

Gender, Sexuality, Human Mobility, and Academic Freedom in Ecuador

by MARÍA AMELIA VITERI | Universidad San Francisco de Quito | mviteri@usfq.edu.ec

I will use an intersectional approach in order to address Ecuador's current political situation in a way that analyzes how three areas—gender, sexuality and human mobility—not only intersect but are also mutually constitutive. One way to analyze the various contradictions underlying the current government's discourses and policies is to follow Leticia Sabsay's (2011) critique to the notion of citizenship itself. According to Sabsay, contemporary citizenship has been defined within the idea of choice and autonomy; nevertheless, the presumptions as to what autonomy is and how it might be expressed are not predefined in advance. Following Sabsay's critique, apparently modern and progressive notions such as those of universal citizenship and the right to free mobility could turn out to be applicable to only a few based on political and ideological allegiances.

State violence encompasses sexism, homo-, lesbo-, bi- and transphobia as well as xenophobia. What follows are some of the most notorious specific examples of how these are manifested as well as of the general framework that enables such violence in Ecuador:

In terms of gender policy, one of the first setbacks within the current government was the dissolution of the National Council of Women, which had ministerial authority until May 29, 2009. It was then replaced by the Comisión de Transición and finally turned into one of three National Equality Councils that seek to guarantee "equality between men and women."

Ecuador's criminal code prohibits abortion. In February 2015, the UN Committee on the Elimination of Discrimination against Women urged Ecuador to decriminalize abortion in cases of rape, incest, and severe fetal impairment. Under Ecuadorian law,

the only exceptions are cases involving a threat to the life or health of a pregnant woman when the danger cannot be averted by other means, and pregnancy resulting from the rape of a woman with a mental disability. All other women or girls, even those pregnant from a rape or with an unviable pregnancy, may not access a legal abortion and can be sentenced to two years in prison for having one. Even harsher penalties apply to medical professionals who perform abortions.

"*Sabatinas*," also known as "Enlaces Ciudadanos," are speeches by President Correa held every Saturday in different locations across the country at a high economic cost. President Correa uses these *sabatinas*—which can last up to three hours—to directly attack individuals who express any kind of dissent. President Correa's speeches have been characterized by sexist, racist, homophobic, and xenophobic language. There are many examples but I will quote the most salient that make visible how some of these categories overlap. For instance, Enlace No. 35411¹ could be read as a prelude to a relatively recent appointment (February 2015) of a new director of Plan Familia, which fell into the hands of a very conservative Catholic woman named Mónica Hernandez. Plan Familia develops and manages the National Strategy for the Prevention of Adolescent Pregnancy (ENIPLA in its Spanish acronym), which went from the model strategy at the United Nations to an extremely punitive one based in a misunderstanding of "values" as pertaining exclusively to the traditional heteronormative family, which further aligned Correa's government with conservative Catholicism.

Enlace 354 (which took place on December 28, 2013 in Guayaquil) discredited not only gender studies—calling the field

"a gender ideology that fails under any academic analysis"—but also feminist, sexuality, LGBT (lesbian, gay, bisexual, and transgender), and queer studies. Going back to Sabsay's framework, President Correa mentioned the "right of everyone to decide" while adding that he prefers "women that look like women" and "men that look like men." By doing so, he reifies biological sex as that which dictates unequivocal gender norms: claiming that something different "goes against biology and the natural law."² In his statement, he also attacked reproductive rights, in particular the right to abortion (even for victims of rape) and reiterated his view against marriage equality, arguing that the LGBT community would not gain additional rights from same-sex marriage. His statements contradict Ecuador's constitutional rights, which protect against discrimination based on gender and sexual identity. Right before this Enlace, Ecuadorian president Rafael Correa and his cabinet met with transgender male-to-female LGBT activist Diane Rodríguez, founder and president of the grassroots organization Silueta X located in Guayaquil. Rodríguez, known as the first transgender legislative candidate to the Constitutional Assembly and a supporter of Alianza País (the current leading political party), has been named the official voice for all LGBT communities' concerns (Viteri and Picq 2015). This "encuentro histórico," as the government labeled it, illustrates a shift: colonial heteronormative state formations are adjusting to contemporary sexual politics (Rodríguez might not have been born a woman but she embodies traditional expectations of femininity).

A brief chronology follows of some of the main discourses and events related to gender and sexuality that preceded the national strike on August 13, 2015, which faced harsh violence from the

government. Margoth Escobar, a 60-year-old indigenous rights activist, was beaten and arrested in the city of Puyo located in the Amazon Region. At the end of the same day, Manuela Picq, a University of San Francisco scholar, Al Jazeera op-ed writer, and indigenous rights activist, was also dragged by the police and arrested (Bravo 2015). Manuela Picq is also the partner of Carlos Pérez Guartambel, one of the most important and visible contemporary indigenous leaders. Following the arrest, the unlawful cancellation of Picq's visa occurred while she was detained in a Centro de Acogida Temporal para Migrantes known as the "Hotel Carrión," where people who have been arrested for being in conditions of "irregularity" are held against their will and subjected to physical and psychological violence. During Manuela's second trial, the government denied her constitutional rights and forced her to leave the country. While the Ecuadorian Ley de Movilidad proclaims "universal citizenship," the right to free human mobility, and the elimination of the condition of "foreigner,"³ Ecuador recently denied Picq a Mercosur visa that would have allowed her to return to Ecuador, where she has a house, a partner, a stable job, and a life. In this regard, President Correa said in his Enlace No. 440⁴ that Picq is not a correspondent for Al Jazeera; he called her "immature" and insisted that she had acted violently against the police and his government won't allow any "extranjera" to do so. As a case study, the conditions for gender violence and xenophobia are enabled, justified, and endorsed by the state.

Given the existence of clearly restrictive and punitive institutions such as SECOM (Secretaría de Comunicación), the SENAIN (Secretaría Nacional de Inteligencia) and other institutions such as SENESCYT (Secretaría Nacional de Educación Superior

Ciencia y Tecnología) acting in unison to regulate and control freedom of speech, the situation is dire for academics, activists, journalists, and even regular citizens who are openly critical of the government.⁵ In addition, President Correa is looking into significantly reducing the budget and the scope of the two most influential postgraduate universities, Andina and FLACSO, particularly in the fields of social sciences and humanities. This will in turn reduce students' scholarship and academic production.

Nation-building projects are grounded in what Gayatri Gopinath (2005, 12) refers to as organic heterosexuality, norms and practices based on idealized notions of femininity and masculinity, which are reproduced and reinforced through cultural imaginaries. The "My Gender in my ID" law recently approved by President Correa states that if you are a transgender person and older than 18, you can change your gender M/F on your ID but not your sex, as that will lead to same-sex marriage and/or potential same-sex adoptions. The law does little to confront overlaying heteronormativity although it could be a stepping stone for future reforms.

Within the summarized complex political context, particularly regarding gender, sexuality, and mobility, LASA can continue to support academic freedom by developing academic alerts on Ecuador's current situation and disseminating information, as well as fostering academic networking and international forums. LASA can also provide a strong platform for Ecuadorianists, Latin Americanists, and many others interested in the region to converge in order to strengthen specific actions oriented toward academic freedom, promoting at the same time interdisciplinary academic analysis.

Notes

¹ "Presidente Correa habla sobre equidad e ideología de género, enlace no. 354," YouTube video, 6:31, posted by Remigio Rivera Villalta, December 31, 2013, <https://www.youtube.com/watch?v=KtA6VUQD4J>, quote at 2:11.

² Ya no es igualdad de derechos, sino igualdad en todos los aspectos: que los hombres parezcan mujeres y las mujeres hombres... Todo lo que se llama la ideología de género [...] Que básicamente no existe hombre o mujer natural, o sea que el sexo biológico no determina al hombre y la mujer sino las condiciones sociales, y que uno tiene el derecho, la libertad es de elegir incluso si uno es hombre o mujer. ¡Por favor! Eso no resiste el menor análisis, es una barbaridad que atenta contra todo: leyes naturales ... lo que sí les puedo decir académicamente es que son barbaridades que no resisten el mayor, el menor análisis [...] Qué bueno que una mujer guarde sus rasgos femeninos, qué bueno que un hombre guarde sus rasgos masculinos. Todo el mundo es libre: el hombre de ser afeminado y la mujer de ser varonil, pero yo prefiero a la mujer que parece mujer y creo que las mujeres prefieren los hombres que parecemos hombres.

³ Revisando el Proyecto de Ley Orgánica de Movilidad Humana, inicia así: "La normativa vigente en materia de migración data de los años 70 y se expidió desde una perspectiva de soberanía, control y seguridad nacional que primaba en el contexto regional de esa época, en la cual los regímenes dictatoriales promovían la persecución de personas que consideraban sospechosas y/o subversivas al orden instaurado y a la ideología política imperante". Continúa: La Constitución de la República, reconoce por primera vez el derecho a migrar, garantizando que ningún ser humano sea considerado "ilegal" por su condición migratoria. Este marco normativo requiere adaptarse a los principios constitucionales de libre movilidad humana, ciudadanía universal y ciudadanía latinoamericana y caribeña. Que, el artículo 9 de la Constitución de la República, reconoce y garantiza que: "Las personas extranjeras que se encuentran en territorio ecuatoriano tendrán los mismos derechos y deberes que las ecuatorianas, de acuerdo con la Constitución". Los principios de movilidad humana del

Art. 4 son importantes de igual manera para tener más elementos para la discusión ni ideológica ni politizada sino analítica, cito los más directamente relacionados al caso de la potencial deportación arbitraria de Manuela y el trato recibido por parte de las autoridades:

1. ciudadanía universal: se reconoce a todas las personas los derechos inherentes a la condición humana, son sujetos de derechos como tales independientemente de la condición migratoria.
3. Integración regional: El Ecuador promoverá en las relaciones bilaterales e instancias multilaterales la unidad de la región suramericana y la progresiva eliminación de la condición de extranjero en nuestra región.
4. Igualdad de derechos y deberes: Ninguna persona recibirá un trato discriminatorio por su condición migratoria.
10. Buen Vivir: en movilidad humana, la relación de las personas nacionales y no nacionales debe guardar armonía, respeto a la diferencia, reconocimiento a la diversidad, hospitalidad y acogimiento que permitan y faciliten construir comunidades de paz, dentro y fuera del Ecuador. En el artículo 5, entre los derechos de las personas en movilidad humana se encuentran el conformar organizaciones sociales para el ejercicio de sus derechos y su patrimonio histórico para su integración como decidir sobre su pertenencia a una o varias comunidades culturales. Si el argumento es contravención migratoria el juez de contravenciones decide sobre *multa* o bien horas de labor comunitaria.

⁴ En palabras del Presidente Correa: “Dicen que la señora Manuela Picq fue golpeada y maltratada y es mentira, ella sale riéndose. Ella fue mi compañera en la Universidad San Francisco, dijo que era periodista. Era una inmadura que le encantaba ser el centro de atención, tenía un novio en Miami. Pero ahora dice que es indigenista y sale riéndose. Si ustedes quieren un Presidente que permita que una extranjera con visa cultural venga y agrede a nuestra Policía, búsquense otro Presidente. Yo no lo voy a permitir. Yo conozco a Manuela. Éramos, podríamos decir amigos. Una mujer muy guapa pero tremendamente inmadura que le gustaba ser el centro de atracción, tenía su residencia en Miami, su novio gringo que le iba a ver de vez en cuando. No tenía nada, ni de indigenista ni de izquierdista ni de periodista. Que muestre un artículo académico sobre indígenas o sobre

izquierda. Todo eso es mentira. Periodista, dijo que era corresponsal de Al Jazeera, eso es mentira, todo es un show.” “¿Ustedes pueden permitir que una extranjera con visa cultural venga a echar piedras e insultar a nuestros policías? ¿Qué país del mundo permite eso? Pero además en ese centro de detención para extranjeros en situación irregular hay senegaleses, haitianos, negritos y quién se preocupó por ellos. Hasta en eso son pelucones. Como la otra era coloradita ahí sí hacen escándalo.” Las autoridades le revocaron su visa, poniendo bajo amenaza de expulsión del país en el que vive, trabaja desde hace ocho años. Respetada por su trabajo en el feminismo, los movimientos indígenas y las cuestiones ecológicas. Rafael Correa: “Revocar las visas es potestad de cualquier Estado. Nosotros revocamos la visa cultural a una ciudadana extranjera que se mete a hacer política y a agredir a nuestros policías y eso es arbitrario. Si quieren hacer estas cosas vayan a ordenar en sus países. Hacen en nuestro país lo que no se atreverían. Así engañan, nosotros somos los que tenemos el apoyo de los trabajadores e indígenas. También, les vamos a mandar un tuit. Veamos la brutal detención de Manuela Picq, que debe estar contenta porque siempre le gustó ser el punto de atención, en palabras de ella misma.” Manuela Picq: “Mi nombre es Manuela Picq. En la marcha estuve con mi compañero Carlos Pérez Guartambel. A mí me mandaron a un lado y a él a otro. Terminé en el Ministerio del Interior donde me dieron primeros auxilios, me llevaron al Hospital Eugenio Espejo. En el Hospital de la Policía me hice todos los exámenes de la columna vertebral. Fui bien tratada por los policías y por los equipos de salud que estaban a cargo” (*La República* 2015).

⁵ The criminalization of social protest has become one of the most effective instruments for the authoritarian exercise of *correlista* power. Critical or differing opinions are not welcome and are punished. Additional examples are the cases of students from Mejía school, the “10 de Luluncoto,” the case of cartoonist Bonil, and countless journalists, academics, communicators.

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