

Sex-Generic Diversities In The West Vs. Ancestral Sex-Generic Diversities In Abya Yala: Study Of The Human Rights Situation Of The Indigenous Population Of Sex-Generic Diversities In Ecuador

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Abstract

From the arrival of the European conquerors to Abya Yala in 1492, there was a process of destruction of the worldviews related to the sexualities of the ancestral indigenous peoples. Sodomy became a tool to criminalize ancestral sexuality and to justify massacres, murders, dispossession, and appropriation of territories. Indigenous people with gender-diverse ancestry from Abya Yala have been forced to fit under Western LGBTI forms. However, this constitutes a form of neocolonial violence. Considering the high rates of violence and discrimination based on gender identity, sexual orientation and gender expression, several regulations have been enacted at the national and international levels. In Ecuador, the indigenous population represents 7% of the population, however, research related to ancestral sex-generic diversities is limited. In addition, regarding statistical information on the LGBTI+ population, in Ecuador there are still no official statistics, the only official study of this population was carried out in 2013, but it is a non-probabilistic study. However, from his study, it was determined that about discrimination, exclusion, and violence that the indigenous population with diverse gender identity, sexual orientation and gender expression is going through is worrisome, which, added to racism, classism, and capitalist economic gaps, make the indigenous population of sex-gender diversities an extremely vulnerable population.

Keywords: Sex Diversities – Ancestral Generics, Gender Expression, Gender Identity, Sexual Orientation, Indigenous Population

Introduction

Gender-based violence, sexual orientation and gender expression is an increasingly worrying issue worldwide. Several studies have been carried out to highlight about discrimination and exclusion suffered by this population. However, studies and research are still needed to help identify the shortcomings and future challenges in terms of human rights in favor of the population of sex-gender diversities.

Although it is true, studies have been carried out on about violence and discrimination experienced by people of gender-gender diversity; However, studies that cover this situation from intersectionality, that is, that consider age groups, ethnicity, migratory status, disability, etc., have been almost non-existent [1].

From the arrival of the European conquerors to America (Abya Yala) in 1492, there was a process of destruction of the worldviews related to the spirituality and sexualities of the ancestral indigenous peoples [2]. In addition, apart from territorial dispossession, the imposition of what it is to be normal (heteronormativity) became part of their daily life [2].

Under the declaration that all Indians are sodomites [3], ancestral sexuality was criminalized and there was a brutal repression against the indigenous population. The chronicles describe events from massacres of men for being dressed as women, condemnations to the stake, to deaths caused by dogs [3]. This has meant that, even until now, the indigenous population hides its gender identity, sexual orientation or gender expression [2].

On the other hand, the indigenous population with diverse gender identity, sexual orientation and gender expression has been forced to fit into Western LGBTI+ forms (lesbian, gay, bisexual, trans, intersex, and the rest of sex-gender diversities), without considering the existence of ancestral sex-gender diversities. In addition, it should be noted that translating ancestral worldviews related to sexuality into Western terms is an impossible task [2].

This has led to a clash between the sex-gender self-identification of the indigenous population and the LGBTI parameters established by Western culture [2]. Under the consideration of “ought to be”, largely based on religious and essentialist ideas, norms have been imposed on sexuality, the body, and desire [4].

The indigenous population has historically been discriminated against and marginalized. It is no secret that this population has had to go through needs of all kinds: health, education, housing, employment, etc. The

struggle for their equality and for the recognition of their rights took a long time and generated much bloodshed. And it was not until 2007, when the Declaration on the Rights of Indigenous Peoples was adopted, that their human rights were ratified.

The same Inter-American Commission on Human Rights has expressed that there is limited information on the human rights situation of the indigenous population of the ancestral sex-generic diversities [2], which has caused little clarity for the States when generating public policies and even more serious, causes the logic of destruction of ancestral worldviews related to sexualities to continue to be perpetuated and that it continues not to be recognized. the existence of ancestral sex-generic diversities, when documentary evidence itself evidences them [2].

In Abya Yala, according to information from the Organization of American States (OAS) [5], the indigenous population is made up of 63.4 million people. In Ecuador, it is composed of 1,018,176 people (approximately 7% of the country's population) and is made up of 18 peoples and 14 indigenous nationalities.

In Ecuador, the struggle for the recognition of the rights of people with diverse gender identity, sexual orientation and gender identity has been a long road. Until 1997, homosexuality was considered a crime, which justified the torture, violence, persecution, and even death of many LGBTI+ people.

At the statistical level, official information on both the indigenous population and the LGBTI+ population is limited and almost recent. In the case of the indigenous population, it has been since 2001 that the National Institute of Statistics and Censuses (INEC), the governing body of national statistics and responsible for generating the country's official statistics, has included questions related to the ethnic self-identification of people in national censuses (to date there is official information from two censuses). In the case of the LGBTI+ population, there is only one official study carried out in 2013, but of a non-probabilistic nature.

On the studies related to the ancestral sex-generic diversities in Ecuador, these are almost nonexistent; as well as those related to their human rights situation. In this sense, this research aims to study the human rights situation of the indigenous population of sex-generic diversities in Ecuador so that it is understood that it is a socially abandoned and vulnerable population and that recognition of the existence of ancestral sex-generic diversities is needed in the country.

In this way, this study seeks to answer questions such as what were the effects of colonization on the ancestral sexualities of the indigenous peoples of Abya Yala? What are the ancestral sex-gender diversities identified in Abya Yala? What is the international normative framework that protects the human rights of indigenous people and people with diverse gender identity, sexual orientation and gender expression? What

is the human rights situation of the indigenous population of gender diversity in Ecuador?

For the above reasons, this is descriptive research with a qualitative approach. In addition, the documentary technique will be used.

Terminology of gender diversities – generic used in the West

Over time, Western culture has introduced terminology to refer to people who do not identify within the categories of the binary sex system (male – female), and the binary gender system (male – female).

According to the Inter-American Court of Human Rights [6], the meaning of the terms sex, gender, gender identity, gender expression and sexual orientation is changing and is under continuous review; Therefore, it is difficult to reach a global consensus on a single meaning of these terms. However, for several years, the Inter-American Commission on Human Rights has been conducting a review of international organic sources to have a compendium of accepted notions for these terms. In this sense, the main findings of this and other own reviews are presented below.

Sex: The term sex is “the biological construct that refers to the genetic, hormonal, anatomical, and physiological characteristics based on which a person is classified as male or female at birth” [7]. (p. 3)

From this perspective, there is the term intersex person, which is one who is “born with a sexual anatomy, reproductive organs or chromosomal patterns that do not fit the typical definition of man or woman” [6]. (p. 16)

Gender: Gender is a social construct which refers to “the socially constructed identities, roles, and attributes of women and men and the social and cultural significance attached to these biological differences” [7]. (p. 4)

In addition, it should be noted that non-binary people or people of non-binary gender are those who, regardless of their physical configuration of birth, identify with a gender different from that of male or female. “Agender people” are those who do not identify with any gender. People of “gender-fluid” are those without a fixed gender, that is, their gender is fluctuating [8].

Gender identity: Gender identity is:

The internal and individual experience of gender as deeply felt by each person, which may or may not correspond to the sex assigned at birth, including the personal experience of the body (which may involve the modification of bodily appearance or function through medical, surgical or other means, provided that it is freely chosen) and other expressions of gender, including dress, speech, and manners [9]. (p. 6)

When talking about gender identity, the term trans person should be considered, which is used to:

Describe the different variants of gender identities (including transsexuals, transvestites, among others), whose common denominator is that the sex assigned at birth does not match the gender identity of the person. The term trans person can also be used by someone who identifies outside the male/female binary" [1]. (p. 32)

The term trans woman refers to people of biological male sex and who identify with the female gender. The term trans man refers to people of biological female sex and who identify with the male gender [1].

Transgender people are those who:

They feel and conceive themselves as belonging to the opposite gender that is socially and culturally assigned to their biological sex and opt for a medical intervention – hormonal, surgical or both to adapt their physical – biological appearance to their psychic, spiritual and social reality [6]. (p. 18)

Transvestites are those who:

They manifest a gender expression, either permanently or temporarily, through the use of clothing and attitudes of the opposite gender that are socially and culturally associated with the sex assigned at birth. This may or may not include modifying your body [6]. (p. 18)

Finally, one should consider the term cisgender, which is used to refer to people whose biological sex matches their gender [1].

Gender expression: Gender expression is:

the way in which each person presents their gender through their physical appearance – including the way they dress, hairstyle, accessories, makeup – and gestures, speech, behavior, names and personal references, and further observing that gender expression may or may not match the person's gender identity [9]. (p. 8)

Sexual orientation is defined as:

The ability of each person to feel a deep emotional, affective and sexual attraction to people of a gender different from their own, or of the same gender, or of more than one gender, as well as the ability to maintain intimate and sexual relationships with these people [9]. (p. 6)

In this perspective, the terms heterosexual, gay, lesbian, and bisexuality are located as follows:

Heterosexual person: People of the female gender who feel emotionally, affectively, or sexually attracted to other people of the male gender, or people of the male gender who feel emotionally, affectively, and sexually attracted to people of the female gender.

Gay: Male people who are emotionally, affectively, or sexually attracted to other male people.

Lesbian: Female people who are emotionally, affectively, or sexually attracted to other female people.

Bisexuality: A person's ability to feel a deep emotional, affective, and sexual attraction to people of a gender different from their own and also to people of the same gender; as well as the ability to maintain intimate and sexual relationships with these people.

Effects of colonization on the ancestral sexualities of the indigenous peoples of Abya Yala

From 1492, the colonization processes began in Abya Yala (America). When Europeans arrived at the new continent they found people with sexual practices that, according to the colonizers, were unnatural, disgusting, sinful, perverse and dirty. Nudity, incest, polygamy, homosexuality, transvestism, and transsexuality were grounds for punishment for the indigenous people, as they had to comply with the new European moral order [2]-[1].

The imposition of religion had a negative impact on the ancestral sexuality of the indigenous peoples of Abya Yala, since sexualities that did not fit within heteronormativity were suppressed; This, in turn, generated situations of violence, discrimination, and concealment that continue until now.

Sodomy became a tool to criminalize ancestral sexuality and to justify the massacres, murders, dispossession, and appropriation of the territories of Abya Yala [3]. The colonizers labeled as sodomy any practice that was outside the European codes of Catholic conduct [10]. The meaning of sodomy in the process of conquest was constructed with a single mission: to pigeonhole, under a single meaning, the sexual practices of people of the same sex [11].

Ancestral sex-generic diversities in Abya Yala

Before European colonization, sexuality was a vital element of the culture of the indigenous peoples of Abya Yala. This was not considered a sin or was criminalized in any way. Even in some cultures, having several genders represented having spiritual powers [3].

Indigenous people with gender-diverse ancestry from Abya Yala have been forced to fit under Western forms of lesbian, gay, bisexual, trans, and intersex. However, currently, this constitutes a form of neocolonial violence. [12] He mentions that a large part of society has the conception that heterosexuality is the only form of sexuality that exists and, therefore, everything that is different must be avoided and made invisible. Even [3] considers that ancestral sexuality is untranslatable in Western terms because, as it points out [2], from the indigenous

worldview, sexuality and gender can be understood according to how they are connected and how they are part of Pachamama or Mother Earth.

The ancestral sex-gender diversities in Abya Yala are different in each village and change according to their context; Therefore, the dangers of its typecasting in Western forms are emphasized. Table I shows some forms of ancestral sex-generic diversity identified in Abya Yala.

International normative framework that protects the human rights of people with diverse gender identity, sexual orientation and gender expression

The high rates of violence and discrimination based on gender identity, sexual orientation and gender expression constitute an increasingly worrying problem worldwide.

According to the United Nations (UN) [13], the violation of the human rights of people with diverse gender identity, sexual orientation and gender expression translates into murders, torture, sexual assault and discrimination to access health, education, and employment services and that, often, go unpunished by the lack of laws and complaint mechanisms; by the lack of trust in the servers of the public system; etc. Indeed, the UN has acknowledged that there are serious shortcomings in the application of international standards by human rights bodies to address these violations.

The struggle for the rights and freedoms that every human being should inalienably desire was translated into the Universal Declaration of Human Rights in 1948. This document has been established as the fundamental basis of international and national human rights law and, therefore, for the recognition of the rights of people with diverse gender identity, sexual orientation and gender expression [14].

Table I. Forms of gender diversity – ancestral generics identified in Abya Yala

People	Form of diversity sex – ancestral generic
Zapotec	Muxhe
Marten	Omeguit
Quechua	Quewa
Guaraní	Teví
Navajo	Nàdleehé
Sioux	Beckoned
Mojave	Hwame
Zuni	Ihamana
Omahas	Mexoga
Aleutianos y Kodiaks	Achnucek
Cheyen	He man eh
Lakota	Wínjkte

Marten	Wigunduguid
Samuco-Ayoreo	Hours abuay
Guarayo	Wedge hears mbo cuimba
Tarahumara	Nawíki o renéke
Osage, Omaha, Kansa y Oto	Mixu'ga

Note. Source: [2]

In 2006, in Yogyakarta – Indonesia, the “Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity” were unanimously developed and adopted. Its 29 principles affirm the mandatory implementation of human rights and their application in matters related to gender identity and sexual orientation [9].

In 2017, the Yogyakarta +10 Principles were promulgated in Geneva, which are ten principles and state obligations that complement the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Gender Identity, Sexual Orientation and Gender Expression [15].

International and national normative framework that protects the rights of indigenous peoples

According to the OAS, there are 826 indigenous peoples in Latin America and the Caribbean; in the United States, 574 indigenous peoples; and in Canada, three indigenous peoples; which, in total, represent 63.4 million people [5].

In 2007, the UN issued the United Nations Declaration on the Rights of Indigenous Peoples with the aim of stating that:

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right not to be subject to any form of discrimination in the exercise of their rights, in particular discrimination based on their indigenous origin or identity.[17] (p. 4)

In 2016, the OAS promulgated the American Declaration on the Rights of Indigenous Peoples, which is a “legal instrument adopted by the OAS that recognizes a series of individual and collective rights of indigenous peoples in the Americas. It also recognizes a series of obligations for the American States towards indigenous peoples” [5]. (p. 12).

In Ecuador, Article 1 of the 2008 Constitution of the Republic of Ecuador recognized Ecuador as a “constitutional State of rights and justice, social, democratic, sovereign, independent, unitary, intercultural, plurinational and secular” [18]. (p. 8). In addition, on the rights of communities, peoples and nationalities, Article 56 established “The indigenous communities, peoples, and nationalities, the Afro-Ecuadorian people, the Montubio people and the communes are part of the Ecuadorian State, unique and indivisible” [18] (p. 26). Similarly, article 56 recognized and guaranteed collective rights such as “Not to be subject to racism or any form of

discrimination based on their origin, ethnic or cultural identity” and “Recognition, reparation and reparation to communities affected by racism, xenophobia, and other related forms of intolerance and discrimination [18]. (p. 26).

Gender diversities in Ecuador

From the documentary review, a limited number of investigations related to the study of ancestral sex-generic diversities in Ecuador were found. However, some findings found are:

According to the chronicles written from the fifteenth century to the seventeenth century, in Ecuador, as part of Abya Yala, forms of ancestral sex-generic diversity were found. For example, in one of Garcilaso de la Vega's chronicles, it was said that homosexual activity on the coast of Ecuador was more notorious than in other nations. In addition, he cited that, on Puná Island, in the harem of the cacique Tumballá there were homosexuals covered in gold and using precious stones [2].

[19] through the study of the sexual symbolism of photographs of 417 pieces of the Tolita culture (600 BC – 400 AD) and the Bahia culture (500 BC – 650 AD) he found evidence that could suggest homosexual practices in these cultures.

[20] mentions that several chroniclers have found that in the Manteño-Huancavilca culture (500 – 1532 AD) homosexuality and sodomy were common practices. [4] He points out that, in this culture, statuettes of men engaging in homosexual practices demonstrate the diverse pre-Hispanic past.

[21] he considers that, from the Andean perspective, the existence of a third gender, kari – warmi (man – woman) is viable because people's sexuality is defined by the energy they transmit.

On the struggle for respect for the rights of the LGBTI+ population, [22] points out that, in the 80s and 90s, people with diverse gender identity, sexual orientation and gender expression, but especially transsexual and transgender people, were violated, tortured, sexually abused, persecuted, and abusively apprehended by the State. This justified in paragraph 1 of article 56 of the current Penal Code that typified homosexuality as a crime, this established the following “In cases of homosexuality, which do not constitute rape, the two mails will be punished with imprisonment of more than four to eight years”.

[23] indicates that, in June 1997, after the mass apprehension of homosexuals in the city of Cuenca, the breaking point was reached for several LGBTI+ groups to denounce the violation of their human rights and the unconstitutionality of Article 56 of the Criminal Code. Thus, on 25 November 1997, the Constitutional Court decided to declare the first

paragraph of article 56 of the Criminal Code unconstitutional and to suspend its effects. This event became a historic event for the vindication of the human rights of people with diverse gender identity, sexual orientation and gender expression in the country.

Regarding the legal advances in Ecuador in favor of the LGBTI+ population, the following has been achieved:

On the exercise of the rights of people belonging to the LGBTI+ population, in 2008, Article 11 of the Constitution of the Republic of Ecuador established:

No one may be discriminated against on the grounds of ethnicity, place of birth, age, sex, gender identity, cultural identity, marital status, language, religion, ideology, political affiliation, judicial past, socio-economic status, migratory status, sexual orientation, health status, HIV status, disability, physical difference; or by any other distinction, personal or collective, temporary or permanent, which has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise of rights [18]. (p. 11).

In addition, Article 83 established that it is the duty and responsibility of Ecuadorian women and men "To respect and recognize ethnic, national, social, generational, gender, and sexual orientation and identity differences" [18]. (p. 38).

On the crime of discrimination, article 176 of the Comprehensive Criminal Code of 2014 states that:

A person who, except in cases provided for in affirmative action policies, practices or incites any distinction, restriction, exclusion, or preference based on nationality, ethnicity, place of birth, age, sex, gender identity or sexual orientation, cultural identity, marital status, language, religion, ideology, socio-economic status, migratory status, disability, or state of health with the aim of nullifying or impairing recognition, enjoyment, or exercise of rights under conditions of equality, shall be punished by deprivation of liberty for a term of one to three years.[24] (p. 68)

On equal marriage, in 2019, the Constitutional Court of Ecuador, the highest constitutional body in the country, recognized equal marriage, constituting itself as a historical fact for the struggle of the LGBTI+ population of Ecuador.

Situation of indigenous people with diverse gender identity, sexual orientation and gender expression in Ecuador

Indigenous population of Ecuador

According to INEC, throughout history, the indigenous population of Ecuador has shown some refusal to be measured. In fact, in the Fifth Population Census of 1990, the indigenous population decided not to participate. It is from the positioning of the indigenous population in the public sphere of the country in the 2000s, that the need for their

participation proactively in the formulation of public policies in the country became visible [25]. However, according to INEC, there are disagreements among indigenous organizations about the percentage of indigenous population in the country. Some organizations speak of a 45% indigenous population; others, 30%; There are even organizations that speak of 70% [25].

According to the VII Population and Housing Census conducted in 2010 (the last conducted in the country) conducted by INEC, the indigenous population is 1,018,176, which represents 7% of the population of Ecuador. It is worth mentioning that, in determining whether a person is indigenous, INEC considered the self-identification of the person as an essential element for registration [25].

In addition, 18 indigenous peoples and 14 nationalities were identified, some of them with native languages. The majority of the indigenous population corresponds to the Kichwa nationality, with 2.3 percent; It is followed by the Puruhá people, with 0.9%.

Regarding the use of native languages, 63.3 percent of the indigenous population said they spoke an original language. The most widely spoken native language is Kichwa, with 54.5%; Then there is the Shuar Chicham language, with 6%.

According to [26], compared to the mestizo population, the incidence of poverty is higher in the indigenous population. In addition, poverty due to unsatisfied basic needs harms indigenous households twice as much. As for extreme poverty, its incidence is 2.92 times higher in the households of the indigenous population, compared to the mestizo population. He also noted that the indigenous population in Ecuador has little access to education, health, housing, and employment services.

Statistical information on gender diversity – generic

According to [1], the collection of information on the LGBTI+ population, as well as the collection of official statistics on the violence to which this population is subjected, constitute instruments of great importance to make visible their main challenges and also to be able to guarantee an effective response of the States in the face of the recognition of their rights.

Since 2013, the OAS has urged its member states to produce statistical information on violence based on gender identity, sexual orientation and gender expression with a view to developing public policies that protect the human rights of the LGBTI+ population. In addition, it has also urged States that these statistics should be disaggregated by ethnicity, age; immigration status; displacement situation; disability condition; socio-economic situation; etc. [1].

In [15], on the application of international human rights law related to gender-diverse diversities, it is established that States should “Compile

statistics and research on the degree, causes, and effects of violence, discrimination and other harms, as well as on the effectiveness of measures to prevent, prosecute and provide reparations for such harm based on sexual orientation, gender identity, gender expression, and sex characteristics.” (p. 8)

Policy 5.2 of the Opportunity Creation Plan 2021-2025, which is the maximum political and administrative guideline for the design and application of public policy in Ecuador, seeks to “Combat all forms of discrimination and promote a life free of violence, especially against women, children, adolescents, older adults, people with disabilities, LGBTI+ people and all those in vulnerable situations” [27]. (p. 40)

Currently, in Ecuador, there are still no official statistics regarding the LGBTI+ population. In INEC's inventory of operations, there are 109 statistical operations (consisting of censuses, surveys, administrative records and synthesis statistical operations); however, none contain variables of sex-generic diversities. In addition, the review of the interoperability catalog of the National Directorate of Public Registries showed that only six public institutions have incorporated the gender variable in their administrative records.

In fact, the only official study aimed at the LGBTI+ population in Ecuador was carried out in 2013, this is the “Case Study on Living Conditions, Social Inclusion and Compliance with Human Rights of the LGBTI Population in Ecuador”. However, this study was carried out using a non-probabilistic statistical technique (“snowball” method characterized by the absence of a sampling frame) whose results are applicable only to the investigated group (2,805 people) [16].

However, for the purposes of this research and with the objective of studying the human rights situation of the indigenous population of the sex-generic diversities in Ecuador, the database resulting from the aforementioned study will be examined.

Human rights situation of the indigenous population of gender diversity

The “Case Study on Living Conditions, Social Inclusion and Compliance with Human Rights of the LGBTI Population in Ecuador” had a total of 2,805 people interviewed. When disaggregation by ethnic self-identification was carried out, it was evident that 1.2% of the interviewees were part of the indigenous population.

Intersex people

The information shows that, among the people interviewed, 61.8% are men; 32.4% are women and 5.9% are intersex.

Gender identity

According to the information collected, it is evident that 26.5% of the people interviewed are trans women; 5.9% are transsexual and 2.9% are trans men.

Sexual preference

Indigenous people self-identified as bisexual constitute the largest percentage of all interviewees; Then there are gay people, with 20.6%. Finally, there are lesbians, with 17.6%.

Health

- Social security

According to the information collected, 70.6 percent of the people interviewed are not affiliated to the country's social security; This means that they do not have access to health services derived from social security. Only 5.9% of those interviewed said they had private health insurance that includes hospitalization.

- Health care

The information collected shows that 58% of the people interviewed went to health care during the last three months; on the contrary, 2.9% have never sought health care.

- Safe Sex Practices

20.6% of the people interviewed do not have safe sex practices, that is, they do not use condoms during sex.

It is important to mention that 27.3% of the people who said they had not attended any workshop and talk on safe sex practices, do not use condoms. On the other hand, 18.2% of people who have received a workshop and talk on safe sex practices, do not use condoms.

- Mental health

According to the information collected, 41.2% of the interviewees stated that they had thoughts of suicide due to the experiences of discrimination, exclusion, and violence they have suffered because of their gender-gender condition. On the other hand, 23.5% tried to end their lives. Additionally, 55.9% indicated that they have suffered persistent feelings of sadness, emptiness, and anxiety.

Education

Of the total number of people interviewed, 35.3% attended high school; 38.2 percent were at the higher education level; in contrast to 11.8

percent who attended only primary education; and 11.8 percent, secondary education.

Housing

About access to housing, 17.6 percent said they had their home; On the contrary, 82.3% said that the house where they live is borrowed, rented or owned by their family.

Regarding basic services, 2.9 percent said they did not have electricity; 5.9 percent do not have access to drinking water; 11.8 percent have no sewerage; and 52.9% do not have internet at home.

Employment

According to the information collected, 85.3% of the interviewees are employed in some economic activity. 5.9% are not. The average income of the interviewees is USD 507. The minimum income is USD 120 and the maximum income is USD 2,000.

It is important to emphasize that, according to the information collected, 14.7 percent of those interviewed said they had been or are engaged in prostitution.

Discrimination, exclusion, and violence

Regarding family acceptance, 5.9% of those interviewed said that there is total rejection by their mother. 2.9%, total rejection by his father.

In addition, 70% of the interviewees have suffered experiences of discrimination; 41.2%, experiences of exclusion; and 70.6%, experiences of violence.

According to the environment where they went through these experiences of discrimination, exclusion, or violence due to their sex-generic condition, in the educational environment, 32.4% said they had had this type of experience. In the workplace, 32.4% of those interviewed. In the field of health, 23.5%. In the area of justice, 17.6%.

Additionally, 52.9% of the interviewees indicated that these experiences of discrimination, exclusion, or violence were in the private space; while 76.5% of the interviewees said that they were in public spaces.

55.9% of the interviewees mentioned that people have called them immoral, sinful, abnormal or dirty because of their sex-generic condition. In addition, 55.9% said that they have been subjected to shouting, teasing, and insults. And, 11.8% mentioned that they have been arbitrarily arrested.

Similarly, 23.5% of respondents said they were forced to take a test for HIV or sexually transmitted diseases. In addition, 5.9% indicated that they were forced to have sex.

As for trans people, according to the information collected, 66.7% of those interviewed mentioned that they have been ridiculed by calling them by their legal name. As for their body transition process, 20.6% said they have used hormones; and, 17.6%, mentioned that some type of substance such as airplane oil, cooking oil or liquid silicone has been injected.

Social participation

According to the information collected, 47.1% of the interviewees stated that they actively participate in some group, movement or social organization. The remaining 52.9% said they are not part of any group, movement or social organization.

Additionally, 62.5% explained that they participate in LGBTI+ groups, movements, or organizations; 12.5 percent in political groups, movements, or organizations; 25 percent in women's groups, movements, or organizations.

On the reasons for not participating in a group, movement or social organization, 16.7% said it is due to fear that they will find out about their gender identity or sexual orientation. 5.6% mentioned that it is for fear of racism.

Discussion and Conclusions

The information shows that about discrimination, exclusion, and violence experienced by the indigenous population with diverse gender identity, sexual orientation and gender expression in Ecuador is truly regrettable and worrying. If we add racism, classism, and capitalist economic gaps, we speak of an extremely vulnerable population; which directly violates several of the fundamental rights of every human being.

Given the few studies carried out on ancestral sex-generic diversities in Ecuador, it is important to work on this type of research, as it is a way of understanding the changes that colonization produced in ancestral worldviews related to sexuality and the impact that global and Eurocentric capitalism still has in the country [28]. In addition, its recognition is justified by studies carried out in different areas of knowledge, for example, in ethnocartography it has been concluded that there are a variety of scenarios in which sexuality exists between people of the same sex; or in anthropology, where it has been recognized that there were societies of three genders or supernumerary genders [29].

The needs related to health, education, housing, and employment denote that there is still much of work to be done to guarantee access to these services and that this should be contemplated in the country's public agenda.

In the field of health, it is necessary to include the indigenous population in programs for the prevention, care, and treatment of sexually transmitted diseases and HIV, since, as evidenced in the preceding sections, the percentage of people who engage in unprotected sex practices is considerable. This is corroborated by a study conducted by the Ministry of Public Health of Ecuador in 2010 [30], which determined that 96.9% of women in the indigenous population do not use condoms in their sexual relations. Similarly, according to information from [31] HIV/AIDS cases in Ecuador are increasing; in 2020, 45,056 cases were identified.

In terms of access to housing and basic services, it was evident that the situation is not favorable, which shows that capitalist economic gaps continue to perpetuate poverty and social inequality of this vulnerable population, both for being indigenous and for having diverse gender identity, sexual orientation and gender expression.

In addition, a little considered aspect has been the impact of discrimination, exclusion, and violence on the mental health of the indigenous population, which has even affected the quality of their psychosocial life. Statistics indicate that there have been situations of attempted suicide and persistent feelings of sadness, emptiness, and anxiety.

Regarding citizen participation, there is little participation of the indigenous population of gender-gender diversities in decision-making spaces and even within the same LGBTI+ groups, movements or organizations, which leads to reflection on the existence of discrimination within and outside the same LGBTI+ population.

Considering the foregoing, and as the [2] has pointed out, it is urgent that States consider in their legislation and public policies the specific needs of the indigenous population of the ancestral sex-gender diversities to guarantee compliance with their fundamental human rights [2].

It is also important that States begin to collect information (especially of a probabilistic nature) for the generation of statistics on the indigenous population of gender-gender diversities and the LGBTI+ population in general, so that the measures adopted in the field of human rights can be evaluated.

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