

**United Nations Human Rights Council**

**27th Session of the UPR Working Group**

**Geneva, 01.05.2017**

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**German national statement**

**Ecuador**

Mr President,

Germany commends progress made, especially investments in education and health and the decrease of poverty but remains deeply concerned about shrinking civil society space.

Germany recommends:

1. Eliminate all forms of discrimination and criminalization of **civil society organizations, human rights defenders and the media** inter alia by repealing the Executive Decrees No. 16, 739 and 691 and the Organic Law of Communication and by ending criminal proceedings against persons participating in social protests based on broadly worded offences contained in the Criminal Code, such as sabotage and terrorism.
2. Repeal Decree No. 1247 and establish clear procedures in secondary legislation in order to implement the right to **free, prior and informed consent of indigenous peoples**, regarding legislative or administrative measures affecting their territories and livelihood, as contained in the Constitution and in ILO Convention No. 169.
3. Eliminate the catch-all clause “inexcusable error” in Article 109 of the Organic Code of the Judiciary and create a legal framework to **ensure the full independence and impartiality of the judiciary** in compliance with the UN Basic Principles on the Independence of Judiciary.

Thank you.

Advance written questions submitted to the State under review

1. During the second UPR cycle in 2012, Ecuador supported the German recommendation to ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their rights of freedom of expression, assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted. It was also recommended that Ecuador should ensure an effective, impartial and timely investigation of abuses committed by the national police, like torture, disappearances and illegal pre-trial detention in order to end the impunity and lack of accountability on police abuses.

**Therefore, we are interested in strategies the Government of Ecuador has developed to take action against violations of human rights by state authorities and to thoroughly, independently and impartially investigate such violations and bring alleged perpetrators to justice.**

1. In addition, we identify great shortcomings in the separations of powers, especially in conjunction with the judicial reform in 2011, and deviations from international standards.

**For this reason, Germany would like to ask the Government of Ecuador to what extent Ecuador guarantees the independence of judiciary according to its obligations under Article 14 para. 1 of the International Covenant on Civil and Political Rights and Article 18 No. 1 of the American Convention on Human Rights.**

1. Germany welcomes the standing invitation to special procedures issued by the Ecuadorian government. Notwithstanding numerous requests for visits, no visits have taken place since 2015.

**For this reason, Germany would like to ask the Government of Ecuador why no visits haven taken place and what the plans are for further visits, especially by the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the rights of freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the rights for indigenous peoples.**