



**United Nations Human Rights Council  
13th Session of the UPR Working Group**

**Geneva, 21 May 2012**

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**German questions to Ecuador**

Madame President,

Germany welcomes the delegation of Ecuador and commends Ecuador's Constitution establishing the general framework for the protection of human rights in a plurinational state with ethnic diversity. Germany is pleased to note that it explicitly recognises indigenous people's rights.

Germany would like to make two recommendations:

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples noted in 2011 that no mechanism had been adopted yet to ensure the right of indigenous peoples to be consulted in the circumstances stated in the Constitution.

**Germany recommends to establish clear consultation procedures in order to implement the right to free, prior and informed consent of indigenous peoples as contained in the Constitution.**

The Special Rapporteur on the situation of human rights defenders pointed out cases in which human rights defenders had been arrested and prosecuted for terrorism, sabotage or obstruction of public roads. In this regard, the Inter-American Commission on Human Rights expressed its concern at vague criminal provisions that "make criminal offences out of the mere participation in a protest".

**Germany recommends to ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their right to freedom of expression, assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted.**

I thank you Madam President.