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Annex 2: Analytical Lenses

In order to produce a comprehensive analysis of Canada's human rights record that considers the complex lived experiences of lesbian, gay, bisexual, trans, queer, intersex, and Two Spirit (LGBTQI2S) individuals in Canada, Egale employed the following conceptual frameworks.

Indigeneity and Colonization:
Indigenous Peoples are the holders of languages, knowledge systems, and beliefs and possess invaluable knowledge of practices for the sustainable management of natural resources. They have a special relationship to and use of their traditional land. Their ancestral land has a fundamental importance for their collective physical and cultural survival as people.

Worldwide, many Indigenous groups have experienced disruption of their ways of being in many forms including cultural as well as hegemonial genocide due to processes of colonization through foreign settlement and state policies that forced the dispossession of their ancestral lands, territories and resources. Thus, the processes of colonization continue to influence and have everlasting impacts on our understanding and experiences of systems of power, oppression, and domination between groups, nations, and peoples.

Gender and Sex Binary and Heteronormativity:
As a tool of colonization, a binary understanding of gender recognizes the existence of only two categories: men and women. Through this understanding, not only is gender narrowly conflated within falsely binary sex categories – male or female – but the binary also erases numerous groups of people, as intersex, trans, and gender diverse people are not recognized. This includes Indigenous concepts of gender identities beyond the man-woman binary, often referred to as Two Spirit. The erasure of these groups reinforces heteronormativity, which places heterosexuality as the "natural" and only valid way of being.

Intersectionality:
When considering the social location of individuals, communities, and their experiences, it is critical to meaningfully acknowledge that multiple elements of identity represent people's lived experience such as sex, race, ethnicity, attraction, gender identity, class,

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and ability. Within international human rights discourse, these categories of identity are often considered in isolation, or as applied to a universal subject. Intersectionality is a legal and social analysis framework that recognizes that the implementation of universality in international human rights law fails to acknowledge the manner in which the application of law impacts or fails to impact those with multiple marginalized identities. International human rights law frequently falls shorts of being just and restorative in its application and implementation for these marginalized communities as it is often constructed from the perspective of privileged social positions and identities.

Sex, Gender, and Sexuality Spectrum:
Adopting intersectionality as a lens for analysis widens our ability to address the ways in which the binary conceptions of sex (male and female), gender (masculine and feminine), and sexuality (heterosexual and homosexual) positions queer and trans people as "the other", which frequently renders these populations as invisible or made hypervisible through pathologization.

This particular stigma associated with queer and trans identities and experiences causes further harm. A growing body of research[i;ii;iii;iv] demonstrates that the stigma of being bisexual/pansexual encountered from heterosexual, gay, and lesbian communities reflects the ways in which biphobia influences individuals' engagement in their sexual practices, knowledge about their sexual health, and acceptance of queer forms of attraction. Bisexual and pansexual individuals often lack social acceptance from the general population in societies that have observed significant advancements in LGBTI human rights.

Alternatively, many Indigenous societies that have resisted colonization in the Global South, as well as Indigenous Peoples who seek to decolonize within the Global North, have illustrated in a variety of ways that sex, gender, and sexuality operate on a spectrum as opposed to the aforementioned binary. Thus, positioning sex, gender, and sexuality as continuous and along a spectrum meaningfully facilitates the positive application to the Yogyakarta Principles in international human rights law with relation to sexual attraction and gender identity.

Minority Stress Model:

LGBTQI2S people who are racialized and/or disabled hold multiple marginalized identities. Due to experiences of stigma such as discrimination in legislation as well as state and private institutions, hate crimes, homophobic slurs and language, and other forms of social oppression including racism, sexism, ableism, homophobia, biphobia, and transphobia, many racialized and disabled LGBTQI2S individuals experience additional stress that negatively impact health and well-being. This added stress, often referred to as minority stress, can lower mental health status[v;vi;vii] including heightened risk of developing mental health concerns such as depression, anxiety, substance use and abuse, and suicidality.

Social Determinants of Health:

Using a population health approach, the concept of social determinants of health recognizes that people's health goes beyond personal lifestyle choices and seeking medical treatment within our healthcare system, and emphasizes people's living conditions as the key factors of one's health[viii]. There are several social factors that impact population health, as an individual's health is embodied by their income and wealth distribution, employment status and work conditions, their connections to social networks and community, the state of the environment in their neighbourhood, as well as access to economic and social resources.

Reproductive Justice:

The concept of self-determination is integral to the value of human rights. Historically, women of colour and Indigenous women's reproduction has been constructed as inferior, defective, immoral, irresponsible, infantile, and savage[ix;x], in juxtaposition to the construction of white women's reproduction. Reproduction is not just a matter of individual choice. Reproductive health policy affects the status of entire groups. It reflects which people are valued in our society and who is deemed worthy to bear children and capable of making reproductive decisions for themselves. Reproductive decisions are made within a social context, including inequalities of wealth and power[xi]. As an alternative to the reproductive rights movement, reproductive justice is a intersectional theoretical framework which provides a context for marginalized women's and queer people's reproductive experiences:

The right to have children, not have children, and to parent the children we have in safe and healthy environments – is based on the human right to make personal decisions about one's life, and the obligation of government and society to ensure that the conditions are suitable for implementing one's decisions is important for women of color (sic) [and queer people][xii].

Harm Reduction:

As defined by Marlatt, harm reductionism is "an umbrella term for interventions aiming to reduce the problematic effects of behaviours"[xiii]. Rather than encourage the absence of all harmful behaviours, a harm reduction approach attempts to "meet individuals where they are at"[xiv], aiming to lessen potentially harmful behaviours without blaming or judging any behaviours that may continue throughout this process. As a result, a harm reduction analytical lens focuses on the health and socioeconomic outcomes of individuals rather than their rate of engagement in harmful activities[xv].

Trauma- and Violence-informed:

Individuals who have experienced trauma may be triggered by a number of situational occurrences including language, sounds, behaviours, activities, and locations. A trauma and violence informed lens ensures that all work is aimed to limit further harm to survivors while also working towards healing and justice[xvi]. Additionally, this lens ensures a focus on the broader social conditions, oppressive systems and institutions that lead to violence and further exacerbate historical trauma[xvii].

Right to Development:

This conceptual framework considers development as multidisciplinary and shows the link to existing global human rights discourse emphasising that all humans are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised[xviii]. This lens embodies principles of equality, non-discrimination, participatory processes, and accountability in the development of economic, social and political policies that meaningfully include the most vulnerable and marginalized members within LGBTQI2S communities.

Global North and Global South:

As the Orlando Pulse Nightclub massacre in June 2016 and the ongoing systemic marginalization of diverse gender identities and sexual attractions within the Global North show, there is still much work to do domestically. Within Global North states, LGBTQI2S communities face uncertain legal recognition and experience stigma, marginalization as well as precarious living conditions for their way of being. As a result, it must be acknowledged that homophobia, biphobia, transphobia, and discrimination on the grounds of gender identity, gender expression, and attraction is not exceptional to the Global South.

The diffusion model, where knowledge production and norms are framed by the centre and then diffused to the periphery, is inherently problematic within international relations and international development. This model projects the Global North as more "progressive" due to assumptions that there is more "acceptance" of LGBTQI2S identities. Holding to these assumptions continues to impose an asymmetrical "West is Best" approach instead of working in solidarity with nation states in the Global South[xix]. From this perspective, the Global North falsely revisions itself as having overcome the social disparities that continue to exist for LGBTQI2S populations in the West.

This "one size fits all" approach – whereby strategies to achieve justice for LGBTQI2S communities in the Global North are merely transplanted to the Global South – does not acknowledge the specific cultural histories of other nation states or the plurality of queer identities. It is not only critical to acknowledge the legacy of colonization through the imposition of anti-sodomy laws that criminalized homosexuality around the world[xx;xxi], but it is also necessary to meaningfully engage in alternative methods of shifting the deeply embedded discrimination of queer people. Furthermore, these alternatives must be explicitly distinct from once again imposing Western narratives of modernization and embracing Western understandings and recognition of Gay and Lesbian rights in the Global South. Thus, a Global South approach within international development practices not only recognizes but also prioritizes the expertise of regional work and practices that is specific to those geographies and within those local civil societies. In doing so, the Global North's role is to act as facilitators in engaging in the needs and agenda development by the Global South to address the challenges specific to their regional and cultural context.

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