

July 10, 2024

Agenda Item 10: Future Work of the Expert Mechanism, and follow up to thematic studies and advice

Presented by Marissa Moar

Organization: 2 Spirits in Motion Society

Thank you Madame Chair,

Tansi, Marissa nisinikason, manitou wapaw ohci nina winihpik niwikan ekwa misipawistik nitipentakosin. I am a 2 Spirit Indigenous Youth from the Nehinaw, Anishinaabe and Métis Nations of Turtle Island, colonially known as North America. I address you here today as a Voluntary Fund Grantee, and a member of the provisional Global 2SIQTIP Caucus.

I wish to congratulate you on your election, and also express my gratitude to the UN EMRIP for including Item 8, titled *the impact of the legacies of colonialism on the rights of LGBTQIA+ members of Indigenous Peoples* during the 16th session.

When the provisional 'Global Indigenous 2SLGBTQI+ Caucus,' was formed during the 23rd Session of the UN Permanent Forum on Indigenous Issues, we presented the following recommendations, which have since been endorsed by 12 NGO and grassroots 2SIQTIP (2 Spirit, Intersex, Queer, and Trans Indigenous Peoples) organizations across Canada and the United States:

1. The formal recognition of the Global 2SIQTIP Caucus to follow the same internal structure as others, with representation from the 7 socio-cultural regions,
2. An International Study on the state of 2SIQTIP, and
3. Calling on member states to protect and uphold our inherent rights and self-determination as 2SIQTIP as recognized in ICCPR Article 1.

Although there are many instances within UNDRIP that pertain to the protections and recognitions of 2SIQTIP, at this time I would like to recall the rights of UNDRIP in Articles 2 and 8 respectively which affirm that Indigenous Peoples, including 2SIQTIP,

1. are free and equal to all other peoples and have the right to be free from any kind of discrimination in the exercise of their rights. This includes the right to express themselves, based on their Indigenous origin and identity. And,
2. have the right not to be subjected to forced assimilation or destruction of culture. This includes the criminalization, violence and discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics.

In the implementation of these Declarations, all States must take measures to ensure that 2SIQTIP enjoy the full protection against all forms of violence and discrimination, and to prevent any action which has the aim or effect of depriving 2SIQTIP of their integrity as distinct peoples, or of their cultural values or ethnic identities. 2SIQTIP have been here since time immemorial, and that is shown in our traditional languages, cultures and ways of knowing and being. In closing, our goal is to collectively advance the rights of 2SIQTIP and ensure that we leave no Indigenous Peoples behind as we move forward.

Kinaskomitinawaw. Thank you, Madame Chair.

Page #	Section	Quote	Implication for	Notes
2	Preamble	Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,	Discrimination against IPs who are LGBTQ+	
2	Preamble	...preventing them from exercising, in particular, their right to development in accordance with their own needs and interests	2SQTI Mental Health as LGBTQ+ people	
2	Preamble	Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur...	Discrimination against IPs who are LGBTQ+	
2	Preamble	Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child...	2SQTI children	
3	Preamble	Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination...	Gender Diversity and Sexual Orientation as part of Indigenous self-determination	
3	Preamble	...respect for human rights, non-discrimination...	Discrimination against IPs who are LGBTQ+	
3	Preamble	Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law...	Discrimination against IPs who are LGBTQ+	
4	Article 1	Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights...	Discrimination against IPs who are LGBTQ+	
4	Article 2	Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination...	Discrimination against IPs who are LGBTQ+	
4	Article 2	...in the exercise of their rights, in particular that based on their indigenous origin or identity.	Gender Diversity and Sexual Orientation as part of Indigenous identity	
4	Article 3	Indigenous peoples have the right to self-determination...	Gender Diversity and Sexual Orientation as part of Indigenous self-determination	
4	Article 5	Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.	Gender Diversity and Sexual Orientation as part of Indigenous cultures	
4	Article 7, para 1	Indigenous individuals have the rights to [...] mental integrity [...] of person.	2SQTI Mental Health as LGBTQ+ people	
4	Article 7, para 1	Indigenous individuals have the rights to [...] liberty and security of person.	Discrimination against IPs who are LGBTQ+	
4	Article 7, para 2	Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide...	Gender Diversity and Sexual Orientation as part of Indigenous cultures	i.e., cultural genocide, if gender diversity and sexual orientation are part of Indigenous cultures
5	Article 8 para 1	Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.	Gender Diversity and Sexual Orientation as part of Indigenous cultures	i.e., if gender diversity and sexual orientation are part of Indigenous cultures than being forced to hide or not being able to express could be considered assimilation
5	Article 9	Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned.	Gender Diversity and Sexual Orientation as part of Indigenous cultures	
5	Article 11	Indigenous peoples have the right to practise and revitalize their cultural traditions and customs...	Gender Diversity and Sexual Orientation as part of Indigenous cultures	
6	Article 13 para 1	Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories...	Gender Diversity and Sexual Orientation as part of Indigenous histories	
6	Article 15 para 1	Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories...	Gender Diversity and Sexual Orientation as part of Indigenous cultures Gender Diversity and Sexual Orientation as part of Indigenous histories	
6	Article 15 para 2	States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.	Discrimination against IPs who are LGBTQ+	
8	Article 22 para 1	Particular attention shall be paid to the rights and special needs of indigenous [...] youth, children...	2SQTI children	
10	Article 33 para 1	Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live	Gender Diversity and Sexual Orientation as part of Indigenous identity Gender Diversity and Sexual Orientation as part of Indigenous cultures	
10	Article 33 para 2	Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures	Gender Diversity and Sexual Orientation as part of Indigenous identity	
11	Article 34	Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.	Gender Diversity and Sexual Orientation as part of Indigenous cultures Gender Diversity and Sexual Orientation as part of Indigenous spirituality	
11	Article 35	Indigenous peoples have the right to determine the responsibilities of individuals to their communities.	Gender Diversity and Sexual Orientation as part of Indigenous cultures	