

URUGUAYAN COALITION OF CIVIL SOCIETY ORGANIZATIONS MONITORING THE CERD¹

Given that Uruguay will be examined by the Committee in November 2016, and in preparation of our shadow report, this Coalition would like to point out relevant issues related to the compliance of the Uruguayan state with the International Convention on the Elimination of All Forms of Racial Discrimination, General Recommendations and the 2011 Committee Recommendations to Uruguay from the perspectives of gender, religious diversity, sexual orientation and gender identity.

1. The Uruguayan State has not expressly accepted the jurisdiction of the Committee (art. 14 of the Convention).
2. The Uruguayan Interagency Commission for Monitoring the Implementation of the Recommendations of Committees and Treaties shows little or no activity in.
3. The Uruguayan government has reiterated information already shared with the Committee in 2010, ignoring the existing forms of religious racism in the country. Through the media and Internet, the vandalizing of religious monuments, and the aggression of followers, religious racism and practices of intolerance against religions of African origin undermine the right of persons to religious freedom in Uruguay.
4. The Uruguayan State has not followed Recommendation 9 of the Committee and has not yet adopted specific legislation to harmonize with articles 2 and 4 of the Convention, nor with Convention 169 of ILO. This has particular impact on women and LGBTI persons of African and/or and indigenous descent, who are affected by multiple levels of discrimination.
5. Poverty reduction has not reached the Afro Uruguayan and indigenous population. 12.7% live in settlements compared to 4.2% of persons of other populations. Poverty is greater for Afro Uruguayan women; 30 out of 100 Afro Uruguayan women are poor, against 12 out of 100 in other populations, and even for male Afro Uruguayans.² That disadvantage and their relationship with afro-religious practice, reaches 58.3% of *afroumbandista* practitioners in low income levels.
6. Serious gaps in access to education persist for persons of African or indigenous descent. This particularly affects women, with transgender women showing the most extreme exclusion from the educations system.
7. The unemployment rate of Afro Uruguayan women almost doubles the rate of Afro Uruguayan men. 42% of unemployed women to 23% of unemployed men. Women face obstacles to balance caregiving times and paid work times³.

¹ This Coalition is formed by Colectiva Mujer (feminist organization of Afro Uruguayan women), Atabaque (afro-religious organization), CLADEM (Latin America and the Caribbean Committee for the Defense of Women's Rights), Colectivo Ovejas Negras (organization defending the rights of lesbian, gay, bisexual, trans and intersex in Uruguay), Clan Chonik (organization of descendants of indigenous in Uruguay), UTRU (Trans Union of Uruguay)

² "UNDP (2013). *Situación socio económica y Mapa Político de liderazgo de la Población afro del Uruguay* (Socio-economic Situation and Political Map of the Leadership of Afro Uruguayan Population). Page 23

³ Idem

8. Law No 19122 establishing employment quotas for afro-descendants has not been implemented, among other reasons, due to the lack of equal opportunities in access to education of Afro Uruguayan population.
9. with regard to Recommendation 12, there are multiple racial equality offices in the Uruguayan state without programs, plans or agency strategies. There is no information on the specific budgets and periodic evaluations of their performance. The allocation of human resources is scarce.
10. With regard to Recommendation 13, the existing Criminal Code in Uruguay since 1934 has no gender, ethnic-racial dimension and is still pending reform.
11. With regard to Recommendation No 32 of this Committee, we should mention that the underrepresentation of people of African and/or indigenous descent in political and public life persists. No special measures have been taken to reverse this situation.
12. With regard to Recommendation No 16, the 2014 Strategic Plan of Uruguayan Judiciary has included gender-based violence, but not the ethnic-racial dimension. Judicial magistrates and prosecutors do not receive systematic training based on human rights, gender, sexual orientation and gender identity, ethnicity, race, or about how to detect racial or ethnic discrimination. Convictions for racial discrimination are nonexistent.⁴
13. There are no statistics on Afrodescendant women in prison, including their sexual orientation, gender identity and religion.⁵ Given the decline in the living conditions of persons deprived of liberty, this is source of great concern. The level of prison violence is high: only since January 2016, 12 inmates have died, of which 4 killed themselves, 4 died "of natural causes", 2 died "by accident", and there is no information for one of them⁶
14. Discriminatory stereotypes about people of African descent persist. Judicial complaints alone, with no other measures taken by the state, are insufficient to eradicate them.
15. Despite the legal framework, no public policy addressed to the indigenous persons exists. According to the last census of 2011, 159,319 people identify themselves as being of indigenous descent, of which nearly 55% are women (87,162⁷ people).
16. There is no representation of indigenous women in the institutional spaces of the National Institute for Women (InMujeres).
17. The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, created by law 17817 "Combating racism, xenophobia and discrimination" (2004) and appointed directly by the President of the Republic, does not currently have representation of people of indigenous descent.
18. the State has failed to fulfill the commitment made by Law No. 18,589 declaring April 11 as Day of the Charrúa Nation and the Indigenous Identity.

⁴ Anuario Estadístico. Plan Integral de lucha contra la Violencia basada en Género. (Statistical Yearbook. Integral Plan to Combat Gender-based Violence). Available at www.poderjudicial.gub.uy

⁵ Ministry of the Interior (2010). Census of Persons Deprived of Liberty. Available at https://www.minterior.gub.uy/observatorio/images/stories/informe_censo_reclusos_dic.pdf

⁶ Parliamentary Commissioner for the Prison System, La Diaria (08/22/2016)

⁷ Cabella, Nathan & Tenenbaum (2011). *Atlas Sociodemográfico de la Desigualdad de Uruguay. Fasc.2* (Socio-demographic Atlas of Inequality in Uruguay. Volume 2). UNDP:Montevideo. Available at http://www.ine.gub.uy/documents/10181/34017/Atlas_fasciculo_2_Afrouruguayos.pdf/ec7ecb3f-ca0a-4071-b05f-28fdc20c94e2