

## **Title: Sexual Gender Based Violence in Indigenous women in Canada and Guatemala**

### **Abstract:**

Gender based violence has been increasing globally since a long time. On another note, both the countries Guatemala and Canada have a large number of indigenous population. The most vulnerable population are indigenous women who are continuously being impacted by conflict and the recent spread of pandemic. While evaluating the impact of COVID-19 in Guatemala, coming across femicide rates and other gender based violence is increasing in the country. Canada's Feminist International Assistance Policy (FIAP) could help Guatemala to overcome this challenge. The paper will look into Canada's response to challenges faced by indigenous women in Canada and if that can be implemented in Guatemala. In addition, there will be a comparison in indigenous communities within Canada and Guatemala. The effort is to provide solutions and recommendations that work not only not only in theory but also tested on ground in other countries, which would mark the importance of international aid in developing countries like Guatemala to deal with gender based violence in the country.

### **Introduction: Indigenous communities**

The term 'indigenous communities/peoples' refers to culturally distinct groups affected by colonization. As accepted by United Nations, "Indigenous communities, peoples and nations are those that have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, considering themselves distinct from other sectors of the societies now prevailing in those territories or parts of them. At present, they form non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity, as the basis of their continued existence as people, in accordance with their own cultural patterns, social institutions and legal systems." (J. M. Cobo et al. 2011). Indigenous people are often threatened and in certain cases lack access to basic resources like electricity, water and food. There have been several international organizations, who widely focus on promoting equal rights for indigenous people. In 2007, the United Nations signed the Declaration on the Rights of Indigenous peoples, which maintains and strengthens indigenous rights, institutions, cultures and traditions. However, more than a decade later, indigenous people are still denied access to key resources and are discriminated against. Indigenous communities are some of the most vulnerable communities, amongst them women are threatened on a daily basis. Indigenous women and girl's experiences

of violence is sometimes also linked to the history of colonization, poverty and exclusion of their wider communities. Indigenous women still suffer from multiple discrimination both as women and as indigenous individuals. Globally, they are subjected to extreme poverty, trafficking, illiteracy, lack of access to ancestral lands, non-existent or poor health care and to violence in private and the public sphere. (Indigenous Women and the UN System et al. 2019). As such not much data is available; however, many studies show that under the current pandemic situation (COVID 19), the domestic and sexual gender based violence has worsened.

### **Indigenous Women: A case of Canada and Guatemala**

According to Census 2016, Canada's indigenous people totaled 1.6 million people, which is 4.9 percent of the national population, whereas Indigenous women make up to 4 percent of the total female population of Canada. Indigenous people have not only lost their land/territories but also their traditional livelihood and self-sufficiency. In addition, this led to economic, social and political marginalization as well as racial stereotyping, discrimination and loss of culture, which left indigenous people with little social and/or political power. In Canada, indigenous women face socio-economic issues today because of a male controlled system of government and society on Indigenous societies left by colonizers. There have been hundreds of cases missing and murdered Indigenous women and girls. The cycle of violence, combined with poverty and deprivation has been faced by Indigenous women.

Alternatively, Guatemala has a larger indigenous population. According to Census 2018, 6.5 million people, which is approximately 44 percent of the population, identified themselves as indigenous. Being a woman in Guatemala is difficult. The small Central American country has one of the highest rates of femicide in the world, with at least two women murdered every day. However, being an indigenous woman in Guatemala is ever harder. In addition, to the physical, psychological and economic violence experienced by many Guatemalan women, indigenous women face significantly higher rates of poverty, illiteracy and racial discrimination. Between 50 and 90 percent of indigenous women in rural areas cannot read or write and one in three have no access to healthcare or family planning services. History has played a significant role. Repressed for centuries following the Spanish conquest, indigenous people accounted for more than 80 percent of the 200,000 people killed during the Guatemalan Civil War. Between 1960 and 1996, more than 100,000 women were victims of mass rape with many indigenous women forced into sexual slavery by the military. The legacy of that violence lives on. . The prevalence of women being murdered throughout the country demonstrates the level and severity of

discrimination and inequity faced by half the country's population. Successive governments have done little to deliver justice or economic power to these women, and impunity has helped to normalize sexual violence. According to UN Women, the rate of impunity for femicide remains at around 98 percent.

As compared to Guatemala, Canada's indigenous population is lower; however, issues like poverty, illiteracy, racial discrimination, sexual violence and killings remain common within both countries' indigenous women population. A history of colonization in both the countries has somehow sanctioned oppression of Indigenous communities and women, putting Indigenous women at the most vulnerable spot. Indigenous women in Guatemala are discriminated against, working informal jobs, are three times more likely to suffer from extreme poverty and have 13-year shorter life expectancy (E. Wulforth et al. 2017). During the civil war rape was used as a lethal weapon in the warfare, which continues because the successive governments have done very little to find justice or economic power for indigenous women. Violence has escalated to femicide and even today Guatemala has one of the highest rates of femicide in the world with over 670 reported cases in 2017 and 711 reported cases in 2016 (Guatemalan Women's Group). On the other hand, in Canada, missing and murdered Indigenous women are on a rise. An investigation done by RCMP (Royal Canadian Mount Police), showed that from 1980 to 2012, 1,181 indigenous women were murdered and/or missing (J. Brant et al. 2017). In both countries, violence against Indigenous women and girls is not only frequent but also severe. The statistics articulated above, for both Guatemala and Canada, give a sense of the extent of the violence that indigenous women and girls face, however, they fail to tell the tale of the deep trauma that this violence has on the entire communities. Indigenous women live in fear, which has only gotten worse overtime. This fear that is inflicted by a history of colonization in both the countries has other implications like poor health, extreme poverty, unemployment, poor housing and illiteracy. In both the countries, maternal and infant mortality rates higher in Indigenous women as compared to non-indigenous women, indigenous women are less likely to finish school and are less likely to be employed, which leads them into poverty.

While looking at sexual gender based violence within Indigenous communities the role of racism and misogyny cannot be ignored. Indigenous communities specifically have sharp disparities and continued disruptions of Indigenous societies caused by historic and ongoing

mass removal lead to higher number of violence incidents. There is also inadequate police response to violence against Indigenous women.

### **International and National Frameworks for protection of Indigenous Women**

The United Nations Declaration on the Rights of Indigenous People (UNDRIP) is an important framework for on an international platform for indigenous people. In addition to UNDRIP, the Convention on Eliminations of All Forms of Discrimination against Women (CEDAW) is an important framework for indigenous women. These are the two key international frameworks that have been declared to protect indigenous people and more specifically indigenous women from all kinds of discrimination and violence. Despite these two instrumental human rights declarations, indigenous women's rights remain an overlooked issue both at international and local levels. The UNDRIP and other international human rights instruments represent a precedent of indivisibility of Indigenous women's rights. (R. Kuokkanen et al. 2014). CEDAW has largely underscored the high levels of poverty, illiteracy, limitations in access to health, sanitation, employment, and prevalence of domestic and sexual violence that indigenous women go through in their daily lives. UNDRIP fails to address Indigenous women's challenges within their own communities mostly certainly including gender inequality, patriarchal oppression and extreme violence (Erturk et al. 2007). The implementation mechanisms within these frameworks are weak and lay higher emphasis on civil and political rights than human rights for e.g. UNDRIP is not a legally binding instrument under international law. Both Canada and Guatemala are signatories to UNDRIP. However, these issues still prevail in both the countries. There are some laws, which only provides protective measures for women facing domestic violence and does not intend to punish the aggressors, which gives them freedom to do this crime without any repercussions.

In addition, both the countries have National frameworks that protect indigenous women's rights. In Guatemala, a law against Femicide and other forms of violence against women was approved and passed in April 2008. Before this under the 1996 law to prevent, punish and eradicate family violence existed, which addressed violence against women. On the other hand, in Canada, there are establishments of national inquiry and a women's group to give justice to Indigenous women. Simultaneously, it also amended the Indian Act in 1985, according to which, Indigenous women no longer require following their husbands into or out of status. The amendment addressed discrimination against women. Canada's National Women's Association of Canada (NWAC) secures funds to research and provides awareness about

violence against Indigenous women. According to NWAC's report, the violence experienced by women is much higher than reported in government statistics and police collected data. It reported that about six out of ten incidents of violent crimes against Indigenous people go unreported.

## **Conclusion and Recommendations**

Addressing sexual gender based violence, requires multi-faceted and long-term efforts on part of the national and local governments. Policy and education related dramatic solutions are needed in order to change the years of oppressive frameworks that exist. Additionally, empowering the countless efforts of local organizations and community initiatives could go a long way in securing women's role.

Education is one of the most important aspects for inclusion of Indigenous women. Since indigenous communities lack basic services like electricity and water. The lack of infrastructure makes it difficult for the communities to access education. Education can play a key role in an inclusive development. Education is required not only within the indigenous communities but also in the formal education system amongst other part of the country. The urban non-indigenous population many times are unaware of the sufferings of the Indigenous communities. Various reports have been published about Indigenous women's role within the country and the work that they have been doing.

The traditional gender hierarchy that exists gives privileges to men to hold leadership positions and to have power to make decisions. Social expectations around both men and women influences and limits the roles and positions that women can hold. For example in most societies, it is expected for a woman to prioritize childcare over career. However, women in Latin America and Canada have been the backbone in a wide range of social movements, demanding basic human rights. Within the indigenous communities, their efforts have included movements to improve living conditions, indigenous rights, land ownership and land rights, reproductive rights and many others. There has been higher representation in civil-society organizations taking advantage of leadership opportunities and making progress towards parity with men. In addition, indigenous women have traditional knowledge of the land, which has been passed on from generations, which can be useful for climate change mitigation. The land knowledge that the indigenous women possess can help the government's environment conservation efforts. The combined efforts of government and indigenous women can go a

long way in environment conservation. Canada's Feminist International Policy (FIAP) allows Canadian organizations to provide funding and knowledge as aid to organizations in other countries. This policy can help Canadian organizations to invest in women led organizations in Guatemala. Under women's leadership, women empowerment can reach new heights.

### **Summary of Recommendations:**

1. Social and political inclusion of indigenous women
2. Education focusing on importance of indigenous women knowledge
3. Promoting and funding indigenous women led organizations
4. Putting indigenous women at the forefront of environmental crisis' solutions
5. Increase awareness within the population about the sufferings of indigenous women

### **Limitations**

1. Lack of data and resources on indigenous women especially domestic and sexual gender based violence globally and regionally.

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