REPORT

LGBT and Ancestral Indigenous Sexual Diversities: The Complex Identities of Development Actors and the Possibility of Double Discrimination

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I. INTRODUCTION

1. October 9-11, 2015 the World Bank Group (WBG) and International Monetary Fund (IMF) will hold their Annual Meetings in Lima, Peru where likewise October 6-9 the Forum on Policies Related to Civil Society will be held, to include diverse sessions on social, cultural, and economic development-related topics.

2. The Annual Meetings of the World Bank Group and International Monetary Fund were first held in 1946 in Washington and are held every three years. The last Annual Meeting was held in Tokyo in 2012. This will be the third time that said Annual Meetings will be held in a Latin American country: in 1952 they were held in Mexico City, Federal District (Mexico) and in 1967 in Rio de Janeiro (Brazil).

3. The importance of said Annual Meetings derives from the suitability of the World Bank Group and International Monetary Fund for considering decisions related to issues of current importance, such as those of an economic, social, and development nature in the regions of the world.

4. For its part, the purpose of the Forum on Policies Related to Civil Society is to have an important space within the Annual Meetings in which social [and] academic organizations and civil society in general can directly dialogue with representatives of the World Bank Group and International Monetary Fund on topics they feel are important and should be taken into consideration by said economic bodies.

5. Both processes attempt to dialogue and place their priorities on a global agenda but with greater demands placed on addressing more regional and local issues such as human rights, the environment, processes of human movement, recognition of territories and identities, gender equity, and sexual diversity, among many other issues.

6. On February 28, 2014, Jim Yong Kim, the President of the World Bank Group, published an op-ed in *The Washington Post* which was also reprinted by the World Bank,¹ wherein he referred to the high cost of institutionalized discrimination, noting that “institutionalized discrimination is harmful for people and societies. Widespread discrimination is also harmful to economies. There is conclusive evidence that when societies approve laws that impede the full participation of productive persons in the labor force, the economies are weakened.” Within the same declaration he added that “discrimination based on other factors, such as age, race, or sexual orientation, produces harmful analogous results. Laws limiting sexual rights, for example, can reduce countries’ competitiveness, as

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7. On March 5, 2014, once again the President of the World Bank Group gave an initial talk at the CARE Conference on Gender Equality, wherein he noted that “the worst thing of all is that cultural norms can become institutionalized discrimination,” and remarked, among other things, that “institutionalized discrimination in all of its forms is bad, both for individuals as well as societies. Discrimination against women, gays, lesbians, minorities, persons of color, and indigenous peoples is not only morally wrong, but also harmful to economies. At a time when countries seek ways to promote their economic growth in this competitive, relentless, and interconnected world, their policies regarding discrimination prevent them from progressing. Prejudice annihilates hope and advantages. Prejudice destroys economic promise and opportunity for some people who are potentially the most productive on the planet.”

8. Subsequently, on August 4, 2015, the World Bank’s digital service announced that the Directors of the World Bank had authorized the dissemination of the revised second draft of the Environmental and Social Framework. Given that the World Bank is in the process of reviewing its social and environmental policies so that in the future they can comprise the framework document for all of its investments, it is of great importance to civil society and vulnerable populations that the World Bank promote specific actions among States [and] multilateral and bilateral organs that would offer protection and prevent discrimination so as to improve the quality of life of women, indigenous peoples, populations characterized by sexual diversity, ancestral sexual diversities, immigrants, and other sectors that require special attention and urgent comprehensive and sustainable public policies. The willingness of the World Bank, led by its President, to fight against discrimination, is remarkable.

9. The present document contributes reflections, criteria, figures, context, and recommendations to the World Bank and International Monetary Fund regarding their environmental and social Safeguard Policies, as well as contributing to the World Bank’s Environmental and Social Framework document which is currently being revised so as to incorporate the LGBTI population and ancestral indigenous sexual diversities into said Safeguard Policies and framework document as an environmental and social norm, as well as the possibility that other complementary actions might be developed.

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6 “By eliminating discrimination, we will not only be doing what is right, but we will also have taken an essential step toward guaranteeing sustained, balanced and inclusive economic growth among all societies, both in developed as well as developing nations, in the North and in the South, in America and in Africa.” Op-ed of Jim Yong Kim, President of the World Bank, in The Washington Post, February 28, 2014.
II. EXECUTIVE REPORT

10. On May 17, 1990, the World Health Organization removed the category of homosexuality from its list of mental illnesses, a fact that is remembered worldwide as an important achievement in recognition of the dignity of persons with diverse sexual orientations and gender identities.

11. In 2007, the Principles for the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, [known as] the Yogyakarta Principles, were drafted and disseminated. This document currently constitutes the fundamental basis for international law on the human rights of persons of diverse sexual orientations and gender identities. Even though it is still not of a binding nature for United Nations Member States, today it is an essential document for the scientific explanation of sexual orientation and gender identity and the fundamental rights that are applicable to persons linked to said sexual and gender categories.

12. In September 2007, the United Nations, through its Human Rights Council, approved the resolution on the rights of indigenous peoples. Said Declaration recognizes the extremely grave historic violations that have been committed against indigenous nations and peoples worldwide, through genocides, colonization, arbitrary extirpation of ‘cosmovisions’ and ancestral spirituality, as well as the destruction of community forms, among others.

13. On March 16, 2013, within the framework of the 147th Ordinary Period of Sessions of the Inter-American Commission on Human Rights of the OAS, a report was presented at a thematic hearing [entitled] “The Human Rights Situation of LGBTI Persons and Ancestral Sexual Diversities in the Context of Indigenous Peoples in Abya Yala” as a contribution to the Hemispheric Report on the State of LGBTI Persons’ Rights, in accordance with Resolution AG/RES.2721 (XLII-O/12) of the General Assembly of the Organization of American States (OAS), which constitutes the first thematic reference to the issue of LGBTI rights and ancestral sexual diversities within the Inter-American Commission on Human Rights. Said document shall be referenced at several points in the present document and is attached in its entirety to accompany the present report to the World Bank and International Monetary Fund in October 2015 in Lima Peru.

14. “In order to understand the current situations of violence, marginalization, discrimination, and concealment which exist within indigenous peoples, societies, cultures, and Member States of Abya Yala against non-heterosexual, bisexual, transgender, transsexual, and intersex individuals, it is necessary to study and have an objective historic perspective regarding the processes of conquest that have transpired since 1495 throughout this continent, [imposed] by the French, English, Portuguese, Spanish, and

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7 See http://www.yogyakartaprinciples.org/principles_sp.pdf
9 See https://www.youtube.com/watch?v=c75j2rsqmJM&list=PLkh9EPEuEx2st1_l-W6cr0o3oH9DxBSDc&index=11
others in which it has been verified that homophobia, biphobia, and transphobia have deep roots related to the machismo and religious fundamentalism that was brought from Europe to these shores, and that they considered other sexual and gender-related practices to be revolting, dirty, unnatural, and sinful, resulting in these ideas becoming rooted, inherited thoughts within our cultures which continue to exist to this day, with the same myths but having different rites.”

10. There exists an historic debt to the American continent’s indigenous peoples as a consequence of the oppression, colonization, marginalization, and loss of status ["desclasamiento"], as well as an historic debt that is due to the oppression visited upon ancestral sexual diversities, their bodies, ‘cosmovisions,’ and sociocultural spaces.

11. The grave state of the human rights of LGBTI persons and/or ancestral sexual diversities in Latin America must be understood within the historic, sociocultural, and colonial trajectory that preceded today’s forms of violence, hate crimes, and rights inequality, which began with the persecution and genocide of indigenous peoples and also included ancestral sexual diversities (with their own names and statuses) that predated LGBTI identities and the American States.

17. Within the current context, the way in which indigenous persons of diverse sexual orientations and gender identities are forced to have to accept themselves in terms of the Western forms of gay, lesbian, bisexual, transsexual, transgender, and intersex likewise constitutes a form of neocolonial violence. Being ‘muxhe’ (Zapoteca) or ‘omeguit’ (Kuna) is not synonymous with being transgender; being ‘quewa’ (Quechua) is not synonymous with being gay or lesbian; being ‘tevi’ (Guaraní), ‘nàdleehé’ (Navajo), ‘winkte’ (Sioux), ‘hwame’ (Mojave), ‘ihamana’ (Zuni), ‘mexoga’ (Omaha), ‘achnucek’ (Aleutian and Kodiak), ‘he man eh’ (Cheyenne), ‘winjkte’ (Lakota), ‘wigunduguid’ (Kuna), ‘ore abuay’ (Samuco-Ayoreo), ‘cuña oye mbo cuimba’ (Guarayo), ‘nawikí’ or ‘renëke’ (Tarahumara), and other forms of ancestral diversity are not synonymous with Western, Eurocentric, capitalistic terms, given that they accept sexuality and gender from an anthropocentric-solipsistic vision, while within indigenous ‘cosmovisions,’ sexuality and genders (there can be more than two) can only be understood to the degree that they are connected to and are a part of Mother Earth, of the Pachamama and Abya Yala, coexisting with the diverse forms of life that exist therein, wherein human beings are simply one form of life with the peculiarity of having reason as a support to caring for life as a part of the chain of biodiversity. It is


11 “The general LGBTI population should reflect upon and recognize the practices of racism, classicism, and capitalism that exist within itself, recognizing as well that indigenous persons of diverse sexual orientations and gender identities can legitimately self-name themselves and live according to other non-Western or Eurocentric ‘cosmovisions,’ because the opposite is a current way of perpetuating the logic of destruction of the ancestral ‘cosmovisions’ of the indigenous peoples of Abya Yala (the Americas); in this sense, the rights of indigenous persons of diverse sexual orientations and gender identities to dress as they feel most comfortable should also be accepted, and they should not necessarily be forced (due to the need for belonging and self-support) to feel alienated from their own clothing, languages, spirituality, ‘cosmovisions,’ cultures, customs, food sovereignty, or families, to only then be welcomed into the LGBTI movement or the LGBTI population. This reflection should be expanded [to include] human rights organizations.” Ibid. Numeral 30.
thus that sexuality and genders, from the [perspective of the] indigenous ‘cosmovision’
cannot and must not be undone and this should be respected by diverse theories and
academic studies.\(^{12}\)

18. In September 2000, the United Nations (UN) held the Millennium Summit, wherein 189
Member States participated and signed the Millennium Declaration\(^{13}\) in which eight
objectives were adopted.\(^{14}\) Said objectives were adopted by the World Bank as well as
the International Monetary Fund, given that both are economic organs linked to the
decisions reached by the United Nations. Consequently, as regards the issue that brings
us together at this Forum on Policies Related to Civil Society, the role of the World Bank,
as well as of the International Monetary Fund, should be to incorporate sub-objectives that
help to fight against discrimination against persons of diverse sexual orientations and
gender identities, as well as against indigenous nations and peoples, as subjects who
confront greater violence and whose fundamental rights are undervalued.

19. Millennium Objective 3, likewise adopted by the World Bank, establishes that equality
between genders and women’s autonomy must be promoted. Regarding this matter, the
Indigenous Wellness Research Institute, in an investigation entitled “The Honor Project”\(^{15}\)
overseen by Dr. Karina L. Walters, found\(^{16}\) “that indigenous women who identify as
bisexuals, homosexuals, or ‘two-spirit’ appear to experience disproportionate levels of
violence and can be particularly vulnerable.”\(^{17}\) It should also be noted that there has been
little research performed on the ways in which gender inequality affects bisexual,
homosexual, and ‘two-spirit’ women in the Americas, with an emphasis on Latin America,
as regards the indices of underdevelopment, patriarchal violence, multiple nationalities,
and historical relations.

20. As regards Objective 6, fighting HIV/AIDS, “HIV diagnostic studies performed towards
the end of 2009, which included all of the persons diagnosed with HIV who were alive and
had received a diagnostic at some point in the past, showed that a high percentage of
indigenous persons in the United States and adult and adolescent Alaska natives [sic]
living with the HIV infection were men (73.9%), with persons’ ages being 35-44 (33.3%) or
45-54 (32.3%) at the moment of diagnosis. The [cause of the] majority of HIV infections
among men in 2009 was attributed to sexual relations between men who have sex only
with men (64.8%). The estimated number of new HIV infections contracted by indigenous
persons from the United States and Alaska natives [sic] increased by 8.7% between 2007

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\(^{12}\) Ibid. Numeral 12.

\(^{13}\) Objective 1: Eradicate extreme poverty and hunger. Objective 2: Ensure universal primary education.

Objective 3: Promote equality between the genders and women’s autonomy. Objective 4: Reduce child

Objective 7: Guarantee environmental sustainability. Objective 8: Promote a world development association.


\(^{15}\) For more information on the Institute and “The Honor Project,” [see](http://iwri.org/honorproj/index.html)

\(^{16}\) Walters, K. L., Simoni, J. M., Evans-Campbell, T. (2002). *Substance Use among American Indians and
Alaska Natives: Incorporating Culture in an “Indigenist” Stress-Coping Paradigm.* Public Health Reports, 117

\(^{17}\) Numeral 14, Complete Report: “The Human Rights Situation of LGBTI Persons and Ancestral Sexual
Diversities in the Context of Indigenous Peoples in Abya Yala,” presented at a hearing of the Inter-American
Commission of Human Rights in March 2013.
and 2010. This is the largest percentage of growth, unlike other races or ethnicities. The ‘two-spirit’ indigenous population is being impacted by this disease in the categories of men who have sex with men as well as intravenous drug users, which represents almost 80% of all new cases within the masculine indigenous population in 2010 and in persons living with HIV in general in 2009, it represents 64.8%.”18 This information, contrasted with other information that is being gathered, such as that which is promoted with great concern by the International Indigenous Peoples’ Secretariat vis-à-vis HIV, sexuality, and human rights, as well as other authors who study the HIV situation among the homosexual, bisexual, and transsexual indigenous populations.19

21. As regards the mental health of indigenous LGBTI persons,20 research has shown that “the amount of violence received in childhood and adolescence, as well as the development of drug addictions and alcoholism, is stronger and more rooted within a context of sociocultural violence that began in colonial times and continues to this day, a situation that leads indigenous LGBTI and ‘two-spirit’ persons to be marginalized from the functions corresponding to them as per their nations’ ancestral ‘cosmovisions’.21 This is another element which affects their mental health and bio-psycho-social quality of life.”22

22. The prevention of discrimination and the protection of LGBTI persons and ancestral sexual diversities should not only refer to the development of specific and cross-sectoral public policies. It is decisive to note that said actions and public policies will only have a real impact on indigenous nations to the degree that States reform their political constitutions [so as to enshrine that] indigenous nations inhabiting their territory are political subjects who directly participate in State organs [and] government institutions, as well as officially recognizing their languages, respecting and valuing their spirituality, guaranteeing all inhabitants’ right to cultural self-identification, and incorporating into the States the paradigm of decolonization, ‘de patriarchalization,’ multi-nationality, the fight against racism, and the cross-cutting nature of discrimination. The evidence in Latin America confirms that multilingual, multi-ethnic, and multicultural aspects have been rhetorical and demagogic: while they were and are well-intentioned, they do not enable the objective conditions of indigenous nations to transform the State itself, its institutions, or the configuration of its population, sociocultural makeup, or economy.

23. “The inability of persons to live a tolerable life,” is how the UNDP defined poverty in 1997. This statement contains a huge panorama of realities affecting the capacity of persons to live well and to live a life of quality and warmth. If we understand, then, that

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18 Ibid. Footnote, page 16.
sexual and reproductive rights are part of human rights, it becomes clear that persecution, inequality, marginalization, exclusion, and the decrease in public policies for persons of diverse sexual orientations and gender identities oftentimes degenerates into low quality of life and situations of poverty [and] misery, all the more so when they are forced by necessity to escape their nuclear families in order to protect their lives and wellbeing. In such cases there will be some who manage to gradually overcome the conditions of discrimination and marginalization, whether by immigrating, [participating in] the informal economy, social projects of non-governmental organizations, or others. Nonetheless, equally true is the fact that others will also be forced to live on the street, earn their keep as sex workers, become hooked on drugs, or even commit suicide.

24. If poverty is therefore not a state of wellbeing, there exist milieus in which LGBTI persons and/or indigenous ancestral sexual diversities require more protection to enable them to live well, such as in the area of health. WHO\textsuperscript{23} has issued an international call to revert the conditions of inequality and [establish] fair distribution so as to ensure conditions of equal access to healthcare. Health is just one example out of many areas requiring guarantees of conditions for overcoming poverty and as a result, inequality, which is additionally linked to discrimination, racism, and socioeconomic class.

III. RECOMMENDATIONS

25. The World Bank should incorporate into its Environmental and Social Framework a specific environmental and social rule for vulnerable sectors. The second draft of the Environmental and Social Framework incorporates an environmental and social rule for indigenous peoples; however, the proposed Environmental and Social Framework neglects to promote environmental and social rules for financing investment projects for LGBTI persons and ancestral sexual diversities.

26. The World Bank, World Bank [sic], and International Monetary Fund should understand and address the rights of LGBTI persons and ancestral sexual diversities as an important investment in attaining a better quality of life for individuals. Therefore, the States should recognize that discrimination generates economic problems as well as the obvious inequalities.

27. The World Bank Group and International Monetary Fund can promote the implementation of public policies that improve individuals’ human rights in the relations they develop with States. The World Bank should incorporate indicators into its Environmental and Social Framework that permit the measuring of progress made or setbacks encountered in the area of human rights, with an emphasis on vulnerable groups or sectors, clearly identifying those persons of diverse sexual orientations and gender identities who are part of the ancestral indigenous sexual diversity.

28. Through the International Bank for Reconstruction and Development (IBRD) and International Development Association (IDA), the World Bank\textsuperscript{24} can be the direct implementers \textit{sic} of the Environmental and Social Framework, ensure that accessible lines of action aimed at promoting that States have loan lines for social development projects for vulnerable populations, with a sub-work group focused on persons of diverse sexual orientations and gender identities.

29. In the 2013 Annual Meetings, the World Bank decided to adopt a "World Bank Global Solutions Group\textsuperscript{25}\textsuperscript{26} to coordinate within the World Bank Group joint actions for ending poverty and promoting prosperity.\textsuperscript{26} The goal of making progress in said indicators by 2030 cannot neglect or sideline the need to address the rights of persons of diverse sexual orientations and gender identities. With regard to the aforementioned World Bank Global Solutions Group, the needs of LGBTI persons and/or ancestral indigenous sexual diversities can be appropriately incorporated into four of the 14 specialized areas of development; that is, good governance, social protection and work, poverty reduction and health, [and] nutrition and population. Likewise, in a more comprehensive sense projects in favor of sexually diverse populations can be made cross-cutting with three of the five Cross-Cutting Solution Areas, as is the case with issues related to gender, employment, fragility [translator's note: original document reads 'fragilidad' which does not appear in the Real Academia Española; \textit{it is my assumption that 'fragilidad' is meant here, meaning fragility}], conflict, and violence.

30. The World Bank and International Monetary Fund, when holding their 2015 Annual Meetings, must understand the importance they have in [the fields of] development [and] the protection of vulnerable sectors' rights, including the LGBTI population and/or ancestral indigenous sexual diversities. Making progress in social projects to benefit said sectors should be one of the aspects to assess for incorporation into the areas anticipated by the World Bank Global Solutions Group.

\textsuperscript{24} "Through the IBRD and IDA, the Bank offers a large variety of services – loans, technical assistance, and counsel – adapted to the special needs of those among its members from developing countries and countries with transitional economies. The Bank employs two basic financing instruments: investment loans and structural adjustment loans. Investment loans finance goods, works, and services in support of economic and social development projects in a wide array of sectors. The nature of the Bank's investment financing has evolved over time. Initially, the investments were aimed above all at the acquisition of equipment, technical services, and [implementing] construction works, but as its priorities have shifted, the Bank has focused those investments on creating institutions, social development, and regulatory infrastructure necessary for facilitating activities of the private sector. Structural adjustment loans provide rapidly-disbursed external financing to support regulatory and institutional reforms. Initially, the purpose of these loans was to provide short-term support to cover balance-of-payment needs while macroeconomic reforms were being performed, including to commercial policy. Over time, they have evolved into being focused more on medium-term structural and institutional reforms within the financial sector, social policy, and public sector resource management." World Bank 2013 Annual Report, page 19.

\textsuperscript{25} See http://www.bancomundial.org/es/about/annual-report

\textsuperscript{26} "The application of the support strategy of these objectives entails radical institutional reforms aimed at considerably increasing the financial capacity and efficiency of the World Bank Group's operations. In accordance with the new structure, the institutions of the World Bank Group – the IBRD, IDA, IFC, and MIGA – will intensify their collaboration in order to provide effective solutions that take advantage of world knowledge for confronting local challenges. Taking advantage of the strengths and resources of the four institutions will enable the World Bank Group to be stronger, more agile, and more sustainable from a financial perspective and enable it to provide its clients with development solutions of proven effectiveness." 2014 World Bank Annual Report, page 12.
31. The States that benefit from investment loans from the World Bank and International Monetary Fund should likewise provide their own State funding as a counterpart in order to complement the actions of the World Bank and International Monetary Fund with regard to the social projects that address sexuality, human rights, and gender equity in public policies.

32. We ask the World Bank to promote and finance research in Latin America and in the Latin American countries [sic] on the cost of discrimination against LGBTI persons and ancestral indigenous sexual diversities, in order to be able to economically quantify the grave harms generated by discrimination, hate crimes, marginalization, and violence, the inequality of opportunity in public policies, and affirmative action for these populations. Said research should likewise inquire into economic and labor rights, income, formal and informal economies, tourism, migration and immigration, human and other trafficking, [and] situations of economic and social inequality, among many other aspects, topics, and contexts.

33. In order to continue to make progress in reviewing and improving the draft of the World Bank’s Environmental and Social Framework, it is necessary to hold a specific international intersectoral event to deal with issues surrounding LGBTI persons and ancestral indigenous sexual diversities, wherein diverse topics are also addressed related to the new Safeguards being reviewed by the World Bank and the role of these Safeguards in protecting sexually diverse populations.

34. The World Bank should make it possible for a group of LGBTI persons and ancestral indigenous sexual diversities to permanently monitor the review, analysis, and meetings regarding the Environmental [and] Social Framework [and] Safeguard Policies, and suggest other actions aimed at obtaining a better substitution of information regarding the state of the situation [sic] of the rights of and public policies regarding persons of sexual diversity and ancestral indigenous sexual diversities.

Lima, Peru, October 5-10, 2015