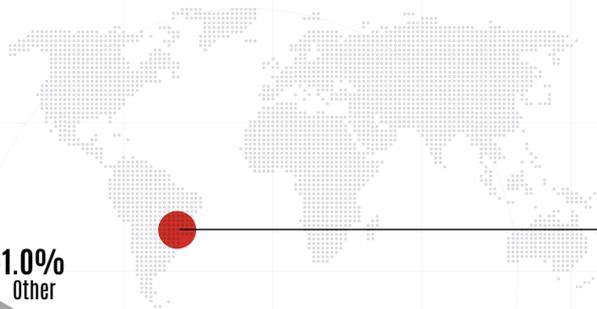
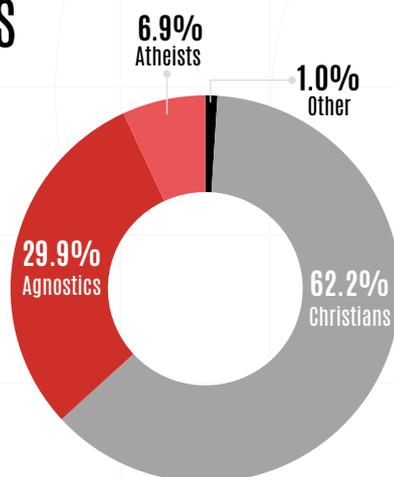




URUGUAY

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Article 5 of Uruguay's constitution provides for religious freedom and maintains a strict separation between religious organisations and the state.¹ The same article recognises the ownership of the Catholic Church to all places of worship "which have been built wholly or partly from funds of the National Treasury, with the sole exception of chapels dedicated for use by asylums, hospitals, prisons, or other public establishments." Article 5 also exempts various religious groups "from all forms of taxes" that would otherwise apply to their places of worship as long as they submit an application for such exemptions to the Ministry of Education and Culture, and it is granted. Law 12802 also provides tax exemptions to Catholic dioceses.²

The Penal Code criminalises incitement to hate, showing contempt or engaging in any kind of moral or physical violence as well as carrying out such violence against one or more individuals because of their religion. The same applies to anyone who attacks a place of worship or destroys religious objects or hinders or disturbs a religious

ceremony.³

Article 68 of the constitution guarantees freedom of education and provides that every parent or guardian has the right to choose the school of their children. Law 15739 stipulates that public education must respect "the independence of the morals and civic conscience of students." The National Board of Public Education must assert, among other things, the principles of secularism, defend moral values and human rights, and promote respect for the convictions and beliefs of others.⁴

Article 10 of the Abortion Law (No. 18.987) recognises that institutions may object to the practice of termination of pregnancies. Article 11 also defends the right of doctors and healthcare workers to refuse to participate in procedures on the basis of conscientious objection.⁵ Articles 40 and 41 of the Code of Medical Ethics, which has the force of law, also recognises the right to conscientious objection on the grounds of personal belief.⁶

INCIDENTS AND DEVELOPMENTS

In January 2019, after a meeting between a presidential pre-candidate and Cardinal Daniel Sturla, the latter noted that it is not good to mix God with a political option, or for

a Church to support a specific party.⁷

The results of a survey conducted in December 2018 were released in February 2019. They show that six out of 10 Uruguayans claim to have a belief in a higher being. Depending on age, the number of atheists has increased at the expense of the Catholic community.⁸

In April 2019, Uruguayan bishops pointed out that some levels of government are involved in a process of “deconstruction” or destruction, “that the state is appropriating the primary right and duty of parents to educate their children with their own set of values.”⁹

In September 2019, an out-of-court settlement was reached in a case involving a lawsuit launched by a sect against a group of researchers studying cultism. This specific sect came under investigation after a complaint was filed against it for human trafficking.¹⁰

In November 2019, an Evangelical pastor filed a complaint against the Minister of Education and Culture “for discrimination and xenophobia due to religious status.” In a private WhatsApp conversation, the minister referred to Evangelicals as a “scourge”.¹¹

In January 2020, the Holy See declassified and made available files relating to people who went missing between 1968 and 1985 for political reasons.¹²

In February 2020, the feast of Yemoja (Lemanjá), a goddess revered by members of the Umbanda, a religion of African origin, was celebrated at Playa Ramírez, a popular beach in Montevideo. People brought offerings, and, following a ritual on the beach, placed them in the sea.¹³

In March 2020, Uruguay’s new president, Luis Lacalle Pou, inaugurated his mandate with an interreligious prayer for the Fatherland at the Metropolitan Cathedral with the participation of Christian religious leaders as well as a rabbi. The country’s opposition parties criticised the president for taking part in a religious service. For his part, President Lacalle Pou said that the separation of state and religion “does not mean an intolerant or unwelcome attitude towards religions”.¹⁴

During the period under review, some draft bills affecting religious freedom were introduced.

In March 2019, a bill was introduced to regulate sex education in relation to “moral and/or religious beliefs”.¹⁵

In March 2020, a bill was introduced to “decriminalise religious marriage”, repealing a 19th-century law punishing

priests or pastors for performing a religious marriage without a prior civil marriage. According to a senator, the bill applies only to Christian marriage since its wording refers to the priest of “the Catholic Church or pastor of the country’s different dissenting communions”.¹⁶

A bill was introduced in July 2020 to guarantee the right of all religious groups and minorities to celebrate religious festivities and days of religious observance.¹⁷

After the outbreak of the COVID-19 pandemic, the government met with religious leaders from different Churches and religious communities, with everyone agreeing on the need to suspend public religious celebrations.¹⁸

PROSPECTS FOR RELIGIOUS FREEDOM

In the period under review, the status of freedom of religion did not change significantly. The country’s level of secularism did become, from time to time, a topic of discussion. Several bills affecting religious freedom also took centre stage. With respect to the pandemic, it should be noted that the authorities did not act unilaterally, but sought instead a shared decision with religious stakeholders. Consequently, future prospects for freedom of religion are positive.

- 1 Uruguay 1966 (reinst. 1985, rev. 2004), Constitute Project, https://www.constituteproject.org/constitution/Uruguay_2004?lang=en (accessed 19th January 2021).
- 2 Article 134, “Ley N°12802,” Parlamento del Uruguay, https://parlamento.gub.uy/documentosyleyes/leyes?Ly_Nro=12802&Ly_fechaDePromulgacion%5Bmin%5D%5Bdate%5D=12-01-1982&Ly_fechaDePromulgacion%5Bmax%5D%5Bdate%5D=&Ltemas=&tipoBusqueda=T&Searchtext (accessed 9th October 2020).
- 3 Articles 149 bis and ter, 304, 305 and 306, Código Penal, Parlamento del Uruguay, <https://parlamento.gub.uy/documentosyleyes/codigos?page=1> (accessed 3rd March 2020).
- 4 Article 2 (6), “Ley N°15.739 de Enseñanza,” Parlamento del Uruguay, https://parlamento.gub.uy/documentosyleyes/leyes?Ly_Nro=15739&Ly_fechaDePromulgacion%5Bmin%5D%5Bdate%5D=12-01-1982&Ly_fechaDePromulgacion%5Bmax%5D%5Bdate%5D=&Ltemas=&tipoBusqueda=T&Searchtext (accessed 3rd March 2020).
- 5 Articles 10 and 11, “Ley N°18.987 sobre Interrupción Voluntaria del Embarazo – Ley del Aborto,” IMPO, Centro de Información legal, Normativa y Avisos Legales del Uruguay, <https://www.impo.com.uy/bases/leyes/18987-2012> (accessed 3 March 2020).
- 6 Articles 40 and 41 of the Law No. 19.286 Code of Medical Ethics (Código de Ética Médica), Colegio Médico del Uruguay, <http://www.colegiomedico.org.uy/wp-content/uploads/2017/03/codigo-de-etica-medica-web.pdf> (accessed 3rd March 2020).
- 7 “Sturla y Alonso se reunieron luego de que el cardenal cuestionara apoyo de iglesias a partidos,” El Observador, 17th January 2019, <https://www.elobservador.com.uy/nota/sturla-y-alonso-se-reunieron-luego-de-que-el-cardenal-cuestionara-apoyo-de-iglesias-a-partidos--201911716233> (accessed 9th October 2020).
- 8 “¿Qué tan religioso son los uruguayos?” El Observador, 7th February 2019, <https://www.elobservador.com.uy/nota/-que-tan-religiosos-son-los-uruguayos--201927155055> (accessed 6th April 2020).
- 9 “Iglesia Católica: ‘Estamos sufriendo e Uruguay una auténtica coloinzación ideológica’,” La Red21, 6th April 2019, <https://www.la21.com.uy/politica/1397015-iglesia-catolica-descostruccion-familia-colonizacion-ideologica> (accessed 10th October 2020).
- 10 “Secta de origen rumano investigada en Uruguay retira demanda contra expertos y medios,” Montevideo Portal, 20th September 2019, <https://www.montevideo.com.uy/Noticias/Secta-de-origen-rumano-investigada-en-Uruguay-retira-demanda-contra-expertos-y-medios-uc730372> (accessed 20th December 2019).
- 11 María Julia Muñoz, “Pastor evangélico denunció a la ministra Muñoz por discriminación y xenofobia,” Subrayado, 21st November 2018, <https://www.subrayado.com.uy/pastor-evangelico-denuncio-la-ministra-munoz-discriminacion-y-xenofobia-n519541> (accessed 21st December 2019).
- 12 “N°1/20: Desclasificación de archivos de la Santa Sede,” Ministerio de Relaciones Exteriores Uruguay, 3rd January 2020, <https://www.gub.uy/ministerio-relaciones-exteriores/comunicacion/comunicados/0120-desclasificacion-archivos-santa-sede> (accessed 20th March 2020).
- 13 Federico Anfiti, “Lemanjá, la diosa que llena de de ofrendas las playas uruguayas,” Efe, 3rd February 2020, <https://www.efe.com/efe/america/sociedad/iemanja-la-diosa-que-llena-de-ofrendas-las-playas-uruguayas/20000013-4164581> (accessed 3rd March 2020).
- 14 Mamela Fiallo Flor “Uruguay comienza presidencia con misa, ¿pone en riesgo el Estado laico?” PanAm Post, 3rd March 2020, <https://panampost.com/mamela-fiallo/2020/03/03/uruguay-misa-estado-laico/> (accessed 19th January 2021).
- 15 “Cámara De Representantes - Proyecto De Ley - Que regula el ejercicio los derechos fundamentales referidos a la educación[...] de los hijos, [...] en el ámbito de la educación sexual, en la medida en que esta atañe a la intimidad personal y a las convicciones morales y/o religiosa,” Centro UC Derecho y Religión, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, N° 7 (Year 15) April 2020, <http://ojs.uc.cl/index.php/bjur/article/view/12950> (accessed 10th October 2020).
- 16 Ricardo Antúnez, “Senadora nacionalista presenta proyecto de ley para ‘despenalizar’ el matrimonio religioso,” La Diaria, 13th March 2020, <https://ladiaria.com.uy/politica/articulo/2020/3/senadora-nacionalista-presento-proyecto-de-ley-para-despenalizar-el-matrimonio-religioso/> (accessed 10th October 2020).
- 17 “Festividades de las minorías religiosas. Derecho a la observancia,” Centro UC Derecho y Religión, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, N° 10 (Year 15) July 2020, <http://ojs.uc.cl/index.php/bjur/article/view/18419> (accessed 10th October 2020).

18 “Seminario 2020: Los desafíos de la libertad religiosa en el sistema interamericano de Derechos Humanos,” Libertad religiosa en el Sistema Interamericano: Uruguay. Dra. Carmen Asiaín, 24th September 2020, <https://www.facebook.com/JuanPabloIFamilia/videos/384698952560490> (accessed 10th October 2020).