

UNITED NATIONS EXPERT ON THE HUMAN RIGHTS OF INDIGENOUS PEOPLE CONCLUDES VISIT TO ECUADOR

5 May 2006

Rodolfo Stavenhagen, the Special Rapporteur on the human rights and fundamental freedoms of indigenous people of the United Nations Commission on Human Rights, visited Ecuador from 25 April to 4 May 2006 at the invitation of the Government. In his tour of the country, the Special Rapporteur visited the provinces of Pichincha, Imbabura, Esmeraldas, Chimborazo and Pastaza.

In Quito, the Special Rapporteur met with the President of the Republic, Mr. Alfredo Palacio González; members of the Cabinet; the President of the National Congress; the President of the Supreme Court of Justice; the Constitutional Court; the Supreme Electoral Court; the Attorney General and representatives from the Ombudsman's Office, among other officials.

He also met with the United Nations Country Team, members of the donor community, representatives of the business sector, non-governmental organizations, civil society and academic institutions.

Outside of the capital, the Special Rapporteur held conversations with local authorities, representatives of all indigenous nationalities and peoples, leaders of indigenous communities and representatives of civil and popular organizations.

The Special Rapporteur visited various communities including Sarayaku, which is entangled in a conflict related to oil exploration and exploitation that is subject to a procedure within the Inter-American System of Human Rights. The Special Rapporteur also had meetings with representatives of indigenous communities and peoples living on the Colombian border who are affected by the fumigations of illicit crops in Colombia and other events stemming from the internal conflict in that country.

The indigenous peoples of Ecuador remain in a situation of poverty despite the economic growth of the last years. The weak response of development strategies to addressing the problems which are accumulating due to the lack of income and employment in indigenous communities contributes to an increasing emigration from indigenous communities. Increasingly, the difficult conditions of indigenous people in urban centres are adding to the reality of rural poverty. Indigenous communities are concerned about the negative effects that could result from negotiations regarding the free trade agreement, especially because some of the indigenous agriculture and art-craft sectors would not be able to compete on equal terms.

The information obtained indicates that the indigenous peoples lack adequate access to basic social services such as education and health. The programmes of intercultural bilingual education have not yielded the results which were expected mainly because they lacked the necessary resources and technical means. The same is happening in the area of indigenous health. Maternal and infant mortality rates and the lack of access to health services, especially in rural areas, are issues of particular concern.

In spite of the constitutional recognition of the rights of indigenous nationalities and peoples major challenges persist to achieving the effective protection and promotion of these rights. The existing gap between constitutionality, legislative development and the application of relevant norms limits the achievements of the 1998 Constitution. Indigenous matters such as free and informed prior consultation, health and indigenous justice have still not been legislated.

The lack of regulations regarding indigenous justice is giving rise to conflictive situations related to jurisdictional disputes and to possible violations of the right to life and physical integrity. The problems of access to justice are aggravated by the lack of an adequate public defence system, the absence of translators and the low intercultural sensitivity of justice workers.

Of particular concern are the progressive deterioration of indigenous habitat and the impact of extractive activities (hydro-carbon, mining and logging) on the environment and the rights of indigenous peoples. The Special Rapporteur has received serious claims regarding this situation in the Amazonian region of Ecuador, as well as in other regions in the country. Special attention should be paid to the growing problems of the people confronting illegal logging and other activities in their territories, who have not been contacted.

The Special Rapporteur will prepare a report to be presented to the United Nations. Mr. Stavenhagen has been the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people since the position was created by the Commission on Human Rights in 2001.

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