



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Seventy-eighth session

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Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Uruguay

1. The Committee considered the sixteenth to twentieth periodic reports of Uruguay (CERD/C/URY/16-20), submitted in one document, at its 2057th and 2058th meetings (CERD/C/SR. 2057 and CERD/C/SR. 2058), held on 17 and 18 February 2011. At its 2078th meeting (CERD/C/SR 2078), held on 4 August 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission by the State party of its sixteenth to twentieth periodic reports drafted in accordance with the Committee's guidelines for the preparation of reports, despite the long delay. The Committee appreciates the resumption of dialogue with the State party.

3. The Committee welcomes the frank and open dialogue held with the delegation as well as its efforts to provide comprehensive responses to issues raised by Committee members during the dialogue.

B. Positive aspects

4. The Committee welcomes the progress made by the State party towards recognizing the diversity of ethnic groups that make up the Uruguayan population and in promoting their economic, social and cultural integration.

5. The Committee notes with appreciation the various legislative, institutional and policy developments which have taken place in the State party to combat racial discrimination, including:

- (a) Act No. 17.817 of 2004, which creates the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination;
- (b) The establishment of the Secretariat of Women of African Descent in the National Institute for Women, in 2005;
- (c) The establishment of the Advisory Service for racial equity; the Office for the Promotion and Coordination of Affirmative Action Policies for People of Afro Descent;
- (d) Act No. 18.315 of 22 July 2008 on police procedures, which sets out the principles for police conduct;
- (e) Act No. 18.437 of 12 December 2008 on education, which establishes anti-discrimination objectives;
- (f) The Ceibal Plan, which gives all children attending State primary schools access to a computer;
- (g) The standing invitation made to the United Nations special procedures.

6. The Committee also notes with interest the declaration by the State party of a National Day of *Cadombe* by Act No. 18.059 of 20 November 2006 to celebrate the Afro-Uruguayan Culture and Racial Equity, as well as the Day of the Chùarra Nation and Indigenous Identity by Act No. 18.589 of September 2009.

7. The Committee notes with appreciation the approval in February 2011 of the budget of the National Human Rights Institution established in accordance with Act No.18446 of 24 December 2008, and hopes that the Commission will now be operationalized as soon as possible.

C. Concerns and recommendations

8. While noting the statistical data provided by the State party pertaining to the year 2006, the Committee requires reliable and more comprehensive statistical data on the population including economic and social indicators disaggregated by race or ethnicity, in particular on people of African descent and indigenous people, to enable it to better evaluate their enjoyment of civil and political, economic, social and cultural rights in the State party.

The Committee recommends that the State party accelerate the collection and publication of statistical data on the composition of its population and its economic and social indicators disaggregated by ethnicity and race, including data from the 2010 national census, as well as any subsequent censuses and surveys which included the ethnic and racial dimension based on self-identification such as the recent national prison census. The Committee requests the State party to provide the Committee with such disaggregated data in its next periodic report.

9. While noting that article 8 of the Constitution of the State party establishes the principle of equality between all persons and Act No. 17.817 declares that it is in the national interest to combat racism, xenophobia and other forms of discrimination, the Committee is concerned at the absence of provisions in the legislation of the State party that specifically and clearly prohibit racism and racial discrimination. (art.2)

The Committee recommends that the State party adopt a specific law against racial discrimination or integrate in its current legislation provisions which specifically and clearly prohibit and prevent racial discrimination, in accordance with article 2 of the Convention.

10. The Committee notes that the response of the State party to the unprecedented economic recession of 2001 has been to provide the highest priority to poverty alleviation with lesser priority accorded to special measures to counter the structural discrimination against people of African descent and indigenous origin in the expectation that, in any case, as part of the poorest section of the population, they could expect to benefit the most from poverty alleviation programmes.

The Committee, while expressing understanding of this priority accorded to poverty alleviation in general, emphasizes the need to further develop special measures in favour of the structurally disadvantaged sectors of the population to avoid the widening of disparities and intensification of the discriminatory situation suffered by the Afro-Uruguayan and indigenous people, bearing in mind its general recommendation No.32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination.

11. While noting the information provided by the delegation on the ongoing process for the adoption of the National Plan against Racism and Discrimination, the Committee is concerned at the undue delay in its finalization. (art.2)

The Committee urges the State party take all measures to accelerate the process for adopting and implementing the National Plan against Racism and Discrimination, in consultation with all stakeholders concerned, including people of African descent and indigenous organizations. The Committee also recommends that in this process the State party take into account its general recommendation No. 28 (2002) on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as its concluding observations. The Committee requests the State party to inform the Committee on the progress in this matter as soon as possible.

12. While noting that the State party has created several mechanisms and adopted various plans, programmes, and strategies to address inequalities faced by people of African descent, the Committee is concerned about the lack of resources and the overlapping of such mechanisms, plans, programmes and strategies and the absence of information on their practical impact and effectiveness. (art. 2 and 5)

The Committee recommends that the State party pursue its efforts to introduce the ethno-racial dimension in all governmental plans, programmes and strategies relevant to the objective of combating and reversing structural discrimination; to allocate specific and sufficient budgets to them; and evaluate them periodically in order to improve their qualitative and quantitative results for the persons targeted. The Committee requests the State party to provide it with concrete data on the achievements of such plans, programmes and strategies, in its next periodic report.

13. The Committee is concerned that the State's party criminal legislation, particularly the Criminal Code, is not in full compliance with the provisions of article 4 of the Convention, in particular the requirement for criminalizing the dissemination of theories of racial superiority or inferiority and for prohibition of organizations that promote and incite racial discrimination and participation in their activities. (art.4)

Recalling its general recommendations No. 1(1972), 7(1985) and 15(1993), which recognize that article 4 is of a preventive and mandatory nature, the Committee reiterates its recommendation (CERD/C/304/Add. 78, para. 14) that the State party provide for this in its Criminal Code provisions and give full effect to article 4 of the Convention by criminalizing dissemination of theories of racial superiority or inferiority and prohibiting organizations which promote and incite racial discrimination and participation in their activities.

14. The Committee is concerned that, despite the some measures taken by the State party, people of African descent continue to be victims of inequalities, particularly in employment where they occupy low-skill jobs; in housing where they continue to live in the poorest neighbourhoods on the outskirts of the city; and in education, where dropout rates of children of African descent remain high compared to other ethnic groups in the population of the State party. (art.5)

The Committee recommends that the State party strengthen its efforts, including by undertaking special measures in favour of people of African descent and indigenous origin, in order to reduce inequalities and to improve their effective integration in the Uruguayan society. In particular, the State party should:

(a) Promote the representation of people of African descent and indigenous origin in parliament and other State institutions, as well as their employment in public administration and private enterprises as appropriate, including in high level positions; and operationalize the proposed Tripartite Commission for the promotion of racial equity and providing it with sufficient resources to fulfil its mandate;

(b) Ensure adequate housing to people previously evicted from their homes during the earlier dictatorship and integrate the ethnic or racial dimension in housing programmes;

(c) Implement the 2008 law on education and strengthen special measures aimed at, inter alia, reducing the school dropout rates of children of African descent and indigenous origin, and sensitizing their parents to the benefits of education.

15. The Committee takes note of different measures taken by the State party to address the situation of women of African descent, such as the establishment of the Secretariat for Women of Afro Descent in the National Institute for Women, the inclusion of a gender and ethnicity or race dimension in the implementation at the municipal level of the Second Plan on Equal Opportunities and Rights for Women and Men 2007-2010. The Committee is however concerned about the persisting double discrimination against women of African descent based on their ethnic origin and on their sex, in the enjoyment of economic, social and cultural rights, in particular in the employment, education and housing. (art. 2 and 5)

The Committee recommends that the State party undertake focused research on the ethno-racial dimension of the problem of gender-based discrimination in the State party, and on plans and programmes where special measures may be appropriate. It emphasized the need for the State party to promote the integration of women of African descent into the labour market, particularly their access to high skill jobs, bearing in mind its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination. The Committee requests that the State party provide it with information in this regard in its next periodic report.

16. While noting measures taken to facilitate access to justice of all, particularly for disadvantaged people, the Committee remains concerned about the effective access to justice and to administrative remedies for disadvantaged people, in particular for Afro-descendants and indigenous people (art.5).

The Committee reiterates its previous recommendation (CERD/C/304/Add.78, para. 17) that the State party make additional efforts to facilitate equal access to judicial and administrative remedies for people of African descent and indigenous origin, to ensure equal access to justice for all. It should also keep under continuous review the question of racial equality in the judicial system and regular collection of information on the impact of the ethno-racial factor in access to justice.

17. The Committee is concerned about the lack of studies on the ethnic and racial origin of elected representatives or information on measures taken to increase the participation by

and representation of people of African descent and indigenous origin in public and political affairs. (art.5 (c))

The Committee recommends that the State party strengthen its efforts to promote the participation of people of African descent and indigenous origin in public affairs, including through special measures. For this purpose, the Committee recommends that the State party continue to carry out awareness-raising campaigns and training programmes directed at remedying the situation.

18. The Committee is concerned at the lack of sufficient information on complaints, prosecutions, convictions and sentences handed down by national courts and tribunals for acts of racial discrimination, as well as reparation granted. The Committee reiterates its view that the lack of any complaints is not proof of the absence of racial discrimination and may be the result of the victim's lack of awareness of their rights, the lack of confidence on the part of individuals in the police and judicial authorities or authorities' lack of attention or sensitivity to cases of racial discrimination. (art. 6)

Recalling its General recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party continue to disseminate its legislation on this matter and inform the public, in particular people of African descent and indigenous origin, of all available remedies. It also suggests that the State party provide training to its prosecutors, judges, lawyers, police officers and other law enforcement officials on how to detect and provide redress for acts of racial discrimination. The Committee requests the State party to provide, in its next periodic report, comprehensive information on complaints, proceedings, convictions, sentences, and reparation provided for acts of racial discrimination.

19. While noting measures taken to promote the cultural identity of people of African descent and indigenous origin, the Committee is concerned at the insufficiency of such measures, and in particular at the persisting stereotypes against people of African descent and indigenous origin. The Committee is also concerned about the absence of information on measures taken to promote the history and culture of such people in the media and text books. (art.7)

The Committee recommends that the State party take additional measures to eliminate stereotypes on Afro-descendent and indigenous people through awareness-raising campaigns; pursue the promotion of their cultural identity, in particular by including in the school curricula the contribution of those people in the shaping of the identity and culture of the State party; and allocate funds to preserve and promote their identity and culture, including in the media.

20. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct relevance to communities that may be the subject of racial discrimination, such as the ILO Convention on the 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.

21. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

22. The Committee recommends that the State party undertake and publicize adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent, as proclaimed by the General Assembly in its resolution 64/169 of 18 December 2009).
23. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.
24. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148 and 63/243, in which the General Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.
25. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.
26. Noting that the State party submitted its core document in 1996, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006. (HRI/MC/2006/3)
27. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 12, 14 and 15 above.
28. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 7, 13, 16 and 17 and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.
29. The Committee recommends that the State party submit its twenty-first to twenty-third periodic reports in a single document, due on 4 January 2014, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).