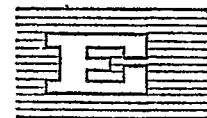


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STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

Written statement submitted by Pax Christi, a non-governmental
organization in consultative status (category II)

Pax Christi has received reports concerning the present situation of the indigenous population in the Republic of Guatemala, which, despite the fact that it constitutes the majority of that country's inhabitants, has in recent years been the object of constant and systematic persecution with characteristics of genocide, and has been the victim of economic and social discrimination and cultural oppression by the Guatemalan military regime, headed until a few days ago by General Efraín Ríos Montt. All of this has seriously worsened the precarious situation of Guatemala's indigenous population.

1. Persecution and acts of genocide

According to numerous reports received by Pax Christi (see, for example, the report of Oxfam-America, "Guatemala, the suppression of a rural development movement", June 1982, or the report of the Americas Watch Committee, "Creating a desolation and calling it peace", May 1983, New York Review of Books, June 1983), the indigenous inhabitants living in the country's northwestern high plateau region have been the object of systematic persecution by the Guatemalan army for alleged collaboration with the groups of insurgents operating in the region. Americas Watch describes the main features of this situation as follows:

(a) Persecution of the indigenous inhabitants is a consequence of the counter-insurgency programme applied by the army against the indigenous population since 1981.

(b) A principle aspect of this campaign is the systematic murder of indigenous non-combatants, including women and children, by the Guatemalan army. The women are routinely raped before being murdered, and the children are thrown against walls, burned alive or killed with machetes or bayonets.

(c) There is growing evidence that many civilians, including youths, are being recruited under threat of death into "civilian patrols", which are controlled by local army commanders. The main function of these patrols is to kill other civilians suspected of being "subversives".

(d) In connection with the murder of civilians, the army frequently destroys churches, schools, farm implements, crops, food and seeds belonging to suspected settlements, co-operatives or private farms. The apparent purpose (and clear effect) is to deprive entire villages and local communities of the food necessary for survival.

(e) Being unable to live in their settlements or to survive in the mountains where they fled, a growing number of indigenous Guatemalans (estimated as between 70,000 and 100,000) have sought refuge in southern Mexico.

(f) The Guatemalan army makes extensive and conspicuous use of helicopters, mortars and incendiary bombs to attack peasant hamlets, destroy and burn crops and harass refugees trying to escape, and routinely uses helicopters to watch refugee camps in Mexico. There have also been incursions into Mexican territory to kidnap Guatemalan refugees.

The facts described above constitute clear evidence of violations not only of human rights and fundamental freedoms but also of humanitarian law in armed conflicts (in particular, Additional Protocol II of 1977) and of the Convention on the Prevention and Punishment of the Crime of Genocide since it is obvious that the above acts are committed with intent to destroy large parts of a national group (the indigenous population) as such, not only by killing members of the group but also by causing them serious bodily or mental harm and by a policy of deliberately inflicting on the indigenous population conditions of life calculated to bring about the physical destruction of large parts of that population (article II of the 1948 Genocide Convention).

2. Economic and social discrimination

Although Guatemala has no openly racist discriminatory legislation as in countries like South Africa, indigenous Guatemalans suffer from permanent economic discrimination because of their real situation in the country. They have been obliged to live in the high-altitude and mountainous regions of the north and west, where the soil is less fertile and arable land is scarce, with pernicious consequences for their economic and social rights. For example, statistical data of the United States Government Agency for International Development reported in a recent study (September 1982) show that 4.28 per cent of owners of agricultural land possess 68.64 per cent of the country's arable land. Obviously, there can be practically no social development under such circumstances. Thus, Departamentos such as Alta Verapaz and el Quiché, with a mostly indigenous population, are marked by 84.6 per cent illiteracy and, of course, also serious deficiencies in health and social welfare services, housing conditions and technical-assistance and financing facilities for production. As regards financing, in comparison with the banking assistance given to the latifundistas, the big owners of fertile land, it can be said that the indigenous population has practically no access to bank credit.

This situation thus involves most serious economic discrimination against the country's majority population (the indigenous inhabitants), which is aggravated by such circumstances as the imposition of very low salaries for rural workers and of much harsher working conditions on plantations of export crops, such as cotton.

Moreover, the farming of cotton has entailed the immoderate use of insecticides, prohibited by the World Health Organization, with, as can be expected, very serious consequences for the health of the indigenous population.

3. Cultural oppression

Reports reaching Pax Christi also tell of most serious cultural oppression of the indigenous population. Thus, the Guatemalan Government, contravening express recommendations contained in various documents and resolutions of the Sub-Commission (see, for example, document E/CN.4/Sub.2/1982/2/Add.7) systematically denies the right of indigenous inhabitants to literacy and to primary education in their own language as well as their right not to be compelled to receive instruction in a religion or belief contrary to their convictions or to the wishes of parents or legal guardians. News coming from Guatemala indicates that missionaries of the fundamentalist sects operating in that country under official sponsorship, since President Ríos Montt is a member of the sect known as "The Word", devote themselves to tasks of forcible proselytism, i.e. they threaten the indigenous inhabitants that they will be suspected of collaborating with "subversion" if they do not wish to be converted to such religious beliefs. These practices are also contrary to the right to freedom of conscience and religion safeguarded by international norms and Guatemalan legislation.

Pax Christi requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to call upon the Government of Guatemala to respect the rules of humanitarian law in armed conflicts and to put an end to the repeated grave violations of the human rights and fundamental freedoms of the indigenous population, as well as to ask it to take measures to guarantee the access of this segment of the country's population to economic and social development, and to call a halt to discrimination and cultural oppression directed against the indigenous inhabitants, who form the majority of Guatemala's population.