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Ecuador: Situation of homosexuals and availability of state protection (2003 -2005)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Very little information could be found on the current treatment of homosexuals in Ecuador and on the availability of state protection among the sources consulted by the Research Directorate.

The Ecuadorian Constitution prohibits discrimination on the grounds of sexual orientation (Ecuador 1998, Art. 23.3). However, the 2003 annual report of Amnesty International (AI) states that

[a]lthough some officials called for an end to discrimination against the LGBT community, in particular to practices that lead to grave human rights abuses, the authorities continued to ignore many of the complaints they received. Torture and ill-treatment, including sexual harassment, continued to be used to humiliate and punish [lesbian, gay, bisexual and transsexual] LGBT detainees (2003).

On 19 April 2004, Amnesty International expressed its concerns regarding the safety of Patricio Ordóñez Maico and some other members of the Fundación Amigos por la Vida (Friends for Life) a non-governmental organization which works for the rights of gay, lesbians, bisexuals and transgendered persons in Ecuador. More recent information on the situation of members of the Fundación Amigos por la Vida could not be found in the sources consulted for this Response.

On 30 July 2004 at the Foro Social Américas which took place in Quito, Ecuador, different organizations working to improve respect for sexual orientation met together in the workshop [translation] "Gay Marriage, Abortion Rights and Sexual Harassment" organized by the Center for Economic Research and Social Change of the United States (movimientos sociales 30 July 2004). Approximately 50 people attended the session, the majority of which were members of the gay, lesbian and transsexual community (ibid.).

According to a news article dated 27 June 2005, [translation] "[v]ery few people" marched through Quito on 26 June 2005 in the Gay Pride Parade (*Enkidu* 27 June 2005).

The Website of Gay Ecuador provides information on the rights of homosexuals, including, the following [translation]:

1. Shelter: If a homosexual's individual rights are violated by a member of the public administration, the homosexuals can apply for shelter (under the Law of Constitutional Control and Article 95 of the Constitution);
2. Habeas Corpus: If homosexuals feel they have lost their freedom through illegal procedures, they can apply for Habeas Corpus (under the Law of Municipal Regime and Article 93 of the Constitution);
3. Habeas Data: This it is a new avenue for through the Constitution (Article 94; under the Law of Constitutional Control). It allows homosexuals to contest information that they consider to be false or to negatively affects their rights. This information includes documents, databases or information of public or private organizations, including banks and schools (n.d.a.).

The Website of Gay Ecuador also provides information regarding recourse available, sources of information for members of the homosexual community and avenues for addressing instances of aggression against them (Gay Ecuador n.d.a). It also publishes news, studies, articles and links to other international gay, lesbian, bisexual and transsexual associations (ibid. n.d.b).

Regarding the protection of human rights of lesbians, the Fundación CAUSANA has been working since 2002 to improve the rights of Ecuadorian lesbians (CLADEM 8 June 2005).

No information on the availability of state protection could be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Movimientos Sociales. 30 July 2004. LGBT South Dialogue. <http://www.movimientos.org/dss/show_text.php3?key=3186>. [Accessed 29 Nov. 2004]

Additional Sources Consulted

Internet sites, included: Ecuador.Com; Ecuador Explorer.Com; Freedom in the House; Factiva, Fundación CAUSANA; Fundación Ecuatoriana de Acción, Estudios y Participación Social; Fundación Ecuatoriana Equidad (FEDAEPS); GuiaGay.com; Human Rights Watch; Inter-American Commission on Human Rights; ILGA; International Committee of the Red Cross; Latinoamerica Press; Office of the United Nations High Commissioner for Human Rights; PRODH; Servicio de Paz y Justicia (SERPAJ); Topix.Net; United States Department of State.

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