

**27<sup>th</sup> Session of UPR – APRIL/MAY 2017**  
**Summary of recommendations for ECUADOR**



*Salud y ciudadanía GLBT.*

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*Fundación Ecuatoriana Equidad* is a non-profit organization created with ministerial agreement 1404 of the Ministry of Economic and Social Inclusion in the year 2000, whose mission is to promote sexual health and reduce prejudice and discrimination based on sexual orientation, gender identity, and HIV/AIDS. We do so through communication, prevention, awareness raising, empowerment, visibility, citizen participation and research. *Fundación Ecuatoriana Equidad* submitted a stakeholders report for the Cycle 3 and this document gives a summary of recommendations.

### **I. ACCESS TO EDUCATION**

Studies indicate that discrimination of LGBTI children in schools is still a severe problem. 40% of LGBTI persons have been discriminated, 24.6% have been excluded and 25.8% have suffered violence in schools. The high levels of contempt and rejection by classmates and teachers are aggravated by a lack of governmental policy on education on sexual orientation and gender identity.

#### **Recommendations:**

- To take concrete measures to protect and create a safe environment for LGBTI students in schools.
- To include education on sexual orientation, gender identity and sex characteristics in school curricula to combat bullying, discrimination and violence.

### **II. ACCESS TO HEALTH**

The report indicates that 33.7% of LGBTI populations have been discriminated, 18.7% have been excluded and 10.3% have suffered violence in health services. The research also indicates that 58% of LGBTI persons do not have health insurance. Discrimination based on the bias and association between gays, bisexuals and lesbians and HIV persists. Health care providers still conduct compulsive examination of gay on HIV. The country does have certified centers with inclusive policies for LGBTI persons. To our great concern, however, the government health authority does not exercise control over most services, resulting in most health care providers not providing LGBTI-inclusive protocols. Moreover, there are no HIV prevention programs for gay and bisexual men, even though infection rates are very high.

#### **Recommendations:**

- To make LGBTI-inclusive health care protocols compulsory for all health care providers.
- To create and implement a national HIV prevention program for gay, bisexual men and men who have sex with men.

### **III. ACCESS TO WORK**

It is reported that 43.8% of LGBTI persons have been discriminated, 27.6% have been excluded and 22% have suffered violence in the workplace. The Ministry of Labor acknowledges that it does not have statistics on cases of stigma and discrimination based on sexual orientation or gender identity, but states that LGBTI people are obliged to conceal their sexual orientation. Ignorance and lack of awareness on the issue is a serious limitation, this is further increased for trans people. Trans women are often only able to provide for themselves through sex work or hairdressing. There are no anti-discrimination laws for the labor market and no labor policies for LGBTI people.

**Recommendations:**

- To continue combating discrimination in employment and occupation of LGBTI persons, in accordance with the Constitution and legislation of Ecuador.
- To adopt an anti-discrimination law, to protect people from discrimination based on sexual orientation, gender identity and expression and sex characteristics in the labor market.
- To create and implement a labor integration policy plan for trans people.

**IV. ACCESS TO JUSTICE**

Many LGBTI people do not report acts of discrimination or violence, because they are afraid to be discriminated, mistreated or abused by the police on the basis of their perceived sexual orientation or gender identity. Research shows that 16.8% of LGBTI people have been abused and mistreated by the police. People who have submitted complaints state that they have not been heard properly by the police. The Constitutional Court has not yet issued a ruling on cases related to LGBTI persons. Some cases have been pending for more than three years.

**Recommendations:**

- To Investigate promptly, independently and timely all allegations of mistreatment of LGBTI people by the police.
- To guarantee timely and proper access to the justice system for victims of discrimination and violence based on sexual orientation, gender identity or sex characteristics.

**V. STIGMA AND DISCRIMINATION**

The Ecuadorian State continues to discriminate against the LGBTI population. This being a structural discrimination, which refers to the "magnitude of the phenomenon of discrimination both *de jure* and *de facto* against particular groups," which determines that sectors of the LGBTI population, by complex social, cultural and other practices, cannot enjoy and exercise their rights to the same extent as other citizens. In the first quarter of 2016, the amendment to the Organic Law on the Management of Identity and Civil Data was approved. This law is discriminatory because it excludes homoparentality. There is, therefore, no recognition of children born of *de facto* unions between persons of the same sex. It changes the nature of the institution of the *union de facto*, by forcing their registration. It illegitimately restricts free self-determination and the construction of gender identity, forcing trans persons to bear two witnesses for the process of sex change by gender. In Ecuador there are two types of identity documents, one for trans people and another for other citizens, which is discriminatory.

**Recommendations:**

- To end the policy of providing two different types of identity document for trans- and cisgender people.