

State of the World's Minorities and Indigenous Peoples 2015 - Guatemala

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Guatemala had nearly 16 million inhabitants in 2014. According to official statistics, approximately 40 per cent are indigenous; however, according to indigenous peoples' representatives, the true figure is closer to 60 per cent. The indigenous community in Guatemala comprises 22 different peoples, including K'iche', Kaqchikel, Mam, Q'eqchi' and Matan, while the country also has a small community of Garifuna people, amounting to less than 1 per cent of the population. This makes Guatemala a rich and culturally diverse country.

During 2014, ongoing aggression against human rights defenders by security forces or paramilitary groups persisted. From January to September 2014, 60 attacks against indigenous and environmental activists defending indigenous lands were reported. The deployment of 20,000 military throughout the country to oversee public security in 2014 is expected to exacerbate this volatile situation. The extractive industry model promoted by the Guatemalan government and the construction of large-scale development projects on indigenous lands without community consent has been a source of ongoing disputes with resistance movements. These conflicts are exacerbated by the fact that the existing legal mechanisms available for indigenous communities seeking to defend their rights to land and to free, prior, and informed consent are not effective tools for this purpose.

For example, two large-scale development projects involving a hydroelectric scheme in Margaritas Copón and a dam in Santa Rita were carried out by the government in 2014, despite the opposition of Q'eqchi' Mayan people. In the first case, 15,000 Q'eqchi' Mayans were forcibly evicted, even though they voted against the construction of it in a binding referendum. In the second case, indigenous protests against the project were violently repressed in August resulting in three Q'eqchi' Mayan casualties, in addition to a previous fatality and many people injured during an earlier attack in April.

Indigenous farmers have also been involved in increasing conflict over the possession of their lands. In 2013, the Ministry for Agrarian Issues reported that nearly 60 per cent of the land conflicts' plaintiffs were indigenous farmers.

The justice system and the rule of law also encountered important setbacks during 2014. Former president Efraín Ríos Montt's May 2013 conviction for the genocide committed during the civil war, including the deaths of more than 1,700 Ixil Mayans, the displacement of another 29,000 and

numerous other rights abuses, did not make any progress. A congressional resolution passed in May denying that acts of genocide had occurred during the civil war decreased victims' chances of achieving the justice process which they have long demanded.

The removal by the Constitutional Court of Attorney General Claudia Paz y Paz the same month, based on the argument that her term was legally already over, was interpreted by many as a deliberate effort to undermine ongoing reforms to the justice system as she had prosecuted a number of perpetrators and tried to end impunity in Guatemala.

The systematic marginalization of indigenous communities from the country's political, social and economic life, despite representing a large proportion of the population, continues with no meaningful efforts by the government to overcome it. The two government agencies in charge of preventing and addressing ethnic discrimination, namely the Indigenous Women's Public Defender Office and the Presidential Commission against Racism and Discrimination, lack the financial and human resources to perform their duties. In July, indigenous community groups protested throughout the country to raise awareness about the discrimination that indigenous peoples face.

During 2014, women in Guatemala continued to experience disproportionate levels of violence and marginalization, despite serious reforms to improve laws on equality and violence prevention. Sexual violence, maternal mortality and femicide – Guatemala has one of the highest rates of femicide in the world – remain ongoing issues, along with political representation: as of 2012, less than 10 per cent of elected legislators – 15 in all – were indigenous and, of these, only four were indigenous women.

During 2014 there were also some positive developments for minority and indigenous communities. These included the investigation and prosecution of a number of perpetrators, resulting from a collaborative effort on the part of the United Nations International Commission against Impunity in Guatemala (CICIG) and the Attorney General's Office. In June, two former soldiers were arrested in a case concerning the sexual assaults of 15 Q'eqchi' Mayan women in 1982 in Zarco, followed by the arrest shortly afterwards of three former policemen in relation to the 1990 murder of Myrna Mack, an anthropologist working on and defending indigenous peoples' rights.

There was also progress regarding the redress of thousands of Maya Achi indigenous people and their family members who were either displaced or massacred over the construction of the Chixoy dam in the 1980s. Following an Act passed in 2014 by the US Congress that denied financial aid to Guatemala unless it implemented reparations for the people affected by the dam, President Otto Pérez Molina publicly apologized to the victims and signed an agreement to execute a reparations plan for the affected indigenous communities. The plan has a budget of US\$154 million and includes the construction of housing, infrastructure and other amenities for the affected communities, as well as land restitution. This case sets a historic precedent for redressing violations of indigenous peoples' rights over the past decades as well as ongoing land conflicts. Furthermore, in August a local court in Sipicapa ruled that mining permits and activities are illegal if local communities have not been given information and are not consulted. This ruling set legal precedents for indigenous movements upholding their land rights. The case involved a prospecting permit that was issued without prior consultation to Entre Mares de Guatemala S.A., a subsidiary of Canadian mining company Goldcorp Inc.

Guatemala's long civil war, ongoing conflicts related to large-scale development or extractive projects and extreme rural poverty have all contributed to the migration of indigenous people from rural to urban areas, mostly to Guatemala City. This migration has added pressure to a metropolitan area that has historically lacked proper planning policies, with a large proportion – over 40 per cent – of the city's population living in slums or shanty towns. Following this pattern, indigenous people migrating to Guatemala City and other urban areas have established or settled in informal and unplanned urban spaces or shanty towns that lack proper basic public services, such as water and health care, and are often located in dangerous or inaccessible areas.

Indigenous people in Guatemala's urban areas experience high levels of discrimination and exclusion based on their ethnic background, dress and language. Since many do not speak Spanish and wear their traditional clothes, they are marginalized from the formal labour market, limiting their opportunities to access social security and a better income. For example, according to one estimate, 80 per cent of maids working in private homes are indigenous. Because of their concentration in such low-paid jobs, indigenous families in Guatemala's urban areas mobilize all their members, including children, to work.

Though indigenous peoples are under-represented and excluded from political life and decision making across the country, despite representing at least 40 per cent of the population, they do typically have more representation in local government. Nevertheless, the major political parties and local authorities continue to exclude indigenous peoples from their structures and do not uphold their demands and rights. The only existing indigenous political party, Winaq, usually wins only around 3.5 per cent of the vote and has limited financial resources.

Guatemala's urban areas continue to experience high levels of urban violence, which particularly affects indigenous peoples, especially indigenous women. Urban violence has been shaped by a long-established pattern of gender violence against indigenous women that goes back to the Guatemalan civil war, when they were seen as 'trophies'. Currently, indigenous women are the most targeted victims of human rights violations.

Nonetheless, urban spaces can also provide greater opportunities for indigenous development. In this regard, a study found that human development among indigenous peoples is higher in Guatemala's urban areas than in rural areas. Since it is likely that many indigenous people who are forcibly displaced to urban areas become permanently settled in their new locations, as the government is not helping them secure their property nor resettle, inclusive urban planning policies that consider and consult indigenous communities are urgently required. This demand has come from indigenous people themselves. This was illustrated in 2014 when local Mayan communities in Guatemala City opposed the construction of a US\$60 million Maya Museum of America, arguing that they had not been consulted about the plan and could be adversely affected as the proposed development would demolish a long-established Mayan arts and crafts market, hosting 55 small businesses.

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