



## RESEARCH BRIEF



# INDIGENOUS WOMEN & THE WOMEN, PEACE AND SECURITY AGENDA

## What's the Issue?

Indigenous women have made remarkable contributions to the women, peace and security agenda, and have pioneered innovative approaches to conflict prevention and justice. Indigenous women's experiences of intersectional discrimination, on the basis of their gender identity and minority status, also provide unique perspectives on conflict. These perspectives are a critical resource in our shared effort to build a more peaceful and inclusive world.

On 30 October 2000, the Security Council adopted resolution 1325 on women, peace and security (WPS)—the first resolution to link women's experiences of conflict to the maintenance of international peace and security. Since that time, the Security Council has passed seven additional resolutions focusing on women's equal and meaningful participation in conflict prevention, peacemaking and peacebuilding, and protection of women from conflict-related violence. Together, these resolutions comprise the WPS agenda: resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015).

While the entire WPS agenda is relevant for indigenous women in conflict-affected societies, this research brief seeks to highlight two key areas of indigenous women's engagement in peace and security: (i) justice for conflict-related violence, and (ii) natural resources, conflict prevention and peacebuilding. In each of these areas, the research brief shares examples of indigenous women's advocacy and achievements, challenges faced, and information about where further resources can be found.

Photo: Wilder López/Soy502

## Justice for conflict-related violence

Justice for conflict-related sexual and gender-based violence is a critical component of the women, peace and security agenda. Justice is essential for breaking cycles of conflict, deterring future violations, and building respect for women's rights and the rule of law. Around the world, indigenous women have sought justice for conflict-related sexual and gender-based violence, including through their participation in truth commissions, reparations schemes and national criminal proceedings.

### INDIGENOUS WOMEN'S PARTICIPATION IN TRUTH COMMISSIONS

Truth commissions are post-conflict institutions seeking to capture the facts, root causes and societal consequences of past violations of human rights—typically gathered through individual testimonies, which are analyzed in a final report. Several truth commissions have described human rights violations against indigenous women, including those in Guatemala, Peru, Chile and Kenya. For example, the Kenya Truth, Justice and Reconciliation Commission (TJRC) included a chapter in its final report on 'Minority Groups, Indigenous Peoples and Gross Violations of Human Rights.'<sup>1</sup> The chapter describes submissions from indigenous communities such as the Boni, Endorois, Nubians and Maasai, and the systematic discrimination and collective punishment they have faced. In addition, a substantial portion of the chapter focuses specifically on indigenous and minority women, describing experiences of intersectional discrimination and violations of socio-economic rights. Finally, the TJRC report concludes

with recommendations for redress for indigenous peoples in Kenya.<sup>2</sup>

**Further resources:**

The International Center for Transitional Justice (ICTJ) has a number of resources available which are specifically focused on indigenous peoples and truth commissions, including *Strengthening Indigenous Rights through Truth Commissions: A Practitioner's Resource* (2012), and *Transitional Justice for Indigenous People in a Non-transitional Society* (2009).

The ICTJ has also published a report, *Truth Commissions and Gender: Principles, Policies, and Procedures* (2006), which provides detailed information on gender-sensitive truth commission practices, many of which will be relevant to indigenous women. UN Women's report, *A Window of Opportunity: Making Transitional Justice Work for Women* (2010), may be similarly useful.

For an academic perspective, see the book chapter *Challenges of Truth Commissions to Deal with Injustice against Indigenous Peoples* (2014).

**REPARATIONS FOR INDIGENOUS WOMEN FOR CONFLICT-RELATED HUMAN RIGHTS VIOLATIONS**

States are responsible for providing reparations to victims of gross violations of international human rights law or serious violations of international humanitarian law. Reparations can include financial compensation to individuals or groups; guarantees of non-repetition; social services such as healthcare or education; and symbolic measures such as formal apologies or public commemorations.<sup>3</sup> Indigenous peoples have been included in several reparations programmes around the world, including in Peru and Guatemala. For example, the Peruvian programme was initiated in 2007, and focuses on individual and collective reparations for victims of the country's conflict (1980-2000), which primarily affected Quechua- and Aymara-speaking indigenous groups in the Andes Mountains, and the Asháninka people in the Amazonian forests. Currently, 256 communities—including indigenous peoples' communities—are benefiting from the reparations programme. However, advocacy groups argue that the State has not made enough effort to address sexual violence through the reparations programme, and that approximately 6,000 survivors of sexual violence have not received reparation.<sup>4</sup>

**Further resources:**

The ICTJ has published a report, *Indigenous Peoples and Reparations Claims: Tentative First Steps in Peru and Guatemala* (2009), which includes information on reparations for indigenous women.

The *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence* (2014) describes principles of reparations—including transformative

reparations, and links between reparations and development—which are important for providing redress for violations of indigenous women's rights.

*Preventing Conflict, Transforming Justice, Securing the Peace: The Global Study on the Implementation of UN Security Council Resolution 1325* (2015) includes information on transformative reparations relevant to indigenous women (see pp. 115-119).

**Case Study: Justice for Indigenous Women in Canada**

Over 1.4 million of Canada's overall population of approximately 32.9 million (4.3 per cent) are indigenous, or Aboriginal.<sup>5</sup> The Aboriginal peoples of Canada have long advocated for gender-sensitive justice processes to deal with past human rights abuse, and have recently seen accelerated progress toward this goal. While Canada is not affected by conflict in the traditional sense, the achievements of Canadian Aboriginal women and men to secure justice for past violence are nonetheless of value for those advocating for transitional justice in a conflict context.

In 2008, Canada established a Truth and Reconciliation Commission (TRC), to explore the complex truth of the country's church-run residential schools. The residential schools had operated from the late 1800s to 2000, and had been a part of a coherent policy to eliminate Aboriginal people as distinct peoples by assimilating them into the Canadian mainstream against their will.<sup>6</sup> The Commission spent six years travelling to all parts of Canada to hear from the Aboriginal people who had been taken from their families as children, and placed for much of their childhoods in residential schools.<sup>7</sup> The final TRC report, released in December 2015, links the legacy of residential schools to current, disproportionately high rates of violence against Aboriginal women (four times the national average), and recommends that the government appoint a public inquiry into the causes of, and remedies for, this victimization.<sup>8</sup>

The Government of Canada has acted swiftly on the recommendation of the TRC to establish a national inquiry into missing and murdered indigenous women and girls. Aboriginal communities, survivors, families and loved ones have been consulted in the pre-inquiry design phase, which began in December 2015, and concluded in February 2016.<sup>9</sup> Canada's response to the TRC, including the participatory approach that it is taking in the national inquiry, is critical to restoring relationships and a sense of trust between the Government and indigenous peoples, and is a model for other nations responding to sexual and gender-based violence against indigenous peoples.

## CRIMINAL JUSTICE FOR CONFLICT-RELATED VIOLENCE AGAINST INDIGENOUS WOMEN

Indigenous women are increasingly using national courts to pursue justice for conflict-related violence. The *Sepur Zarco* trial in Guatemala is one example of this groundbreaking work. In February 2016, a Guatemalan court convicted two former military officers of crimes against humanity against 11 indigenous Q'eqchi' women who were subjected to sexual violence during the country's 30-year conflict. *Sepur Zarco* was the first case of conflict-related sexual violence challenged under Guatemala's penal code. It was also the first time that a national court anywhere in the world considered charges of sexual slavery during an armed conflict—a crime under international law. In its path-breaking judgment, the court noted that the offenses were part of a deliberate strategy by the Guatemalan Army to destroy the local indigenous Maya Q'eqchi' community.

### Further resources:

The *International Justice Monitor* of the Open Society Justice Initiative provides detailed and up-to-date information on criminal trials in Guatemala, including the *Sepur Zarco* case.

A book chapter, *The International Criminal Court and Indigenous People's Opportunities and Limitations* (2014), which describes how the International Criminal Court may "provide important opportunities to indigenous women to act against atrocities and at least to draw world attention to them."

A journal article, *Indigenous Women's Access to Justice in Latin America* (2010), provides an overview of the challenges which indigenous women in Latin America face in accessing both formal state justice and indigenous legal systems.

## Natural resources, conflict prevention and peacebuilding

In many post-conflict countries, natural resource industries, including mining and timber industries, drive economic recovery and are a crucial resource for the national budget. To ensure sustainable peace, the use of natural resources for post-conflict economic activities—including land, renewable resources and extractive resources—should respect the rights of indigenous peoples to their lands, territories and resources, including the need for free, prior and informed consent. Indigenous women are primarily responsible for their household and communities' access to food, water and fuel. However, they continue to be largely excluded from natural resource management, despite their roles and knowledge as users, beneficiaries, and managers. Utilizing indigenous knowledge and supporting indigenous women's empowerment, participation and leadership in natural resource management in/through their negotiations with the

multinational corporations and governments is critical for the promotion of just, peaceful and inclusive societies.

## CONFLICT PREVENTION AND PEACEBUILDING THROUGH INDIGENOUS WOMEN'S ACCESS TO NATURAL RESOURCES

Inequitable access to land and natural resources is a driver of conflict, and disproportionately affects rural and indigenous women.<sup>10</sup> During the peacebuilding period, natural resource management provides a key entry point for enhancing women's empowerment. Investments in women's productive capacity in these sectors, which capitalize on gender roles that shifted during the conflict, can be critical to economic revitalization. However, indigenous women must first overcome intersectional discrimination, on the basis of their gender and minority status, to participate meaningfully in the peacebuilding process. In Colombia, indigenous peoples are eligible for collective reparations for being dispossessed of their land, as well as for the threats, killings and forced displacement that they endured during the country's conflict. A branch of the National Association of Rural and Indigenous Women of Colombia (ANMUCIC), a group of women rural leaders, has been working to identify damages indigenous communities suffered during the conflict, and claim reparations benefits, including access to land.

### Further resources:

A key document is a report from UN Women, UNEP, PBSO and UNDP, *Women and Natural Resources: Unlocking the Peacebuilding Potential* (2013), which discusses women's access to natural resources as a component of peacebuilding and conflict prevention, including indigenous women.

## INDIGENOUS WOMEN'S INCLUSION AND EXCLUSION FROM DECISION-MAKING PROCESSES AROUND NATURAL RESOURCES

Despite their direct experience coping with climate change and resource scarcity, indigenous women are severely under-represented in decision-making on natural resource management in fragile and conflict-affected settings.<sup>11</sup> As a result of their exclusion from negotiations with the government and private corporations, concession agreements often do not reflect the needs and interests of indigenous women. According to the Special Rapporteur on the Rights of Indigenous peoples, "the denial of self-determination in relation to development pathways and control over natural resources is [...] a central causal factor in the prevalence of poverty among indigenous communities."<sup>12</sup> In Cambodia, for example, resin tapping from the Prey Lang forest, which is traditionally performed by women, is an essential and sustainable source of fuel for light and cooking for the indigenous Kuy people. However, concessions for these indigenous forestlands are being

granted by the state to private companies for logging and mineral exploitation. In many cases, these concession agreements have resulted in forced evictions, land grabbing and unsustainable use, which have all served to exacerbate poverty and undermine development gains.<sup>13</sup>

#### Further resources:

UNDP's Equator Initiative includes a [database](#) for successful environmental management, including women's initiatives in indigenous communities.

*Natural Resources and Conflict: A Guide For Mediation* (2015), by UNEP and DPA, describes the importance of engaging with key stakeholders in conflict mediation processes, including indigenous peoples, women and youth.

UNDP released a [strategy note](#) (2012) that details its strategy for engagement with resource-rich countries, to ensure that they harness their resources for sustainable development for all. The strategy takes a human rights-based approach, including specific attention to the rights of indigenous peoples. UNDP supports countries to "conduct people-centered exploration and extraction operations, that are gender-sensitive and address conflict risks and environmental and social sustainability."

## NATURAL RESOURCE EXTRACTION AND GENDER-BASED VIOLENCE AGAINST INDIGENOUS WOMEN IN CONFLICT AND POST-CONFLICT SOCIETIES

According to the World Bank, some 80 to 90 per cent of the employees at industrial mining sites are men.<sup>14</sup> Women, who are unlikely to have access to the requisite training for direct employment by mining companies, generally provide secondary services at industrial mining sites, such as housing, food and commercial sex.<sup>15</sup> This gender imbalance, both at work and in the community around the mining area, leads to social instability in surrounding communities, which are often indigenous. Increased rates of sexual violence often associated with the influx of mine employees, and coupled with a lack of access to legal services or grievance mechanisms, can leave indigenous women with limited or no recourse when their rights or safety are violated.<sup>16</sup>

#### Further resources:

Oxfam's *Tunnel Vision: Women, Mining and Communities* compiles several case studies of human rights violations against indigenous women in relation to extractive industries.

The Special Rapporteur on the Rights of Indigenous Peoples released a report focused on indigenous women in 2015, which includes a section on sexual and gender-based violence.

For a detailed country case study, see *Mining and Violence against Rural and Indigenous Women in the Philippines* (2013).

<sup>1</sup> *Report of the Truth, Justice and Reconciliation Commission* (Truth Justice and Reconciliation Commission (TJRC), Kenya, 2013), vol. IIC, ch. 3, <http://www.kenyamoja.com/tjrc-report/>.

<sup>2</sup> *Ibid.*, vol. IV.

<sup>3</sup> "Reparations & Transitional Justice," *International Center for Transitional Justice*, February 25, 2011, <https://www.ictj.org/our-work/transitional-justice-issues/reparations>.

<sup>4</sup> Malenny Iglesias, "National Reparations in Peru," *Human Rights Brief*, April 11, 2016, <http://hrbrief.org/hearings/national-reparations-in-peru/>.

<sup>5</sup> United Nations Human Rights Council, "Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya: The Situation of Indigenous Peoples in Canada," A/HRC/26/52/Add.2, (July 4, 2014), para. 2.

<sup>6</sup> Truth and Reconciliation Commission of Canada, "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada," 2015, 3, [http://www.trc.ca/websites/trcinstitution/File/2015/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf).

<sup>7</sup> *Ibid.*, v.

<sup>8</sup> *Ibid.*, 180.

<sup>9</sup> Summaries of inquiry design meetings are available at <http://www.aadnc-aandc.gc.ca/eng/1448638260896/1448638282066>.

<sup>10</sup> "General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations," UN Doc. CEDAW/C/GC/30 (Committee on the Elimination of Discrimination against Women, October 18, 2013).

<sup>11</sup> Radhika Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325* (New York, 2015), <http://wps.unwomen.org/~media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf>.

<sup>12</sup> United Nations Human Rights Council, "Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz," A/HRC/30/41, (August 6, 2015), para. 18.

<sup>13</sup> "Women and Natural Resources: Unlocking the Peacebuilding Potential" (United Nations Environmental Programme (UNEP), UN-Women, United Nations Peacebuilding Support Office (PBSO), United Nations Development Programme (UNDP), 2013), 23.,

<sup>14</sup> "Empowering Women through EITI," *Extractive Industries Transparency Initiative*, July 27, 2010, <https://eiti.org/blog/empowering-women-through-eiti>.

<sup>15</sup> "Women and Natural Resources: Unlocking the Peacebuilding Potential," 26.

<sup>16</sup> *Ibid.*