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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES
Working Group on Slavery
Seventh session

QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES
AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES
OF APARTHEID AND COLONIALISM

Note by the Secretary-General

In paragraph 3 of part III of resolution 8 (XXXIII) of 10 September 1980, the Sub-Commission requested the Secretary-General "to request information from the Government of Guatemala on such denunciations as are related to slavery-like practices in that country". In so doing the Sub-Commission acted upon a recommendation of the Working Group on Slavery made in the report on its sixth session 1/ and resulting from its consideration of the report entitled "Guatemala - Deprivation of indigenous peasants' land, livelihood, liberty and lives, 1978-1980" which had been presented by the Anti-Slavery Society for the Protection of Human Rights to the Working Group on Slavery of the Sub-Commission. 2/

In a letter of 3 September 1980, addressed to the Director of the Division of Human Rights of the United Nations Secretariat, the Permanent Representative of Guatemala to the United Nations Office at Geneva forwarded comments on the above-mentioned report of the Anti-Slavery Society for the Protection of Human Rights and requested that they be circulated to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The comments are reproduced below.

COMMENTS BY GUATEMALA ON THE REPORT OF THE ANTI-SLAVERY
SOCIETY FOR THE PROTECTION OF HUMAN RIGHTS

I refer to the report of the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its sixth session (E/CN.4/Sub.2/447).

In paragraph 9 it is stated that the Working Group received a report from the so-called Anti-Slavery Society for the Protection of Human Rights entitled Guatemala - Deprivation of Indigenous Peasants' Land, Livelihood, Liberty and Lives, 1978-1980. It is also stated that the representative of that Society made a statement regarding Guatemala.

1/ E/CN.4/Sub.2/AC.2/447, para. 66.2(c).

2/ Ibid., para. 9.

Leaving aside purely political questions, which are outside the Working Group's terms of reference, and confining myself to those matters which are within its competence, I should like to repeat what I stated in the note I addressed to you on 15 September 1978, and which I reproduce in part:

"Slavery, as legally defined, was abolished in Guatemala and Central America in the first third of the last century under the specific provisions of the Central American Federal Constitution.

"The revolutions of 1871 and 1944 made it possible to establish norms for the protection of workers, as well as individual and collective guarantees affirming respect for the dignity of individuals as a goal or concern proper to the State.

"Both the constitutional and the ordinary legislation of the country, particularly its labour and civil legislation, safeguard the exercise of human rights, including the right to pay for all work performed. For many years now, there has been no imprisonment for debt, and on various occasions laws have been passed establishing moratoria for loans due by peasants.

"Guatemala has extremely progressive labour laws characterized by the protection they afford the worker. Freedom of association and the right to strike are recognized. Labour relations are governed by law, or by collective labour agreements when the latter provide benefits greater than those recognized by the law. Joint boards set minimum wages. The workers enjoy such entitlements as holidays with pay, payment for the seventh day of the week, a 45-hour working week, an end-of-year bonus, pre-natal and post-natal leave for the working mother and a reduced working day for workers who are students. Workers also enjoy the protection of a social security system which in certain areas has come to cover disability, old age and survival.

"Other institutions, such as the Workers' Bank, the Housing Bank, the Workers' Training Institute, the Workers' Recreation Institute and the Co-operative Movement have an appointed function in providing protection to workers.

"The Ministry of Labour and the Special Labour Courts have a legal obligation to protect workers against abuses and exploitation through proper application of the country's laws."

I should add that, on 3 March 1980, the Government Agreement was announced which established the new minimum wage for workers employed in sugar-cane, cotton, coffee and livestock production; the minimum wage was increased by 186 per cent, from the previous figure of 1.12 quetzals a day to 3.20 quetzals a day (the quetzal is the currency unit of Guatemala and is equivalent to the United States dollar). More than 800,000 farm workers will benefit from this minimum wage.

In view of the above, I ask you to take account of the following:

(a) The reference to Guatemala in the document mentioned is incorrect because there are no qualifications of any sort, whereas the impression is given that there might be a systematic practice of lowering the living standards of the peasants and that Guatemalan legislation might not protect their rights in a sufficiently comprehensive manner;

(b) The country's institutions are required by law to observe and enforce the country's laws.