

## 16<sup>th</sup> session of the Expert Mechanism on the Rights of Indigenous Peoples

### Item 8: Panel discussion on the impact of the legacies of colonialism on the rights of LGBTQIA+ members of Indigenous Peoples

#### *Concept note*

<b>Date and venue:</b>	<b>Thursday 20 July 2023, 11h30-13h00, Palais des Nations, Room XVII, Geneva</b> (will be broadcast live and archived on <a href="http://webtv.un.org">http://webtv.un.org</a> )
<b>Objectives:</b>	The panel discussion will aim at discussing: <ul style="list-style-type: none"><li>• the ongoing challenges faced by LGBTQIA+ members of Indigenous Peoples in relation to the impact of the legacies of colonialism with regards to their rights, including to free, prior, and informed consent, to be free from any kind of discrimination, and not to be subjected to forced assimilation.</li><li>• to share experiences of, and initiatives taken by LGBTQIA+ members of Indigenous Peoples to address the consequences of such impacts</li><li>• to discuss the measures that States, and Indigenous Peoples can take to prevent these ongoing challenges and the solutions to address these, in line with the United Nations Declaration on the Rights of Indigenous Peoples</li></ul>
<b>Chair</b>	<b>EMRIP member (5 min)</b>
<b>Moderator</b>	<b>TBC (7 min)</b>
<b>Panellists:</b>	<ul style="list-style-type: none"><li>• <b>TBC (7 min)</b></li><li>• <b>TBC (7 min)</b></li><li>• <b>TBC (7 min)</b></li></ul>
<b>Outcome:</b>	A summary of the discussion will be included in the annual report of the Expert Mechanism to the Human Rights Council.
<b>Format:</b>	<p>The duration of the panel discussion will be limited to one hour and a half. Time will be set aside for the panellists, including the EMRIP expert's opening statement, moderator comments, panellist presentations, and their concluding remarks.</p> <p>Expert Mechanism members and observers (States, Indigenous Peoples, NHRIs, NGOs, academic institutions and others) will also intervene from the floor. Observers will have a maximum of two minutes of speaking time, for those who sign up for the speakers' list.</p> <p>Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish)</p>
<b>Background:</b>	The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established by the Human Rights Council, the UN's main human rights body, in 2007 under

resolution 6/36 as a subsidiary body of the Council. Its mandate was then amended in September 2016 by Human Rights Council resolution 33/25. The Expert Mechanism provides the Human Rights Council with expertise and advice on the rights of Indigenous Peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assists Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of Indigenous Peoples.

The Expert Mechanism will be devoting 90 minutes during its 16<sup>th</sup> session to examine the issue of the impact of the legacies of colonialism on LGBTQIA+ members of Indigenous Peoples through this 90-minute panel. This theme is firmly grounded in the UN Declaration on the Rights of Indigenous Peoples and international human rights norms and standards. 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.

Article 2 affirms that Indigenous Peoples, including LGBTQIA+ people, are free and equal to all other peoples and individuals 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, without discrimination. In the implementation of the Declaration, States must take measures, in conjunction with Indigenous Peoples, to ensure that LGBTQIA+ members of Indigenous Peoples enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 8 affirms that Indigenous Peoples and individuals, including LGBTQIA+ people, have the right not to be subjected to forced assimilation or destruction of their culture. This includes for example the criminalization of same-sex relations and of transgender persons, which also affects lesbian, gay, bisexual, transgender and queer Indigenous Peoples, as well as widespread violence and discrimination based on sexual orientation, gender identity, gender expression and sex characteristics, which also affects LGBTQIA+ members of Indigenous Peoples. In the implementation of the Declaration, States must take measures, in conjunction with Indigenous Peoples, to prevent any action which has the aim or effect of depriving LGBTQIA+ members of Indigenous Peoples of their integrity as distinct peoples, or of their cultural values or ethnic identities.