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AND SOCIAL CHANGE  
FROM LATIN AMERICA  
AND AROUND THE WORLD

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# A Region in Denial: Racial Discrimination and Racism in Latin America

Ariel E. Dulitzky\*

This article delves into the different forms of denial of the existence of racial discrimination in Latin America. Three different types of denial are posited: literal denial (nothing has happened), interpretive denial (what is happening is actually something else), and justificatory denial (what's happening is justified). The aim is to encourage a debate on a serious and widespread misrepresentation of Latin America as being a region that is more respectful of racial mobility and more tolerant toward racial identities than it really is. These misguided impressions are merely a reflection of the absence of a deep, sincere and open political debate on the issue of race in our region. The crux of the argument is that Latin Americans are prone to conceal, twist and cover up the fact that racism and racial discrimination exist in the region. This phenomenon thwarts the acknowledgement of the problem and, consequently, hampers effective measures that could be taken to eliminate and prevent racial discrimination. In order to be successful at identifying the best strategies for combating racism, we must first take a close look at the different forms and manifestations of the phenomenon of denial.

## Introduction

Racism (and racial discrimination) is alive and well to a certain extent in every society, country and region of the world. Racism can appear in a variety of forms depending on the culture or historical context in which it occurs. Nonetheless,

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one common thread in all manifestations of racism seems to be the tendency to deny that racism exists.

In this article, we shall attempt to delve into the different forms of denial of the existence of racial discrimination in Latin America. The crux of our argument is that the people of our region are prone to conceal, twist and cover up the fact that racism and racial discrimination exist in our part of the world. This phenomenon of denial constitutes a serious obstacle to the implementation of effective measures aimed at eliminating and preventing racial discrimination. In order to be successful at identifying the best strategies for combating racism, we must first take a close look at the different forms and manifestations of the phenomenon.

A widespread belief that racial relations are more equal in Latin America than in the United States seems to dominate popular culture and academic discourse in the region. Rarely does a conversation on this issue between Latin Americans go by without mention of the serious incidence of racism and racial discrimination that exists in the land of our neighbors to the North, a claim that is altogether true. With nationalistic pride, we point out that racial segregation of the type that exists in the United States does not exist in our countries (Guimaraes 1999:37). We pompously tout how we live in "racial democracies," "racial melting pots," "racial harmony," a complete *mestizaje* or mixing of races, or use other expressions to this effect.

Nothing epitomizes Latin Americans' view on this issue as well as the declaration of the presidents and heads of state of South America that was issued at a meeting in Brasilia, in 2000. This statement reads as follows: "The Presidents [of South America] view with concern the resurgence of racism and of discriminatory manifestations and expressions in *other parts of the world* and state their commitment to preserve South America from the propagation of said phenomenon."<sup>1</sup> Or as the Mexican government put it, "the Government of Mexico opposes any form of discrimination, institutionalized or otherwise, as well as the new forms of discrimination, xenophobia and other forms of intolerance that have emerged in several parts of the world, particularly in the developed countries" (CERD/C/260/Add. 1. paragraph 155). In short, these leaders agree that racism and racial discrimination are practices that take place in other regions and that Latin Americans possess a moral fortitude that cannot and does not allow any discrimination to go on in their countries. This statement echoes the widespread sentiment in the region.

Our aim here is to encourage a debate on what we feel is a widespread and outright misrepresentation of Latin America as being a region that is more respectful of racial mobility and more tolerant toward racial identities than it really is. In our view, these misguided impressions are merely a reflection of the

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<sup>1</sup> Meeting of the Presidents of South America, Communiqué of Brazil, September 1, 2000, 28.

absence of a deep, sincere and open political debate on the issue of race in our region. With regard to this point, the Mexican government is right when it states that "in Mexico, the indigenous issue is never approached as a problem of racial discrimination but rather a matter related to the right to development and to the economic and social marginalization (exclusion) of the indigenous peoples" (CERD/C/260/Add. 1. paragraph 161). This same government would also state that racial discrimination "is not even an issue of national debate" (CERD/C/260/Add. 1. paragraph 157).<sup>2</sup>

But to point out that this phenomenon is not a part of the national debate, or that it is not viewed as racial discrimination, by no means erases the fact that racism and racial discrimination do exist. Moreover, it does not negate the fact that the countries of the region refuse to admit it and combat it.

In reality, racial discrimination and racism, as well as the failure to recognize these phenomena and the absence of a debate on these issues in Latin America, is simply part and parcel of the democratic deficit that we are experiencing in the region. Equality as it relates to race, gender, ethnicity, or anything else, is still far from being viewed in the region as an essential and basic requirement for democracy. Equality cannot exist without democracy; nor can democracy exist without equality. Hence, the struggle to solidify democracy is a fundamental step in the struggle against racism and racial discrimination (Rodriguez 2000:8).

This article is partly based on a study conducted by Stanley Cohen, which looked at different governments' responses to reports denouncing violations of human rights. In this study, three different types of denial are posited: literal denial (nothing has happened), interpretive denial (what is happening is actually something else), and justificatory denial (what's happening is justified) (Cohen 1996:522).<sup>3</sup> Sometimes these types of denial appear in sequence; when one type is struck down, it is replaced by another type. For example, literal denial may prove ineffective because the facts may simply bear out that the black population is indeed more disadvantaged than the white population. Therefore, strategy shifts towards use of another type of denial such as a legalistic reinterpretation or a political justification (Cohen 1996:522).

Before delving into the subject at hand, we would like first to make a point of clarification. This article shall focus primarily on the plight of the Latin

<sup>2</sup> Nevertheless, there are authors who have begun to conduct studies on the situation of the indigenous peoples from a racial perspective (Gall 1998, Gall 2000).

<sup>3</sup> The method used in Cohen's study is somewhat limited for the purposes of this article. Given that the scope of Cohen's research is broader, it makes no inquiry into specific details of racism or racial discrimination. Cohen's work is not meant to be a complete study on the significance of race in Latin America, on the different manifestations of racial discrimination in the Hemisphere, nor on all of the ways that the existence of racism is denied. We shall use Cohen's work as a preliminary theoretical framework to provoke debate on the persistence of racism in our region.

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American population of African descent, and very little discussion shall be put forth on racial discrimination against indigenous peoples or other ethnic groups. It is by no means our intent to ignore or fail to recognize that indigenous peoples are victims of racial discrimination as well. We have chosen to center our analysis on this particular social group, for the most part, because discrimination against blacks remains today largely outside of public debate in Latin America and is thus less visible.

### Looking into the Current Situation in the Region

It is important to clarify what we mean by racism or racial discrimination. Although it is true that forms, types or definitions of "racism" or "racial discrimination" may vary widely, for the purposes of this article we shall use the definition provided by Article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination (referred to hereinafter as the "Convention against Racism" or the "Convention"):

In this Convention the expression "racial discrimination" shall denote any distinction, exclusion, restriction or preference based on motives of race, color, lineage or national or ethnic origin whose purpose or result it is to nullify or diminish the recognition, enjoyment or exercise, in equal conditions, of human rights and fundamental liberties in the political, economic, social, cultural or any other sphere of public life.

The true state of affairs in Latin American societies, nonetheless, stands in stark contrast with the objectives pursued by the International Convention. The sparse data on the matter shows how racial discrimination permeates each and every realm of life in our region: from the social to the political, education,<sup>4</sup> labor,<sup>5</sup> cultural and public health sectors.<sup>6</sup> In Colombia, the black population is disproportionately a victim of political violence (Inter-American Commission on Human Rights 1999). In other countries of Latin America, access to land has eluded the descendents of African peoples.<sup>7</sup> In many countries of the region, judicial (Adorno 1999:123) and police (Barbosa et al 1998:50) systems

<sup>4</sup> For example, in Uruguay, black people have a lower level of education and a higher school dropout rate (CERD, Uruguay 203 et seq).

<sup>5</sup> In Brazil, the unemployment rate among blacks is much higher than that among whites. Blacks earn salaries that are, on average, 40% less than those earned by whites, and they tend to have the most unstable jobs (Inter-American Trade Union Institute for Racial Equality 2000).

<sup>6</sup> In Nicaragua, for example, even though 32.3% of the nation's population has access to potable water, the percentage drops off sharply to 8.8% for the population living on the Atlantic coast, where the majority of the indigenous and Afro-Caribbean populations in the country are concentrated (International Human Rights Law Group 2000).

<sup>7</sup> As is the case of the remaining survivors of the Quilombos in Brazil, the Garifunas in Honduras, or the Afro-Caribbean peoples in Nicaragua.

provide less protection to blacks and, at the same time, punish these people more severely.

For example, a recent study by the United Nations Economic Council for Latin America (ECLA) showed that Afro-Latin Americans have little or no job security, which is proof of racial segregation throughout the region. Racial discrimination in the labor market stems from inequities in the education sector. Consequently, whites have a greater chance of successfully climbing the corporate ladder so to speak, or of acceding to positions of power or upper management. Distribution of income in the region is revealed to be even more unfair when it is viewed by the ethno-racial origin of the inhabitants. The black population has a harder time gaining access to, making progress in, not falling behind and staying in school, and usually attends poor quality schools (CEPAL 2000:36).

The Government of Colombia, which is one of the few to at least clearly recognize the problem of discrimination in written documents, has described the plight of the Afro-Colombian population in the following terms: "they are among the group of Colombians with the highest rates of unmet needs...with precarious health conditions...sanitation conditions...are of the most deficient in the entire nation...coverage of education services is poor...Housing in Afro-Colombian communities, in addition to [having] poor coverage of public utilities, show problems in the legalization of property and lots, a high rate of overcrowding and poor quality...It is estimated that the per capita income of [the members of] these communities is \$500 per year, less than one third of the national average...Afro-Colombian women are facing conditions of poverty, high unemployment rates and low quality jobs, deficient health care and a high incidence of domestic violence...Afro-Colombian teens do not have optimal guarantees and opportunities to gain access to higher or vocational education, good jobs and development in keeping with their world vision and with their socio-cultural reality..." (CERD/C332/Add.1).

This scenario, which is identical to the situation in several countries of Latin America, makes it all the more necessary to take a closer and more honest look at our region in order to be able to adopt the necessary measures to overcome this crisis. Even so, strong currents of thought in political, academic and social circles still pervade which deny that racial discrimination even exists or try to explain away these differences as a function of other variables, rather than as a function of race or ethnic origin. In the following section we shall look closely at some of these variables.

### "There is No Racism or Racial Discrimination": Literal Denial

Literal denial is simply to say, "*nothing has happened*" or "*nothing is happening*." What is of concern to us here is that this type of denial is synonymous with

saying that there has never been any racial discrimination or racism in the past nor is there any at the present time. Over the past few years, different governments of Latin America have made statements to the Committee on the Elimination of Racial Discrimination claiming, among other things, that "racial prejudice" (CERD/C331/Add. 1, 1999, Dominican Republic:6) does not exist; "in our country problems of discrimination do not exist," (CERD/C263/Add. 8/Rev 1, Venezuela:77). "racial discrimination does not exist" (CERD/C/336/Add. 1, Haiti:15 and 17); "today racial problems practically... do not exist any longer" (CERD/C/SR. 1317, Peru:78); "this phenomenon does not appear in our country" (CERD/C/260/Add.1. Mexico:157), or "in society... at the present time racial prejudices, are practically negligible..." (CERD/C/319/Add. 4, Cuba:16).

This type of discourse is not only typical of governments that have a well-known history of being insensitive to racial issues, but also of governments that have a track record of being committed, at least rhetorically so, to racial equality. Paradoxically, these so-called "racially sensitive" governments are often the ones that most categorically deny the existence of the problem. It would not be entirely farfetched to hear the following argument bandished in discussing the issue with a Latin American: *"Our Government would never allow something like that to happen, and therefore it could not have ever happened."*

A pseudo sophisticated way of denying that racial discrimination exists is to argue that it could not have taken place because discrimination is illegal in the countries of the region and the governments have even ratified every appropriate international instrument relating to the subject. This legalistic version of denial of racial discrimination is based on the following specious claim: "Since racial discrimination is prohibited by law, our government would never allow it and, therefore, it could not have ever occurred" (Cohen 1996:524).

The most syllogistic form of literal denial is the widespread myth that the region boasts a racial democracy because the concept of race has been officially rejected by government institutions. This type of denial has many variations but essentially amounts to saying, if races do not officially exist, then racism cannot exist either. Nevertheless, erasing the concept of race from laws and other official documents by no means has led to the end of race as a key factor in determining how the benefits of society are distributed, nor does it negate the fact that Latin American society is predicated upon a clearly pyramidal structure with blacks and indigenous people at the bottom and whites at the top.

### **"What Goes On in Latin America is Not Racism or Racial Discrimination but Something Else": Interpretive Denial**

At this point in time, it is hard, if not ludicrous, to categorically deny that racial discrimination and racism exist in Latin America. This is because discriminated



groups have become more visible and have begun to engage in activism to improve their plight. Additionally, a limited but growing number of studies and statistics now available bear out that racism and racial discrimination still exist in Latin America. Consequently, people resort to slightly more sophisticated explanations. Instead of denying that economic and social indicators show a wide gap between races, it is now more common to hear reasons other than racism to account for the disparities between blacks, indigenous peoples and whites. These disparities, attitudes and prejudices are framed in far less pejorative or stigmatizing theoretical terms than racism or racial discrimination.

The true story of the racial issue in Latin America is doctored in many different ways. In the following section, we shall identify some of the ways in which the facts are distorted so as not to fit the definition of racism or racial discrimination.

### Euphemisms

One of the most common ways of putting a spin on the facts is by using euphemistic expressions to mask the phenomenon, confer a measure of respectability to the problem, or paint a picture of neutrality in the face of discriminatory practices. In order to negate or cloud the racist side to certain social conduct or government policies, a variety of terms are used such as "ethnic minority,"<sup>8</sup> "restrictions on immigration,"<sup>9</sup> "customer screening,"<sup>10</sup> "reserve right to refuse admittance,"<sup>11</sup> "proper attire."<sup>12</sup>

Probably the most common euphemism used in Latin America is to deny that racial discrimination exists and to attribute the differences between races to poverty. The syllogism goes something like this: "people don't discriminate against blacks or indigenous people because they are black or indigenous, but because they are poor."

The government of Haiti, for example, cited economic rather than racial reasons to explain the disparities between whites and other groups, stating that "even though it is true that in the private sphere prejudices related to color are sometimes expressed, in reality its origin lies in the social inequities that exist

<sup>8</sup> In order to cover up exclusion of minorities such as the indigenous people in Guatemala or the black population in Brazil.

<sup>9</sup> Immigration policies in our region are highly racist. Uruguay, Paraguay, Honduras, Costa Rica and Panama prohibited people of African origin from immigrating to their countries. Venezuela and the Dominican Republic placed restrictions on the immigration of individuals of African descent (Hasenbalg 1998:168).

<sup>10</sup> For example, this was the criterion used by dance clubs or discos in Peru to discriminate (Ideale 1999:57).

<sup>11</sup> This is the criterion that is used in Uruguay to prevent entry into certain establishments or clubs (Mundo Afro 1999:12 and 35).

<sup>12</sup> One of the most widely used devices in Brazil to keep Afro-Brazilians out of the labor market or to make access difficult for them.

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in Haitian society" (CERD/C336/Add.1, Haiti). Similarly, the government of Peru claimed that "today practically every Peruvian is of mixed blood and a racial problem no longer exists. Instead, there is a problem of economic underdevelopment in certain sectors of the population" (CERD/C/SR.1317, Peru:78). Mexico has developed the most explicit arguments on this point. The indigenous issue is not "a problem of racial discrimination" but rather "a matter related to the right to development and to the economic and social marginalization (exclusion) of the indigenous peoples" (CERD A/50/18, Mexico:161). In Mexico, "the phenomenon of racial discrimination" does not exist, goes the argument, but rather there are "some forms of discrimination derived from the socioeconomic reality" (CERD A/50/18, Mexico:353).

The myth of a racial democracy, which is defined as harmony between ethnic and racial groups and, therefore, the absence of racial discrimination, would lead people to believe that any display of racism and discrimination that may occur is usually the result of social and economic rather than racial prejudices. Once again we cite the official version of the Mexican government: "some forms of discrimination are a result of socioeconomic differences more than a distinction between ethnic groups, and they [the differences] have been addressed by means of a variety of government social development programs [that are] targeted toward the most vulnerable groups" (CERD/C/SR.1206, Mexico). This way of thinking is so widespread and has endured for so long throughout Latin America that, regardless of a person's race, the societies for the most part are unwilling to explain current social disparities between racial groups in terms of racial inequities. On the other hand, our societies quite readily accept explanations based on economic disparities (Minority Rights Group International 1999:23).

These interpretations are marred by faulty logic. They fail to explain why in our region even though not all poor people are people of color, almost all people of color are poor.<sup>13</sup> One government did not have any trouble acknowledging that "there is a clear correlation between the proportion of the indigenous population and poverty and marginalization indices" (CERD/C/260/Add.1, Mexico:40).<sup>14</sup> Secondly, several statistical studies on economic disparities in Latin America have shown that even when all possible variables are factored out of the equation, including indicators on poverty, one variable which can only be attributed to a person's race always carries over (Telles et al 1998,

<sup>13</sup> "In Peru, not every *cholo* (mestizo, mixed race, black or indian) is poor, but almost every poor person is a *cholo*" (Ocatequi 1998:31).

<sup>14</sup> In response to this argument, the CERD stated its "particular concern for the fact that the State Party does not seem to realize that the latent discrimination that the 56 indigenous groups that live in Mexico are experiencing is covered by the definition of racial discrimination that appears in Article 1 of the Convention. The description of the difficult situation of those groups as mere unequal participation in socioeconomic development is inadequate" (CERD A/50/18:353-398).

Lovell 2000). Moreover, according to this specious argument, it would be lawful to discriminate against poor people. As far as we are aware, there is no provision of human rights law currently on the books that legitimizes unequal treatment of persons based on social class or economic status.<sup>15</sup>

The justification of class-based versus race-based discrimination, once again, is simply the corollary to the assumption that we live in racial democracies in Latin America. It is also the corollary to the ideological basis for that assumption, which is that societies in the region are monolithically mestizo or mixed-raced and, therefore, allegedly free of prejudice and discrimination. If Latin America indeed lives in racial harmony and there is really only one race in our societies (the mestizo race), then it would follow that any disparities between population groups could never be explained by a person's race, but rather would have to be explained as a function of poverty, social status or education.

### Legalism

Most interpretive denials of racism are laced with some sort of legalistic or diplomatic language to negate the existence of discriminatory practices. Many different legal defenses have been used to counter charges of racial discrimination. To take stock of every single one would far exceed the scope of this article, so in this section we shall only offer a few examples.

One form of the legalistic argument is to maintain that racial discrimination is non-existent in Latin America because the laws in the countries of the region do not establish rules of segregation or apartheid, as is the case in other parts of the world. The claim is thus put forth that "never in history...has any legal text been in effect that establishes racial discrimination even in a veiled way" (CERD/C/331/Add.1, Dominican Republic:27). The implication of this statement is that discrimination can only exist when the law establishes it, and not when sectors of the population are discriminated against by deed or when laws are applied or enforced in a discriminatory manner.

Nevertheless, international conventions require our countries to do much more than simply erase discriminatory laws from the books. International treaties call for the adoption of specific laws to support each particular provision of these conventions, the egalitarian and non discriminatory enforcement of

<sup>15</sup> The American Convention of Human Rights states that: "The States Parties to this Convention pledge to respect the rights and liberties [that are] recognized therein and to guarantee their free and full exercise to any person who may be subject to their jurisdiction, without any discrimination whatsoever due to reasons of ...origin...social, economic position...or any other social condition" (Article 1.1). The International Covenant on Civil and Political Rights states that: "Each one of the States Parties to this Covenant pledge to respect and guarantee all individuals who may be found in their territory and may be subject to their jurisdiction, the rights [that are] recognized in this Covenant, without any distinction whatsoever of ...social...origin, economic position,...any other social condition" (Article 2.1).

laws and conventions and, particularly, the prevention, punishment and elimination of discrimination in all of its forms, whether by law or by deed. The Committee on the Elimination of Racial Discrimination (CERD), therefore, makes express mention of the obligation of States to repeal any law or practice whose effect it is to create or perpetuate racial discrimination (CERD/C/365).

The Convention against Racial Discrimination requires nations to adopt comprehensive legislation to prevent, eliminate, punish and remedy racial discrimination. Such legislation does not exist at the present time in our countries, as the CERD has been pointing out over the past two years (CERD/A/54/18, Chile:365-383). In most of our countries, the constitution contains basic provisions which prohibit racial discrimination, yet the appropriate legislative structure to fully enforce those provisions is not in place (CERD A/54/18, Colombia:454-481). Specifically, the Convention requires enactment of certain criminal laws, which prohibit and adequately penalize any act of racial discrimination that may be committed by individuals, organizations, public authorities or institutions. In many countries of the Americas, such laws have not been passed as of yet (CERD/A/54/18, Uruguay:454-435). In other countries, even though legal provisions designed to eliminate unequal treatment based on racial factors may have already been enacted, express provisions making it unlawful to discriminate on the basis of national or ethnic origin have not been written into the laws (CERD/C/304/Add.71, Costa Rica and CERD/C/SR/1317, Peru). Such specificity is necessary because these types of discrimination are the most prevalent forms of intolerance and bigotry in many nations of the region. In many countries in Latin America, there are no laws preventing racial discrimination in the private sector, despite the fact that section d, paragraph 1 of Article 2 of the Convention provides that States Parties shall prohibit any racial discrimination practiced not only by public authorities or institutions, but also by private "groups or organizations" (CERD/C/304/Add.71, Costa Rica). Lastly, in many of our countries, the legislation currently in force has proven to be inadequate, either because the ban on discrimination does not go hand in hand with the appropriate punishments (CERD/C/304/Add.69, Peru), or because punishments provided for by the law are so lenient that they do not serve as an effective means to prevent, prohibit and eradicate all practices of racial segregation (CERD/C/304/Add.71, Costa Rica).

Another way people attempt to prove that racial discrimination does not exist in their region is to point to the fact that Latin American courts receive very few complaints of racial discrimination. As the government of Mexico stated, the absence of racial discrimination "can be corroborated by the absence of both domestic and international complaints in the subject matter" (CERD/C260/Add.1, Mexico:157). The logic being that an absence of court convictions for racial discrimination means that the phenomenon is non-existent. Nevertheless, this argument ignores important questions such as whether vic-

tims of racism are aware of the legal recourses available to them for their defense, whether laws are effective in combating racial discrimination, or whether the courts properly apply anti-discrimination laws. The low number of complaints may very well be attributable to "unawareness of existing legal remedies available for cases of racial discrimination, and to the public in general perhaps not being very aware of the protection against racial discrimination provided for in the Convention" (CERD/ A/54/18, Haiti:253-271). The small number of complaints and, consequently, convictions may also be due to a lack of confidence in law enforcement and judicial authorities (CERD/C/SR.1157, Brazil:55). Lastly, the low incidence of racial discrimination court cases may also stem from the fact that judicial or police officers do not rate discriminatory behavior as a display of racism or discrimination.<sup>16</sup>

The government of Venezuela used a variation of the following syllogism: because no legislation making racial discrimination a crime has been enacted, this amounts to proof of the absence of any racial discrimination, in stating that, "even though it is true that very few laws are in force to combat racial discrimination and any defense or condonation that may foment it, we can say that there is no practical need to legislate on this subject given that problems of discrimination or defense thereof do not exist in our country." The Venezuelan government went on to say: "[such a] situation, fortunately unknown in our milieu, would be different if there were violent clashes between ethnic groups or if certain persons were alienated or left out on the basis of physical characteristics, since in explosive situations such as these [situations] would be, the Parliament, which cannot turn its back on the social reality, would issue laws on this subject. It has not done so because there has not been a need for it" (CERD/C/263/Add.8/Rev 1, Venezuela:77).

The extreme variation of this strategy is to respond to allegations of racism and racial discrimination by trying to offer as proof that it is not possible for the phenomenon to exist in the country because such practices are prohibited in the domestic bodies of law. Governments usually counter these allegations by rattling off a long list of domestic laws they have passed, international treaties they have ratified, and a host of legal mechanisms which are in place to punish those responsible for discrimination and racism.

### Denial of Responsibility

Many times governments deny any type of state responsibility for racism and racial discrimination, although they acknowledge that such discriminatory acts may indeed take place.

<sup>16</sup> For example, in Brazil most complaints alleging the crime recognized as racism according to the Constitution, as well as Law 7716/89, amended by Law 9459/97, are described as "crimes against honor" (Minority Rights Group International 1999:27).

The argument is that even though some acts of racism and racial discrimination have occurred, such acts are events that cannot be attributed to the government, are out of its control, and are the product of deeply rooted social practices or private actors. The Dominican government, for example, has only accepted that "there exists the possibility that individually, someone in the country, with the utmost discretion supports racial discrimination" (CERD/C331/Add. 1, 02/11/99, Dominican Republic:6). Or as the government of Haiti has stated, in the event that there may be incidents of racial discrimination, these "are in no case the work of the State" (CERD/C/336/Add.1, Haiti).

In any case, under the International Convention against Racial Discrimination, these arguments are not a valid justification. Every State must guarantee effective application of the Convention. "Inasmuch as the practices of private institutions influence the exercise of rights or the availability of opportunities, the State Party must ensure that the result of these practices does not have as a purpose or effect to create or perpetuate racial discrimination" (CERD/C/365, General Recommendation XX).

#### **Just Isolated Incidents**

One of the most common ways in which governments respond to charges of racism or racial discrimination is, on the one hand, to accept that a specific act has indeed taken place but, on the other hand, to deny that such acts are systematic, routine or representative of a pattern of similar behavior.

"Such acts arise in an isolated way and are the result of the motivation of individuals or very small groups" (CERD, Uruguay:56). Incidents of racial discrimination would occur only "episodically and selectively" (CERD, Uruguay:34). "In present day society...racial prejudices are practically negligible and are manifested in the most intimate spheres of life" (CERD/C/319/Add.4, Cuba:16).

What occurred was an "isolated incident;" such events never occurred in the past, and since they have not happened again, it is unfair to brand our government as racist on the basis of this single event.

#### **Justificatory Denial**

Justificatory denial has countless variations. Generally speaking, these variations either involve trying to justify that racism does not exist or go to the other extreme and attempt to show that racism or racial discrimination is justifiable in some hypothetical situations. Some of these denials are offered in good faith, but others are simply excuses, fabrications, attempts at neutralizing allegations, ideological defenses, etc.

### Denying that the Victims are Victims of Racism: Camouflaging the Phenomenon

In this section, we would like to focus on one particular variation of the phenomenon, which is one of the most pernicious forms of denial of the existence of racism and racial discrimination in Latin America. We are referring to pinning the blame on the victims for their situation or making the victims of racism and racial discrimination invisible.

Perhaps the most extreme form of this type of denial of racism and racial discrimination is to say that sectors of the population, and sometimes even a vast majority thereof, are simply not victims of racism. A popular Argentine saying seems to aptly encapsulate this extreme version of denial: "We Argentines are not racist because we don't have any blacks." The collective conscience in that country of the Southern Cone, however, refuses to ask key questions such as why today there is no black population in Argentina while, in 1850, 30% of Buenos Aires' population was black (NACLA 1992:15).<sup>17</sup>

Governments throughout Latin America have engaged in a campaign to officially do away with any racial identification by claiming that the population is mixed race (*mestizaje*). This view is evident, for example, in the way censuses are conducted in the countries of the region. The census of almost every country in Latin America does not include any question on racial identity.<sup>18</sup> The exceptions are Brazil and a few other countries.<sup>19</sup> This practice only serves to camouflage a highly representative sector of Latin American populations. The void of official statistics on the true make up of the population has a most serious consequence: it prevents the true plight of sectors that are victims of discrimination from being known. This practice also makes it impossible to implement public policies to overcome these inequities.

This drastic negation of any racial distinctions within the population makes it impossible to question the prevailing norm in Latin America of a person's color being a decisive factor in determining chances and opportunities to succeed in society. In Latin America, the whiter you are, the better and greater your chances are; while, the darker you are, the lesser and worse your chances are. The chromatic social scale is blatant throughout Latin America and social surveys have begun to corroborate these disparities (Telles 1998).

<sup>17</sup> Someone once called Afro-Argentines the first "*desaparecidos*" in the history of the country (Goldberg 2000:36).

<sup>18</sup> There is a widespread sentiment that data collection on racial make up constitutes a form of discrimination. The government of Uruguay, for example, recognized this practice as being discriminatory (CERD, Uruguay:3). To cite examples, Argentina has not included questions on race or color since 1914; Bolivia, since 1900; Peru, since 1961; Ecuador, since 1950; Venezuela, since 1876; Nicaragua, since 1920; Honduras, since 1945; and the Dominican Republic, since 1950 (Hasenbalg 1998:166).

<sup>19</sup> For example, Bolivia.

While it is true that racial categories in Latin America differ from those of other parts of the world in that they are not exclusively of a dual nature, i.e. black or white,<sup>20</sup> this, however, by no means does away with the disparities between races, nor with the fact that the darker the skin, the fewer the economic, cultural, educational, employment and social opportunities. We could say that a "strong pigmentocracy" prevails throughout Latin America, in which a negative value is attached to darker skin color thus relegating races other than the white race to the lower echelons of society (Casaus Arzu 1998:138).

The idea that we are all *mestizos*,<sup>21</sup> we are all café au lait-colored, we all have some indigenous or black blood in us, is an obstacle to identifying and developing the concept of specific racial groups. This myth is used to prevent non-whites from developing their own identity and demands; however, it is not used to attain a higher degree of equality and social integration for these groups. The official notion of a mixed race (*mestizaje*)<sup>22</sup> camouflages diversity and denies non-whites the right to dissent, while making conditions ripe for excluding anyone who falls outside the "norm" of mestizo (Arocha Rodríguez 1992:28).

The concept of *mestizaje* also undermines or weakens the political and social struggle against racial discrimination. If we are all mestizos, then there are no racial distinctions and mere discussion of the racial issue is therefore viewed by many as a foreign or non-regional issue. By raising such matters in Latin America, the thinking goes, people are only trying to bring problems into the region that belong to other countries.

The mixed race theory covers up the official racist policy of whitening or infusing white blood into society, which has been attempted in almost every single country of Latin America. Many Latin American countries made a concerted effort to bring down the number of blacks and indigenous people in the population and, as a last resort, camouflage these racial groups by encouraging miscegenation or marriage between non-whites and whites to make the population whiter. For example, almost every country in the region has developed at one time or another immigration policies that restrict or deny entry to black people while strongly promoting European immigration.

The mixed race claim not only serves to camouflage or make the black or indigenous population invisible; it is also used as proof that racism does not exist. Mexico has explained the situation in the following way: "additionally,

<sup>20</sup> In fact, there are over 100 different categories in Brazil.

<sup>21</sup> For example, an article that appeared in Peru states that "there is... a broad spectrum of interpretive possibilities on the origin, function and destiny of black people in Peru, but none of them separates their future from the mixed race (*mestizo*) complex that characterizes the nation" (Milones 1997:16).

<sup>22</sup> In this article, we shall not analyze how the origin of *mestizaje* in Latin America harkens back to the sexual violence perpetrated by the Spanish and Portuguese conquistadors against indigenous women and later, by slave traders against women brought from Africa as slaves.



our historical experience and the make up of the Mexican population, 90% mestizo, product of the mix between Spaniards and indigenous people; gives rise to an indisputable fact, that is, that denial of either [one of these] origin[s] does not occur in our country. That is why there has been no need to legislate in this regard, unlike in other countries where the phenomenon of *mestizaje* did not come about" (CERD/C/260/Add.1, Mexico:157).

*Mestizaje* is also used as proof of harmony between different racial and ethnic groups. In other words, if there are mestizos in Latin American societies, it is because there are mixed marriages between whites and blacks or indigenous people. As the government of Cuba stated, the fact that there are a high number of racially mixed families on the island is a sign of how limited racial prejudice is (CERD/C/319/Add.4, Cuba:16). Nonetheless, not even the magical force of *mestizaje* has managed to completely do away with racial prejudice when such marriages take place and, furthermore, many people in Latin America try to keep mixed marriages from ever coming about in their families.

The mixed raced/mixed marriage theory, however, is unable to conceal the fact that the Latin American population in general, and particularly the black/indigenous population in the region, feel that whitening your lineage is the only route to improving your standing on the social scale. This view is at the root of racism in Latin America; this attitude denies the black or indigenous presence and identity and stresses the "white" side of the mixed race as the essential ingredient for obtaining better social, employment and educational opportunities in a white-dominated world (Minority Rights Group 1995:28). In reality, more than a democratizing force behind society, the mixing of races or *mestizaje* constitutes, for the most part, one of the most masterful forms of racism in Latin America. In order to climb the social ladder, one must be as white as possible and the blending of races is the way to become so.

In Latin America, as has been correctly pointed out, "the white/mestizo [person] forswears or abjures his or her indigenous [and we add black] part and must constantly demonstrate his or her 'superiority,' even when these displays only illustrate that it is impossible for mestizos to accept both their white and Indian humanity [not to mention the black side of their humanity, we add]" (de la Torre 1997:7).

Even though Latin American governments have officially denied or done away with the different racial identities that exist throughout the region, such an action has not done away with informal racial designations, which in fact have a decisive effect on the social structure in Latin America. Even at the risk of making a sweeping generalization, we feel compelled to call attention to a common fact that has persisted throughout Latin America independently of the social, political, historical and cultural peculiarities of the different countries: there is discrimination based on skin color (Early 1999).

Another way of saying that non-whites are not victims of racism in Latin

America is to reduce their sphere of action in society. Accordingly, people in Latin America have a very clear view that it is socially acceptable for blacks to only "excel in the world of sports, music and dance" (Anonymous 1997a:41), or to profess that "blacks are only good at soccer or, if you're black, you must be a soccer player" (Anonymous 1997b:53). In keeping with this same line of thinking, the victims of racism are excluded from other sectors, for example, from the media, in order to "project the image of a racially white country" (Oscátequi 1998:31). For example, the Committee on the Elimination of Racial Discrimination has stated its "concern for the information that the media provide regarding minority communities, including the consistent popularity of television programs in which stereotypes based on race or ethnic origin are promoted. The Committee states that those stereotypes contribute to reinforcing the cycle of violence and marginalization that has already had serious repercussions on the rights of traditionally disadvantaged communities in Colombia" (CERD / A/54/18, Colombia:454-481). The labor market is another place where there is a clear demarcation of the types of jobs to which non-whites may or may not gain access. Non-white populations in Latin America usually have access to the lowest level and poorest paid jobs (Bastos et al 1998).

The last form of this type of denial involves turning the story around to pin the blame on the victims. This takes place when a black or indigenous person denounces racially discriminatory practices. Many times, the person is branded a victim of unfounded complexes, without even the slightest consideration that he or she may be instead the victim of racial discrimination.

### Convenient Comparisons

One of the most common ways to attempt to justify the racial situation in Latin America is to compare the region to other countries of the world. Four countries, South Africa, the United States, Rwanda and Bosnia, are old standbys that are often used for such comparisons. With regard to each instance, respectively, Latin Americans state, "we never had apartheid in our region," "nor was there ever any legalized racial segregation" (Mijares 1997:52), and "we never had racially motivated, violent armed conflicts."<sup>23</sup>

In the report submitted by a government to the CERD, the only time the word xenophobia, racism or racial discrimination is mentioned, is to refer to the plight of nationals from that country living in the United States.<sup>24</sup> Discrimination always takes place on the other side of the border.

<sup>23</sup> It would be possible to take exception to this statement by way of the cases of the *política de tierra arrasada* (scorched earth policy) in Guatemala or of the many policies of extermination that were implemented against indigenous populations in different countries of Latin America.

<sup>24</sup> CERD/C/296/Add.1, Mexico. Paragraph 73 ("feeling of xenophobia and racial discrimination in some

The intellectual and political elite, in many ways, has made the United States the paragon of racial hatred against which all other societies must be measured. The specious claim goes something like this: since the segregationist laws and practices of the country to the north have not been applied in Latin America, there is no need to look at other forms of racial exclusion and alienation.

None of the above-mentioned comparisons are untrue and this ought to be a source of pride for Latin Americans. However, the people of the region, or anyone else for that matter, should not read anything more into these facts than what they say on the face of things. It is true that there has been no regimen of apartheid in the region, it is true that no racist legislation has ever existed in the region either, and it is also true that no Latin American governments have implemented policies of ethnic cleansing.<sup>25</sup> Nonetheless, these are not the only manifestations of racism and racial discrimination. There is a myriad of phenomena that can be found throughout Latin America that fit the definition of racial discrimination and racism.

### Conclusion

A racist way of thinking has endured throughout our region over the years. Today it is not even entirely farfetched to hear out of the mouths of Latin Americans such statements as the following: "The only solution for Guatemala is to improve the race, bring in Arian studs to improve it. I had a German administrator on my farm for many years and for every Indian girl he got pregnant, I'd pay him an extra 50 dollars."<sup>26</sup>

The existence of racial discrimination and racism, however, continues to be denied or ignored by societies and governments in Latin America. Very few studies have been conducted on the topic to date, very few statistics have been gathered, and no public debate on the issue is taking place. This grim picture constitutes a roadblock to the development of public policies to combat racial discrimination and racism on the national, regional and international levels.

The advent of democratically elected governments in recent years in the majority of the countries of Latin America has paved the way for the improve-

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sectors of American society") and paragraph 75 ("at the present time, it is relatively easy to inflame racist and xenophobic sentiments in some sectors of American society, against the streams of migrant labor or refugees"). The report only mentioned the indigenous people as constituting one of the most vulnerable groups to violations of human rights (paragraph 5) or migrant workers on the southern border who face the prospects of fear and uncertainty and, on a few occasions, it mentioned the situations of violence, corruption and vulnerability (paragraph 59); but never did it mention discrimination [within its borders].

<sup>25</sup> Of course, with the exceptions noted in footnote 24.

<sup>26</sup> Response given in a survey conducted in Guatemala among traditional families in that country, quoted by (Casaús Arzú 1998:130).

ment of the human rights situation of the region in many ways. Most notably, most countries have no policies of serious State-planned violations. Nevertheless, our democracies still have not been successful at fulfilling their implicit promise and the basic tenet of ensuring full, formal and effective equality for all segments of society. Consequently, the consolidation of democracy is looming over us both as an unavoidable challenge in Latin America and as the path we must follow in order to effectively combat racism and racial discrimination.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, which was convened by the United Nations, may spur on the inhabitants of the region to deal with an issue that has long been consigned to oblivion. Therefore, it is essential for our region, and by that I mean our governments as well as our societies, to be willing to engage in a process of soul-searching with regard to what type of society we are and what type of racial and ethnic relations we currently have and wish to have. The way to begin this exercise is to recognize our region as a multiethnic, multiracial and multicultural part of the world and acknowledge that this diversity of identities is an aspect that enriches our societies and is not a problem that must be swept under the carpet, camouflaged or repressed.

The public debate that we are proposing should not be a process of collective self-flagellation. On the contrary, discussion on racism and racial discrimination ought to be a process aimed at attaining effective and equal protection of human rights for every single individual on our continent.

Moreover, preparations for the World Conference against Racism ought to begin by engaging in an introspective foray into the hearts of the countries and figuring out what the prevailing pattern of racial and ethnic relations is in Latin American societies and to what extent the full gamut of rights—civil, political, economic, social, cultural, individual and collective—of the indigenous and African descendents are respected and effectively enforced in each and every one of the States of Latin America.

After responding to that crucial question, the next question shall be how to forge an effective nationwide system to overcome the problems that have been identified and, at the same time, provide relief to the victims of racial discrimination. The World Conference will be meaningful, inasmuch as our governments and societies are willing to address these questions. Despite how painful this process may prove to be, it is of the utmost necessity. By engaging in this deep introspective search, the governments and societies of Latin America shall be helping to create the proper conditions to encourage the essential debate that is required in order to make the decisions to arm the struggle against racism, racial discrimination, xenophobia and related forms of intolerance and bigotry with more effective and efficient weapons. Of course, this process must be replicated on the regional level in order to identify the collective views and strategies that may be required.

In the absence of such a process, the current state of affairs will remain entrenched in our societies. We shall continue to live in societies where every day millions of people suffer the consequences of racism and racial discrimination and, in the event that the victims manage to be seen or heard, their only response is denials, justifications, euphemisms, and comparisons with other countries.

We have been called to the challenge and it is our job to rise to meet it.

### Post Script

Upon completion of this article, two important events took place that changed in part some of the traditional positions of Latin American countries described in this piece. In preparation for the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), a regional meeting was held for the Americas in Santiago, Chile, from December 3 to December 7, 2000. Two parallel meetings were organized: the governmental conference, called the *Americas Preparatory Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance* (Regional PrepCom) and the parallel "NGO Forum," titled the *Conference of Citizens against Racism, Xenophobia, Intolerance and Discrimination* (Citizen's Conference).

There were several positive outcomes from these meetings. On the civil society side, the massive presence of civil society organizations should be highlighted. More than 1,700 people participated. There is some hope that an important mobilization could give birth to a strong regional movement to fight racism. The Santiago meetings also contributed to enhancing the dialogue among Afro-descendants throughout the region and bringing international attention to the challenges that they face. For Afro-Latinos, the Chile meetings represented a unique, and probably the first, opportunity for them to appear as principal actors functioning in a regional group on the international level. The Afro-Latinos in particular participated with a burgeoning collective identity that demonstrated enormous potential for bringing the fight against racism in their respective countries to the international arena. One of their biggest successes was heightening their visibility and that of the problems that they face throughout the entire hemisphere.

On the governmental side, the Regional PrepCom allowed decisive actions, at least in the declaratory documents, to be taken to fight racial discrimination in the region. For the first time, all the governments of the Americas accepted that racial discrimination exists throughout the region and that it should be strongly combated. Some themes which appeared in the Regional PrepCom's Final Declaration deserve mention as they indicate important changes in the official position of many States in the region highlighted throughout this article. The Final Declaration includes clear recognition that the his-

tory of the hemisphere has been frequently characterized by racism and racial discrimination, that these phenomena persist in the region (preamble). Moreover, the Governments of the region stated that the denial of the existence of racism and racial discrimination on the part of States and societies directly or indirectly contributes to their perpetuation (par. 2). The documents also included a positive call for governments to include ethnic or racial criteria in order to give visibility to diverse sectors of the population (par. 18). It is important to note that the Presidents and Heads of State of the 34 countries of the Hemisphere expressly endorsed this document. When they gathered in the Third Summit of the Americas, held in Quebec City, Canada, on April 20-22, 2001, their Final Declaration stated that the Presidents and Heads of State of the Americas: "Recognize the importance of the Regional Preparatory Conference of the Americas against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance held in Santiago, Chile, in December 2000." Similarly, the Inter-American Democratic Charter that was adopted recently by the OAS General Assembly in Lima, Peru, on September 11, 2001, establishes in Article 9 that: "The elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation."

After the Regional Prep-Com, during in the first week of September 2001, the WCAR was held in Durban, South Africa. While the objective of the WCAR was to address issues of discrimination and intolerance around the world and to formulate recommendations and action-oriented measures to combat these evils in all their forms, most of the discussions focused on two issues: the conflict in the Middle East and the question of reparation. Notwithstanding the diplomatic hurdles, the event allowed Afro-Latinos to keep raising the level of public awareness on a number of important issues, continuing their Chilean success. For Latin America, the most important development is that the governments of the region defended the document adopted in Santiago at the Regional Prep-Com as their common position. In other words, the Latin American Governments did not retract from their prior recognition that the region faces important racial discrimination issues.

The mobilization of civil society groups was quite significant, resulting in a number of positive, tangible developments. In some countries such as Brazil, black activists sent one of the largest and most active group of Afro-descendants from any region to Durban. This success had a very positive impact in the region. It helped raise some public awareness of the many problems confronting Afro-Latinos. However, more than just highlighting the problem, the Conference also acted as a welcome catalyst to put in motion the long overdue debate on how to effectively address racial inequality. The progress here lies in

the discussion itself. Probably, for the first time in Latin America, governments and civil society started to debate racial inequality. At last, the debate over race seems to have moved beyond the discrete circles of academics and activists to find an incipient place in the region's agenda. As an example, the OAS decided to start discussions on the adoption of an Inter-American Convention against Racism and any other form of Discrimination and Intolerance. For a region that traditionally denies the existence of racism and racial discrimination, as this article reflects, this is an important development.

In order to capitalize on the momentum created by the WCAR, it is indispensable to keep race and racial inequality at the forefront of Latin American political and legal debate. This is not an easy task and the region faces many challenges. While the Latin American governments took a crucial first step by formally acknowledging at the international level the existence of racial discrimination, this is just the beginning rather than the end of the struggle. It remains to be seen if Governments will start laying the groundwork for the formulation of effective public policies, including legal reforms needed to address racial disparities. There are yet no clear signs that the governments in the region will incorporate their diplomatic recognition of the existence of racism and racial discrimination into the official domestic discourse. More importantly, it is yet to be seen if Latin American governments will turn their rhetoric into action.

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