



**Violation of the Rights of Trans People due to their  
Sexual Orientation, Gender Identity or Expression**

**Contribution to the List of issues submitted to the Working Group on  
Ecuador's Report**

**Committee on Economic, Social and Cultural Rights**

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Asociación ALFIL – REDLACTRANS together with Synergia – Initiatives for Human Rights; Akahatá – Equipo de Trabajo en Sexualidades y Género and Sexual Rights Initiative are honoured to submit the following list of issues to the Committee on Economic, Social and Cultural Rights with the aim of helping the Committee in producing the List of Issues for the review of the implementation of the International Covenant on Economic, Social and Cultural Rights by Ecuador.

## **Introduction**

Article 3 of the International Covenant on Economic, Social and Cultural Rights establishes the obligation, on the part of the States, to ensure the equal right of all persons to the enjoyment of all economic, social and cultural rights set forth in the Covenant.

Article 11, section 2, of the Constitution of the Republic of Ecuador expresses:

*“All persons are equal and will enjoy the same rights, duties and opportunities. Nobody could be discriminated on the grounds of ethnicity, place of birth, age, sex, gender identity, cultural identity, marital status, language, religion, ideology, political affiliation, history of trouble with the law, socio-economic condition, migratory status, sexual orientation, health status, HIV status, disability, physical difference, nor on any other distinction, individual or collective, temporary or ongoing, with the aim or result of diminishing or cancelling the acknowledgment, enjoyment or exercise of rights. The law will sanction all forms of discrimination. The State will adopt affirmative action measures to promote real equality in favor of rights holders who are in a situation of inequality.”*

In spite of this, LGBT people in Ecuador, and especially trans people, are subjected to systematic discrimination in all institutions and social areas. Their access to health, education, work and to form legally recognized families is impeded, among other questions, by the main reason of not having personal identifications acknowledging and reflecting their gender identity and expression.

## **RIGHT TO WORK Articles 6 and 7**

1. Taking as a starting point the rights acknowledged in the 2008 Constitution of Ecuador, the 2009-2013 National Plan for Good Living aims to “guarantee stable, just and decent jobs in a variety of forms” (Objective 6). For the 2013-2017 National Plan for Good Living it was decided “To guarantee decent job in all of its forms” (Objective 9) and as part of the 2017-2021 Development Plan it has been proposed “To generate decent and quality work and jobs, encouraging the productive sector” (Policy 5.1). Important advancements have been achieved in that regard, but factors reflecting a latent inequality still persist, especially for people who are part of sex and gender diversity communities and particularly for trans people.
2. During the past ten years, Ecuador has implemented affirmative policies aimed at job creation for several population groups, for instance: encouragements for those employing young people, labor quota of 4% for people with disabilities, grant policies for the

improvement of professional qualifications. But almost nothing has been done to improve the situation of the LGTB population, especially of the trans population.

3. Discrimination against trans people prevents them from accessing work, in a broad sense, a right heterosexual people have more or less guaranteed. When trans people manage to access work, they are subjected to harassing and attacks in their workplaces, solely due to them non-conforming to heterosexual parameters.
4. There are no public policies nor any other norms in Ecuador establishing a labor quota for trans people, neither as a right nor as an affirmative action.

### **Questions for the State**

5. Which measures, be them legislative or of any other kind, have been adopted by the State to include the principle of equality regarding gender diversity in its public policies about economic, social and cultural rights?
6. Which actions have been developed by the Ecuadorian State to eradicate gender stereotyping and gender roles that discriminate against LGBT population, and especially against the trans population, from the field of work?
7. Which concrete measures are going to be adopted by the Ecuadorian State to guarantee equal opportunities, in equal conditions, for trans people to access to work?
8. Which concrete measures are going to be adopted by the Ecuadorian State to prevent and to eradicate violence and discrimination making it more difficult for trans people to access and to remain in their jobs?
9. Which measures are going to be adopted by the State to repair the structural marginalization and discrimination against trans people, especially in the field of work?

## **RIGHT TO HEALTH**

### **Article 12**

10. Most trans people face serious health problems, arising from their precarious living conditions. These problems are worsened by the lack of public policies providing health care and the lack of health services specifically trained in serving such population.
11. Health services had been expanded considerably and the quality of attention has improved, but it is still inappropriate when it comes to provide for the specific needs of the trans population, such as hormonal treatments and sex reassignment surgeries. There are lots of complaints filed by trans people reporting unjustified delays by health care providers, and also of unjustified requirements not included in the law or even prohibited by it, such as psychological diagnoses.
12. As it was already said, trans people are usually discriminated against in sexual and reproductive health services, both at the institutional level and by the health care providers in the field. The Ecuadorian State has failed to set up procedures to secure free

from discrimination access to those services for the trans population. Health care for trans people is limited to prevent HIV transmission and other sexually transmitted infections.

13. Is for those reasons that trans people are afraid to go to health services, both in the private and in the public sectors, because they are subjected to stigmatization and mistreatment by health care providers, other staff and health institutions.
14. There are no disaggregated statistics in Ecuador showing the real health situation of trans people. This population remains invisible regarding its needs and the services provided to them, both in the private and public sectors.

### **Questions for the State**

15. Which measures have been adopted by the State to guarantee trans people full access, without exclusion, to programs and services of health promotion and integral health care, in particular sexual and reproductive health, including the specific requirements of their health attention?
16. Which are the public policies that are to be adopted by the State to eradicate violent and discriminatory institutional practices which constitute a major barrier for trans people to access health?
17. Which mechanisms have been used by the Ecuadorian State to clearly identify trans people among the general population, in order to disaggregate the general statistics where there are no records identifying LGBTI people from heterosexual people?
18. Which strategies are to be adopted by the Ecuadorian State to eradicate gender violence against trans people, materialized in physical, psychological, sexual or economic aggressions based solely on their gender identity?

## **RIGHT TO EDUCATION**

### **Article 13**

19. Among the most remarkable achievements by Ecuador during the last ten years, the extension of education services must be noted, especially elementary and high school education.
20. However, data gathered from a record kept by Asociación ALFIL – REDLACTRANS<sup>1</sup> on the violations of the rights of trans people during 2018 in Ecuador, show that trans women are very poorly educated, partially because they usually are expelled from their homes at an early age, when they express their gender identity. The high dropping out of school rates are determinant for their labor future, because their opportunities get limited to handcrafts work or sex work poorly paid.

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<sup>1</sup> That recording of data is realized uploading files to the CeDoSTALC (Centro de Documentación y Situación Trans en Latinoamérica y el Caribe, Center for the Documentation of Trans Situation in Latin America and the Caribbean), a system designed to keep an organized and individualized registration of cases and of their follow up.

21. Comprehensive sex education in Ecuador is of poor quality, both in relation to its contents and to its implementation, because of bias and bigotry among teachers and school communities, a situation worsened by pressures exerted by institutions and powerful religious groups.
22. The 2008 Constitution established that public education should be free and secular. However, the principle of secular education is being violated in several ways as a result of the pressure exerted by religious groups that are very outspoken against human rights. In the name of religion, those groups have installed a debate and are trying to set back some changes introduced in recent years in the textbooks, for instance, topics related to sex and gender diversity or sexual and reproductive health.
23. On the other hand, curriculum contents in the elementary and high school levels do not include updated, scientific knowledge about sex and gender diversity into sex education, critical issues to stop heteronormative stereotyping and to pursue a more egalitarian education.
24. There are no awareness programs nor formation programs aimed at the educative community on such topics as non-discrimination, sexuality, diversity, gender, and gender identity, among others.

#### **Questions for the State**

25. Which measures are planned to be adopted by the State to implement formation programs and awareness programs aimed at the educative community regarding comprehensive sex education, sex and gender diversity, sexualities and non-discrimination?
26. Which measures have been adopted by the State to overcome the low schooling rates of trans people in Ecuador?
27. Which policies have been planned by the State to guarantee secular public education across the whole territory of Ecuador, and to avoid yielding to pressures exerted by powerful religious groups that work against human rights?