100/D61/2017/ killkashkapi rikuna.

Mamallaktachiyka kamachikmanta rikuykuna

1. Pawkar killa, 26 puncha, 2020 wata, Mamallaktachiyka Dirección General Registro Civil, Identificación y Cedulación tukuykunapa kamachik wasimi kan nirka, runakunapa shutikunata, sawarishkakunata, wañukkunata, wawa wachari shutikunata, shuti mushukyarikunatapash kamachirichun chay wasi pushakmi minkashka kan nirka.
2. Mamallaktachiyka shinallatak mañak runataka kallarini sawaritaka 1998 wataka Registro Civil kamachikpi sawarirka nin, shinallatak kipa watapika warmi wañuy manta

sapalla sakirirta killkachirka, shinallata kipa pachamanka articulo 78 Ley Orgánica Gestión Identidad Datos Civiles kamachikwan chimpapurashpa Carlos Ranulfo Pérez Guartambel shutimanta Yaku Sacha Pérez Guartambel shutiman turkarirka. Shinami, 2013 watapi mañak runaka ishkay niki sawaritamami mamallaktachiy ukupi sawarinata ushanami karka.

3. Mamallaktachiyka shinallatak ninmi shuk shutimanta shuktak shutiman turkachinatapash usharinmi nirka, chay rurayka mana chikan runa kaktaka rikunchu nirka. Shinallatak mamallaktachiyka chinkan kawsaypurakunata rikushpa mañak runataka yanapashpa paktachishkami nirka, chay shuti turkarishkawan Azuay markapi 2019 watapi pushak tukunkapa akllarishpa mishay tukurkami nin. Shinami mamallaktachiy paka imapash llakichik shina rikurin. Ashtawanka sawarimantallami Registro Civil ukupi mana shinashkatalla rikuchin, ayllu llakta ukupi sawarishkamanta chayka mana discriminación kakta rikuchin. Ayllullakta runanakunaka kikin sawarina willkayta ruranmi nin.
4. Ecuador mamallaktachiyka shinallatak ima llakichikpash mana tiyanchy nin, ashtawan pitapash mana llakichinachu nikun, chikan kay runakunata, wacharishka kuskata, warmi hari kashkata, imashina kawsakta, shimi, yuyay, chariyuk mana chariyuk, shuktanatapash.
5. Tukuripika, Ecuador mamallaktachiyka runakunataka imapipash mana llakichincho ninmi, chaymanta ayllu llakta ukupi, ECUARUNARI tantari, maykan tantari pushakkunapak ñawpakpipash pipash pitapash mana sawarinkachu ninmi, Registro Civil pushakkunakunallami tukuy ushan ninmi. Ayllu llakta ukupi kawsak runakuna nima ushayta mana charincho ninmi.

#### **Mamallaktachiy rikuchishkata mañakpa yuyay**

1. Karma killa, 15 puncha, 2020 wata, Yaku Pérez runaka shinami nirka, Registro Civil kamachikka Ecuador mamallakta kamachikpi killkarishkatami sumaychana kan nirka. Kay kamachikmi tukuykunapa mamakamachikmi nin.
2. Mañak runaka Ecuador mamallaktapa kamachik nikta katishpa art. 1, 57, 171, killkarishka yuyachin, chaypika chikan chikan runakuna kikin sami kawsay charikta rikuchishpa killkarishkami nin. Shinallatak, runakuna paykunapak kikin allpawan, sami kawsaywan, sami shimi rimaywan, sami makiruraywan, sami llamkaykunawan tukuy pachapi paykunallatak allikachishpa, sumakyachishpa, sumaychashpa, kikin tantarikunawan, kikin sumak sami yachaykunawan kawsanatami rimakun nirka. Paykunapak kawsayta pipash mana llakichishpa tukuy pachapi katichun paktachinatami rimakun nirka. Shinallatak allisumak kawsayta charinamantami mamakamachikpika rimakun nishpa mañakka rikuchin.
3. Shinallatak Yaku Perez runaka tukuy ayllu llakta runakuna, pushakkuna kikin sami kawsayta, yachayta, llamkayta, yuyayta, shuktakkunatapash Ecuador mama kamachikpimi riksichishpa wakaychishkapash rurashpa paktachinatami rimakukta nin. Chaymanta Registro Civil kamachik wasika tukuyta riksi chayashpa sumaychana karka nin, shinallatak ayllullakta pushakkunapak ñawpakpi shuk hari-warmi sawarishkata allikachishpa killkachinami karka nin.
4. Shinallatak, mañakuk runaka mamallakta kamachikpi 424 y 426 yupaykunawan chimpapurashpami, Registro Civil ukupa pushakka Ecuadorpa mamakachik nishkata paktachinata, shinallatak karu mamallaktakunapak kamachikkunatapash runakunata mana llakichinata rikushpa sumaychanata paktachina karka nin. Paykunaka kamachikpi mañashkakuna illanmi nishpa manatak llakichinachu karka nin.

5. Mañakuk runaka Convenio 169 OIT, ayllullaktayuk runakunapa tukuy kawsaykunamanta yuyarichin, paykunapak chikan sami kawsayta kawsachinata mitsarin, kikin hayni kawsaykunataka manatak washaman churashpa llakichinachu kan nirka. 2 yupay uchilla kamachishkapika Mamallaktayuk hatun pushakkunaka ayllullaktayuk runakunawan rantimanta rimanakushpa, llamkanakushpa paykunapa hayni kawsayta wakaychinata rikuchin, tukuykuna kushi runakuna, tukuykuna kikin hayni kawsayta charichun, pipash mana hawayashka kachun, tukuytura sumaychashka kanata yuyachin. Shinallatak. 5 uchilla yupay kamachishkapika ayllullaktayuk runakunapak sumak sami kawsayta, willkayta, rurayta, shuktak chanikunatapash sumaychanata, riksirinata, wakaychishpa kawsanatami rikuchin. Shinallatak, 8 uchilla yupaypika mamallatapak kamachikpi kiki llaktayuk runakunapak kawsayta, kikin llakta uku kamachikta, tukuy allikaykunata wakaychinata rimakun. Declaración Naciones Unidas mamallakta runakunapak kishpirishka kawsayta ima llakichiskunapash mana tiyakta, kikin ayllullakta pushakkunawan, allí kawsaypak kikin kamachik wasikunata sinchiyachinata, wakaychinata, kawsachishpa katinata rimakun. Kay kamu arinakuypika shinallatak mamallakta uku ayllullaktayukkunata paykunawan, rimaywan, iñinakunawan, willkaykunawan, ruraykunawan, yuyaykunawan, yachaykunawan kawsachishpa imapipash mana llakichishpa ashtawanka sinchita wiñachishpa katinatami rimakun. Tukuripika, mañakuk runaka chay Declaración americana llaktayuk ayllu runakunapak kawsayta kishpichinata, charishpa katinata, wiñachishpa yuyachin.
6. Mañakuk runaka Mamallaktachiyta apakkunami Convención 1.4, 2.1 a) 2.2, y 5d) iv) kamachiyta wakllichishkata riman, Registro Civil pushakka ayllullakta runakuna rurashkata mana killkarichun ushankachu, ashtawanka kayshina ruranakuytaka ayllullakta kawsay ukupillami kutinriksishka kawsan, chaytami chikan kawsaypurata mamakachiykipash ari nichun mañan.
7. Mañakuk runaka, mamallaktapi chikan kawsaytura waranka watakuna washamanta runakunaka tantakushpa kawsashkata, wacharishka llaktapillatak sawarishpa kawsashkatami riman. Chaymanta waranka watakuna washa runakuna kawsay ruraykunata mamallaktachiykuna mana riksichishpa illachin mana kashpaka chinkachin, ashtawan Registro Civil ukupi sawarichinata atin.
8. Azuay markapika tawka sawarikunami rurarishka, shinapash mamallaktachiyka churanata ninmi. Mañakuk runaka ayllullakta runakunapa kawsaypi runa warmiwan sawarishka ruraytaka mana kamachikpi riksishka kan, kay kamachikpi riksichishka pishikakpimi sinchiyachishpa katinata mañan. Ayllullakta runa warmika tukuy pachapi paykunapak kawsayllapi sawarishkata rikuchin, shina kawsaymushkataka mamallaktachiypi riksishkami kana kan, chayta rurachunmi mañan.
9. Mamallaktachiyta tiksiki kutipaymanta, 1998 watapi mañak runaka shukniki sawarinata rurarka, ashtawanka yallishpa pacha kawsaypi mana ayllullakta sawarita katina yachayta charishkamanta, karu mishullaktachikkuna shuktak yachayta yuyaytapash yachachishkamanta rurarishka rikuchin. Kunan pachalla 2008 watapi Ecuador mamallakta kamachik mushuyarishkamanta llaktayuk runakuna kawsayta riksichina kallarishkamanta.
10. Mamallaktachiy nishkapika shuti turkarika mana chikan kaytaka ninchu, mañak runaka mana chikan kayta mitsanchu, ashtawanka ayllullakta ukupi sawarina rurayta mana riksikpi rikuchin. Shinallatak mishukuna, kushipatakunapash paykunapak munashka shutikunata shutichiktami rikuchin. Kunan pachakunapika runakuna munashka shutikunata shutichina usharikta rikuchin.

11. Azuay markapak kallarik pushak, kañari runa, kichwa shimita rimak kashkamanta mamallaktachiyka mana chikan kaktaka rikuchin ninmi, shinallatak mañak runaka payta llakichishkata llamkaytapash chulunyachikta rikuchin, chaymanta Comisión Interamericana Derechos Humano cautelar ukuman riksichin. Shinallatak paypa Lavinás Picq warmi shutitapash chikan kakta rikuchishpa, paypa llamkaytapash llakichirka nin.
12. Puchukaypika, mañak runaka tantarita pay ayllullakta ukupi sawarishkata allikachichunmi mañarka, Registro Civil nishka shina kawsayta paktachinkapa, visa pankatapash paypa warmiman kuchun mañarka.

### **Tantaripa yuyaykuna**

Tiksi taripaymanta

1. Tantarik kachashkakunaka Convención kamachiy yupaykunapi kamachishkata shinallatak tukuy tiksi pankakunata, willachiytapash allita hamutashpa sinchita taripashpa rikushka.
2. Tantaripa kachakkunaka runapak tukuy mañashkata rikun, shinallata Convención kamachishkatapash rikun, runa paypa sawarishkata ayllullakta pushakpak ñawpakpi rurarishkaka ñawpa ñawpa pachamanta shina kawsashpa shamushkatapash rikun, chayta sawarita mamallaktachiyki mana killkarishpa riksichikpi llakichin nin. Shinapash tantarikpa kachakkunaka tukuytami kamachikkunawan ayllullakta runa kawsaywan chimpashpa hamutarishkata rikuchin.....
3. Shinallatak tantaripa kachakkunaka mamallaktachiy kamachik nishkatapash hapishpa rikun, chaypika mamallaktachiyka ayllullakta ukupi runakuna sawarinallami nin, chay rurayka mana amatashkachu, llakipash kanchu nin. Shinallata kay tantari kakkunaka Registro Civil ukuka kikin tawka ruraykunawan katinkallami nin, shinapash ayllullakta ukupi, pushakkunapa ñawpakpi sawarishkakunata manatak Registro Civil ukuka ari awarishkami nishpa killkaytaka mana rurankachu ninkuna. Chaymanta, mañak runaka Registro Civil pushakpak ñawpakpimi sawarina kan, tantariy kachakkunaka, nin.

### **Kacharishka yuyayrikuchik llaktayuk wiñaykuna**

4. 2008 watapi Ecuador mamallaktapa kamachikta mushukyachishpa killkashkatapash tantari kachakkunaka rikun, chay mamallakta kamachishkapika kawsaypurachik tawka kawsaytapash wiñarikta rikun, shinallatak ayllullakta, llakta runakuna, mamallaktayuk kawsay markakunatapash kutinriksiypash kan, tukuyta kamachikkunamantaka charinamanta, wiñarinamanta, kikin kawsayta sinchiyachinamantapash, ñawpa pacha kawsaykunata shinallatak tukuyta tantarikunata charinamanta, shinallatak kikin chikan kawsaykunata, tantarikunata, kikin pushakkunawan katinata, kikinyay allpakunawan kamachishkata rikuchina, ñawpa pachamanta allpa kuskakunata charishpa kawsashkata rikuchina, ayllullakta runakuna kikin kawsay kamachikkunata wiñachishpa, rurashpa rikuchina, ashtawanka warmikunata, wawakunata, wampra kuytsakunapa llakikunata harkashpa, shinallatak chikan kayta, chikan runakawsaypurata, chikan runa yuyaykunata sumaychanata nin, tukuyta

tantanakuyta wiñachishpa charinamanta riksichin. Mamallaktachiyka tukuy runakuna rimay willachiyta, tantaritapash kutinriksichishpa ñawpachinka. Shinallatak Ecuador mamallaktapak kamachikka ayllullakta pushakkuna, markapak chikan runa llaktayuk kawsaykunaka paykunapak allpa kuska kawsay uku pachapi tukuy ruraykunata rurashpa katichun ari nishkami kan, shinallatak ayllullakta runakuna kawsaykuna ruraykunapash Ecuador mamallakta kamachiy, pushak hatun wasikuna, mishu pushakkunapash ari nishpa sumaychanka. Shinallatak mamallakta kamachiy rantimanta, tantari kachakkunaka Código Orgánico Función Judicial kamachikpash chikan runa kawsaykunata, paykunapa kamachik ruraywan ruramatami rikun, shinallatak mamakamachikpi rikuk pushakkuna llamkak runakunaka llaktayuk runakunapa kawsayta, kamachikkunata, ruraykunatapash rikunallami kan, shina kawsaykunaka ñawpapachamanta paykunapak kawsaymi kan. Mishu wiñachishka kamachikwan llaktayuk runakunapak wiñachishka kamachikwanka chikanmi kan. Kay sawarishka rurayka puchukay yuyaypimi shinaka kimirin.

5. Shinallatak, tantariy kachakkunaka Convenio 169 OIT kamachishkapi llaktayuk rukuna, uchilla ayllukuna chikan mamallaktakunapi tiyashpa kawsay hawami rikun, paykunapak kawsay rurayta, kamachik wasikunatapash kamachayshkata rikun, paykunapak kawsaypi, llakikunata mishu kamachikwan allichinata mana pakta usharikta rikuchin, paykunapak kikin kamachikta, kikin kawsayta kikin ushaykunatapash paktarita rikuna. Chay paktachik shinallatak, Declaración de Naciones Unidas kamachikpash llakta runakunaka kacharishka yuyayrikuchik llaktayukkuna kakta rikuchin. Kay nishkawanka chikanyay runa kawsaykuna shinallatak chikanyay pushaktapash charikta rikuchin, paykunapak yanapak wasikunata (kapaktukukamay, ayllullakta kamachikkuna, kullkikamay, atukaykuna kawsaykunapash) sinchiyachishpa wakaychina, shinallatak paykunaka kikin kawsaywan, ruraykunawan, kikin kamachikwan, sawarikunawan, willkaykunawan, yanapak wasikunawan rurashpa, mirachishpa, wiñachishpa ñawpakman katinallatak rikuchin [...] karu mamallakta kamachikkuna nishka shina katinalla, nin. Shinallatak Declaración americana llakta runakunapa kawsayta, kamachiktapash mamallaktachikkunaka riksiniami nin, paykunapak chikan sami tantarikunatapash sumaynami nin, shinallatak paykunaka kikin yanapana wasikunata, kamachikkunatapash wiñachishpa, mushukyachishpa, rurashpa, charishpa, sumaychashpa karu mamallakta kamachikpi nishka shina katinkallami nin, [...]. Puchukaypika, tantariy kachakkunaka 17.1 yupay kamachikta rikun, mamallaktachiykuna llaktachi ayllukunapak kawsayta sumaychanata, wakaychinata, riksichinata, paykunapak sawarina kawsaytapash rikuchinata rikuchin.
6. Tantariy kachakkunaka rimashka kamachikkunamanta, Kacharishka yuyayrikuchik llaktayuk runa kawsaymanta, pushakmantapash chikan kay kawsayta, kamachiktapash rikuchin. Chay chikan kay kawsayta mamallakta kamachikpi, chikan kawsaypura mamallaktachiypi riksishkata tantariyka rikuchin. Shinallatak chikanyay kawsayka tukuyipi mana shuktachu kan tantarika nin. Mamakamachiki riksichishkami nin.

**Ayllu llakta runakuna kawsapi shimilla ari nishpa kamachik paktaykuna.**  
Obligaciones bajo la convención a la luz del derecho consuetudinario indígena

7. Comité tantakka shina yuyarichin, llaktapi kawsak runakunataka manatak imapipash llakichinachun nin, tukuy runakunami allikay kawsayta charin nin, shinaka Convención kamachikpika tukuy mamallaktachikkuna mana llakichishpa kushi allikawsayta paktachichun mañan. Artículo 2, 1 killkashka yuyaypi c) sapan mamallaktachikkuna kutinllaktak allilla rikushpa uchilla llaktakunapa mamallaktapapash kapaktukukamay pushaykunata runa kawsay allichinata mañan, llakta runakunapa kawsayta llakichishpa chikanyachik kamachishkakunata chinkachishpa illachina kan. Shina, Comité tantakka Convención kamachikpi nishka ruranakunata mamallaktachikkunaka llakta runakuna kawsayta mana llakichinata arinishpa paktachinakunata chaskina, tukuy harkak llakikunataka illachishpa ashtawan kawsaypa mayalli ruranata paktachina. Chaymanta, Comité tantakka llakta runakunapak allpa kawsaymanta kamachishkata sumaychana wakaychina ruraykunata yuyachin, shinallatak arinishpa kutinta Riksichina karka nin, shina ruranawan ñawpa pachamanta shamukta yuyachin. Yallishka yuyaypi Comité tantak ña ari nishka, llakta runakunapak ñawpachamanta kawsashka allpakunaka paykunapakmi kan nin, chaymanta paykunapak allpakamachikta pawashpaka mana allikachishpaka mana yallinachu nin, mana kashpaka paykunata llakichika chikanyachikmi tikran nin, chaymanta tukuy runakuna shina paykunapash kushi kawsanata tukuyta charinatapash paktachina kan nin.

Sawarina kamachikpi mana chikanyachina

8. Escaleras ayllullakta ayllu pushakpak ñawpakpi sawarishkata rikuchishpa killkarishka pankaka kunan pacharuraypika, Comité tantakka shina rikuchin,

Kay ayllullakta pushakpak ñawpakman Carlos Perez Guartambel kikin wawkintin, Manuela Lavinás Picq panintin paykunapak munaywan shinallatak Mirian Chuchuca Pugo, Ruth Noemi Pugo Perez uyanchakunapash rinkuna, chaypika sawarishkata killkakamaychin, shina: paypa shuti: Carlos Pérez Guartambel, kikinyay yupay 0102475449; imapachapi maypi wacharishka: Kachipucara/Escaleras, Kitilli Tarqui, 26 febrero, wata 1969; paypak sawarishka warmika María Verónica Cevallos Uguña 16 de octubre de 2012 wañushpa ñawpashkamanta sapallayashka, ñawpa warmiwanmi ishka wawakunata charishka [...] kunan pacha munakkunapak pacha, tiyarinawasipash [...]; kusa akna pacha: Lagunas de Kimsakocha en Junda Killa, 12 de agosto del año occidental 2013. Kunan pacha warmiwan hariwan arininakuy rikurin, Rosa Inés Guartambel Guinansaca, uchilla wawakunapak hatun mama achikmamapash kashkamanta tukuypi yapankapak sumak kawsaytapash kunkapak arinishkakuyta chaskin, shinallatak yayapash uchilla wawakuna ñawpachapi kawsashka shina yanapashpa katichun mañan. Kunan pachapi arininakuyka ayllullaktapak pushakmantaka 1, 10, 11, 56, 57, 68, 171 yupaykunapi Ecuador mamallaktachiyki tiksichishka kan, shinallatak 1, 2, 3, 5, 8 yupaykunapi Convenio 169 OIT kamupipash kamachishkami kan, shinallatak llakta runakuna kawsaymantaka Declaración de la ONU 1, 2, 3, 4, 5, 9, 11, 33, 34 yupaykunapipash kamachishkami kan, 343, 344 Código Orgánico de la Función Judicial yupaykunapipash ñawpachamanta runa kawsayta kamachishkami kan, shinaka kay sawari arininakuyka Escaleras ayllullakta killkarishkami sakirin, kay arininakuy pankapi killkarishkataka Federación de Organizaciones Indígenas y

- Campesinas del Azuay, FAO, Confederación de los Pueblos de la Nacionalidad Kichwa del Ecuador (ECUARUNARI) tantarikunamanpash kutinriksichun kachan.
9. Comité tantakka ñawpa pacha sawarishkakuna, shinallatak Federación de Organizaciones Indígenas Campesinas del Azuay, FAO, Confederación de los Pueblos de la Nacionalidad Kichwa del Ecuador (ECUARUNARI) chinkanchayta mana kashpa allí arininakushkata rikun, chay shinallatak Escaleras ayllullakta pushakpak ñawpakpi Kichwa – Kañarís runa mañakka Lavinás Picp warmiwan sawarishkapash kakta rikun.
  10. Comité tantakka, Escalera ayllullaktapa paykunapak ñawpa pacha kawsaypi shina kashkata pushakkunaka sawarishka arininakuy rurashkata arininakun, shina churashpa wacharishka pacha, watacharikta, ñawpacha sawarishka, tiyariwasi kuska, paykunapak munaywan sawarik, sawarishka kuska, puncha, wata, uyanchakkunapak ñawpakpi.
  11. Shinallatak Comité tantakka mamallaktachiypash asha rikuy pika sawarishka runapak mañaytaka mana kutinrikushka rikun, ashtawanka Código Civil y Ley Orgánica de Gestión de la Identidad y Datos Civiles pushakkunapakpi mana sawarishkamanta sakishkilla. Comité tantakka kay shina ruraykunaka ayllullakta runakuna kawsaytaka llakichikta rikun. Kay shina ruraypika, mamallaktachiy kamachipash mana kutichiwán ayllullaktallapi sawarishka runataka llakichishpa allí kushikawsayta rikuchin, visa pankata warmiman mana kushpa, ayllu kawsayta kikin kamachikta sumaychaytapash kichuk shina rikuchin.
  12. Comité tantakka, Abya Yala willaripa 17.1 kamachishka yupaypi llakta runakunapa kamachik ranti rimakukta rikun, shuk runawan shuk warmiwan tantarishpa sawarishka shina kawsashkataka hatun kamachishkapi mamallaktachikkunapa kamachishkapipash kutinrikchishkata, sumaychaychaskata, wakaychaykatapash rikuchina kan nin. Comité tantakka, shinallatak 57, 171 Ecuador mamallaktapak kamachishkapipash llakta runakunaka kikin kawsaywan, rurayñakunawan, kamachikkwan, pushakkunawan tukuy pika rikuchitapash yuyachin. Chashnallaktak Comité tantakka, Código Orgánico de la Función Judicial del Estado kamchik nishka shina kawpurachik kamachikta kutin tikrarimayta rurana nin; chaymanta, runa kikin ruraykunatak, kallari pachamanta yachayruraykunata, imashinakanakuna mana kashpaka llaktaruna kawsay kamachikkunapi imashinaruranakuna hapinata (supra para. 4.4.) rikuchin. Comité tantakka, mamallaktachik kamachikmanta chikanyashpa kikin ayllullakta runakunapa Yachay kawsaywan kamachikwanpash sawarik rurakkunataka shina rurashpa katinallata rikuchin, ashtawanka mamallaktachik kamachikwan llaktaruna kamachikwan ishkantinpura apanami nin, chayshina tiyakpimi kawsaypurachikta, tawka kawsay runakuna kawsayta ñawpanchiynallataka mana rikuchin, ashtawanka llakta runakunapak kawsayta, paykunapak kamachiyta, paykunallatak kikin ayllullaktapi apuk, kamachik, kuraka, apukkunatapash akllakta rikuchina (supra para. 4.6).
  13. Chaymanta, Comité tantakka artículo 5 d) iv) kamachik nishkata pakktachina kan, nin, mamallaktachiyka llaktaruna ayllullakta pushakpak ñawpakpi sawari rurashkataka mana amataykachu nin, (supra para.2.3) mana kashpaka ayllullakta pushakkuna arininakuywan rurashkapa wiñachishkata manatak amataykanchu, mamallaktachiyka ashtawanka ayllullakta runakunawan tanatakushpa willarinakushpa tukuy arininakuytaka ari ninami kan, tukuy



shinashka kipaka Registro Civil kamachishkapi karu mamallakta kamachikwan chimpapurash shutichishpa kay arininakuytaka killkachinami kan. Ishkantin kamachikkuna chimpanakuy arinishpa tiyakpika Lainas Picq warmi Yaku Perez runapash Registro Civil kamachik riksishka karpika kushi kawsayta tukuykuna shina charina karka nin. Chaymanta Comité tantakka yallishka yuyaykuna artículo 5, párrafo d) id) Convención arininakuyta mana allikachishpa huchapi yaykushkata rikuchin.

5. Comité tantakka, artículo 4, párrafo 7 a), Convención arininakuyka mamallaktachiyka, artículo 5, párrafo d) iv) huchapi urmashkata rikuchin.

6. Comité tantakka shina yuyachin, sawarinamanta imashinakanata kikinruraywan rurashka kashka karpika sumakpacha kanma karka nin, Derecho Internacional kamachikpi ari shina paktachina tiyakun, chayta mana paktachishka karpika wakllirishpa huchapimi yaykun nin, shinaka tukuyllapi allichirina tukun nin. Mamallaktachiyka shina rurana: a) Yaku Perez runa Lavinás Picq warmiwan sawarishkataka paykuna munay mañashkata Registro Civil kamachikpi killkachina karka nin, kipa pachakunapika visa panka ayllutukushkaman mañay usharichun; b) Perez mañakman paypa sawarina rurayta mana rurashpa llakichishkamanta kullki payllayta paktachina; c) Perez mañak paypa kamachikta huchay llakichishkamanta kishpichichun mañana; d) paypak kamachikta mushukyachina kunan arininakuypi shina, paypak ayllullakta pushashpak ñawpakpi sawarik shinashkata arinishpa mamallaktachiypi killachina; e) Registro Civil ukupi llamkak runakunaman ayllullakta ukupi pushakkunapakpi sawarishkakunatak alli rurashka kashkata, shuktak kamachikkunapash sawarina yachaymanta paykuna Yachay chayachun yachachina; f) Kay tukuy yuyaykunataka kichwa shimiman tikrachishpa willachiy ruraykuna paktachina.

7. Comité tantakka, mamallaktachiyta chayachichun mañan, 90 punchakaman rurachun karan.

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