

# ALTERNATIVE REPORT FOR THE COMMITTEE AGAINST TORTURE

October 2016

## *Involuntary placement and ill-treatment of LGBTTIQ persons in private drug addiction treatment centres, including those which practice “sexual reorientation” therapies*



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This is an executive summary of the shadow report submitted to the UN Committee Against Torture on the fulfillment of the Convention Against Torture and other Treaties ratified by the State of Ecuador particularly on the violation of the fundamental physical and emotional integrity of LGBTTIQ community. Due to lack of funds, it was difficult to present the whole report in English.

The report starts with a quick review of the legal framework that prohibits “practices of des-homosexualization” or so called “cures to homosexuality” and then identifies some gaps and contradictions. From there, the report describes the factual situation. It relies mainly on A.K. Wilkinson’s 2012 master’s thesis as official information lacks on the topic. Wilkinson’s research posits a strong link between these anti homosexuality therapies and those of the clinics against addictions established in the country in the mid 1980s. The first *documented* case of someone subjects to sexual reorientation dates back to 2000. By 2008, there were 140 clinics to recover from addictions, some of which also “treated” homosexuality with no discernible therapy other than physical punishment and emotional denigration (forced internment, hits, insults, electroshock and even ‘corrective rape’). The lack of denouncing of these abuses was mainly due to the fact that individuals were taken there by direct family members, usually, parents. By 2010, the Ministry of Health reported 200 “rehabilitation” clinics. After a period of time, reports about these abuses started to increase significantly. Wilkinson mentions 14 cases about which she could personally gather information and at least 8 more that she knew about but could not follow. In 2011, the Ministry of Health and the Ministry of Interior closed 30 clinics in a joint operation. Additional research work done by an activist organization reveals there was no control or very little of these clinics regarding abuse of patients such as choking done by the authorities.

What it is striking is the lack of complete information and political will to address the problem adequately. It remains unknown the exact number of people detained against their will in those centers and under conditions qualified as a torture. By March 2016, the Ministry acknowledged 94 rehab centers operating without license. A more detailed official information lacks or remains out of public access. Organizations deplore the Ministry’s silence on the status of those centers: whether they have been closed or still operate clandestinely. Meanwhile, the fact is that the centers, which had been officially closed, appear as having been licensed the

following year or having restarted operations under a different denomination. In addition to the lack of official information, licensed clinics against addictions disguisedly operate also as clinics against “deviant” sexuality, making it even more difficult to detect the latter cases.

The report describes four recent emblematic cases in what seems as a fight by activists with little to no official support against forced internment and actual torture of LGBT people, including minors. In three of these cases, the release of the involved individuals only occurred after strong intervention of activists and allies in the social networks, even though the authorities had been alerted about the cases (Ministry of Health, Ministry of Interior). An additional factor that operates against the victims is that as it is usually a close relative who orders their internment, the police and the Attorney General’s office are reluctant to intervene upon knowing that circumstance even though the victims may be adults. In the case of minors, that reluctance increases, as parents are legal representatives of their minor children.

This shadow report concludes that all discrimination is violence. The so-called “cures” of homosexuality are a remnant of past *legal* practices within the medical field (lobotomy, electroshock, medication), which consistently failed. Their continued application to date is beyond the desire to “cure” the “deviant” (which has proved not only impossible but also a cause of distress and hate for the victim), it is a matter of social prophylaxis. Probably, the advances in protection and promotion of the rights of LGBT individuals, their enhanced visibility, has fueled the latent homophobia and more broadly social phobias against sexual and gender diversity in general. The failure of the Ecuadorian State’s actions against these private prisons is not only due to poor implementation of existing legislation against discrimination on the basis of sexual orientation and gender identity but, probably to lack of serious acknowledgment that this is not just another matter that requires administrative initiatives but, instead, a structural problem that pervades all sectors and realms: private, familial, official.