



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Consideration of the second periodic report  
submitted by Uruguay under article 73 of the  
Convention, due in 2019\*, \*\***

[Date received: 1 November 2019]

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report are available on the Committee's web page.



## I. Introduction

1. This second periodic report of Uruguay to the Committee has been prepared by the National Mechanism for Reporting and Follow-up on Recommendations.<sup>1</sup>

## II. General information

2. The legal framework governing migration and asylum<sup>2</sup> in Uruguay is based on recognition of and full respect for migrants' human rights and fundamental freedoms, on an equal footing with the country's nationals. The main pieces of legislation are:

- Act No. 18250 of 6 January 2008, which regulates the country's migration policy, recognizes as an inalienable right of migrants and their families, without prejudice to their immigration status, the right to migration, family reunification, due process and access to justice, and equality of rights with nationals, without any distinction on grounds of sex, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, civil status, birth or other status. This Act promotes a cross-cutting rights-based approach to migration through the National Migration Board,<sup>3</sup> an advisory body that coordinates migration policy, bringing together various national institutions and civil society to address and follow up on the country's migration agenda.
- Act No. 19254 of 28 August 2014 granting permanent residence to nationals of Southern Common Market (MERCOSUR) States parties and to the foreign relatives of Uruguayans.
- Act No. 19362 of 31 December 2015 granting natural-born citizenship to the foreign-born grandchildren of Uruguayans born in the national territory.

3. Uruguay is not unaffected by the current global context of migration and has, in recent years, observed an exponential increase in the number of persons seeking residence in the country or arriving in its territory seeking protection. Accordingly, the process of strengthening the institutions responsible for implementing public policy on migration and asylum has been continued, with support from the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees.

4. In 2014, the National Migration Board was bolstered with the creation of the Executive Secretariat, which operates with the support of IOM, while the participation of the Consultative Advisory Council on Migration in the Board was consolidated. Communication and coordination with migration-related civil society organizations have been stepped up.

5. The large increase in arrivals of migrants and asylum seekers observed during the reporting period has represented a major challenge in terms of administration and of guaranteeing that migrants, asylum seekers and refugees actually have access to all basic services and fundamental rights. Nevertheless, in order to address this new context, human and financial resources have been increased, inter-institutional work has been enhanced and processes of regularization and access to documentation have been streamlined, with a view to eliminating bureaucratic obstacles on the basis of a commitment and a responsibility to continue building and expanding safe, regular pathways and mechanisms.

6. Uruguayan society has been characterized by migration since the country's independence. In recent years, associated with sustained economic and social development and with the good performance of social indicators and the labour market, among other factors, immigration has begun to increase and more emigrants from Uruguay have been returning to the country.

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<sup>1</sup> More information on the Mechanism is available in paragraphs 274–280 of this report.

<sup>2</sup> Act No. 18076 of December 2006.

<sup>3</sup> The Board is made up of representatives of the Office of the President, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Labour and Social Security and the Ministry of Social Development.

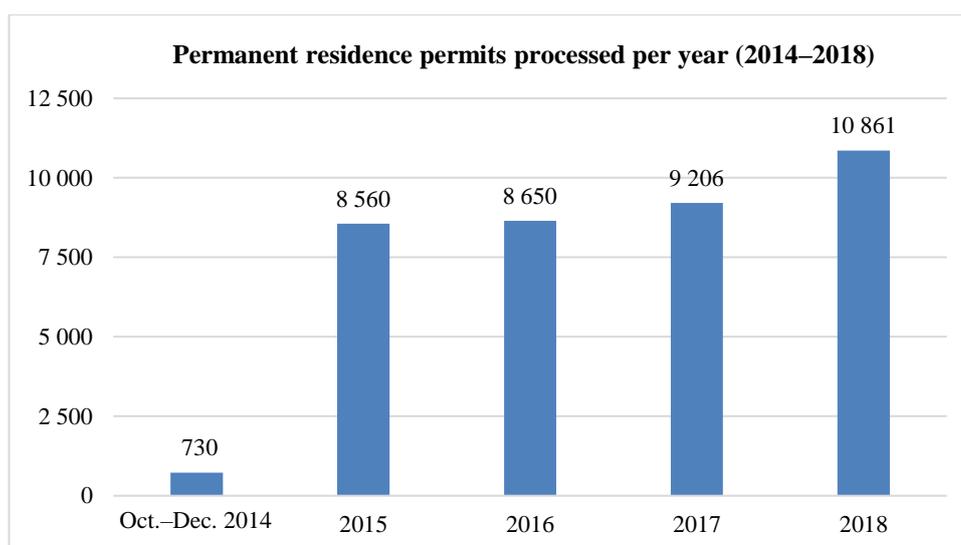
7. The figures for the reporting period are set out below. They relate to residence status processes started by the Ministry of Foreign Affairs and the National Migration Directorate of the Ministry of the Interior, the bodies responsible for administering residence permits.

8. It should be recalled that the Ministry of Foreign Affairs administers permanent residence permits for nationals of the MERCOSUR States parties and associated States and for the foreign spouses, cohabiting partners, parents and siblings of Uruguayans (Act No. 19254). The National Migration Directorate, meanwhile, is responsible for temporary residence permits for persons of all nationalities and for permanent residence permits for nationals of non-MERCOSUR States who are not in any of the situations outlined above (Act No. 18250).

9. During the reporting period, Uruguay concluded bilateral residence agreements with Brazil and Paraguay; similar agreements with Argentina, Chile and Colombia are under consideration. Furthermore, in addition to the already existing working holiday visa agreements signed with Australia and New Zealand, agreements have been signed with France, Germany, the Netherlands and Sweden; draft agreements have also been proposed to Italy and Spain.

### A. Residence permits processed by the Ministry of Foreign Affairs

10. In 2018, the Ministry of Foreign Affairs started processing 10,861 residence permits, which represents an increase of some 27 per cent compared to 2015 (8,560 residence permits), as illustrated by the figure below.<sup>4</sup>

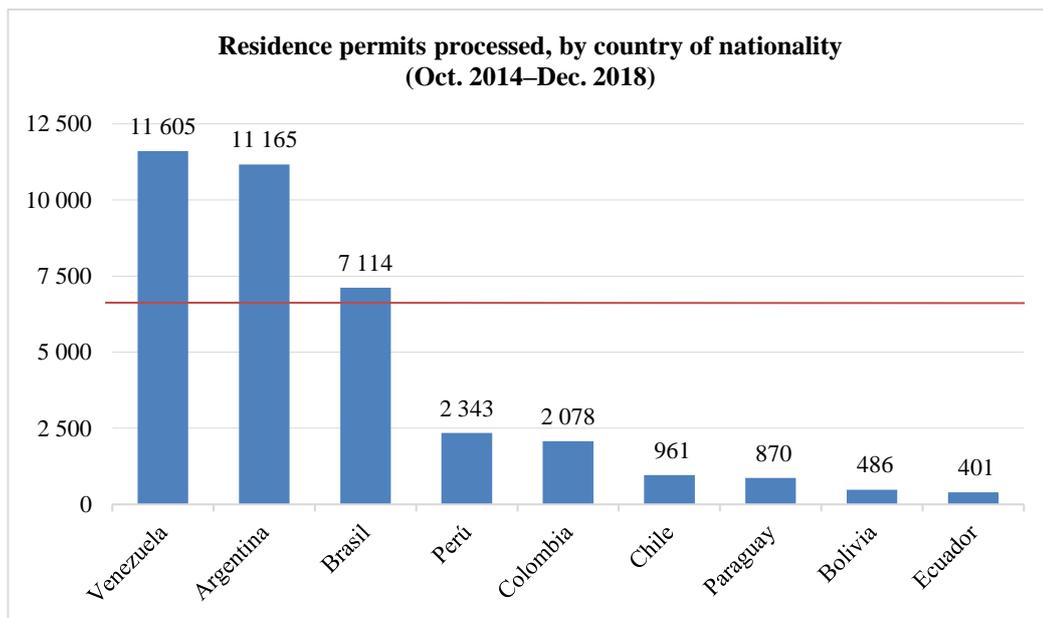


11. As regards the countries of nationality of the applicants in that period, the five principal ones were Venezuela, Argentina, Brazil, Peru and Colombia.

12. In recent years, a noticeable increase in the number of Venezuelans has been recorded, a trend mirrored in other countries of the region. In 2017, for the first time, nationals of Venezuela accounted for the highest number of residence permit applications; Argentina, which had historically accounted for the most, dropped to second place. Residence permit applications submitted by Venezuelan nationals increased by 67.7 per cent in 2018 (5,448) in relation to the previous year (3,248) and that trend is expected to continue in 2019.

13. Moreover, Venezuelans accounted for 35.3 per cent of the residence permits processed in 2017 and 50.2 per cent in 2018.

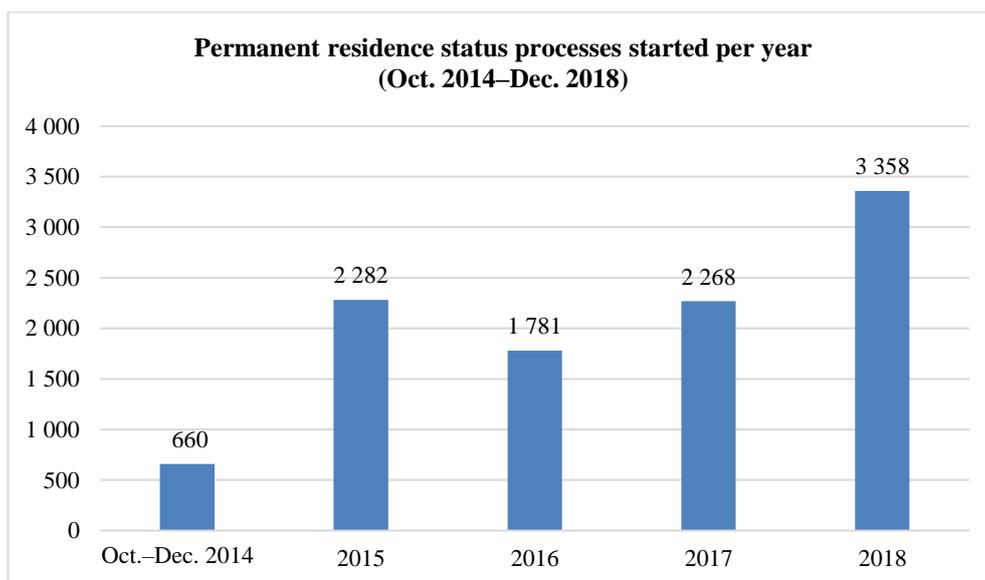
<sup>4</sup> The Ministry of Foreign Affairs started processing residence permits on 13 October 2014.

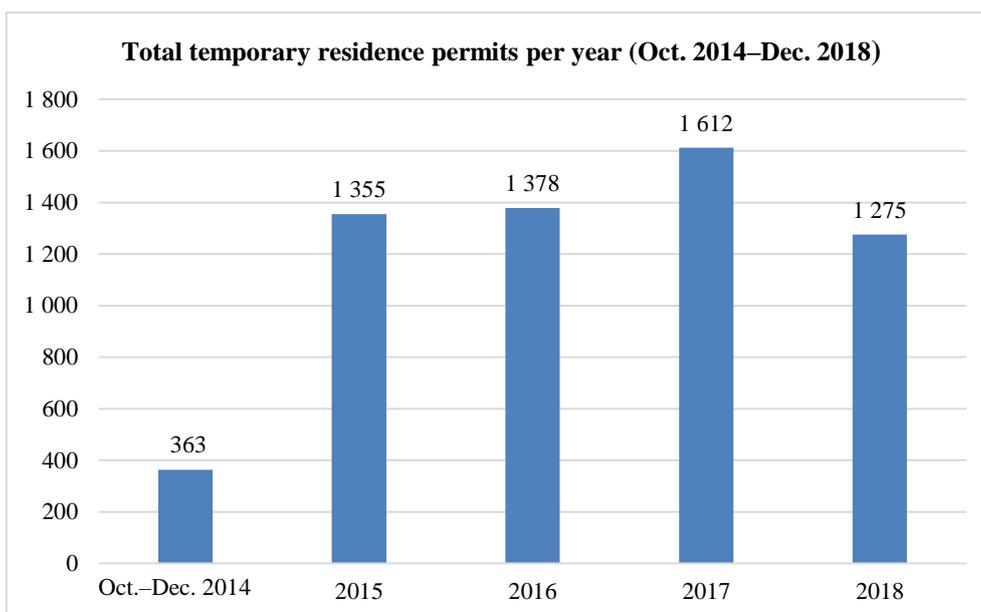


14. In relation to residence permits processed for Uruguayans’ relatives from non-MERCOSUR countries, on the other hand, the four principal countries of origin are Cuba, the Dominican Republic, the United States and Spain. In respect of this ground for residence, there was a change between 2017 and 2018, with Cuba overtaking the Dominican Republic to account for the most applications, having previously been ranked fourth.

**B. Residence permits processed by the National Migration Directorate**

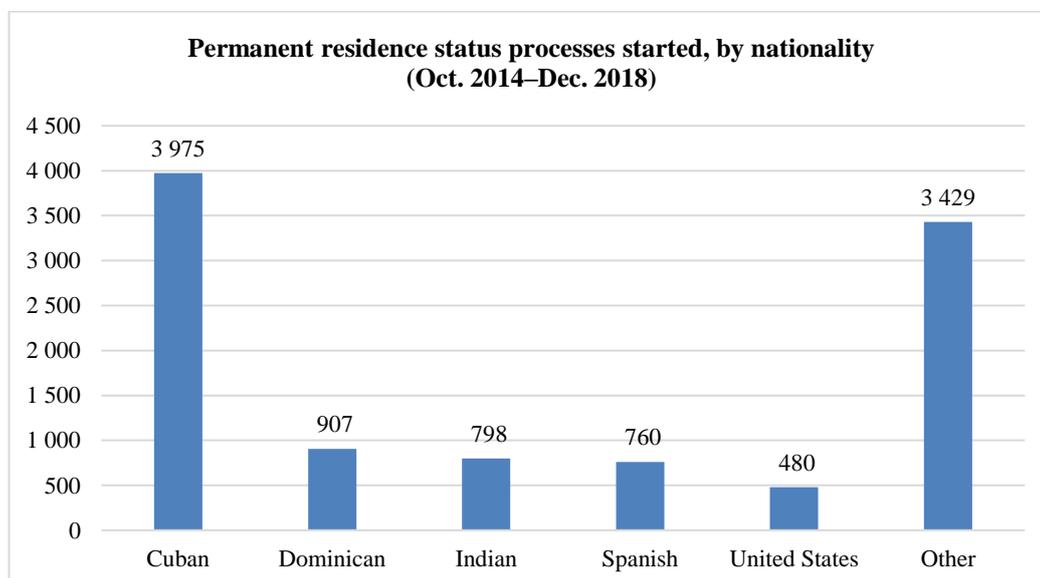
15. The number of residence permits processed by the National Migration Directorate increased every year between 2014 and 2018, except in 2016. In 2018, there was a large increase in the number of permanent residence status processes started; the number of temporary residence processes, meanwhile, increased until 2017 and then fell in relation to the previous year, as shown in the figures below.



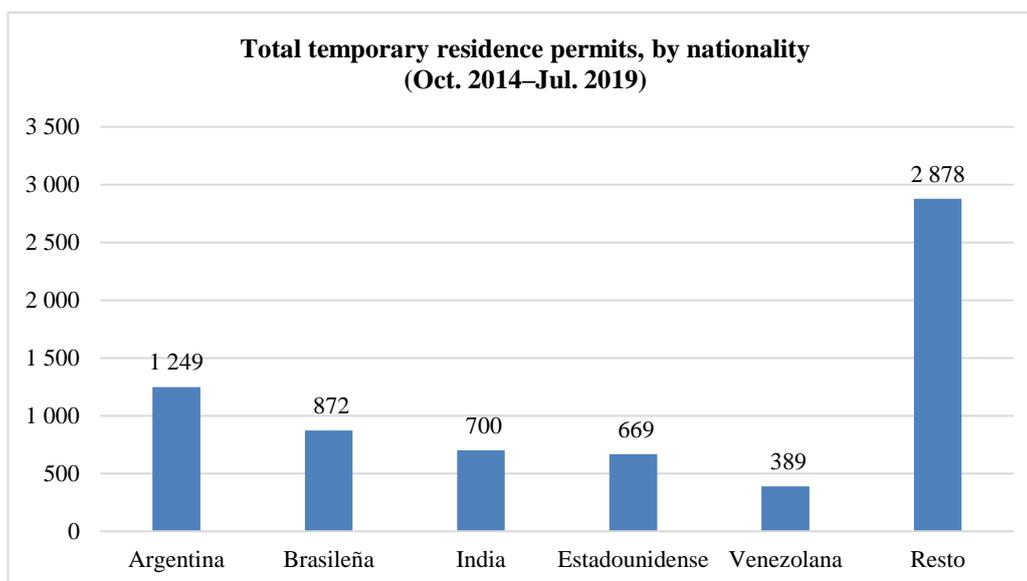


16. Regarding the countries of nationality of the persons for whom the National Migration Directorate processed permanent residence permits, Cuba accounts for the largest share by far, followed by the Dominican Republic, India, Spain and the United States. The number of applications from Cubans increased by 157.9 per cent from 2016 to 2017 and by 136.7 per cent from 2017 to 2018; in the case of Dominicans, the increase was smaller. For all other nationalities, a decrease was recorded during the reporting period.

17. It should be underscored that Cuba is the country of nationality that accounts for the fourth-largest share of all applicants for residence in Uruguay, including applications processed by both the National Migration Directorate and the Ministry of Foreign Affairs.



18. There are significantly fewer applications for temporary residence permits than there are for permanent ones. The country of nationality that accounts for the largest share is Argentina, followed by Brazil, India, the United States and Venezuela.



19. The table below shows the number of residence status processes started in the reporting period by each competent body and the change in the total number of residence status processes. It demonstrates a continuous year-on-year increase. This upward trend is expected to continue in 2019. The number of residence status processes started by the Government of Uruguay in 2018 is approximately 60 per cent greater than the number started in 2014.

#### Residence status processes started, by year and body, 2014–2018

	2014	2015	2016	2017	2018	2014–2018 total
National Migration Directorate	8 941	3 637	3 159	3 880	4 633	24 250
Ministry of Foreign Affairs	730	8 560	8 650	9 206	10 861	38 007
<b>Total</b>	<b>9 671</b>	<b>12 197</b>	<b>11 809</b>	<b>13 086</b>	<b>15 494</b>	<b>62 257</b>

#### Return

20. At the end of the civilian and military dictatorship (1985), the number of returning emigrants increased slightly. The Government and international organizations (IOM and the United Nations Development Programme (UNDP)) ran schemes to help exiles and opponents of the dictatorship to return. Nevertheless, the 1985–1996 intercensal balance remained negative, indicating that emigration did not cease during that period, although a slowdown was recorded.

21. From 2005 onward, the return of emigrants became a key item on the Uruguayan policy agenda. The Government of Uruguay began to develop and expand its policy of outreach and liaison with Uruguayan nationals living abroad. The Ministry of Foreign Affairs launched a liaison programme involving bureaucratic and administrative changes, one of the most important of which was the establishment of the Directorate General for Consular Affairs and Liaison. The Directorate General is responsible for coordinating, planning and implementing a national policy on liaison with emigrants and a return policy, in consultation with other State bodies and with organizations of Uruguayans resident abroad. It also instructs, supports and supervises the consulates of the Republic in the implementation of those policies. This new model acknowledges that Uruguayans living abroad are part of Uruguayan society and that it is clearly in the country's interest for them to remain so.

22. With a view to improving data production, the Return and Welcome Office – attached to the Directorate General, under the Ministry of Foreign Affairs – has, since 2011, been preparing migration profiles of the returning persons who voluntarily contact it. This provides more reliable information for the design and enhancement of public policies targeting returned emigrants.

23. All such reports include information on two types of return: voluntary return, where the individual or family returns voluntarily; and forced return, also known as repatriation, where the Uruguayan State provides assistance to nationals and their families in situations of destitution or socioeconomic vulnerability. The data compiled by the Office show changes in the number of returns per year. The table and figure below compare the number of returns since 2011, showing a clear and gradual decline. In total, 14,628 persons have been processed by the Office, with 6,314 recorded in the reporting period.

<i>Total returns per year</i>	
<i>Year</i>	<i>Persons</i>
2011	2 792
2012	3 358
2013	2 164
2014	2 307
2015	1 019
2016	1 219
2017	901
2018	868
<b>Total</b>	<b>14 628</b>



Source: Ministry of Foreign Affairs of the Eastern Republic of Uruguay.

24. Another aspect that stands out is the change in the country from which most such persons return: since 2017, Venezuela has accounted for the largest share of returning emigrants, followed by the more traditional host countries Spain, the United States, Argentina and Brazil.

25. As regards repatriations, administered by the Office for Assistance to Compatriots and Community Services of the Ministry of Foreign Affairs, since 2014 there has been a degree of stability in the number of processed repatriations.<sup>5</sup>

<i>Total repatriations per year, 2011–2018</i>	
<i>Year</i>	<i>Persons</i>
2011	85
2012	203
2013	78

<sup>5</sup> “Processed repatriations” means cases that were considered and approved.

<i>Total repatriations per year, 2011–2018</i>	
<i>Year</i>	<i>Persons</i>
2014	30
2015	22
2016	17
2017	21
2018	20
<b>Total</b>	<b>476</b>

### **Liaison**

26. There has been emigration from Uruguay since the country was founded. In the beginning and for long periods, Uruguayans emigrated mainly to neighbouring regions of Argentina and Brazil, but they later started emigrating to other destinations. In fact, since the 1960s, emigrants have gone to the United States and Canada, some European countries such as Spain, and other Latin American countries such as Mexico and Venezuela.

27. In 2006, it was estimated that some 600,000 Uruguayans, accounting for 18 per cent of the country's population, were living abroad (2011 IOM migration profile for Uruguay). The most recent survey, conducted in 2018 by the Directorate General for Consular Affairs and Liaison of the Ministry of Foreign Affairs, gives a similar figure, finding that approximately 530,000 first- and second-generation Uruguayan nationals live abroad, accounting for approximately 16 per cent of the population. They are mainly concentrated in countries of the region (Argentina, Brazil, Paraguay and Chile) and, outside the region, in the United States, Canada, Spain, the Nordic countries, Israel, Australia and New Zealand.

28. It is important to bear in mind that this figure might not include Uruguayan nationals who have the nationality of their country of residence, Uruguayan nationals with irregular migration status who prefer not to be surveyed and the foreign-born children and grandchildren of Uruguayan nationals who have not registered with consular offices.

29. A liaison programme targeting highly qualified emigrants was established in 2001, with a view to involving emigrants in the country's development. However, it was not until 2005 that liaison policy started to be institutionalized, with the result that its effectiveness and importance were enhanced.

30. The Programme for Liaison with Highly Qualified Uruguayans Living Abroad was promoted by the University of the Republic, the Ministry of Foreign Affairs, IOM, UNDP and the United Nations Population Fund.

31. In the same year, the National Commission for Liaison with Uruguayans Living Abroad was established by decree, along with an advisory committee to assist the Commission; a parliamentary committee also began sitting to consider legislative solutions for emigration. In 2003, the advisory committee submitted a report containing an assessment and recommendations to the Commission. It set out over 40 measures designed to advance the formulation of State policy in respect of liaison with Uruguayans living abroad.

32. As already mentioned, the Directorate General for Consular Affairs and Liaison with Uruguayans Abroad was created in 2005 under the Ministry of Foreign Affairs, replacing the above-mentioned Commission, as an institution tasked with coordinating the activities of all State bodies in relation to Uruguayan migrants abroad.

33. To strengthen such liaison, bodies known as advisory boards were also created. These represent Uruguayans living abroad and their central role is to ensure various forms of liaison with the country.

34. There is continuous communication with the advisory boards and associations of Uruguayans resident abroad, which is coordinated by the Directorate General for Consular Affairs and Liaison and its Directorate for Liaison. The latter is responsible for organizing, every two years, the global and regional meetings of the advisory boards and associations.

During the reporting period, two global meetings were held in Uruguay: the Sixth Global Meeting of Advisory Boards and First Global Meeting of Associations, in 2015, and the Seventh Global Meeting of Advisory Boards and Second Global Meeting of Associations, in 2017. The Eighth Global Meeting of Advisory Boards and Third Global Meeting of Associations will be held in Montevideo in 2019.

35. Associations of Uruguayans were recognized in national legislation by means of the amendment of article 74 of Act No. 18250, with the new wording set forth in Act No. 19535 of 25 September 2017 (article 79).

36. The Government of Uruguay considers the participation of all nationals living abroad a key factor for the design of new public policy. This type of citizen participation promotes and gives expression to the democratic principles of participation, transparency, pluralism, respect for diversity and inclusion of all members of the public.

### III. Provisions relating to migrant workers

37. On 28 August 2014, Act No. 19254 was enacted, regulated by Decree No. 312 of 30 December 2015. The Act amended the wording of articles 27 (b) and 33 of Act No. 18250 of 6 January 2008 to make permanent residence in Uruguay available to nationals of MERCOSUR States parties and associated States and to any foreign national who is the spouse, cohabiting partner (legally recognized in Uruguay), parent, sibling or grandchild of a Uruguayan national.

38. Some key characteristics of the processing of residence permits are:

- The process must be conducted in person and can be started at the Directorate General for Consular Affairs and Liaison in Montevideo, if the person is in the national territory, or at any consular office, if the person is abroad.
- Processing of the residence permit is free of charge and, once the required materials and documents and the corresponding security reports have been submitted, the permit is granted swiftly. Moreover, applicants need not submit evidence of their financial means or their health card.
- Nationals of MERCOSUR States parties and associated States do not need to apply for a visa to enter Uruguay and can change their immigration status without leaving the national territory.
- The Residence Permit Departments of the Ministry of Foreign Affairs and the National Migration Directorate, in coordination with the Ministry of Social Development, implement special procedures for handling cases of persons in especially vulnerable situations who urgently need an identity card.
- In the case of migrant minors who are enrolled in school and, for various reasons, have not obtained their identity card, steps are systematically taken, in coordination with authorities at the various levels of the education system and with the National Civil Identification Directorate, to process a residence permit and issue the corresponding national identity card.

39. As from 1 January 2019, electronic documents for migration purposes that can be verified electronically have been exempted from the requirement for authentication or apostille. Electronic official documents issued abroad that have an electronic signature and, in the case of copies, a verification code, the authenticity of which can be confirmed through security codes or the official websites of the bodies in the country of origin that issued the document in question, may be treated by the Uruguayan bodies that take immigration decisions as being valid and meeting the relevant requirements, with no need for authentication or apostille.

40. On 31 December 2015, Act No. 19362 was enacted, under which the foreign-born grandchildren of Uruguayan nationals are entitled to Uruguayan nationality and natural-born citizenship. Since then, approximately 1,000 persons have exercised their rights under the Act, which brought an end to a genuine injustice suffered by the children of a foreign-born

father or mother who had the status of a natural-born citizen; such persons were not recognized as Uruguayan nationals and natural-born citizens under Act No. 16021, enacted on 13 April 1989.

41. Act No. 16021 represented a step forward in that it clarified the definition of nationality. However, it laid down criteria that were restrictive and discriminatory, as well as unconstitutional, thereby causing injury to those descendants of Uruguayan nationals who, having been born abroad, felt themselves to be Uruguayan and wished to obtain Uruguayan nationality.

42. The adoption of Act No. 19362 has been essential for the expansion of the national community beyond the country's borders and for the strengthening of foreign-born Uruguayans' links and ties to the country.

43. The liaison policy is used to foster a stronger sense of belonging and national identity among Uruguayans resident abroad and to integrate them into national life, as a means of realizing that aspiration.

44. In addition, August 2016 saw the adoption of the framework document on migration policy in Uruguay, which includes the principles, objectives and strategic pillars of short-, medium- and long-term migration policy, along with the most important achievements in this area. The scope of migration policy is set out in section 5 of this report.

45. Moreover, the Migration Unit of the Ministry of Labour and Social Security<sup>6</sup> was established on 10 May 2017. The Unit's mandate includes: (a) promoting decent work for migrant workers through the programmes and services of the Ministry's implementation units and through other national-, regional- and international-level bodies and actors; (b) following up on the practical application of International Labour Organization (ILO) conventions relating to the fundamental rights mentioned above; (c) following up on the application of bilateral and multilateral social security agreements, in coordination with the Social Security Bank; (d) advising the Ministry's various implementation units on migration-related matters; (e) analysing and proposing amendments to migration provisions within the competence of the Ministry and related institutions, such as the Social Security Bank, the National Institute of Employment and Vocational Training and the National Institute for the Cooperative Movement; (f) promoting coordination between the Ministry's implementation units, the MERCOSUR divisions, the Statistics Unit and related institutions for the purpose of applying migration policy within the scope of the Ministry's competence, in cooperation with the National Migration Board; and (g) creating forums for coordination with other ministries, institutions and State bodies and with civil society actors, with a view to the implementation of migration policy within the scope of the Ministry's competence.

46. The Unit has run training programmes targeting public-facing civil servants. It has also worked with other institutions to give talks providing information on labour rights.

47. Persons deemed by the Ministry of Social Development to be in a situation of socioeconomic vulnerability are exempt from paying visa fees, under Decision No. 620/018 of 3 December 2018 of the Ministry of Economic Affairs and Finance.

## **IV. Specific provisions to guarantee the application of the Convention**

### **1. General measures of implementation (articles 73 and 84)**

#### **Reply to the issues raised in paragraph 12**

48. Article 72 of the Uruguayan Constitution provides that: "The enumeration in the Constitution of rights, duties and guarantees does not exclude others that are inherent to

<sup>6</sup> Annex 1: Decision establishing the Migration Unit of the Ministry of Labour and Social Security, [https://www.mtss.gub.uy/web/mtss/noticia-ampliada/-/asset\\_publisher/hK9T/content/se-presento-la-unidad-de-migracion-del-mtss](https://www.mtss.gub.uy/web/mtss/noticia-ampliada/-/asset_publisher/hK9T/content/se-presento-la-unidad-de-migracion-del-mtss).

human beings or derived from a republican form of government.” In this regard, Uruguay has taken all the international human rights obligations binding on the country as the general frame of reference for the adoption of public policies, national legislation and judicial decisions. In short, the rights enshrined in the various international instruments can be invoked before domestic courts and directly applied as the basis of judicial decisions.

#### **Reply to the issues raised in paragraph 14**

49. In 2017, the National Migration Board worked with the National Institute of Statistics and the Population Programme of the Faculty of Social Sciences at the University of the Republic to revise the registration forms of the Residence Permit Departments of the Ministry of Foreign Affairs and the National Migration Directorate of the Ministry of the Interior. The aim was to improve the quality of records by harmonizing the criteria included in the forms, with a view to obtaining more precise profiles of migrants who submit residence applications.

50. Every year, on its website, the Board publishes relevant statistics on returns, repatriations and residence permits processed under Act No. 19254, along with reports produced by the Directorate General for Consular Affairs and Liaison of the Ministry of Foreign Affairs, which chairs the Board.<sup>7</sup>

51. The Sectoral Commission for Population and Development recently created a subcommission on administrative records for statistical purposes, in which several bodies participate. Its purpose is to use administrative data to create a population register, in order to make available better information on the population of Uruguay. The Commission is a government body with the specific role of mainstreaming demographic and population issues across public policies.<sup>8</sup>

52. The Social Security Bank has, from its administrative records, built a large database of information on workers and recipients of the benefits it provides. This database is used as needed in policy design and assessment. Owing to the large-scale migration in the region, the issue of migrant workers has become particularly important. In consequence, specific projects have been established, in coordination with the National Directorate for Civil Identification, with a view to enriching domestic data with more detailed information on migrants’ nationalities. The first stage of implementation is expected to start in 2019.

53. Ministries such as the Ministry of Labour and Social Security and the Ministry of Social Development have been engaged in a process of improving administrative records by incorporating new variables, such as the gender identity and the ethnic and racial origin of the populations they serve, including immigrants and Uruguayans returning from abroad.

54. The responsibilities of the Migration Unit within the Ministry of Labour and Social Security include incorporating variables relating to migrants into administrative records on employment, on consultations regarding labour regulations and on complaints relating to fundamental rights. All these services are universally accessible, public and provided free of charge by the Ministry. Given the importance of such services in the search for decent work, information on migrants’ access to them needs to be collected.

55. The National Labour Directorate has begun to produce gender-disaggregated statistics covering all fields of work in the Enquiries Division and the Individual Negotiation Division, into which the “migrant worker” indicator has been introduced.

56. In Uruguay, the Integrated Social Sector Information System represents an example of an inter-institutional system that incorporates and exchanges information from the

<sup>7</sup> For more information, see <http://www.jnm.gub.uy/documentos.html>.

<sup>8</sup> The Commission is chaired by a representative of the Planning and Budget Office of the Office of the President and comprises representatives of the Ministry of Tourism, the Ministry of Housing, Land Management and the Environment, the Ministry of Labour and Social Security, the Ministry of Health, the Ministry of Social Development, the Ministry of Education and Culture, the Ministry of Economic Affairs and Finance and the Ministry of Foreign Affairs, in addition to the National Institute of Statistics and the National Sport Secretariat and Human Rights Secretariat of the Office of the President. Representatives of civil society and of the University of the Republic also participate in its meetings.

administrative records of bodies involved in implementing public policy in the social sphere.<sup>9</sup> Similarly, the above-mentioned population register will incorporate quality information from all bodies that generate data on the population, along with suggestions for maintaining, reviewing and administering it.

57. As this report was being concluded, the National Migration Directorate was considering a proposal to draw up an agreement with the University of the Republic on the provision of interns to produce harmonized statistics on migrants. Moreover, it is coordinating with the Ministry of Foreign Affairs on the criteria for using the most appropriate statistical parameters and with the Ministry of Social Development on the possibility of incorporating new variables that take into account aspects such as gender identity and sexual orientation.

#### **Reply to the issues raised in paragraph 16**

58. Various public bodies, including those that make up the National Migration Board, in cooperation and coordination with civil society, IOM and academia, have systematically held in-house courses, training programmes and awareness-raising days for their staff on international migration in Uruguay and on migrants' rights.

59. The Board has also held training programmes for authorities and staff of educational institutions of all types and levels (primary, secondary and the Vocational University of Uruguay), through coordination with the Directorate of Education of the Ministry of Education and Culture. Training has also been provided to other bodies: the Departmental Observatory for Migration of the Department of Rivera and the National Rehabilitation Institute. Training and discussion forums have been created for civil society groups working on community outreach projects and for trade unions.

60. In 2018, the Board worked with the Uruguayan Institute for Children and Adolescents to organize a conference aimed at civil servants in the Ministry of Foreign Affairs and the National Migration Directorate. The conference was on the rights of child and adolescent migrants and on the domestic implementation of the MERCOSUR regional guide on identifying and meeting the special needs of such children and adolescents for the protection of their rights.

61. The Board's annual workplan for 2019 also provides for the holding of forums of this type for health-care workers and judicial personnel and for civil society teams that provide migrants with direct assistance.

62. In addition, the Directorate General for Consular Affairs and Liaison and the National Migration Directorate, alongside the other members of the Board and at the invitation of members of the academic community, have organized training and awareness-raising conferences for their staff, in particular those providing direct services to migrants. The issues covered have been migration policy and the fundamental rights of migrants in Uruguay; characterization of migration flows; and discrimination, racism and xenophobia.

63. Furthermore, the Ministry of Foreign Affairs provides regular training to all diplomatic, technical and administrative staff designated to perform consular duties abroad and to those newly recruited to the Ministry. The subjects covered include the migration policy of Uruguay and migrants' rights.

64. In the same vein, the National Migration Directorate provides training to its staff on subjects that include human trafficking and migrant smuggling, gender policy and fraudulent documentation, as well as English language courses, as a means of strengthening the Directorate's operations.

65. The Directorate has also trained its staff on carrying out online administrative procedures, which are accessible to all from anywhere. In that connection, it should be highlighted that 100 per cent of the Directorate's administrative procedures are available online through the link [www.tramites.gub.uy](http://www.tramites.gub.uy). The Directorate also provides comprehensive advice on migration issues to those foreign nationals whose goal is to obtain a residence

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<sup>9</sup> For more information, see <http://sias.mides.gub.uy>.

permit but who are making enquiries on related matters, such as naturalization or eligibility for the benefits laid down in Act No. 16340 for foreign pensioners or retirees.

66. Members of the National Migration Board also participated in the IOM workshop for journalists specializing in migration issues and in the virtual course on refugees in the current migration context run by the MERCOSUR Institute of Public Policies on Human Rights.

67. For its part, in 2017 the National Human Rights Institution and Office of the Ombudsperson, in partnership with the United Nations system offices in Uruguay, the Spanish Cooperation Agency Training Centre in Montevideo and the Uruguayan International Cooperation Agency, organized a series of human rights workshops for journalists and other media professionals, with a particular focus on health care, education, violence, inclusion and migration.

68. The Secretariat for Ethnic and Racial Equity and Migrant Populations of the departmental government of Montevideo has produced audiovisual materials containing the life stories of migrants in Uruguay, which were disseminated on the government's website and at public events.

69. In various departments of the country in 2018, the Human Rights Secretariat of the Office of the President held forums for public reflection and dialogue on fundamental rights, which were known as "Peace Panels". In border departments, the discussions focused on migration and border policy and on inclusion with equity from an ethnic, racial and intergenerational perspective.

70. For its part, the Migrants Department (formerly the Identity Department) of the Ministry of Social Development, established in 2018, held workshops for migrants on the exercise of their rights, including the rights to health care, education and work. In 2018, four workshops were held, in Montevideo and Canelones. In addition, regular training courses for the Ministry's specialists in the field have been held, covering the migration situation and the regularization of documentation. Since 2015, a total of 31 workshops have been held throughout the national territory, with the participation of 695 persons.

71. The Migrants Department also provides direct specialist support services on the process of regularizing documentation, along with various other support services for migrants to complement those provided by other bodies.

<i>Workshops</i>						
<i>Year</i>	<i>Activities</i>			<i>Participants</i>		
	<i>Workshops</i>	<i>Montevideo</i>	<i>Interior</i>	<i>Number</i>	<i>Montevideo</i>	<i>Interior</i>
2015	9	9	0	185	185	0
2016	5			71		
2017	4	1	3	52	12	40
2018	8	4	4	175	93	82
2019	5	2	3	212	153	59
<b>Total</b>				<b>695</b>		

72. The Ministry of Social Development has produced a leaflet with information for migrants who are the children or grandchildren of Uruguayan nationals, outlining the official process they must follow to obtain their national identity card. The leaflet also contains information on the immigration laws in force.<sup>10</sup>

73. A documentary has been produced and events and tutorials have been held within the framework of the human rights-friendly schools established by the National Directorate for Sociocultural Promotion of the Ministry of Social Development. These actions were taken to

<sup>10</sup> <https://www.gub.uy/ministerio-desarrollo-social/comunicacion/publicaciones/ruta-cedula-personas-migrantes>.

raise teachers' and students' awareness in respect of non-discrimination against migrants and to disseminate information on regularizing documentation, interculturalism and education.<sup>11</sup>

74. In 2016, the Ministry held the second "Between Lands" seminar, the central themes of which were recent immigration and accessing and exercising rights in Uruguay, based on the results of the research project entitled *Caracterización de las nuevas corrientes migratorias en Uruguay. Nuevos orígenes latinoamericanos: estudio de caso de las personas peruanas y dominicanas* (Characterization of new migration flows in Uruguay. New Latin American origins: case study of Peruvians and Dominicans). On the occasion of the tenth anniversary of the Migration Act, the third "Between Lands" seminar was held in 2019 with the goal of reflecting on progress and challenges relating to the Act. Representatives of the Government, civil society and academia participated in both events.

75. The Ministry of Foreign Affairs also produced leaflets that include information on access to public services relating to work (including the departments of the Ministry of Labour and Social Security for making enquiries and complaints), education, health care and victim support in cases of gender-based violence, including the filing of complaints. Printed and digital versions of these materials are disseminated within the country and, through consular offices, abroad. However, in some cases, when the situation so requires, public-facing staff of the Residence Permits Department of the Directorate General for Consular Affairs and Liaison refer migrant workers resident in Uruguay to the Ministry of Labour and Social Security for advice on their labour and social security rights in the country.

76. The Directorate General has created a series of videos on the country's migration policy, on the policy of liaison with Uruguayan nationals living abroad and on the Directorate General's own areas of competence, activities and aims.

77. Likewise, the National Migration Board has produced two videos on Uruguay as a country of migrants, highlighting migrants' historical contributions and the recognized rights that the State must guarantee them, along with the central elements of the country's migration policy and the human rights perspective on which it is based.

78. This material has been disseminated widely and is available on the Board's own website and that of the Ministry of Foreign Affairs.

79. In May 2018, the Ministry of Education and Culture set up the Education Service and Advice Point for Migrants to offer migrants advice and guidance on accessing education (article 30 of the Convention) and to disseminate the regulations guaranteeing the right to education irrespective of immigration status (article 33). The purpose of the Service and Advice Point is to provide migrants arriving in Uruguay with information and guidance on the education system, educational offerings at all levels and the places where the official registration and certification procedures are carried out.

80. It is also important to stress that several ministries have, in partnership with civil society, participated in talks given to migrants on their economic, social and cultural rights, access to services and documentation.

81. In 2018, moreover, negotiations were opened with the Experimentation and Social Innovation Centre of the Faculty of Psychology at the University of the Republic with a view to creating a space for offering refugees, asylum seekers and migrants psychological support, thereby enhancing the response to their protection and psychosocial support needs.

82. On the basis of the agreement concluded, July 2019 saw the launch of one space for individual services and another for groups to engage in collective exploration and reflection within the Faculty of Psychology, in which members of a team of professionals from the Human Mobility, Labour, Health and Human Rights Group offer psychological support to migrants referred by the Secretariat of the Refugee Commission.

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<sup>11</sup> <http://cpd.mides.gub.uy/>.

**Reply to the issues raised in paragraph 18**

83. The National Human Rights Institution and Office of the Ombudsperson was accredited with category A status in May 2016, demonstrating that it is fully compliant with the Paris Principles.<sup>12</sup>

84. The Institution has been working continuously on the topic of migration in recent years. One of its thematic teams (Migrants and Refugees) works specifically on the issue and is tasked with monitoring public policy on migration in accordance with the human rights obligations enshrined in the Constitution of the Republic and the international treaties ratified by Uruguay.

85. The Institution has worked alongside the State, civil society and academia. The Institution has participated actively in several events promoted by the Ministry of Foreign Affairs and the National Migration Directorate. It works with the National Migration Board and has played an active part in forums for academic exchange and in sponsoring events for dialogue on and dissemination of migrants' rights.

**Reply to the issues raised in paragraph 20**

86. Uruguayan law punishes any person who promotes, sets up, organizes, leads or participates in associations, bodies, institutes or sections formed with a view to inducing or inspiring racial conflict or hatred and penalizes the incitement and commission of acts of hatred, contempt or violence towards specific individuals. Special and very special aggravating circumstances are defined for the offences of murder and bodily injury, and a number of sentences have been handed down for acts of this kind.

87. Act No. 17677 of July 2003 amended the Criminal Code to introduce the offence of incitement to hatred, contempt or violence towards one or more persons because of their skin colour, race, religion, national or ethnic origin, sexual orientation or gender identity. Act No. 18026 of September 2006 criminalizes public incitement to commit genocide, conspiracy to commit genocide, crimes against humanity and war crimes and the justification of past events.

88. In respect of access to rights, it is important to stress that all inhabitants of the country, without distinction, are covered by the laws and public policies implemented in the country. In the specific case of migrants, article 1 of Act No. 18250 stipulates, as a general principle, that: "The Uruguayan State recognizes as an inalienable right of migrants and their families, without prejudice to their immigration status, the right to migration, family reunification, due process and access to justice, and equality of rights with nationals, without any distinction on grounds of sex, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, civil status, birth or other status."

89. In addition, laws have been enacted to prohibit any form of discrimination, protect specific groups such as women and persons of African descent, and provide for complaint mechanisms and access to justice.

*Honorary Commission against Racism, Xenophobia and All Forms of Discrimination*

90. The Honorary Commission against Racism, Xenophobia and All Forms of Discrimination, created by Act No. 17817 in 2004, has been strengthened. Its specific powers are to analyse the extent of discrimination nationwide and monitor compliance with anti-discrimination measures; to propose the formulation of specific laws or the amendment of existing ones to the executive branch; and to collect and centralize information on racist, xenophobic and discriminatory behaviour, to keep up-to-date records of such conduct and to lodge the corresponding complaints.

91. The Commission has been strengthened with additional human, technical and administrative resources, and steps have been taken to raise its profile. The Commission's team was expanded through increased support from the National Directorate of Education.

<sup>12</sup> <http://www.diputados.gub.uy/inddhh/2016/Inf2016INDDHH.pdf>, pp. 39–40.

The amount of time devoted to the Commission was increased, with the addition of 20 hours per week for secretariat and communication services (a public recruitment competition was held). A representative of the National Directorate of Education, a technical assistant in the area of human rights education from the Directorate and a lawyer also joined the team. The Commission also receives technical support from the Human Rights Secretariat of the Office of the President.

92. The Commission's tasks include planning and promoting education campaigns intended to preserve social, cultural and religious pluralism, to eliminate discriminatory, xenophobic and racist attitudes, and to promote respect for diversity. The interactive, mobile "Equals in Difference" stand displays educational and informational materials that convey the key message of these activities. Its content was designed by the Commission and approved by the National Public Education Administration. The topics covered include issues of racism and people of African descent, disability, gender equality, sexual diversity, religious diversity and migration.

93. On 31 July 2018, the Commission signed a procedural protocol with the National Human Rights Institution and Office of the Ombudsperson, establishing criteria and procedures for action to be followed in the event of complaints or petitions referring to cases of racism, xenophobia and all forms of discrimination and specifying how the signatory institutions are to act upon them and interact with each other.

94. The Ministry of Foreign Affairs is working with IOM and the Office of the United Nations High Commissioner for Refugees to design an anti-discrimination campaign targeting the general public, to be implemented in 2019.

95. As mentioned above, a documentary has been produced and events and tutorials have been held within the framework of the human rights-friendly schools established by the National Directorate for Sociocultural Promotion of the Ministry of Social Development. These actions were taken to raise teachers' and students' awareness in respect of non-discrimination against migrants and to disseminate information on regularizing documentation, interculturalism and education.

#### *Access to education*

96. The National Public Education Administration ensures that all migrants can enrol in school in accordance with the principles of coexistence, respect, diversity, equality and the appreciation of difference. Schools base their work on the principle of interculturalism, holding workshops with migrants and their families.

97. It is estimated that more than 10,000 migrant children and adolescents attend schools in Uruguay, including nationals of Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, India, Paraguay, Peru, Spain, the United States and Venezuela.

98. In order to guarantee access to education for all migrants, irrespective of their immigration status, in accordance with article 30 of the Convention, and to prevent discrimination, in accordance with article 7, the Working Group on Education and Migrants coordinates training events for education sector employees on the migration situation and the current regulations. These training workshops are aimed at public-facing staff, teachers and administrators and were carried out in coordination with various State actors, IOM and civil society.

99. Pursuant to article 30 of the Convention and Decree No. 394/009, the Working Group on Education and Migrants, which operates within the National Public Education System and is coordinated by the Directorate of Education of the Ministry of Education and Culture, considers the cases of migrants who do not possess all the necessary documentation required to enrol in, remain in and eventually graduate from the compulsory levels of the education system.

100. In 2018, Decision No. 0389/018,<sup>13</sup> issued in relation to article 48 of Decree No. 394/009, empowered the National Directorate of Education of the Ministry of Education and

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<sup>13</sup> See annex 2, Decision No. 0389/18 of the Ministry of Education and Culture.

Culture to rule on the cases of migrants who are unable to regularize their documentation after the one-year provisional enrolment period has elapsed. This has expedited the process and made it easier for migrants to remain in the education system. In addition, the Education and Migrants Group has drawn up a guide to the enrolment of migrants in the education system for the attention of the education services.<sup>14</sup>

101. At the time of completion of the present report, a protocol on the reception of migrants was being drawn up in connection with the establishment of the Migrants Commission, which is one of the subsystems coordinated by the Directorate of Human Rights of the National Public Education Administration.

102. There have been significant changes in access to public tertiary-level education. In April 2018, the University of the Republic took steps to expedite the process of certifying the equivalence of degrees and course credits earned abroad or at other universities in Uruguay. This involved the issuance of instructions on the procedure for recognizing and certifying the equivalence of diplomas, academic degrees and certificates of studies. The instructions provide that, in each case, a final decision must be taken within 250 days of the initiation of the procedure.

103. At the time of completion of the present report, the new Central Governing Board of the University of the Republic had made the requirements governing the admission of foreign students more flexible. Following the amendment of the Ordinance of 1986, which governed admission to undergraduate courses, migrants will be required to prove only that they are residents of Uruguay and not, as previously required, that they have completed a minimum period of residence. Applicants who have a document issued by the competent Uruguayan authorities may use it to prove their identity while those who do not may use a passport.

#### *Access to employment*

104. Since 2014, greater efforts have been made to ensure that migrants have the same rights as Uruguayan citizens to seek employment at public employment centres and employment and vocational training centres, which operate under the National Institute of Employment and Vocational Training. Migrants may also register with the *Vía Trabajo* online platform, which Uruguayan nationals use to search for employment or find a better job than the one they have.

105. On 10 April 2019, the Ministry of Labour and Social Security issued a public statement to the effect that migrants who do not meet the requirement of having an identity card at the time of their recruitment may still be recruited if they can prove that they have applied for temporary or permanent residence. This ensures the application of Decree No. 278/017 of 2 October 2017, which provides that employers may ask workers whose immigration status is still being regularized to present documents issued by the National Migration Directorate or the Ministry of Foreign Affairs, as such documents are considered to be valid by the Inspectorate General for Labour.

106. Foreign workers may use their passports to register with the Social Security Bank but must change their registration when they obtain a national identity card in order to have access to all social benefits.

107. Public employment centres are established through agreements between the National Employment Directorate of the Ministry of Labour and Social Security and the departmental councils. At the centres, different services are coordinated and provided to help match labour supply with labour demand in the formal sector of the economy. In this connection, public employment centres have been running career guidance workshops for foreign nationals since 2016. In addition, the National Institute of Employment and Vocational Training, in collaboration with the National Employment Directorate, has conducted workshops for asylum seekers and migrants. Approximately 10 workshops are held each year.

108. Between December 2018 and May 2019, meetings were held with representatives of civil society organizations and State agencies, including the departmental government of

<sup>14</sup> [https://cultura.mec.gub.uy/innovaportal/file/107871/1/guia\\_ingreso\\_migrantes\\_ambito-educativo-uy.pdf](https://cultura.mec.gub.uy/innovaportal/file/107871/1/guia_ingreso_migrantes_ambito-educativo-uy.pdf).

Montevideo, the National Institute of Employment and Vocational Training, and the Ministry of Education and Culture, in order to coordinate actions for the development of a future employment and vocational training pathway. Between 2014 and 2018, a total of 6,438 migrants (3,319 women and 3,119 men) were registered on the administrative platform of the public employment centres.

#### *Access to housing*

109. Through the Rent Guarantee Fund, certificates are granted to households whose incomes fall within a certain range (between 15 and 100 readjustable units). Migrants who have a Uruguayan identity card and meet the requirements have the same right to apply for this rent guarantee as Uruguayan nationals.<sup>15</sup>

110. The agreement concluded between the Ministry of Housing, Land Management and the Environment and the Ministry of Foreign Affairs grants access to rent guarantees for returning nationals who have an income or who find a job on arrival. The Return and Welcome Office issues a note to the Ministry of Housing, Land Management and the Environment to certify the selection of the potential beneficiary or beneficiaries, enabling persons who meet the requirements to apply to the Ministry for a guarantee certificate. The Ministry conducts an interview to collect the applicant's socioeconomic details and, where applicable, issues him or her with a certificate.

111. A rental subsidy may be granted for two years if the applicant is in a situation of extreme vulnerability and/or destitution.

112. In February 2019, the Ministry of Social Development and the civil society organization *Idas y Vueltas* concluded an agreement to provide a number of services, including transfers for the purpose of regularizing immigration status in the country. The agreement also provides for seven places in boarding houses where persons in situations of extreme vulnerability who have no access to housing can stay for up to three months. The agreement is for a 12-month period and involves the transfer of funds from the Ministry of Social Development to *Idas y Vueltas* so that the latter can fulfil its obligations.

#### *Awareness-raising campaigns*

113. The Human Rights Secretariat of the Office of the President of the Republic, as part of its work on cultural change, equality and non-discrimination, is conducting a campaign called "We Are All Uruguay – We Are All Migrants", which consists of a photographic exhibition and stories that reflect the ethnic diversity of Uruguayan society, the diversity of the country's migrants and the value of diversity in itself. This is a travelling exhibition that is being shown at various events and public places in the country.<sup>16</sup>

114. On 26 and 27 June 2019, the Human Rights Secretariat organized an international seminar entitled "Human Rights and New Challenges: Migration, Diasporas and Democracy from a Comparative Perspective". On the first day of the event, migrants talked about how they had arrived in the country, the challenges that they had faced, and the opportunities and obstacles that they had encountered in their search for a decent life. The participants in the second part of the seminar, which had an academic and policy focus, included leading experts and public policymakers in the field of migration. In 2019, the Human Rights Secretariat launched a publication on human mobility that brings together and summarizes the contributions made at the seminar.<sup>17</sup>

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<sup>15</sup> For more information, see <https://tramites.gub.uy/ampliados?id=269>.

<sup>16</sup> <https://www.gub.uy/secretaria-derechos-humanos/comunicacion/noticias/todossomosmigrantes-todossomosuruguay>.

<sup>17</sup> <https://www.gub.uy/secretaria-derechos-humanos/comunicacion/calendario-actividades/presentacion-publicacion-movilidad-humana>.

**Reply to the issues raised in paragraph 22**

115. As residents of the country, migrant workers and members of their families enjoy the same rights as nationals to file complaints and obtain effective redress before the competent judicial authorities.

116. In this connection, the Government has stepped up its efforts to disseminate information on the resources available to migrants, including access to justice. For instance, information on free-of-charge resources can be found in the guide *Vivir en Uruguay* (Living in Uruguay).

117. The National Human Rights Institution and Office of the Ombudsperson has a mechanism for receiving individual and collective proposals, views and complaints about the functioning of the public authorities. It also has a team of experts focusing on the rights of migrants and refugees.

118. This institution receives complaints about possible violations of human rights recognized in national or international instruments, concerning itself solely with violations for which State institutions or agencies are responsible through action or omission. One of its key responsibilities is to handle complaints and conduct investigations. Article 4 (J) of Act No. 18446 establishes its competence to receive reports of possible human rights violations and to investigate them. These actions involve protecting the person and remedying the breach of the violated rights, identifying institutional practices or omissions or legal gaps that violate rights, and issuing guidance and general recommendations to put an end to, or prevent, situations that are identical or similar to those that gave rise to the complaint. Cases involving migrants are addressed in the annual reports of the National Human Rights Institution and Office of the Ombudsperson.

119. When a migrant worker arrives at the Advice and Complaints Office of the Ministry of Labour and Social Security and reports a situation that warrants an individual consultation with the National Labour Directorate, the person is seen immediately, if possible. If the worker in question requires support tailored to his or her situation, further measures are coordinated with the Migration Unit and/or the relevant institutions.

**Reply to the issues raised in paragraph 24**

120. Articles 1 and 7 of the Constitution refer to the residents of the Republic Act No. 18250 recognizes the equal rights of migrants and Uruguayan nationals; article 8 establishes that migrants and members of their families enjoy the rights to health, work, social security, housing and education on an equal footing with nationals and that the rights of both nationals and migrants are afforded the same protection and safeguards. Chapter VI of the Act (articles 16–23) regulates the equal treatment to which migrants are entitled in the exercise of employment.

121. The Ministry of Labour and Social Security has stepped up labour inspections in order to protect migrant workers. The Ministry's Inspectorate General for Labour and Social Security continuously carries out operations related to domestic work in response to individual complaints and complaints submitted by the domestic workers' union (Sindicato Único de Trabajadoras Domésticas).

122. In November 2017, the Ministry began conducting internal training sessions. The Inspectorate's labour inspectors and lawyers took an ILO course on labour migration and a course on detecting and preventing labour trafficking that was provided and funded by IOM, UNDP and the United States Embassy under the project "Borders in Action: regional strategies against trafficking in persons" carried out by the non-governmental organization (NGO) Casa Abierta.

123. The domestic work regime requires workers to be registered by their employers. The Social Security Bank audits companies, including the employers of domestic workers. Its objectives are to carry out risk analysis by applying fiscal intelligence, to promote inclusion, to combat informality by conducting internal analysis and deploying auditors to the field, and to protect workers by responding in a timely manner to complaints. To achieve these objectives, the Bank has a specialized corps of inspectors who carried out 10,794 actions in 2018. Of these, 8 per cent concerned domestic work.

124. All migrant and Uruguayan workers, including domestic workers, have the right to inform the Social Security Bank of any irregularities that they detect in connection with missing contributions, underreporting, missing payslips, discrepancies in start dates or end dates, errors in the declaration of wages, etc. The body carries out inspections in order to determine whether or not employers are responsible for any irregularities. If complainants so wish, their complaints may be treated as confidential. In 2018, workers submitted 373 complaints, 81.5 per cent of which were substantiated by inspections.

125. In recent years, the Social Security Bank has worked hard to reach out to the public by disseminating information on domestic work, establishing a number of different support channels (face-to-face, telephone, email, virtual assistance), simplifying its procedures through the use of online platforms, hotlines or mobile applications and using authenticated online services to provide employees with information that they can use to check whether companies are reporting their wages accurately and paying the corresponding contributions.

126. Over the years, the Social Security Bank has also conducted a series of campaigns to raise both employers' and workers' awareness of their rights and obligations. For example, a campaign was conducted in 2013 to promote the formalization of domestic work and a manual of good practice was published. A further campaign was conducted in 2018 to raise domestic workers' awareness of their rights and of employers' obligations.

### **Reply to the issues raised in paragraph 26**

#### *Prison conditions*

127. Since 2010, work to improve the prison system has pursued three distinct but complementary goals: (i) to put an end to the current severe overcrowding by constructing new buildings and expanding the capacity of existing facilities; (ii) to establish a system where prisoners can move between different security levels in prison, based on the classification of both the prison and the prisoner; and (iii) to broaden the range of prisoner rights and obligations to include the concept of prison privileges, which are earned and lost according to conduct.

128. A range of measures have been adopted to improve infrastructure and increase capacity. New facilities, including units for women with children, have been built, and others have been refurbished.

129. While overcrowding has been dealt with in most places, efforts are continuing in specific locations where it remains a problem.

#### *Situation of migrant workers*

130. Pursuant to Decision No. 363/2017 of 14 March 2017, the National Rehabilitation Institute, which reports to the Ministry of the Interior, established the National Support Programme for Foreigners and Migrants Deprived of Their Liberty, which is overseen by the National Technical Subdirectorate.

131. This Programme sets out measures and targeted plans for providing social and educational support to foreign nationals and migrants deprived of their liberty, incorporating a human rights approach and gender and diversity perspectives. Its main objective is to ensure that foreign nationals and migrants are able to exercise the rights established in international instruments and national protection regulations. The main activity under the programme is the design of plans containing proposals applicable to every detention facility in the country's prison system (29 detention centres, plus the Probation Supervision Office and the Assessment and Referral Centre).

132. Since the establishment of the Programme, the relevant authorities have coordinated their work by means of a working group also consisting of other State agencies, diplomatic delegations and civil society institutions. The technical subdirectorates of the different detention facilities have established offices and/or teams to carry out the measures provided for in the Programme and 31 focal points have been appointed throughout the country, comprising a multidisciplinary team that is led and supervised by a national coordinator.

133. The National Migration Board has strengthened its coordination with the National Support Programme for Foreigners and Migrants Deprived of Their Liberty in order to improve support for foreign nationals and migrants in prison and adapt mechanisms to facilitate their access to legal and consular assistance as part of efforts to protect their rights and achieve the objectives of the Programme.

134. Members of the Board have participated in training sessions, organized by the National Rehabilitation Institute, for prison officers responsible for implementing the Programme. The content of the sessions related to the general framework of migration policy and to regulations, institutions and cooperation with foreign consulates accredited in Uruguay.

135. The National Migration Directorate and the National Rehabilitation Institute are working together to gather data on the current population of migrants in prison in order to gain a full understanding of this group and its needs. The working groups are currently discussing the draft form for collecting such data.

136. As of March 2019, a total of 281 foreign nationals were deprived of their liberty. Of these, 251 were men and 30 were women. Among both male and female foreign nationals in prison, the largest groups were Argentines (79 men and 8 women), Brazilians (67 men and 17 women), Chileans (29 men and 2 women) and Paraguayans (16 men and 1 woman). Argentines and Brazilians accounted for almost 61 per cent of foreign prisoners. At that time, foreign prisoners accounted for 2.6 per cent of the total prison population (10,662).

#### **Reply to the issues raised in paragraph 28**

137. On 18 September 2014, Act No. 19268 on Consular Organization was enacted, creating a new regulatory framework for bringing traditional consular activities as a public service into line with the principles of administrative simplification, technological modernization and protection and promotion of the interests and rights of Uruguayans abroad, in accordance with article 1 of the Act.

138. The previous Act on Consular Organization dated back to 1906. In the light of the changes that have taken place in the country, the region and the world since then, it was considered necessary to update the Act, tailoring its content to the new approach to consular management and adapting the manner of its implementation to the needs and interests of Uruguayans. In this connection, priority was given to the establishment of provisions for protecting and promoting the interests of Uruguayans abroad and for the complete and appropriate regulation of consular functions.

139. With this in mind, the Ministry of Foreign Affairs has strengthened the training of diplomatic, technical and administrative officials working abroad.

140. With regard to the issuance of documents to Uruguayan migrants, passports and identity cards may be renewed at the consulates in all South American countries except Guyana and Suriname and at the consulates in Paris, Tel Aviv and Sydney.

141. Consular offices currently provide a range of services to Uruguayan nationals abroad, including the processing of passports, visas and permits for minors, the renewal of identity cards, the issuance of criminal records and certificates of existence, the issuance of Uruguayan birth, marriage and death certificates, registration in the nationality and citizenship register, and consular actions in relation to certain public bodies in Uruguay.

142. Other relevant services include the ongoing use of mobile consulates for Uruguayans abroad who live far from consular offices and who, for various reasons, find it difficult to travel to them to obtain advice or a Uruguayan identity card.

143. In the last five years the Ministry of Foreign Affairs has worked in close coordination with other public bodies to provide more and better services to Uruguayans living abroad.

144. In this regard, agreements or memorandums have been signed with: (i) the Social Security Bank, to enable nationals to apply at consular offices for an individual contract; (ii) the Bank of the Republic, to enable nationals of legal age to reopen accounts, initiating the process from their home or a consular office and then finalizing it once they are in Uruguay; (iii) the Uruguay School Programme, which conducted a pilot project in conjunction with the consular offices in Chile and Spain in 2017 and launched a second version for all consular

offices in 2018; and (iv) the Directorate General of Technical and Vocational Education, to promote the accreditation of learning.

145. Since 2010, the Government has been working with the Secondary Education Board to enable Uruguayan nationals living abroad who have not completed their secondary education to do so by taking pending examinations under the supervision of the consular official in their jurisdiction.

#### **Reply to the issues raised in paragraph 30**

146. On 17 August 2018, the parliament adopted Act No. 19654 on the rights and obligations arising from citizenship. The Act, which is interpretative in character, states that, with regard to articles 77 (1) and 81 of the Constitution, the fact of residing outside the country does not preclude the exercise of the rights and obligations arising from citizenship. Act No. 19654 is an interpretative statute enacted in accordance with article 85 (20) of the Constitution.

147. The Act provided for the establishment of a Commission to evaluate and analyse the legal options for enabling Uruguayan nationals living outside the country to exercise their right to vote. The Commission is chaired and coordinated by the National Human Rights Institution and Office of the Ombudsperson and was tasked with bringing together representatives of all political parties with parliamentary representation, the Electoral Court, the Ministry of Foreign Affairs, and one representative of the advisory boards and of the Consultative Advisory Council on Migration, in order to identify the best legal option.

148. On 27 August 2018, following the publication of Act No. 19654, each of the above-mentioned institutions and civil society organizations was asked to designate representatives. The Honorary Commission was subsequently established on 27 November. It is composed of representatives of the National Human Rights Institution and Office of the Ombudsperson, the Directorate General for Consular Affairs and Liaison of the Ministry of Foreign Affairs, the Electoral Court, the Frente Amplio party, the Unidad Popular party, the advisory boards and the Consultative Advisory Council on Migration. The Colorado, Nacional and Independiente parties did not designate delegates. The Nacional party and the Independiente party presented the reasons for their decision not to participate.

149. The Honorary Commission decided to meet on a weekly basis and held its first meetings at the headquarters of the National Human Rights Institution, thereafter transferring its operations to the parliament. In fulfilling its legal mandate, the Commission turned to a variety of sources.

150. First, in relation to the legal report, an analysis was undertaken of the framework applicable to the subject under consideration. Second, a report on functioning and structure was prepared by the Ministry of Foreign Affairs. Third and lastly, the opinions of specialized experts and representatives of countries that authorize overseas voting were gathered.

151. In accordance with the provisions of Act No. 19654, within 120 days of its establishment, the Honorary Commission submitted a draft and legal report to the legislative branch, which contained an analysis of the legal options for the implementation of voting abroad, including a series of recommendations to the parliament.<sup>18</sup>

#### **Reply to the issues raised in paragraph 32**

152. All persons residing in the national territory, without distinction, are eligible to receive benefits from the social security system. Uruguay has adopted mechanisms to facilitate access to the identity card, which allows for the immediate documentation of migrants who choose to live in Uruguay. Upon initiation of the residency procedure, applicants receive a provisional identity card, which ensures their eligibility for social security benefits related to their work or family situation, on an equal basis with Uruguayan workers, including with equal opportunities.

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<sup>18</sup> See annex 3, report of the Overseas Voting Commission.

153. Furthermore, as mentioned above, the Social Security Bank accepts the registration of foreign workers on the basis of their passport, requiring them to change their registration once they have obtained their national identity card.

154. In accordance with article 67 of the Constitution, regular pensions and social insurance are organized in such a way as to guarantee all workers, employers, employees and labourers adequate retirement income and allowances in the event of accident, illness, disability, forced unemployment, etc., and payment of the corresponding pension to their family in the event of their death. Persons who reach the age of retirement after a long stay in Uruguay and who have insufficient resources to meet their basic needs are entitled to an old-age pension.

155. Residency requirements are imposed only for non-contributory old-age pensions and ordinary disability pensions. The eligibility criteria for pensions are the same for migrants and foreigners as they are for nationals of Uruguay.<sup>19</sup>

#### **Reply to the issues raised in paragraph 34**

156. The money transfer services available to all residents in the national territory are also available to migrants.

157. Uruguay is committed to the Sustainable Development Goals, including Goal 10.10, which provides that, by 2030, countries will reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.

158. The following table shows the cost of remittances in Uruguay for the period 2012–2017:

	2012	2013	2014	2015	2016	2017
Remittance costs as a share of remittance amount	4.3 %	4.2 %	4.6 %	4.7 %	5.2 %	4.2 %

*Source:* Central Bank of Uruguay.

Calculation formula: Calculation based on data submitted by the institutions performing the transactions. Data are categorized by amount bands and the remittance cost for each band.

159. The Uruguayan postal system has set up a service called Correogiros, a mechanism intended to minimize the asymmetries inherent in this type of transaction that provides for the fast, safe and accessible transfer of money. This service is currently available for Chile, Colombia, Spain, Peru, the Dominican Republic, Paraguay and Cuba (for transferring but not receiving money), and there are plans to include more countries.

#### **Reply to the issues raised in paragraph 36**

160. Uruguay has acceded to the core migration and human rights treaties and conventions,<sup>20</sup> which have been incorporated into its legislation.

161. It has also signed the Global Compact for Safe, Orderly and Regular Migration, which was adopted in 2018, and has developed a national legislative framework that incorporates a human rights perspective. The national law<sup>21</sup> recognizes the rights of migrants and members

<sup>19</sup> In accordance with the provisions of article 8 of Act No. 18250 and article 43 of Decree No. 394/009.

<sup>20</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention relating to the Status of Refugees, Convention on the Rights of the Child, Convention relating to the Status of Stateless Persons, Convention on the Reduction of Statelessness, and ILO Migration for Employment Convention (Revised), 1949 (No. 97), Equality of Treatment (Social Security) Convention, 1962 (No. 118) and Domestic Workers Convention, 2011 (No. 189).

<sup>21</sup> Act No. 18076 (December 2006), Refugee Act; Act No. 18250 (January 2008) on Migration; Act No. 19254 (August 2014) on the procedure for obtaining permanent residence for nationals of MERCOSUR States parties and associated States and Uruguayans' family members of foreign origin; Act No. 19362 (December 2015) on natural-born citizenship (December 2015); and Act No. 19682 (October 2018) on the recognition and protection of stateless persons.

of their families, irrespective of their immigration status, to family reunification, due process and access to justice, and grants them equal rights in relation to nationals of Uruguay, without distinction of any kind (Act No. 18250, art. 1). This entails safeguarding their rights, on an equal basis with nationals of Uruguay, also in the areas of social security, health and education.

162. Other associated laws adopted during the period under review are as follows: Act No. 19643 (20 July 2018), providing for a comprehensive law on trafficking in persons; and Act No. 19355 (19 December 2015), article 162, aimed at facilitating residency for foreigners with irregular administrative status who are in a particularly vulnerable socioeconomic situation. Attention is also drawn to the importance of the Rapid Response Plan of the National Migration Directorate, which, like Act No. 19254, enables migrants to obtain a national identity document concurrently with initiation of the permanent residence procedure.

163. As mentioned previously, the national legal framework is based on the recognition of and full respect for the rights of migrants and their families, which is a fundamental pillar of the migration policy and provides a proper framework for ensuring safe, orderly and regular migration.

164. Although the adoption of a rights-based legal framework had led to significant progress in developing and consolidating a comprehensive migration policy with a human rights perspective, it was considered necessary to draft a document setting out the general and specific principles, guidelines and objectives of this public policy.

165. By Decision No. 576 of 29 August 2016, the President of the Republic, through the Council of Ministers, approved the Framework Document on Migration Policy in Uruguay,<sup>22</sup> which had been adopted on 24 August 2016 by the National Migration Board, the executive branch advisory and coordinating body for migration policies. The framework document sets forth the objectives, principles and general strategic guidelines of the short-, medium- and long-term national migration policy, as well as the most important achievements in this area.

166. Along these lines, and in keeping with its commitment to multilateralism and international cooperation, Uruguay participated actively in the process leading up to the elaboration and adoption, by the States Members of the United Nations, of the Global Compact for Safe, Orderly and Regular Migration, and signed the Compact at the intergovernmental conference held in Morocco on 10 and 11 December 2018. This was undoubtedly a milestone in global migration governance.

#### *Key features of migration policy*

167. The migration policy is based on a positive vision of international migration as a means of promoting human welfare and development, while at the same time highlighting the economic, demographic, social, cultural and political contributions of migrants, both for their societies of origin and for their societies of destination.

168. The national migration policy takes a comprehensive approach consistent with Goal 10.7 of the Sustainable Development Goals of the 2030 Agenda, as well as with others related to migration. Its purpose is to adapt mechanisms and instruments in order to promote safe, orderly and regular migration and mobility.

169. This policy is based on the following principles:

- Recognition and full respect for the rights of all migrants
- Equal treatment and equal enjoyment of rights for nationals of Uruguay and foreign nationals
- Non-discrimination
- Sociocultural integration
- Respect for cultural diversity and identity

<sup>22</sup> See annex 4, Framework Document on Migration Policy in Uruguay.  
<https://www.impo.com.uy/bases/resoluciones-originales/576-2016>.

- Gender equality
- Comprehensive protection for the most vulnerable categories of migrants

170. The policy calls for further measures under the guidelines and actions that have already been implemented and consolidated to a certain extent. These include the following: the cross-cutting and rights-based approach; the intersectoral, multilevel and multi-actor approach; institution-building; linkage with other sectoral public policies and the country's development; citizen participation and social dialogue; coordination and complementarity of work with national and international civil society organizations; linkage to foreign policy; inclusion of academic research; information and education initiatives on migration policy and migration; and improvement of the statistical information system.

171. Given its comprehensive perspective and strategy, the policy takes into account various segments of the population, namely: (a) people residing in Uruguay with a high propensity to migrate (retention or permanency policy); (b) foreigners who arrive in Uruguay wishing to reside temporarily or permanently (immigration policy); (c) returning, deported or repatriated Uruguayans (return policy); and (d) Uruguayans residing abroad (liaison policy). Uruguay has reinforced its migration policy along these lines.

172. In accordance with the established general principles and guidelines, objectives have been defined to ensure the full inclusion of migrants in social programmes and public services on an equal basis with nationals of Uruguay; optimize their labour-market and social integration; combat discrimination and social stigmatization; guarantee coexistence and a life free of xenophobia, racism and racial discrimination; and enhance the overall development of the country through the contributions of migrants.

#### *National Migration Board*

173. As noted above, the National Migration Board is the advisory and coordinating body for migration policy. It brings together various national institutions and civil society to address and follow up on the country's migration agenda.

174. The Board promotes an integrated approach and the coordination of governance strategies at the different levels of government (national, departmental and municipal).

175. Since August 2015, with support from IOM, the Board has had a permanent Executive Secretary responsible for providing technical, administrative, logistical (planning and coordination) and communications support.

176. The main functions of the Executive Secretary include:

- Providing technical support to the National Migration Board by preparing analytical and diagnostic documents, proposals and recommendations on issues within the Board's remit and, for example, gathering, compiling and circulating at regular intervals quantitative and qualitative information on migration in Uruguay and MERCOSUR, in coordination with other technical and administrative bodies of the Government of Uruguay;
- Preparing reports as input for national and/or country reports;
- Preparing, organizing and running the Board's periodic ordinary and extraordinary meetings. In coordination with the Chair of the Board, preparing the agenda of ordinary meetings, distributing it to members in timely fashion, taking the minutes and distributing them to members, and filing all documentation;
- Supporting the Chair of the Board in preparing any technical meetings, seminars, workshops and events the Board may decide to hold, preparing the necessary reports and documents and drafting a report on each event, distributing them to members and filing them;
- Following up on decisions, agreements and meetings related to migration issues in the framework of MERCOSUR, the Union of South American Nations (UNASUR), the Community of Latin American and Caribbean States (CELAC) and the South American Conference on Migration, and other multilateral and bilateral events.

177. As to the participation of migrant workers themselves, at the national level the Consultative Advisory Council on Migration is now represented on the National Migration Board and communication with civil society organizations working in this area has been strengthened.

178. The Council attends all ordinary meetings of the Board in its own right, and also extraordinary meetings when the subject matter so requires. All bodies of the Board, and the Board itself through its Chair and Executive Secretariat, have direct channels of communication for the submission of proposals and requests, or for the presentation of individual or group cases requiring special urgent attention.

179. The Board is also in permanent open dialogue with the Migrant Support Network, and that has made it possible to better monitor the migration agenda and migration policy and the protection of migrants' rights.

180. In addition, civil society is often called on to provide input to various bodies with regard to changes in regulations and procedures, and to submit comments when country reports are being prepared. For example, the Board invited civil society to contribute to consultations with national stakeholders in the first phase of the Global Compact for Safe, Orderly and Regular Migration and to comment on the present country report.

181. The Board has also invited civil society to help draft or amend migration rules and regulations. The Consultative Advisory Council on Migration was invited to address the representatives of the countries attending the seventeenth South American Conference on Migration, held in Montevideo under the presidency pro tempore of Uruguay (Ministry of Foreign Affairs).

182. Support for events organized by the Consultative Advisory Council on Migration and the Migrant Support Network was stepped up during this period to cover, for example, all the annual Migration and Civic Responsibility meetings, the Migration Festival, and both editions of the event "Human Mobility. Dialogues between civil society, the State and academia". Direct support was also provided to events organized by migrant associations. In addition, space in the Ministry of Foreign Affairs continued to be made available for meetings of the Migrant Support Network.

183. The Board has held follow-up meetings with representatives of the labour confederation (Workers' Trade Union Confederation-National Convention of Workers), which in turn invited it to give a presentation and discuss the current migration context in Uruguay and the country's migration policy, its challenges and opportunities, and the protection of migrant workers' rights.

184. In addition, agencies have started working together and coordinating with civil society to assist migrants in particularly vulnerable situations with emergency housing and effective regularization of documentation. In 2019, for example, the Ministry of Social Development signed an agreement with the NGO Idas y Vueltas to house migrants in vulnerable situations.

185. For its part, the Directorate for Liaison of the Ministry of Foreign Affairs is in permanent communication with the advisory boards and associations of Uruguayans abroad. The main forum for direct participation, exchange and access to information for Uruguayans living abroad is the global meeting of advisory boards and associations, while officials of the Directorate General for Consular Affairs and Liaison also attend regional meetings of those organizations. In addition, if an issue so requires, it is sent to the Board to be dealt with on an inter-agency basis.

### **Reply to the issues raised in paragraph 38**

186. The Working Group on Education and Migrants was formally established by Decision No. 0389/018 of the Ministry of Education and Culture to coordinate public education institutions to ensure migrants' access to the education system as guaranteed by Act No. 18250 and Decree No. 394/009, and to work on mechanisms to facilitate the recognition and accreditation of learning.

187. In addition, the National Public Education Administration has set up a commission under the Directorate of Human Rights to devise educational policies that will prevent

interruption of the educational progress of migrant workers' children by ensuring access to (creation of a protocol) and continuity of education at all levels: preschool and primary, middle and high school, and tertiary level.<sup>23</sup>

188. With regard to tertiary education, the Board and the Ministry of Foreign Affairs have held meetings with senior officials of the University of the Republic with a view to expediting the recognition of foreign qualifications.

189. By Decision No. 40 adopted by the University's Central Executive Board at its meeting of 16 October 2018, instructions were approved on the procedure to be followed for substantive consideration of applications for validation and recognition of diplomas, academic degrees and certificates of studies. The instructions set a maximum of 250 days from the start of the procedure until a final decision on validation of the foreign diploma is taken.

190. In addition, the Accreditation of Learning Programme of the Technical and Vocational Education Council is still running. This is an educational programme whereby the learning acquired by a person in the course of his or her life through work, experience and social interaction is recognized, codified and certified through a process of educational mediation. It uses an effective educational methodology and can rapidly handle applications from workers who need a certificate of aptitude, either because they have lost their job or are applying for another job, or for other reasons.

191. Accreditation of learning can also be done remotely, with coordination, advice and guidance, if the person concerned is living abroad and is planning to return.

192. The Education Service and Advice Point for Migrants mentioned above was set up partly to advise migrants going through the process of recognition of studies at all levels and to reply to queries to help them with certification. It also provides information on where to apply for the accreditation of learning.

193. Lastly, as part of the Uruguayos por el Mundo (Uruguayans Around the World) Programme, the Ministry of Foreign Affairs, through the Directorate General for Consular Affairs and Liaison, continued the initiative of the Technical Inspectorate of Secondary Education, dealing with applications from Uruguayans abroad who are interested in completing secondary education in the Uruguayan education system.

194. The National Institute of Employment and Vocational Training has also set up mechanisms to certify professional skills. These are for people who have been in a trade for a long time but have no formal training in that trade. The aim is to recognize workers' knowledge, skills and abilities, regardless of how these were acquired. It is formal public recognition of demonstrated professional competence based on an evaluation of the skills associated with a given professional profile.

#### **Reply to the issues raised in paragraph 40**

195. The National Migration Board in its own right, and also extraordinary meetings when the subject matter so requires. All bodies of the Board, and the Board itself through its Chair and Executive Secretariat, have direct channels of communication for the submission of proposals and requests. The Board is also in permanent open dialogue with the Migrant Support Network.

196. For its part, the Directorate for Liaison is in permanent communication with the advisory boards and associations of Uruguayans abroad. The main forum for direct participation, exchange and access to information for Uruguayans living abroad is the global meeting of advisory boards and associations, while officials of the Directorate General for Consular Affairs and Liaison also attend regional meetings of those organizations. In addition, if an issue so requires, it is sent to the Board to be dealt with on an inter-agency basis.

197. In February 2019, for example, the Ministry of Social Development and the civil society organization *Idas y Vueltas* concluded an agreement to provide a number of services, including transfers for the purpose of regularizing immigration status in the country. The

<sup>23</sup> <https://www.anep.edu.uy/codicen/ddhh/publicaciones?page=1>.

agreement also provides for seven places in boarding houses where persons in situations of extreme vulnerability who have no access to housing can stay for up to three months. The agreement is for a 12-month period and involves the transfer of funds from the Ministry of Social Development to *Idas y Vueltas* so that the latter can fulfil its obligations.

#### **Reply to the issues raised in paragraph 42**

198. The Migrants Unit has been the primary coordinating body; it was in operation from 2014 to 2017. In 2019 it was revived in order to continue the work it had started.

199. The Unit is intended as a hub to coordinate the various directorates, agencies, units and secretariats of the Ministry of Social Development that deal with migrant groups or work in international relations, so as to foster the recognition of and respect for the human rights of migrants.

200. Its aims are: (i) to help identify the features of the Ministry's services to the migrant population in Uruguay; (ii) to strengthen internal coordination in response to migrants' specific needs; and (iii) to map comprehensive institutional responses and, through the Ministry, which sits on the National Migration Board and the Sectoral Commission for Population and Development, help define the country's migration policies.

201. Ministerial action in pursuit of those aims is based on respect for human rights, its main areas of focus being the gender perspective, ethnic and racial descent, sexual diversity and the right to identity.

202. The approach adopted by the Migrants Unit has been to coordinate through meetings held each month (or as frequently as necessary) to exchange and update information.

203. The Migrants Department (formerly the Identity Department) of the Ministry of Social Development is responsible for promoting migrants' social inclusion and integration by strengthening the exercise of their rights, providing access to information and knowledge, promoting social participation in forums for debate on public policies, and helping to regularize their documentation.

#### **Procedures carried out for migrants, 2015–2019**

<i>Procedure</i>	<i>Number</i>
Translation of birth certificate or passport	349
Entry in the register of foreigners	3 034
Birth certificate (Civil Registry)	5 331
Exempt residence application to National Migration Directorate	829
Special appointment to launch residency procedure with Ministry of Foreign Affairs	1 449

#### **Reply to the issues raised in paragraph 44**

204. The Uruguayan State has developed a rights-based migration policy that has facilitated and simplified migrants' return with the aim of helping them fully reintegrate into Uruguayan society.

205. In recent years, the agreements concluded by the Directorate General for Consular Affairs and Liaison of the Ministry of Foreign Affairs with various State agencies and international organizations have been maintained, providing services in areas such as health, job training, telecommunications, rent guarantees and housing subsidies in some cases of vulnerability, access to public documents, banking and insurance, social security and legal services. These agreements have been based on inter-agency coordination.

206. Recently, the Directorate General has signed further agreements with institutions such as the Uruguay campus of the Latin American Faculty of Social Sciences in the educational field (full scholarships for returning Uruguayans interested in postgraduate studies) and with the National Institute of Employment and Vocational Training for vocational training and education, to which people with an interest in accessing vocational courses are referred by the Return and Welcome Office.

207. Mention should also be made of improvements in administration and the use by each public agency of specific responses to assist returning Uruguayans, particularly those in situations of particular socioeconomic vulnerability.

208. In order to reach a wider audience, the Directorate General has stepped up the dissemination of information on the services available to Uruguayans who are or may be returning. The website of the National Migration Board shares basic information for returning nationals, including guides on returning to Uruguay and living in Uruguay and a handbook for returning nationals.

209. Information from State bodies seeking to improve their procedures is also published on the main web portal for procedures in Uruguay<sup>24</sup> and on the portals of the Ministry of Foreign Affairs, consulates and some local governments, and simultaneously replicated on the new web portal of the National Migration Board. The National Migration Directorate website also has the necessary procedures and requirements.

### **Reply to the issues raised in paragraph 46**

#### *Institutional and legal framework*

210. Uruguay has stepped up measures to combat trafficking in persons, paying particular attention to the trafficking of women, children and adolescents.

211. Since 2008, the offences of human trafficking and migrant smuggling have been defined, at the national level, in Act No. 18250 on Migration, article 77 of which stipulates that “any person who illegally promotes, arranges or facilitates the entry or exit of persons into or from the national territory across the borders of the Republic for the purpose of obtaining an advantage for himself or herself or for a third party shall be liable to a penalty of 6 months’ to 3 years’ imprisonment”.

212. Article 78 of the Act, regulating the offence of trafficking in persons, states that “any person who, in any way or by any means, participates in the recruitment, transportation, transfer, harbouring or receipt of persons for the purposes of forced labour or services, slavery or similar practices, servitude, sexual exploitation, the removal and extraction of organs or any other activity prejudicial to human dignity shall be liable to a penalty of 4 to 16 years’ imprisonment”.

213. Trafficking is defined as a separate offence for which evidence of the means is not required, in keeping with the definition contained in article 3 of the Palermo Protocol. It is sufficient for the activity (recruitment, transportation, etc.) to have been carried out and the purposes (forced labour or services, slavery, etc.) to have been identified for an offence to have been committed.

214. The offence of trafficking is also defined in article 6 of Act No. 17815 of 2004 on commercial and non-commercial sexual violence committed against children, adolescents or persons incapable of providing informed consent. The article stipulates that “any person who in any way encourages or facilitates the entry into or exit from the country of minors or persons incapable of providing informed consent for the purpose of prostitution or sexual exploitation shall be liable to a penalty of 2 to 12 years’ imprisonment”.

215. Executive Decree No. 304/015 provided for the establishment of the Inter-Agency Committee on Preventing and Combating Trafficking in Persons.<sup>25</sup> The Inter-Agency Committee has begun implementing the National Plan to Combat Trafficking in and the

<sup>24</sup> For more information, see [www.tramites.gub.uy](http://www.tramites.gub.uy).

<sup>25</sup> The Committee is composed of the Ministry of Social Development, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Education and Culture/Public Prosecution Service, the Ministry of Transport and Public Works, the Ministry of Labour and Social Security, the Ministry of Public Health, the Ministry of Livestock, Agriculture and Fisheries, the Ministry of Tourism, the Ministry of Housing, Land Management and the Environment, the judiciary, the Uruguayan Institute for Children and Adolescents, the Bicameral Women’s Caucus, the University of the Republic, the Workers’ Trade Union Confederation – National Convention of Workers and three representatives of civil society organizations.

Exploitation of Persons 2018–2020, which was officially launched on the World Day against Trafficking in Persons (30 July). This instrument contains a chapter, agreed upon by public institutions and civil society organizations, that identifies the principal advances made over the course of almost 10 years of cooperation and inter-institutional efforts to coordinate measures for preventing and combating trafficking in persons and supporting victims in Uruguay. The chapter addresses the strengthening of inter-institutional forums, the participation of civil society, support services for women, child and adolescent victims of trafficking and exploitation, technical tools for addressing trafficking in persons, awareness-raising, training and capacity-building activities, information-sharing and prevention campaigns on trafficking in persons, and the existing regulatory framework. This instrument is structured around five areas of action: 1. prevention and awareness-raising; 2. investigation, combating, prosecution and criminalization; 3. protection, support and redress; 4. inter-institutional coordination; and 5. international cooperation.

216. On 12 July 2018, the Government adopted Act No. 19643 on preventing and combating trafficking in and the exploitation of persons, which was drafted by the Inter-Agency Committee on the basis of an agreement between the Ministry of Foreign Affairs and IOM on the hiring of consultancy services.

217. The Act: (i) sets out guidelines for public policy, empowering State institutions – within their areas of competence – to take action and adopt and implement programmes, measures, protocols, registers and investigations aimed at eradicating human trafficking and exploitation; (ii) provides for full reparation, including compensation, restitution and rehabilitation for victims; (iii) establishes, as the lead agency in this area, the National Council to Prevent and Combat Trafficking in and the Exploitation of Persons, composed of representatives of public institutions with direct competence and civil society organizations with a long history of working in this field; and (iv) establishes the National Complaints System on Trafficking in and the Exploitation of Persons, which centralizes information and facilitates reporting and progress through the justice system while seeking to generate appropriate policies for combating and preventing the offence.

218. With regard to reparation, it should be noted that article 5 (J) of the Act recognizes “the right of victims of trafficking and exploitation to truth, justice, reparation and guarantees of non-repetition through simple and prompt recourse to a competent court”.

219. Where regulations are concerned, it should be noted that Uruguay is a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Inter-American Convention to Prevent and Punish Torture, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All these instruments have entered into force in Uruguay.

220. Pursuant to Act No. 18719, specific competencies are assigned to the Directorate General for Cooperation with INTERPOL and the Fight against Organized Crime and related offences, which include the sexual exploitation of adults, children and adolescents and all forms of trafficking in persons. In this connection, the National Police provides support and maintains ongoing contact with the agencies that receive reports of these offences, such as the units specializing in domestic and gender-based violence, police units, the Attorney General’s Office and courts that specialize in organized crime.

221. The Uruguayan Institute for Children and Adolescents has set up two specialized mobile teams to identify, support and protect victims of trafficking and sexual exploitation wherever they might be in the country. In Montevideo, the “Travesía” service specializes in providing counselling, social support and legal advice to victims of trafficking. Currently, there are no 24-hour support services for victims of trafficking. However, residential protection centres around the country provide 24-hour support for children and adolescents deprived of parental care. The Institute intends to expand the coverage of its services during the period 2015–2020.

222. In addition, the Institute has concluded agreements with the civil society organizations *Gurises Unidos* (Kids United) and *El Paso*, which provide in-the-field training for all actors involved in the protection system, including staff of the Ministry of the Interior and the

Attorney General's Office. In order to improve the services provided, training sessions and knowledge-generating and sharing activities have been conducted with teams from other countries. Speakers delivered statements at the conference of the Latin American Observatory on Human Trafficking and People Smuggling, which was organized by the Latin American Faculty of Social Sciences. Exchanges took place with teams from Ecuador that have experience in supporting victims of trafficking. In 2018, the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents worked with the Coordinating Office for the Rights of Children and Adolescents in Paraguay and participated in the Triple Border Committee's meeting on protection. It also worked with the Institute of Human Rights of Argentina in connection with training for judicial, regional and police officials.

223. When the circumstances so warrant, the Institute's experts are prepared to make relevant, necessary information and technical tools available to police officers, justice officials and the Public Prosecution Service for the purposes of investigations.

224. Since the establishment of the mobile units and the "Travesía" service, the regional teams have stepped up the identification and assessment of situations involving the commercial sexual exploitation and trafficking of children and adolescents. The quality of the care provided and of the training delivered to technical experts have also been enhanced.

225. In 2018, 3,591 persons received training. A total of 17 investigations were carried out: 10 into trafficking for the purpose of sexual exploitation, 1 into the sale of children and adolescents and 6 internal investigations. In total, there were 144 cases of commercial sexual exploitation of children and adolescents (as defined in Act No. 17815).

226. In 2018, no cases of international trafficking in children and adolescents were identified or referred. However, of the 36 cases that had been referred to the "Travesía" service as of August 2018, 17 involved internal trafficking of adolescents for the purpose of commercial sexual exploitation.

227. Since 2011, the gender-based violence response system of the National Institute for Women has included a support unit for women victims of trafficking for the purpose of sexual exploitation. The unit provides legal, psychological and social support to Uruguayan and foreign women over 18 years of age, operating in partnership with a civil society organization. Its general aims are to help put a stop to trafficking, to promote full respect for the rights of women victims of trafficking for the purpose of sexual exploitation, to prevent further harm and to promote equity in gender relations. In 2016, the unit was expanded in order to strengthen the support team and enable action to be taken in departments in the interior of the country through the use of a mobile unit. The unit currently has 14 staff members, who provide psychological, social and legal guidance to women directly involved in such situations and to their relatives and/or friends. In 2019, a specific unit for women victims of trafficking was opened in a department bordering Brazil. The right of such women to receive support, including counselling, is independent of their right to have access to justice.

228. A protocol on the functioning of the coordination mechanism for the care of women victims of international trafficking was drawn up, and was adopted at the eighth Meeting of Women Ministers and High-level Authorities on Women's Affairs of MERCOSUR.

229. The Office for Assistance to Compatriots and Community Services of the Ministry of Foreign Affairs takes action in cases of international trafficking, assisting Uruguayan victims in cooperation with Uruguayan consulates abroad, repatriating those victims who ask to be repatriated and referring them to the appropriate national services.

230. In 2017, the Attorney General's Office signed a cooperation framework agreement with IOM with a view to strengthening the alliance for combating trafficking in persons.

231. The National Migration Board holds coordination meetings with the Attorney General's Office to address the various risks to which foreign and Uruguayan migrants may be exposed, including the risk of becoming a victim of trafficking in persons, migrant smuggling, gender-based violence or related offences in Uruguay or abroad.

*Second national action plan, entitled “100 actions to combat the commercial sexual exploitation of children and adolescents, 2016–2021”*

232. The National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents is currently carrying out its second national action plan, entitled “100 actions to combat the commercial sexual exploitation of children and adolescents, 2016–2021”. The Plan is designed to ensure that all measures taken reflect a human rights-based approach that takes account of all regional characteristics and the age, gender, diversity, disability, ethnic and racial perspectives.

233. The components of the plan and the actions it provides for are: (i) preventing violations and promoting rights by implementing the “Good Treatment” campaign in conjunction with civil society organizations and more than 500 adolescents and 100 institutions, organizing a workshop on preventing sexual harassment in cooperation with the National Association of Non-Governmental Organizations, departmental administrations, local committees and film groups, and providing training for 29 officials and civil servants and 40 persons from the Community Programme; (ii) strengthening protection by contributing to the comprehensive bill on combating exploitation and trafficking and the bill amending the new Children’s Code; and (iii) providing support and restoring rights in coordination with specialized teams. A regional mechanism for dealing with gender-based and generational violence is in place and mobile teams in Montevideo and Paysandú have been set up.

*Access to justice for victims of trafficking*

234. By Decision No. 609/2018 of November 2018, the authorities decided to establish three Criminal Prosecution Offices for Sexual Offences, Domestic Violence and Gender-Based Violence in Montevideo. On 15 November 2018, pursuant to Act No. 19670 on Accountability, these offices became known as the First, Second and Third Rota Montevideo Criminal Prosecution Offices for Sexual Offences, Domestic Violence and Gender-Based Violence. The establishment of these offices increased the number of offices specializing in this area by 50 per cent.<sup>26</sup>

235. In February 2019, the fourth Montevideo Criminal Prosecution Office for Sexual Offences, Domestic Violence and Gender-Based Violence<sup>27</sup> was established. In May 2019, the authorities decided to establish a fifth Montevideo Criminal Prosecution Office for Sexual Offences, Domestic Violence and Gender-Based Violence in order to respond more effectively to the demand for services in this area.<sup>28</sup>

236. Following the entry into force of the new Code of Criminal Procedure, an information system for adversarial criminal proceedings was launched which centralizes data on all complaints lodged in Uruguay, including the number of complaints filed and the related offences. The system will provide statistical data for use in evaluating public policies, redefining the competencies of prosecutors’ offices and determining the number of prosecutors’ offices in each area, for example.

237. In February 2016, the Victims Unit of the Attorney General’s Office was established as a consequence of the new legal nature of the public prosecution service under Act No. 19334 and the adoption of the new Code of Criminal Procedure, which, pursuant to Decision No. 83/2016,<sup>29</sup> made the Attorney General’s Office responsible for supporting and protecting victims and witnesses.

<sup>26</sup> [http://www.fiscalia.gub.uy/innovaportal/file/7123/1/res-609\\_2018\\_fiscalias-penales.pdf](http://www.fiscalia.gub.uy/innovaportal/file/7123/1/res-609_2018_fiscalias-penales.pdf).

<sup>27</sup> For more information, see <http://www.fiscalia.gub.uy/innovaportal/v/7603/1/innova.front/se-instalo-una-nueva-fiscalia-de-delitos-sexuales-de-montevideo-y-varios-fiscales-juraron-ascensos-y-traslados.html>.

<sup>28</sup> <http://www.fiscalia.gub.uy/innovaportal/v/8053/1/innova.front/se-creo-la-fiscalia-de-5°-turno-de-delitos-sexuales-violencia-domestica-y-violencia-basada-en-genero.html>.

<sup>29</sup> <http://www.fiscalia.gub.uy/innovaportal/file/1062/1/resolucion-83.pdf>. The current organizational chart may be seen at <http://www.fiscalia.gub.uy/innovaportal/file/1105/1/organigrama.pdf>.

238. Article 15 of the new Organic Act on the Attorney General's Office (No. 19483) provides that the Office may issue general instructions.

239. In October 2017, General Instruction No. 5 on support and protection for victims and witnesses<sup>30</sup> was issued. Subsequently, General Instruction No. 9 on a programme of special protection for victims and witnesses of crime<sup>31</sup> was issued.

240. The Victims and Witnesses Unit of the Attorney General's Office produces a document setting out the Office's policy on support and protection for victims and witnesses.<sup>32</sup> In 2019, the number of experts working for the victims and witnesses support and protection unit was increased from 6 to 27 nationwide.

241. Police officers assist the administration of justice by providing protection when required to do so by a judge. Victims and third parties may report an incident at any police station, by calling the free telephone number 0800 5000 or by filing an online report, acting anonymously if they so wish. Alternatively, the police may be informed by another State agency, by a national or foreign NGO, by order of a court or by the Attorney General's Office.

242. The Coordinating Office for Policies on Victims and Witnesses of Crime, which reports to the Attorney General's Office, was set up under Decree No. 46/018 to provide an efficient mechanism for ensuring protection, support and follow-up for victims and witnesses of crime. It is composed of representatives of all State agencies with responsibilities in this area.<sup>33</sup>

#### *Labour trafficking*

243. The Inspectorate General for Labour and Social Security handles all complaints received. In cases where the worker concerned requires another type of service, the Inspectorate acts in coordination with the institutions that make up the Inter-Agency Committee on Trafficking. One case was uncovered in the construction sector in 2017 and another in the domestic service sector in 2018.

244. In the construction sector, an inspection uncovered violations and irregularities in relation to payments, social security contributions, job categories and the requisite documentation for Colombian workers. In addition, problems with overcrowding were identified by a survey of the accommodation in which workers were lodged as part of their labour agreement with the company. As the company hired only Colombian workers, labour trafficking was suspected, leading the Inspectorate General for Labour and Social Security to file a criminal complaint, with its inspection serving as evidence for the courts.

245. The Inspectorate carries out inspections in the domestic service sector on an ongoing basis. In a specific case involving a Peruvian domestic worker, the worker's employers had withheld her passport, leaving her without the documentation required to formalize her situation and exposing her to all manner of irregularities in her general working conditions, including a lack of regular breaks and weekly rest periods. In coordination with the Ministry of the Interior, officials entered the house and recovered the worker's passport. She did not wish to file a complaint and returned to her country of origin in accordance with her wishes.

#### *Awareness-raising and training*

246. Also with a view to preventing, combating and punishing trafficking in persons, various campaigns have been run to raise public awareness of the issue, using the media, information and communications technology and other channels of communication to send out a strong message against trafficking in persons and the sexual exploitation of children. Examples include the "Healthy Tourism" campaign, the "MERCOSUR Free from Trafficking in Persons" regional campaign, the "Stop Collaborating" campaign, the

<sup>30</sup> <http://www.fiscalia.gub.uy/innovaportal/file/4405/1/instruccion-nro5.pdf>.

<sup>31</sup> <http://www.fiscalia.gub.uy/innovaportal/file/3480/1/instruccion-general-proteccion-especial-de-victimas-y-testigos-de-los-delitos.pdf>.

<sup>32</sup> [http://www.fiscalia.gub.uy/innovaportal/file/3482/1/doc-politicaatencyprotec\\_vyt\\_fgn\\_2017\\_v2.pdf](http://www.fiscalia.gub.uy/innovaportal/file/3482/1/doc-politicaatencyprotec_vyt_fgn_2017_v2.pdf).

<sup>33</sup> <http://www.impo.com.uy/bases/decretos/46-2018>.

“Welcome to Uruguay: Country of Good Treatment” project, the “Keep to the Right” initiative and the “No Excuses” advertising campaign.

247. The Directorate General for Cooperation with INTERPOL and the Fight against Organized Crime and the Gender Policies Division, both within the Ministry of the Interior, have organized joint training sessions on how to identify and investigate trafficking in and exploitation of persons. A module has been included both in the professional development courses for officers seeking promotion and in the basic training programme for new recruits.

248. With support from IOM, staff of the National Migration Directorate have received specific training in how to identify possible victims of human trafficking and migrant smuggling at the country’s borders, applying the MERCOSUR Guide to Detection at Border Posts. Staff in charge of cases have been trained from the human rights, gender, generational and diversity perspectives.

249. In compliance with Decree No. 398/013, which is binding on all tourism service providers, the Ministry of Tourism has made all workers in the tourism sector and all students of tourism aware of the actions to be taken by the tourism industry to prevent sexual exploitation in travel and tourism. In 2017 and 2018, awareness-raising activities were conducted under the slogan #ElTurismoCreceyProtege (Tourism is growing and protecting).

250. Since 2017, the Migration Unit of the Ministry of Labour and Social Security has been joining forces with sector experts to deliver talks on labour rights and share information on employment-related services for migrant women victims of trafficking. These talks are part of a drive to support these women that also includes maternal and child health care, psychosocial support and legal advice. The talks on labour rights targeting migrant women victims of trafficking for the purposes of sexual exploitation have also continued.

251. Professionals from the Enquiries Division of the National Labour Directorate actively participate in various workshops to support migrant workers and/or victims of trafficking, providing them with advice and guidance on employment. This activity is organized in conjunction with NGOs and the Ministry of Social Development. Targeted work has been done with population groups whose country of origin is Cuba or the Dominican Republic. The Ministry of Labour and Social Security, the Ministry of Foreign Affairs and the Ministry of the Interior have also worked together to prepare a document on the formalities required in order to hire migrants.

252. The National Migration Directorate has trained its officials in this area, knowledge of which is essential for identifying victims at border points and in the offices where formalities are carried out.

253. With support from IOM, training courses on identifying and protecting victims have also been organized for diplomatic and administrative officials working abroad.

254. As this report is being concluded, the Ministry of Foreign Affairs and the Ministry of Social Development are in the process of updating the protocol that they drew up in 2011 on actions to be taken in embassies and consular offices to identify cases of trafficking and help the victims.

#### *International, regional and bilateral cooperation*

255. In relation to national, bilateral and subregional operations to prevent and combat trafficking in persons, Uruguay has participated in regional forums, reaching agreement on strategies for international, regional and bilateral cooperation and on information exchanges with countries of origin, transit and destination.

256. The Coordination Mechanism for Assistance to Women Victims of International Trafficking (MERCOSUR/CMC/DEC. No. 32/12) operates the MERCOSUR network among the bodies in MERCOSUR countries that are involved in providing support to women victims of international trafficking.

257. In April 2016, a refresher seminar on trafficking in women in the MERCOSUR countries, with an emphasis on border areas, and a meeting of the Coordination Mechanism for Assistance to Women Victims of International Trafficking were held in Asunción, Paraguay. The objective was twofold: to strengthen the capacities of border officials and civil

society representatives involved in the identification, referral and protection of women victims of trafficking and to create a space for dialogue and information exchange with representatives of the Coordination Mechanism. Border officials provided inputs to contribute to the development of the Coordination Mechanism's short-term workplan and tools for the data collection, reporting and follow-up activities that are required under the Mechanism's procedural protocol.

258. In June 2016, in Montevideo, a regional workshop on the establishment of the MERCOSUR Coordination Mechanism for Assistance to Women Victims of International Trafficking took place, with participants from MERCOSUR States parties and representatives of Bolivia, the MERCOSUR Institute of Public Policies on Human Rights and IOM.

259. During the reporting period, Uruguay concluded a number of consular cooperation agreements that provide for measures to combat trafficking.

260. As part of an international cooperation project with the Inter-American Development Bank, between October 2018 and June 2019 the National Institute for Women held a series of awareness-raising and capacity-building discussion workshops on the trafficking of women across the border between Uruguay and Brazil, in the departments of Artigas, Rivera, Cerro Largo, Treinta y Tres and Rocha. The workshops targeted officials working in the justice system, along with other relevant actors.

#### **Reply to the issues raised in paragraph 48**

261. Uruguay follows the regional guide produced by MERCOSUR on identifying and addressing the special protection needs of migrant children and adolescents.

262. In 2012, MERCOSUR approved a package of schemes and operations to uphold the rights of migrant children and adolescents and their families, drawn up by the MERCOSUR Institute of Public Policies on Human Rights, under Guidelines 3 and 4 of Pillar II of the MERCOSUR Strategic Social Action Plan. The States parties agreed that it would be implemented by the Niñ@Sur Initiative Standing Committee, under the Meeting of High-level Authorities on Human Rights and Ministries of Foreign Affairs, with technical support from the Institute.

263. The guide proposes that States appoint focal points within the Niñ@Sur Initiative Standing Committee and the MERCOSUR Specialized Forum on Migration, to serve as the State coordinators for follow-up and implementation of the guide. Those focal points will be responsible for reporting significant changes in the institutions and/or authorities related to implementation. Every year, each State is to prepare and submit a country report containing information on the commitments made under the guide, including capacity-building, high-level panels, training, dissemination and follow-up reports. The Uruguayan Institute for Children and Adolescents supports the process of training on, dissemination of and implementation of the guide.

264. In 2017, the MERCOSUR Institute of Public Policies on Human Rights, as an intergovernmental body, produced and published the regional handbook *Derechos Humanos de Personas Migrantes* (Migrants' Human Rights). The handbook was produced at the initiative of the Standing Committee on Discrimination, Racism and Xenophobia of the Meeting of High-level Authorities on Human Rights and Ministries of Foreign Affairs of the MERCOSUR States parties and associated States.

265. The National Migration Directorate and the Ministry of Foreign Affairs, which are members of the National Migration Board, and the Uruguayan Institute for Children and Adolescents, which is the lead agency for policies on children and adolescents in Uruguay, are working on the domestic implementation of the MERCOSUR regional guide on identifying and addressing the special protection needs of migrant children and adolescents, as one of the main regional framework instruments for the protection of migrant children.

266. The National Migration Board has provided training for officials of the Ministry of Foreign Affairs and the National Migration Directorate. It has also invited civil society organizations and other bodies to attend such training sessions, including the National Human

Rights Institution and Office of the Ombudsperson and the Human Rights Secretariat of the Office of the President.

267. The National Migration Board has established a specific working group on the design of a protocol for providing assistance at the borders for unaccompanied minors arriving in the country. The bodies members of the National Migration Board take part, as do representatives of the judiciary, the Attorney General's Office, police forensic units and the Uruguayan Institute for Children and Adolescents.

#### **Reply to the issues raised in paragraph 50**

268. Uruguay is committed to ensuring orderly international mobility through regular and safe channels. To that end, it has strengthened measures to facilitate the regularization of migrants' administrative status by ensuring that migrants, especially those in the most vulnerable groups, have access to identity and residence documents.

269. New procedures have been implemented and pathways have been created for regular migration in respect of migrant inflows, outflows and residence in the country. Steps have been taken to facilitate access to documentation, under strict security and control measures, for transnational mobility and residence in the national territory and to regularize the status of persons already living in the country who, for various reasons, have not applied for legal residence. Irregular migration is thus not a significant phenomenon in the country.

270. These measures, which are in line with current laws and regulations and with the country's regional and international commitments, are justified by the need to regulate migration flows, ensure security and protect the rights and safety of persons in the process of migration, and by the greater vulnerability, limited access to rights, lack of legal protection, discrimination, exploitation and abuse that are more likely to be suffered by persons with irregular administrative status, including migrants who are trafficked or smuggled. Migration and residence under regular conditions are essential for the integration of migrants into society, social harmony and cohesion, and migrants' effective enjoyment of their rights.

271. Among the most significant examples of processes for allowing access to residence and identity documentation and regularization are the Rapid Response Plan for permanent residency, implemented since 2013 under the auspices of the National Migration Directorate of the Ministry of the Interior, which allows migrants to obtain an identity document concurrently with the initiation of the permanent residence procedure; article 162 of the Budget Act (No. 19355) of 19 December 2015, regulated by Decree No. 118/018, under which legal residence is granted to persons whose stay in the country is irregular and who are in a particularly vulnerable situation; and the diversification of types of entry visas, for those nationalities requiring them, under Decree No. 356/2018 of 29 October 2018, which regulates article 30 of Act No. 18250.

272. It should also be noted that Act No. 19254 of 28 August 2014 enables spouses, cohabiting partners, parents and siblings of Uruguayans and nationals of MERCOSUR States parties and associated States to quickly obtain permanent residence in Uruguay, as the country is a pioneer in reflecting MERCOSUR residence agreements in domestic law and is committed to regional integration. In addition, under Act No. 19362 of 31 December 2015, foreign-born grandchildren of Uruguayans are entitled to natural-born citizenship and therefore do not need to apply for residence in Uruguay.

273. With regard to the particular case of the 24 immigrants, the Ministry of Social Development has implemented various strategies for regularizing the documentation, some of which have involved the article 162 procedure under Act No. 19355 (Decree No. 118), while others have been related to Act No. 19682 on the recognition of statelessness.

#### **Reply to the issues raised in paragraph 51**

##### *National Mechanism for Reporting and Follow-up on Recommendations*

274. Decree No. 358/2016 of 14 November 2016 provided for the establishment of an inter-agency network for the preparation of reports and follow-up on the implementation of human rights recommendations and observations, designating the Recommendations Monitoring

System (SIMORE) software as the public information system for recording State actions relating to compliance with, and implementation of, the recommendations and observations made by the universal system for the protection of human rights. A process of inter-agency coordination was accordingly launched with a view to streamlining the country's international reporting methodology and fulfilling the State's human rights obligations at the national level.

275. The formation of the inter-agency network and the implementation of the SIMORE software<sup>34</sup> laid the foundations for the establishment of the National Mechanism for Reporting and Follow-up on Recommendations.

276. The National Mechanism is coordinated by the Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs and comprises an inter-agency network made up of the three branches of government, departmental governments, decentralized services and independent bodies.<sup>35</sup> The National Human Rights Institution and Office of the Ombudsperson has permanent observer status in the National Mechanism and participates in all of its bodies.

277. Inter-agency work is divided among seven thematic committees dealing, respectively, with the topics of women; children and adolescents; discrimination; rights of persons with disabilities; memory, truth and justice; persons who are deprived of liberty or institutionalized; and institution-building.

278. The thematic committee on discrimination monitors the implementation of migration-related recommendations made by United Nations human rights mechanisms such as the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, other treaty bodies, special procedures and the Human Rights Council's universal periodic review.

279. One of the tasks of the inter-agency network is to input information into the SIMORE database on the progress made in implementing the recommendations that Uruguay receives from the universal system for the promotion and protection of human rights (treaty bodies, special procedures and the Human Rights Council's universal periodic review).

280. The National Mechanism uses the dialogue and consultation system of the Ministry of Foreign Affairs as a formal channel of communication with civil society organizations. Pursuant to Decree No. 89/2018, adopted on 9 April 2018, within the framework of the Mechanism the Ministry of Foreign Affairs, on its own initiative or at the request of the inter-agency committees, undertakes to publicly convene meetings with civil society organizations interested in the subjects covered by the country's reports to the treaty bodies and to the universal periodic review prior to their submission, thus providing a forum for dialogue between the State and civil society with regard to the report in question.

<sup>34</sup> The database can be accessed at [simore.mrree.gub.uy](http://simore.mrree.gub.uy).

<sup>35</sup> As the present report was being completed, the Mechanism consisted of 32 State institutions: *Executive branch*: Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Economic Affairs and Finance, Ministry of Defence, Ministry of Education and Culture, Ministry of Transport and Public Works, Ministry of Industry, Energy and Mining, Ministry of Labour and Social Security, Ministry of Health, Ministry of Livestock, Agriculture and Fisheries, Ministry of Tourism, Ministry of Housing, Land Management and the Environment, Ministry of Social Development, Planning and Budget Office, National Institute of Statistics, Human Rights Secretariat of the Office of the President, Agency for the Information and Knowledge Society, Uruguayan International Cooperation Agency, National Civil Service Office; *Decentralized services*: National Institute for the Social Inclusion of Adolescents, State Sanitary Works Administration, Uruguayan Institute for Children and Adolescents, State Health Services Administration, Attorney General's Office, National Postal Administration; *Independent bodies*: Social Security Bank, National Public Education Administration, judicial branch, legislative branch (both houses), Parliamentary Commissioner for the Prison System; *Departmental governments*: departmental government of Montevideo; *Observers*: National Human Rights Institution and Office of the Ombudsperson.

**Reply to the issues raised in paragraph 52**

281. On 28 May 2014, the recommendations made by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in the context of its 243rd and 244th meetings, held on 31 March and 1 April 2014, were presented publicly at the Ministry of Foreign Affairs.

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