

## Exercise of state power with LGBTIQ+ persons deprived of liberty in Ecuador: Human rights challenges

*Interview with Juana Narváez*

*By Carlos Andrade Guzmán<sup>1</sup>*

*In this interview we spoke with Juana Narváez, a social worker from Ecuador and academic at the University of Cuenca, who shares her reflections on the power exercised by the State with persons deprived of liberty, particularly LGBTIQ+ persons. In this interview she shares the results of her research and intervention trajectory and outlines ways forward to improve the living conditions of this population from a human rights perspective*

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**Carlos:** Juana, first of all, I want to thank you for your time and willingness to participate in this interview with Propuestas Críticas en Trabajo Social and to be able to talk about the living conditions of the LGBTIQ+ population and the prison system in Ecuador. In this context, Juana, I would like to start by asking you, what is your perception of the prison system in Ecuador?

**Juana:** I must start by saying that the answer is alarming. The Social Rehabilitation Centers in Ecuador, called prisons, have been showing some shortcomings in the prison system, even more so in times of pandemic and post pandemic. You know that we are world news because of the massacres that have occurred in the Social Rehabilitation Centers in the last three years. Specifically, in 2020 there were 103 murders in the maximum security wards. Meanwhile, in 2021 there were 255 massacres in maximum, medium and minimum security wards and so far this year there have been 53 massacres in minimum and maximum security wards. In this scenario, it is quite common for the Ecuadorian State to normalize the bodies, naturalize violence, justify the death of people deprived of liberty and criminalize poverty.

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In these prisons, in addition to controlling bodies, they also seek to control thoughts, feelings and environments. This, on the one hand, through technological devices of the National Service of Integral Attention to Persons Deprived of Liberty - SNAI - and, on the other hand, through forensic medicine from the control of diseases, the distribution of medicines, the determination of those who have access and those who do not have access due to their economic situation and power, among others.

**Carlos:** Juana, thank you for sharing these elements that allow us to establish a scenario to situate the conversation. From what you say, it is inevitable not to think of Foucault. In this regard, how do you observe, from your research and intervention experience, that the idea of power has been understood?

**Juana:** Well, first, from a historical review, the concept of power has not undergone major changes. If we remember, in classical Greece the power of the people or Democracy arose, but in that democracy neither the serfs, nor the women, nor the children, nor the peasants, nor the workers participated. Only certain citizens who had certain privileges, especially in the economic aspect, were allowed to participate. Now, from what we observe in the penitentiary system, it is useful to remember what Duverger (1970) states, in terms of power referring to the power to change the behavior of other people in order to obtain compliance with one's own will, despite the resistance of others. This power can be exercised because whoever obeys does so under threat of violence or because he or she has been manipulated. So, what we need is to break with inequalities, with oppression, with alienation, and to be able to transform this reality of injustice.

**Carlos:** Juana, how do you observe the exercise of this power in your country's prisons?

**Juana:** The prison system in Ecuador and specifically in the Turi Social Rehabilitation Center, where I carried out my last research work, according to the data found, there have been situations that violate the rights of those who are deprived of their freedom. This is alarming because it coincides with what was established by the Inter-American Commission on Human Rights - IACHR - in its 2022 report, in which it warns that social rehabilitation centers in Ecuador are characterized by intra-prison and institutional violence, the causes being overcrowding, inadequate infrastructure, inefficient food and medical care; irregular drinking water service; shortage of prison staff; the absence of gender perspective and lack of access to programs focused on social reintegration.

In this regard, I would like to mention that only half of the people have access to reinsertion programs and, linked to your question, rehabilitation in prison consists in the disciplining that occurs through the administration of behavior, a more criminal and repressive policy that affirms the power of the superior as presented in the work *Watch and Punish* by Michael Foucault. We observe a “disciplining” that controls and imposes what one should be, think, feel and act, in this case, on the part of the LGBTIQ+ population deprived of liberty. From this perspective, discipline is to “straighten” individuals, to keep us functional to the dominant system, destined to a punishment-reward system. Discipline controls activities, imposes exercises, exposes tactics to carry out hierarchical surveillance. From there, we are always watched, the panopticon is the model of the confinement centers. Citing Giraldo (2008), the discipline of the body is nothing more than the act of domination of a power through methods of control.

Thus, in prisons, the main function of disciplinary power is to straighten behaviors. It acts as a control device that is a suspicious power, which owes its success to the use of simple instruments: hierarchical inspection, normalizing sanction and their combination in a procedure that is specific to it.

**Carlos:** Juana, and from everything you have observed, what specific ways have you developed to intervene in the disciplining of the LGBTIQ+ population in prison systems?

**Juana:** The experience of the “Victoria” Pavilion is an example of this. The Victoria Pavilion is in the Centro de Rehabilitación Social Regional Centro Sur - CRS Turi de la zona 6 located in the province of Azuay, Cantón Cuenca, which began operating as of November 19, 2014 with 690 people deprived of liberty.

This penitentiary center has nine pavilions, and has a capacity for 2,740 persons deprived of liberty, 488 cells, ten for people with disabilities and one for the LGBTIQ+ community, divided between minimum, medium and maximum security.

In the 2019-2020 period, students from the Gender and Social Work career worked with the Victoria pavilion and the LGBTIQ+ community. They conducted a participatory diagnosis yielding worrying data on food health. It is from this framework that the need arises to train them in food sovereignty and productive entrepreneurship, but specifically aimed at the LGBTIQ+ community, prison staff and the authorities on duty. All this, also with the purpose of providing tools for social and labor reinsertion and promoting a culture of good treatment within the framework of human rights.

Within this framework, the pavilion has 70 people from the LGBTIQ+ community. We focus on this population, as it is one of the groups with multiple vulnerabilities. The training process on productive entrepreneurship and food sovereignty was planned jointly with the LGBTIQ+ community. We worked on different topics such as human rights, leadership and workshops related to productive entrepreneurship and food sovereignty.

This experience for the formation of our students has been crucial because in the regulation of pre-professional practices of the University of Cuenca in art. 87 of the “Organic Law of Higher Education” it is determined as a prerequisite for obtaining the professional degree that students accredit community services duly monitored in the fields of their specialty. Article 4 of the Law’s regulations allows us to carry out diagnoses of social problems from a gender perspective, to plan and teach workshops for promotion, dissemination and awareness, to elaborate and execute development projects, and to support political advocacy processes and the elaboration of public policies.

En este marco, luego de un trabajo mancomunado con la población LGBTIQ+, y de conversaciones en instancias de cierre del proyecto, pudimos ver, siempre desde una aproximación inicial, que este contribuyó al aumento de la calidad de vida de las personas. Algunas/os de ellas/ellos, al cierre, se veían como sujetos productivos y generadores de cambio en la sociedad, y veían cómo podían tomar parte del control de sus vidas y los espacios posibles para ejercer sus derechos humanos.

**Carlos:** Juana, finally, and always from your perspective observing the relationship between the experiences of the LGBTIQ+ population and the prison system, what challenges does Ecuador face today in terms of rights and the exercise of power?

**Juana:** I think it is necessary to question the absence of a public policy with a human rights and gender approach applied to a real social rehabilitation system in our country. We urgently need to abandon, as a matter of urgency, the punitive vision in prisons. I also share with you that a greater presence of the International Commission on Human Rights - IACHR - is required in relation to the fulfillment of its obligations towards persons deprived of liberty, especially in times of pandemic and post-pandemic. Likewise, it is necessary to make progress in improving the quality of life at different levels of well-being, for example, in health and even food. In this regard, there have been initiatives by specific groups to contribute to improving the quality of life of the population. However, there is a need for greater empathy with the LGBTIQ+ community.

**Carlos:** Juana, and thinking about the challenges we face from Social Work, what would be, in your opinion, the main ones?

**Juana:** As Social Work and Gender professionals, it is important to act in cooperation and articulation with the actors of the Justice and Human Rights Sector to fight to ensure effective access to health services, food, psychological care, quality education and productive enterprises in Social Rehabilitation Centers. As a great horizon, promoting the development of a coherent and relevant legal policy in the administration of justice, from a human rights perspective, is fundamental.

**Carlos:** Juana, I want to thank you for this conversation and particularly for sharing your critical reflections on the reality experienced by the LGBTIQ+ population in your country's prison system. It certainly gives us challenges on where we need to move forward in terms of disciplinary action. Again, thank you very much

**Juana:** Thank you for this conversation and for the possibility of sharing my critical reflections on these issues.

## Referencias

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