

Racial discrimination



Racism (and racial discrimination) is, to a certain extent, alive and well in every society, country and region of the world. It can appear in a variety of forms depending on the culture or context in which it occurs and the period of history during which it rears its head. Nonetheless, one common thread that seems to be woven throughout almost every culture, country and region is that people deny that racism even exists.

In this article, we attempt to delve into the different forms of denying 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 exists in our part of the world. This phenomenon of denial stands in the way of acknowledgement of the problem and, consequently, hampers effective measures that could be taken to eliminate and prevent racial discrimination.

In order to identify the best strategies for combating racism, we must first take a close look at the different forms and manifestations of the phenomenon itself. A kind of presumption of moral superiority vis-a-vis the United States of America is quite widespread throughout our region. Rarely does a conversation on this issue between Latin Americans take place without mentioning 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.

As the Brazilian scholar Antonio Sergio Guimaraes notes with nationalistic pride, we point out that racial segregation of the type that exists in the United States does not exist in our countries². 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 in 2000 at a meeting in Brasilia.

This statement reads: “ 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. ” 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.

In short, these leaders concur 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. Moreover, this statement echoes the widespread sentiment of the region. Our aim here is to encourage a debate on what we feel is a widespread and outright misrepresentation of Latin America as a region that is respectful of racial mobility and more tolerant toward racial identities than what 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.

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 as a matter related to the right to development and to their situation of economic and social marginalization (exclusion).

“ This same government would also state that racial discrimination “ is not even a issue of national debate. But to point out that this phenomenon is not part of the national debate, or that it is not viewed as racial discrimination, by no means erases or negates the fact that racism and racial discrimination does exist and that the countries of the region refuse to admit it and combat it. In reality, racial discrimination and racism, like the failure to recognize these phenomena and the absence of a debate on these issues in Latin America, is simply part and parcel of what could be dubbed 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. 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).

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. Before delving into the subject at hand, we would first like to make a point of clarification. This article shall focus primarily on the plight of the black or Afro-Latin American population, 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 blacks have been the most low-visibility victims of racial discrimination in Latin American society today. A Look at the Current Situation in the Region We must first make sure that readers understand what we mean by racism or racial discrimination.

Even though 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.

Although very few statistics are available on the phenomenon, the small amount of data we have at our disposal shows how racial discrimination permeates each and every realm of life in our region: from the social to the political, education¹⁰, labor¹¹, cultural and public health sectors. In countries like Colombia, the Afro-Colombian population is disproportionately a victim of political violence. In other countries of Latin America, access to land has eluded the descendants of African peoples. In many countries of the region, judicial¹⁵ and police¹⁶ systems provide less protection to blacks and, at the same time, punish these people more severely. For example, a recent ECLA (U. N.

Economic Council for Latin America) study 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 more of a chance of successfully climbing the corporate ladder so to speak, or making it into positions of power or upper management. Distribution of income in the region is revealed to be even more unfair when it is viewed by 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.

The Government of Colombia, one of the few governments which at least has clearly acknowledged, in written documents, the problem of discrimination, has described the plight of the Afro-Colombian population in the following terms: They are among the group of Colombians with the highest indices 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 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 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 to development in keeping with their world vision and with their socio-cultural reality the territorial entities where the Afro-Colombian population create settlements are characterized by their poor ability to govern, plan and manage. 18 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, there are still strong currents of thought in political, academic and social circles 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” 19 does not exist, “ in our country problems of discrimination do not exist “, 20 “ racial discrimination does not exist”, 21 “ today racial problems practically do not exist any longer”, 22 “ this phenomenon does not appear in our country” 23 or “ in society at the present time racial prejudices, are practically negligible” 24 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 who most categorically deny the existence of the problem.

It would not be entirely farfetched to hear the following argument brandished in discussing the issue with a Latin American: “ Our Government would never

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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 related 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. 25 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 groups that have been discriminated against have become more visible and have begun to engage in activism to address their plight. Additionally, a

limited, but growing number of studies and statistics, which bear out that racism and racial discrimination still exist in Latin America, are now available. 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 such that they do not fit the definition of racism or racial discrimination.

a. 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 on the problem, or paint a picture of neutrality in the face of discriminatory practices.

In order to negate or cloud the racist side of certain social conduct or government policies, a variety of terms are used such as “ ethnic minority”, “ restrictions on immigration”, “ customer screening or selection” (selección de clientes) “ reservation of rights to refuse admission” (reserva de admisión)” proper attire” (buena presencia)³⁰. 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 instead of racial reasons for 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 in Haitian society. ” Similarly, the government of Peru claimed that “ today practically every Peruvian is of mixed blood and a racial problem no longer not exists. Instead, there exists a problem of economic underdevelopment in certain sectors of the population. “ Mexico has developed the most explicit arguments on this point. The indigenous issue is not “ a problem of racial discrimination;” In Mexico, rather than “ the phenomenon of racial discrimination”, what is going on are “ some forms of discrimination derived from the socioeconomic reality.

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 have been addressed by means of a variety of government social development programs targeted toward the most vulnerable groups. This way of thinking is so widespread and has endured for so long throughout Latin America that, regardless of a person’s race, the population for the most part is unwilling to

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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. These interpretations are marred by faulty logic.

They fail to explain why in our region even though not all people of color are poor, almost all poor people are colored. One government did not have any problem acknowledging that “ There is a clear correlation between proportion of the indigenous population and poverty and marginalization indices. 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 of poverty, one variable, which can only be attributed to a person’s race, always carries over. 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. Justification of class-based over 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. b. 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 offer only a few examples. One form of 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. “ The implication of this statement is that discrimination can only exist when it is established by law, and not when sectors of the population are discriminated against by deed or when laws are applied or enforced in a discriminatory way.

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 in support of each particular provision of these conventions, egalitarian and non discriminatory enforcement of laws and conventions and, particularly, the prevention, punishment and elimination of discrimination in all of its forms, whether by law or by deed. The CERD (Committee on the Elimination of Racial Discrimination), therefore, has expressly mentioned the obligation of States

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to repeal any law or practice whose effect it is to create or perpetuate racial discrimination.

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 Latin American countries, as the CERD has been pointing out over the past two years. Instead, the respective constitutions contain basic provisions which prohibit racial discrimination; yet the appropriate legislative structures to fully enforce those provisions are not in place. 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. To date, in many countries of the Americas, such laws yet to be passed.

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. 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.

Lastly, in many of our countries, 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, or because punishments provided for by law are so lenient that they do not serve as an effective means to prevent, prohibit and eradicate all practices of racial segregation. Another way people attempt to prove that racial discrimination does not exist in the 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” 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 victims 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. “ 50 The small amount of complaints and, consequently, convictions, may also be due to a lack of confidence in law enforcement and judicial authorities. 51 Lastly, the low incidence of racial discrimination court cases may also stem from the fact that judicial or police officers do not rate this type of behavior as a display of racism or discrimination. 2 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, by stating , “ even though it is true that very few laws are in force against racial discrimination and any defense or support (apologia) 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. ” 53 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, international treaties they have ratified, and a host of legal mechanisms that are in place to punish those responsible for discrimination and racism