



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 110th session

7–31 August 2023

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted by  
States parties under article 9 of the Convention**

### List of themes in relation to the combined twenty-fourth to twenty-sixth periodic reports of Uruguay

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Demographic composition of the population

2. Updated and disaggregated information on the demographic composition of the population of the State party and indicators relating to the socioeconomic situation of its various ethnic groups, in particular people of African descent, Indigenous Peoples, migrants, refugees, asylum-seekers and stateless persons. Measures taken to routinely incorporate the ethno-racial variable in the data collection and administrative record-keeping of public institutions and regional and local governments.<sup>2</sup> Information on the incorporation and use of self-identification in the population, households and dwellings census to be carried out in 2023, and the measures taken to raise awareness of self-identification among the public and census takers and prevent underregistration.

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 5)

3. Information on cases in which the Convention has been invoked before the State party's courts or has been directly applied by them. Additional information on any training on the Convention provided to law enforcement officials, public defenders, lawyers, judges, justice system officials and other public officials; and the measures taken to raise awareness among the State party's population, including non-citizens, of the rights enshrined in the Convention and the complaint mechanisms and judicial and non-judicial remedies available to them.<sup>3</sup>

<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/URY/CO/21-23, paras. 8-9; and CERD/C/URY/24-26, paras. 8-12.

<sup>3</sup> CERD/C/URY/CO/21-23, paras. 33-34; and CERD/C/URY/24-26, paras. 191-211.



4. Measures taken to include in national legislation a clear, explicit prohibition of racial discrimination that meets all the requirements established in article 1 (1) of the Convention and that covers acts of direct and indirect discrimination in all fields of law and public life.<sup>4</sup> Additional information on measures taken by the State party to criminalize acts of racial discrimination and the conduct described in article 4 of the Convention, in particular, the dissemination of ideas based on racial superiority, and to declare illegal and prohibit organizations that promote and incite racial discrimination.<sup>5</sup>

5. Concrete measures taken to prevent, investigate and punish hate speech and incitement to racial discrimination, xenophobia and violence, especially in the media and on the Internet and social media platforms, including when uttered or instigated by public figures, in particular against people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees. Statistical data on and examples of complaints lodged and investigations carried out in relation to individuals and groups that have incited discrimination or racist and xenophobic hate speech and violence and the penalties imposed on them. Measures taken to facilitate the reporting and investigation of hate crimes, including the establishment of a data-collection and storage system.<sup>6</sup>

6. Information on measures taken to strengthen the National Human Rights Institution and Office of the Ombudsman, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination and the National Advisory Council for Ethnic and Racial Equity and People of African Descent, including any changes made to the financial, human and technical resources allocated to these institutions since the State party's previous periodic report and measures taken to increase their presence at the departmental level and ensure effective coordination between them and other institutions responsible for combating racial discrimination.<sup>7</sup> Information on the implementation of the national system for racial equity and people of African descent.<sup>8</sup>

7. Information on the progress and results obtained under the National Strategy on Policies for Persons of African Descent 2030 and on the human, financial and technical resources allocated for its implementation.<sup>9</sup> Information on the results obtained under the National Plan for Racial Equity and People of African Descent (2019–2022), the participation of organizations of people of African descent in the assessment of its implementation and outcome, and the extension of the plan or the possible adoption of a new plan.<sup>10</sup> Measures taken to adopt a comprehensive policy and a national plan on combating racial discrimination, and consultations carried out with organizations of people of African descent, Indigenous Peoples, migrants, asylum-seekers, refugees and other minorities on the development and adoption of such a policy and plan.<sup>11</sup>

#### **Situation of people of African descent, Indigenous Peoples and persons belonging to other minorities (arts. 2 and 5)**

8. The implementation of measures, including special measures and affirmative action, to combat the structural and multiple forms of discrimination affecting people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees and to ensure the effective enjoyment of their rights throughout the territory of the State party. Specific information on the impact of such measures and the participation of the aforementioned groups in their design, implementation and evaluation.<sup>12</sup>

<sup>4</sup> CERD/C/URY/CO/21-23, paras. 10–11; CERD/C/URY/CO/16-20, para. 9; and CERD/C/URY/24-26, paras. 18 and 20.

<sup>5</sup> CERD/C/URY/CO/21-23, paras. 10–11; CERD/C/URY/CO/16-20, para. 13; and CERD/C/URY/24-26, paras. 15–22.

<sup>6</sup> CERD/C/URY/24-26, paras. 16 and 190.

<sup>7</sup> CERD/C/URY/CO/21-23, paras. 14–15; and CERD/C/URY/24-26, paras. 5, 34, 45–48, 163 and 164.

<sup>8</sup> CERD/C/URY/24-26, para. 5.

<sup>9</sup> Ibid., paras. 25–28.

<sup>10</sup> Ibid., paras. 29–42.

<sup>11</sup> CERD/C/URY/CO/21-23, paras. 12–13.

<sup>12</sup> Ibid., paras. 16–17; and CERD/C/URY/24-26, paras. 49–92.

9. Measures taken to increase the participation of people of African descent, Indigenous Peoples and persons belonging to other minorities, in particular women belonging to these groups, in political and public affairs at all levels of government and the representation of such people in decision-making positions in both the public and private sectors.<sup>13</sup> Information on the results of such measures, together with supporting statistical data, since the submission of the previous periodic report.

10. Information on measures taken to prevent, investigate and punish acts of police and institutional violence directed at people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees, and reparations granted to victims. Information on measures taken and envisaged, including at the legislative level, to prevent, combat and explicitly prohibit racial profiling by law enforcement officials, and disciplinary and criminal measures to investigate cases of racial profiling and punish the perpetrators. Updated information on the ethno-racial origin of persons deprived of their liberty and measures taken to address the overrepresentation of people of African descent in places of detention.<sup>14</sup>

11. Updated information on measures taken to reduce poverty levels among people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees.<sup>15</sup> Actions taken to ensure that persons belonging to these groups have effective access to basic services (housing, water and sanitation, education, electricity, health care and social security), including during the coronavirus disease (COVID-19) pandemic. Specific information on the impact of such measures and actions and relevant statistical data.

12. Measures taken to ensure the availability, accessibility and quality of education for children of African descent and Indigenous, migrant, asylum-seeking and refugee children, including during the COVID-19 pandemic; and statistics on school enrolment and dropout rates and access to primary, secondary and university education among these communities.<sup>16</sup> Updated information on the impact of the implementation of Act No. 19.122 on the sphere of education.<sup>17</sup> Steps taken to address discrimination in education, particularly on grounds such as skin colour, ethnicity and nationality, and the intersection of such discrimination with other forms of discrimination, such as that based on gender, socioeconomic status and physical appearance.<sup>18</sup>

13. Measures taken to combat racial discrimination in the workplace, which mainly affects people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees. Actions taken to broaden the access of persons belonging to these groups to the formal economy, to ensure that they enjoy fair and satisfactory working conditions and to reduce unemployment rates among them.<sup>19</sup> Updated information on measures taken to ensure the effective implementation of Act No. 19.122 in the sphere of employment.<sup>20</sup>

14. Measures taken to ensure equal access to quality and culturally appropriate health services for people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees, including during the COVID-19 pandemic. Implementation and impact of measures taken to reduce maternal and infant mortality rates among people of African descent and Indigenous persons. Action taken to facilitate universal access to sexual and reproductive health-care services for people of African descent, Indigenous persons, migrants, asylum-seekers and refugees, and the outcome of these actions.

15. Actions taken to combat racial discrimination against Indigenous Peoples and to promote and protect their rights, including the adoption of legislative, institutional and public policy measures and the participation of Indigenous Peoples in their design, implementation and evaluation.<sup>21</sup>

<sup>13</sup> CERD/C/URY/CO/21-23, paras. 18–19; and CERD/C/URY/24-26, paras. 93–100.

<sup>14</sup> CERD/C/URY/CO/21-23, paras. 33–34; and CERD/C/URY/24-26, paras. 13 and 204.

<sup>15</sup> CERD/C/URY/CO/21-23, paras. 16–17.

<sup>16</sup> Ibid., paras. 20–21; and CERD/C/URY/24-26, paras. 35, 36, 89, 90, 108–117 and 172–174.

<sup>17</sup> CERD/C/URY/CO/21-23, paras. 20–21; and CERD/C/URY/24-26, paras. 89 and 111.

<sup>18</sup> CERD/C/URY/CO/21-23, paras. 20–21; and CERD/C/URY/24-26, paras. 108–117.

<sup>19</sup> CERD/C/URY/24-26, paras. 49–62.

<sup>20</sup> Ibid., paras. 66–74.

<sup>21</sup> CERD/C/URY/CO/21-23, paras. 22–24; and CERD/C/URY/24-26, paras. 118–124.

16. Impact of the measures taken to combat the multiple and intersecting forms of discrimination faced by women of African descent and Indigenous, migrant, asylum-seeking and refugee women, particularly with respect to their participation in public affairs and access to education, employment and health-care services.<sup>22</sup> Impact of Act No. 19.580 of 2018 on Gender-based Violence against Women on efforts to combat violence against women of African descent and Indigenous, migrant, asylum-seeking and refugee women. Information on the investigation of cases of gender-based violence, the prosecution and punishment of the perpetrators and the protection and reparation afforded to the victims, including the establishment of shelters in rural areas and the provision of comprehensive care services.<sup>23</sup>

#### **Situation of migrants, asylum-seekers, refugees and stateless persons (arts. 2 and 5)**

17. Measures taken to combat racial discrimination and xenophobia against migrants, asylum-seekers and refugees.<sup>24</sup> Impact of policies and programmes to facilitate the regularization of the status of non-citizens and their integration, as well as measures to remove bureaucratic and other obstacles, at all levels of government, that hinder the access of migrants, asylum-seekers, refugees and stateless persons to social protection benefits, health care, housing, education, and employment with just and favourable working conditions, both in law and in practice.<sup>25</sup>

18. Measures taken to guarantee the full and non-discriminatory implementation of the law on refugees, particularly as it relates to applications for international protection at all border entry points, including during the COVID-19 pandemic, in accordance with international obligations and standards in this sphere. Actions taken to ensure access to efficient procedures for determining refugee status and actions to reduce delays and promote the integration of asylum-seekers and refugees, including measures to increase the human, financial and technical resources of the Refugee Commission.<sup>26</sup> Implementation and impact of Act No. 19.682 of 2018, which establishes the regulations governing the recognition and protection of stateless persons.<sup>27</sup>

19. Information on measures taken to prevent and combat trafficking in persons, in particular the trafficking of women of African descent, migrants, asylum-seekers, refugees and stateless persons for the purposes of labour and sexual exploitation; to improve the identification of trafficking victims among applicants for international protection, migrants and foreign workers, especially women; to provide adequate assistance and rehabilitation services to victims of trafficking and to provide adequate funding to protection services for such victims; to strengthen mechanisms for investigating cases of trafficking and for prosecuting and punishing offenders with sanctions commensurate with the gravity of the crimes; and to strengthen the training of law enforcement officials and members of the judiciary on combating trafficking in persons.<sup>28</sup>

#### **Access to justice (arts. 5 and 6)**

20. Information on complaints concerning acts of racial discrimination and related offences submitted to courts and other national institutions, including the National Human Rights Institution and Office of the Ombudsman, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, and the General Labour Inspectorate; and the results of investigations conducted, penalties imposed and reparations granted to victims.<sup>29</sup> Information on measures taken to facilitate the reporting of cases of racial discrimination, including any measures to reverse the burden of proof in favour of the victims and develop a protocol for victims of discrimination and racism.<sup>30</sup>

<sup>22</sup> CERD/C/URY/CO/21-23, paras. 25–26; and CERD/C/URY/24-26, paras. 125–154.

<sup>23</sup> CERD/C/URY/24-26, paras. 134–135.

<sup>24</sup> CERD/C/URY/CO/21-23, paras. 29–32; and CERD/C/URY/24-26, paras. 160–189.

<sup>25</sup> CERD/C/URY/CO/21-23, paras. 29–32; and CERD/C/URY/24-26, paras. 160–189.

<sup>26</sup> CERD/C/URY/CO/21-23, paras. 29–30; and CERD/C/URY/24-26, paras. 160–164.

<sup>27</sup> CERD/C/URY/24-26, para. 165.

<sup>28</sup> Ibid., paras. 6, 154 and 182.

<sup>29</sup> CERD/C/URY/CO/21-23, paras. 33–34; and CERD/C/URY/24-26, paras. 16, 45–48 and 190.

<sup>30</sup> CERD/C/URY/24-26, paras. 198–199.

21. Additional information on specific actions taken to improve access to justice for people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees, including measures to eliminate racist attitudes and racial discrimination from the justice system and obstacles in the system that hinder access to justice for victims.<sup>31</sup>

**Training, education and other measures to combat prejudice and intolerance (arts. 5 and 7)**

22. Measures taken to include human rights education, in particular education on the Convention and the fight against racial discrimination and racism, in school curricula and training programmes for teachers and other education professionals. Information on whether textbooks and curricula at all levels contain representations of people of African descent, Indigenous persons, migrants and persons belonging to other minorities and whether textbooks and curricula address their contributions to the development and national history of the State party.<sup>32</sup>

23. Concrete measures taken to prevent the spread of stereotypes, racial prejudice and xenophobia, particularly against people of African descent, Indigenous persons, migrants, asylum-seekers, refugees and persons belonging to other minorities, including in the media, on social networks and in the world of football and other sports.<sup>33</sup>

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<sup>31</sup> CERD/C/URY/CO/21-23, paras. 33–34.

<sup>32</sup> CERD/C/URY/24-26, paras. 35, 37, 38–42, 219 and 222.

<sup>33</sup> CERD/C/URY/CO/21-23, paras. 35–36; and CERD/C/URY/24-26, paras. 212–215.