



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

Distr.: General  
21 April 2023  
English  
Original: Spanish  
English, French and Spanish only

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

**Thirty-seventh session**

29 November–8 December 2023

**Consideration of reports submitted by States parties  
under article 73 of the Convention**

**Replies of Uruguay to the list of issues in relation  
to its second periodic report<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 30 December 2022]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. Introduction

1. In compliance with the commitments assumed internationally before the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, this report has been prepared under the coordination of the Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs and with support from the focal points of the National Mechanism for Reporting and Follow-up on Recommendations.
2. The focal points were consulted to ensure that the information presented in this report, which constitutes the response of Uruguay to the list of issues in relation to its second periodic report ([CMW/C/URY/2](#)), was up to date. See annex I and statistical annex.

## II. General information

3. Uruguay has enacted various normative, regulatory and administrative instruments with a view to ensuring safe, orderly and regular channels for international mobility and legal residence in its territory and facilitating access to documentation and regularization. These form the pillars of national migration policy and the human rights-based approach that underpins it.
4. Various actions recognized as good practice have been adopted in order to enhance migrant documentation and regularization policy. Act No. 18.250 establishes in law basic principles such as the possibility of changing migration status and the non-criminalization of migrants, with deprivation of liberty being used only as a punishment for violations of criminal law, as is the case for nationals. In 2014, the Government adopted Act No. 19.254, which goes beyond the MERCOSUR Residence Agreement by making permanent residence freely and directly available to nationals of MERCOSUR member States, including associate members, as well as to non-nationals with Uruguayan relatives. Residence can be obtained simply by meeting the following three requirements: possession of an identity card; lack of a criminal record; and proof of vaccination, which can be acquired in Uruguay. These are pioneering regulations that are internationally recognized as such.
5. Applicants can obtain a Uruguayan identity card as soon as they initiate the residency application process. Thus, under the Rapid Response Plan operated by the National Migration Directorate of the Ministry of the Interior, nationals of non-MERCOSUR States who initiate the permanent residency application process are immediately entitled to apply for a Uruguayan identity card identical to and according the same rights as those issued to nationals.
6. In 2021, in response to the pandemic and the ensuing health emergency, the National Migration Directorate issued two service orders permitting the regularization of persons who had entered the territory in an irregular manner between 1 January 2018 and 10 August 2021 and did not have the visa required to initiate the residence procedure. More than 2,000 foreign nationals were regularized in this way.
7. In addition, articles 169 and 170 of Act No. 20.075, on accountability and budget execution in fiscal year 2021, which was enacted in October 2022, introduced amendments to articles 27 and 33 of Act No. 18.250, as amended by article 2 of Act No. 19.254 of 28 August 2014.
8. Act No. 19.254 of 2014 amended articles 27 and 33 of Act No. 18.250 on Migration, which had introduced the possibility of permanent residence for nationals of MERCOSUR member States and associate members and had established that the corresponding formalities would be carried out by the Ministry of Foreign Affairs. The amendment transferred responsibility for processing residency applications from the Ministry of Foreign Affairs to the Ministry of the Interior, as a result of which a single authority was henceforth responsible for processing all such applications; previously, applications from MERCOSUR member and associate States could be processed by either the Ministry of Foreign Affairs or the Ministry of the Interior. The change was made with a view to streamlining services and optimizing resources. The amendment to article 33 entailed the deletion of the word “grandchildren” from the list of those eligible for permanent residence because, under article 3 of

Act No. 16.021, as amended by Act No. 19.362 of 31 December 2015, the grandchildren of Uruguayans are already nationals by birth.<sup>1</sup>

9. The Act provides for all categories of residence permit to be processed by the National Migration Directorate. The decision to channel all residency applications through the same entity works in favour of applicants as they can now apply for a residence permit under any of the available categories in one place, where they can also obtain comprehensive advice, and they can submit their applications in any one of the Directorate's regional offices across the country.

10. As to the participation of migrant workers, 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. The Council attends all ordinary meetings of the Board in its own right, as well as extraordinary meetings when the subject matter so requires. All bodies represented on the Board, and the Board itself through its Chair and Executive Secretariat, have direct channels of communication for the submission of proposals and requests and the presentation of individual or group cases requiring special urgent attention.

11. The Board also maintains an ongoing open dialogue with the Migrant Support Network, which has made it possible to better monitor the migration agenda and migration policy and the protection of migrants' rights.

12. Uruguay is currently developing its first national plan for the integration of migrants, asylum-seekers and refugees. The National Migration Board and the Refugee Commission are together leading work on the plan, which will be presented within the first four months of 2023 and implemented during 2023 and 2024.

13. The overarching objective of the plan is to ensure the integration of migrants, asylum-seekers and refugees and foster their contribution to the country's development, applying the human rights-based approach central to national policy on migrants and refugees. Civil society organizations represented on the Consultative Advisory Council on Migration were invited by the Board to take part in all working groups and contribute to all thematic areas into which the plan was divided for drafting purposes.

14. In 2022, the Migration Unit of the Ministry of Labour and Social Security organized meetings with the organizations represented on the Council to inform them about the Ministry's main services and programmes, in view of their role as intermediaries between the Ministry and the Migration Unit's target population.

15. The call for civil society to contribute to the preparation of the second periodic report was issued by the Board through the Council's intermediary, which, as mentioned previously, was established by Act No. 18.250 on Migration. The Council is composed of civil society and trade organizations that are active in the field of migration (art. 26) and have permanent representation at its meetings.

16. The Ministry of Social Development has intensified its efforts to ensure the application of Decree No. 118/18 on access to documentation for persons in situations of particular vulnerability who, for reasons beyond their control, are prevented from regularizing their documentation. The Migrants Department of the Ministry has assumed responsibility for coordinating housing requests from migrants, inter alia, and referring them to civil society organizations and international organizations such as the International Organization for Migration (IOM).

17. Details of the number of MERCOSUR permanent residence permit applications initiated and residence permits granted under Act No. 19.254 from 2020 to September 2022 are shown in the table below.

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<sup>1</sup> Act No. 20.075, on accounting and budget execution in fiscal year 2021, arts. 169 and 170. National Institute of Official Publications.

<https://www.impo.com.uy/bases/leyes/20075-2022>.

<https://www.impo.com.uy/bases/leyes/20075-2022/169>.

<https://www.impo.com.uy/bases/leyes/20075-2022/170>.

Table 1  
Number of residence permit applications initiated

Nationality	2020			2021			2022 (until September)		
	Number of applications initiated	Women	Men	Number of applications initiated	Women	Men	Number of applications initiated	Women	Men
Argentine	6 815	3 473	3 342	12 494	6 329	6 165	5 973	2 841	3 132
Bolivian	105	46	59	40	20	20	124	43	81
Brazilian	656	348	308	453	258	195	842	397	445
Chilean	161	79	82	141	70	71	198	92	106
Colombian	416	162	254	254	124	130	794	321	473
Ecuadorian	48	21	27	28	12	16	61	28	33
Paraguayan	125	73	52	87	60	27	206	95	111
Peruvian	185	95	90	179	91	88	389	201	188
Venezuelan	1 546	789	757	849	473	376	1 966	1 008	958
Other	319	162	157	404	216	188	474	240	234
<b>Total</b>	<b>10 376</b>	<b>5 248</b>	<b>5 128</b>	<b>14 929</b>	<b>7 653</b>	<b>7 276</b>	<b>11 027</b>	<b>5 266</b>	<b>5 761</b>

Source: Residence Permit Department, Ministry of Foreign Affairs.

Table 2  
Number of residence permits granted

Nationality	2020			2021			2022 (until September)		
	Number of residence permits granted	Women	Men	Number of residence permits granted	Women	Men	Number of residence permits granted	Women	Men
Argentine	5 973	3 022	2 951	10 301	5 252	5 049	4 068	1 926	2 142
Bolivian	101	44	57	37	18	19	86	32	54
Brazilian	607	320	287	414	239	175	553	268	285
Chilean	157	78	79	132	69	63	140	68	72
Colombian	394	156	238	242	118	124	573	232	341
Ecuadorian	47	20	27	26	10	16	37	22	15
Paraguayan	114	69	45	81	54	27	139	63	76
Peruvian	171	90	81	171	88	83	285	150	135
Venezuelan	1 305	681	624	779	443	336	1 372	717	655
Other	304	152	152	393	210	183	296	155	141
<b>Total</b>	<b>9 173</b>	<b>4 632</b>	<b>4 541</b>	<b>12 576</b>	<b>6 501</b>	<b>6 075</b>	<b>7 549</b>	<b>3 633</b>	<b>3 916</b>

Source: Residence Permit Department, Ministry of Foreign Affairs.

18. The Ministry of the Interior also grants temporary MERCOSUR residence permits and other residence permits not governed by Act No. 19.254.<sup>2</sup>

19. The Migrants Department of the Ministry of Social Development organizes events and provides migrants with advice on how to regularize their documentation, ensuring inter- and intrainstitutional coordination and making referrals as required to meet their specific

<sup>2</sup> See statistical annex for residence permits granted by the Ministry of the Interior.

needs.<sup>3</sup> A direct support service is available at the Ministry's headquarters, through which technical and administrative support can be provided to the various regional services and programmes. A range of formats are used to educate the public and raise awareness of human mobility. In 2020 and 2021 combined, a total of 1,586 persons from different organizations nationwide participated in training sessions. In addition, educational and informative materials and resources have been developed in coordination with other agencies.

20. The Ministry of Social Development provided assistance to 3,869 migrants in 2018 and to 4,405 in 2019. In 2020 and 2021, despite border closures and the switch to teleworking in public sector offices, the Migrants Department provided assistance to 3,387 migrants in 2020 and 2,758 migrants in 2021. These figures do not include assistance provided through the Ministry's regional offices, which dealt exclusively with requests related to food or access to shelter that are not transferred to the Migrants Department. In addition, migrants who meet certain requirements are granted allowances and direct cash transfers (see annex for benefits granted in 2021 and 2022).

21. It is not possible to disaggregate information for this population group from available data because the monitoring system does not provide the option of classification as "migrant worker" for data processing purposes.

22. Details of the measures adopted at the national level to prevent and control the spread of the coronavirus disease (COVID-19), including the disease control measures in place at border crossings, were published by the Ministry of Health on its official web page.<sup>4</sup>

23. The following table describes, by thematic area, the most important actions taken to benefit migrants.

Table 1  
**Actions taken by thematic area**

<i>Area</i>	<i>Action</i>
Regulations and international mobility (entry, exit and return)	<p>The governmental decrees adopted at the start of the health emergency that limited entry to the country established a number of exceptions, which encompassed nationals, foreign residents, asylum-seekers and cases of family reunification. These measures were implemented on the basis of a human rights-focused approach.<sup>5</sup></p> <p>Action was taken to facilitate the return of Uruguayan nationals and foreign residents stranded abroad.</p> <p>In addition to nationals, this action encompassed migrants and legal residents needing to return to Uruguay, who were included in return arrangements so that they could return to the country and be reunited with their families on the same basis as nationals. In addition, wherever humanitarian flights were organized, the repatriation to other countries of foreign nationals stranded in Uruguay was always included.</p>
Regularization and documentation	<p>In the first stage of the health emergency, during which restrictions were imposed on in-person services in public sector offices, the Ministry of Foreign Affairs and the National Migration Directorate continued to provide special assistance to migrants in vulnerable situations, allowing them to initiate residence permit applications and obtain national identity cards at the National Directorate for Civil Identification in order to guarantee their rights,</p>

<sup>3</sup> The Migrants Department is a highly active area of Government. Its work is of national scope and is focused on inclusion, integration and social equality to ensure that migrants who come to Uruguay to make it their permanent place of residence are able to exercise their rights.

<sup>4</sup> Ministry of Health <https://www.gub.uy/ministerio-salud-publica/coronavirus>.  
<https://www.gub.uy/presidencia/politicas-v-gestion/medidas-del-gobierno-para-atender-emergencia-sanitaria-coronavirus>.

<sup>5</sup> These measures, as well as Operation "Stay at Home", were described in the official announcement document.

<i>Area</i>	<i>Action</i>
	<p>access to basic services, including food and health care, and integration in the formal labour market.</p> <p>In addition, other formalities necessary for acquiring documentation, such as document legalization, were fast-tracked and carried out free of charge.</p> <p>The migration status regularization policy remains in place. The number of residence permit applications processed remains virtually unchanged compared to the situation prior to the partial border closure.</p> <p>The National Migration Directorate of the Ministry of the Interior authorized foreign nationals who had exceeded their legal stay in Uruguay owing to flight connectivity problems to remain in Uruguay. The Directorate also renewed the expiration date of any documents required to initiate a residence permit application.</p> <p>As to asylum-seekers, the Refugee Commission took the decision not to inform those who did not apply for recognition as refugees in accordance with the 1951 Convention and the Refuge Act that their applications had been refused, thereby allowing them to maintain their asylum-seeker status and their Uruguayan identity card. In addition, to assist this population group a protocol on specific action for asylum-seekers was drawn up with input from IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR). The Government of Uruguay guarantees access to swab testing for COVID-19 for all asylum-seekers and has provided housing for applicants for international protection who have no place to stay in quarantine.</p>
Food	<p>The Ministry of Social Development took action to facilitate access to basic foodstuffs in order to ensure that all persons, including those without Uruguayan identity cards, could obtain them.</p>
Education	<p>Working in coordination with the Ceibal (Basic Computer Connectivity for Online Learning) Plan, the National Migration Board organized the delivery of computer devices to primary and secondary school students, including migrant students who did not yet have a Uruguayan identity card, to facilitate access to the online classes launched following the suspension of in-person attendance. The Ministry of Foreign Affairs, the National Migration Directorate and the Ministry of Social Development worked together to arrange the necessary documentation for students who did not have an identity card.</p> <p>The civil society organizations represented on the Board helped with identifying and following up on these cases.</p>
Health	<p>Arrangements were made with the State Health Services Administration to allow persons who did not have a Uruguayan identity card to apply for affiliation to the health service if they so wished.</p> <p>Residence permit officers of the Ministry of Foreign Affairs and the National Migration Directorate informed eligible persons about the procedure and provided the State Health Services Administration with a list of those who had initiated residence permit applications, so enabling these persons to apply for affiliation simply by sending a letter of application and their identity document.</p> <p>Arrangements were made with the Ministry of Health to ensure that all migrants had access to vaccinations and the corresponding certificate required to apply for a residence permit.</p> <p>Access to COVID-19 vaccination was facilitated for all migrants and asylum-seekers, including those without a Uruguayan identity card.</p>

<i>Area</i>	<i>Action</i>
Coordination with international organizations	Coordination with IOM was strengthened to improve support for migrants, especially those at the border and those entering Uruguay within the context of the health emergency.

24. The principles underpinning the COVID-19 vaccination plan in Uruguay were: equitable, free-of-charge, non-mandatory protection; prioritization on the basis of vulnerability and risk; and reciprocity.

25. The country established a public health corridor through which Uruguayan citizens and/or foreign nationals resident in Uruguay who had contracted COVID-19 abroad could enter the country in a private vehicle upon presentation of proof of test prior to entry and provided that they agreed to remain in preventive isolation until medical discharge and to respect other measures in place following entry into the country.<sup>6</sup>

26. As part of its annual workplan, the National Migration Board has been working with the National Institute of Statistics to strengthen the national system for migration statistics with a view to formulating a migration policy based on quality information about flows, trends, residence, migrant demographics and their integration.

27. Various entities, including the Ministry of Foreign Affairs, the Directorate for International Migration of the Directorate General for Consular Affairs and Liaison and the National Migration Directorate of the Ministry of the Interior, have collaborated with the National Institute of Statistics by submitting information. In addition, the national population census scheduled for 2023 will include new questions that will make it possible to obtain a clearer picture of the migrant population.<sup>7</sup>

28. Complaints may be submitted to the National Human Rights Institution by individuals or organizations, through their representatives, in person, by email or by telephone.<sup>8</sup>

29. The National Human Rights Institution cannot receive anonymous complaints but article 12 of Act No. 18.446 of 2008 stipulates that “the complainant shall be guaranteed confidentiality with regard to his or her identity, except when confidentiality is expressly waived by the complainant or by court order or if the Institution’s Governing Board deems it necessary to bring the human rights violation in question to the attention of the justice system”.

30. Complaints procedures initiated before the National Human Rights Institution are free of charge, without formalities and do not require a lawyer’s signature. Complainants, whether individuals or organizations, are assisted by interdisciplinary teams of experts responsible for processing cases under the supervision of the Governing Board. Once a complaint is admitted, a confidential investigation into the alleged facts is initiated.<sup>9</sup>

31. There are no detention centres in Uruguay that house only migrants or foreign nationals; they are held in the same facilities as any other person would be. However, within these facilities, special sections are set aside for persons deprived of their liberty who are awaiting the conclusion of extradition proceedings.

32. The National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment is a monitoring body that, under the oversight of the National Human Rights Institution and in accordance with the provisions of the Optional Protocol to the

<sup>6</sup> <https://www.gub.uy/presidencia/politicas-y-gestion/medidas-del-gobierno-para-atender-emergencia-sanitaria-coronavirus-covid-19>.

<sup>7</sup> National Institute of Statistics 2023 census available at: <https://censo2023.uy/>.

<sup>8</sup> More information on how to file complaints with the National Human Rights Institution is available at: <https://www.gub.uy/institucion-nacional-derechos-humanos-uruguay/datosy-estadisticas/datos/presentar-denuncia-anteinddh>.

<sup>9</sup> The 2021 report of the National Human Rights Institution presented to the General Assembly is available at: <https://www.gub.uy/institucion-nacional-derechos-humanos-uruguay/sites/institucion-nacional-derechos-humanos-uruguay/files/2022-07/INDDHH%20-%20INFORME%20ANUAL%202021.pdf>.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the act establishing the Institution, conducts both planned and unplanned visits to detention centres throughout the country.

33. Act No. 18.446<sup>10</sup> grants the National Human Rights Institution the power to: carry out inspection visits, with or without prior notice, to any place or area of activity used by bodies and entities under its jurisdiction; request reports and examine records, archives and any type of document; file criminal complaints and habeas corpus or *amparo* appeals; and enter, with or without prior notice, places of detention, hospitals, military establishments and any other place in which persons are deprived of liberty or interned.

34. In terms of human and technical resources, the National Human Rights Institution has the right to request the secondment of officials from other units.<sup>11</sup> Since its establishment, the Institution has been endowed with a number of budgeted administrative, technical and professional posts that do not expire when the Governing Board is renewed.<sup>12</sup> As at 2022, the Institution has a total of 51 budgeted positions, of which 45 are filled and 6 are vacant, as set out in the table provided in the annex (see description of and changes in positions 2015–2022).

35. The Institution's latest budget, corresponding to budget programme No. 228, which forms part of the budget of the Administrative Commission of the Legislative Branch, was approved in June 2020.<sup>13</sup> The budget requested was granted pursuant to the law on accountability and budget execution for fiscal year 2021. The Institution's accounts and budget execution for fiscal year 2021 were approved on 27 July 2022 (see annex I\_accounts 2021 INDDHH).

36. In 2019, the Migration Unit of the Ministry of Labour and Social Security held informative talks on labour rights for migrants in the departments of Montevideo, Rivera and Rocha.<sup>14</sup> It also organized talks on labour rights with Manos Veneguayas and Idas y Vueltas, both civil society organizations, and met with the Public Employment Services of the Ministry of Labour and Social Security to discuss the documentation necessary for work as well as access to and the scope of the Advisory Division of the Ministry of Labour and Social Security.

37. In 2020, virtual workshops on labour rights were held at the request of the Consultative Advisory Council on Migration and an in-person workshop on labour rights for migrant women was organized at the request of a civil society organization. In 2021, day-long awareness-raising events on issues relating to trafficking, smuggling and migration were organized with the support of IOM for officers working in Specialist Employment Centres.<sup>15</sup>

38. Also in 2021, the Inspectorate General of Labour and Social Security of the Ministry of Labour and Social Security designed a training course for labour inspectors that is consistent with the International Labour Organization (ILO) Violence and Harassment

<sup>10</sup> Drafting and historical development of Act No. 18,446 establishing the National Human Rights Institution:

<https://www.gub.uy/institucion-nacional-derechos-humanos-uruguay/institucional/creacion-evolucion-historica#:~:text=La%20ley%20madre%20de%20la,Rep%20C3%BAblica%20y%20el%20Derecho%20Internacional.%E2%80%9D>.

<sup>11</sup> Decree No. 10/993. Available at: <https://www.impo.com.uy/bases/decretos/10-1993>. Initially, when the Act was enacted, the Institution was composed of 10 officers, but, following amendments to art. 81 in 2019 (by art. 8 of Act No. 19.763), this figure was increased to a total of 15 officers, a figure that should be considered in addition to the 5 members of the Governing Board.

<sup>12</sup> Members of the Governing Board are elected by a special process provided for in the five-year budgets and annual accounts approved by the Senate.

<sup>13</sup> Parliament of Uruguay. Available at [https://parlamento.gub.uy/documentosyleyes/ficha-asunto/155356/ficha\\_completa](https://parlamento.gub.uy/documentosyleyes/ficha-asunto/155356/ficha_completa).

<sup>14</sup> The Migration Unit was established in 2017 by ministerial resolution. Its objectives are to contribute to: (a) mainstreaming the handling of migration in the Ministry of Labour and Social Security; (b) improving access to the labour market for the migrant population; and (c) laying the foundations for the development of action lines in the area of labour migration.

<sup>15</sup> Ministry of Labour and Social Security Specialist Employment Centres: <https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/son-centros>.

Convention, 2019 (No. 190). This course was developed by the Inspectorate's Legal Division and was taught on the Moodle platform. The course included a module on trafficking in persons and labour exploitation.

39. In 2022, the Migration Unit held informative talks for migrant women residing in Rocha, organized by IOM, and three pilot workshops with Manos Venecuayas, organized in coordination with other executive units of the Ministry of Labour and Social Security.

40. Staff of the Ministry participated in training on the design and implementation of a labour market information system, organized with ILO.

### III. Information relating to the articles of the Convention

#### A. General principles

41. As part of efforts to improve publicly available information for migrants, in 2021 and 2022 the National Migration Board drafted and disseminated two guides containing frequently asked questions related to judicial services, complaint mechanisms and the rights of migrants under current regulations, such as the right of free access to justice regardless of a migrant's administrative situation.<sup>16</sup> Free legal advice can be obtained through available public services.<sup>17</sup>

42. In addition, the Inspectorate has an Advice and Complaints Office in Montevideo and works with the offices of the National Directorate for Regional Coordination, which receive complaints about violations of workers' rights and provide migrants with advice on their labour rights and the formalities necessary to exercise them. Whenever a complaint is received, a protocol is activated under which the offices work in coordination with other government agencies to resolve the problems experienced by the workers who submitted the complaint, which might be a need for shelter or food.

43. The Migration Unit, working in conjunction with other sections of the Ministry of Labour and Social Security, has prepared an internal action guide to providing assistance for victims of trafficking, identifying when a trafficking offence has been committed and correctly handling the offence. The Ministry works in coordination with civil society experts to ensure care for women believed to have been victims of trafficking for labour exploitation; in 2021, civil society organizations referred two women to its services. In 2022, the Ministry coordinated action taken, both internally and externally, in three cases of alleged trafficking for labour exploitation involving two women and one man who were referred to it by different civil society organizations.

44. Uruguayan legislation does not distinguish between migrants and nationals in terms of protected rights. Article 108 of the Code of Criminal Procedure, which has been in force since November 2017, establishes that, in the event that a detained person does not speak Spanish, the State must provide an interpreter.<sup>18</sup>

45. All persons facing criminal proceedings must have legal assistance. If they do not have their own lawyer, a public defender must be assigned to them by the State. Assistance is also available through public defence offices specializing in family, civil and labour matters and it is not necessary to be a Uruguayan national to use their services. In August 2021, the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment of the National Human Rights Institution submitted to the Human Rights Commission of the House of Representatives a report entitled "Safeguards in the first

<sup>16</sup> National Migration Board Frequently Asked Questions Guide <https://www.gub.uy/agencia-uruguay-cooperacion-internacional/comunicacion/publicaciones/guia-sobre-tramitacion-residencia-cedula-identidad-ingreso-uruguay>.

<sup>17</sup> Official site of the Eastern Republic of Uruguay. Migration. <https://www.gub.uy/migracion>.

<sup>18</sup> <https://www.impo.com.uy/bases/codigo-proceso-penal-2017/19293-2014>.

hours of detention in operations area No. I of Montevideo and dependent offices”.<sup>19</sup> The report was based on systematic monitoring of places of detention through unannounced visits, during which interviews were conducted with those in charge of facilities, other officers and detainees. In addition, physical spaces and administrative records were photographed, and the documentation and information collected was analysed following the visit.<sup>20</sup>

46. The Inspectorate General of Labour and Social Security of the Ministry of Labour and Social Security receives complaints of violations of workers’ labour rights. In accordance with the provisions of Act No. 19.643, if staff in the Legal Division identify any signs of labour trafficking or exploitation in a particular situation, the Attorney General’s Office is notified immediately. In addition, the Inspectorate has a protocol for such cases that, when activated, triggers coordinated action on the part of the National Women’s Institute, the Ministry of Social Development and/or the Uruguayan Institute for Children and Adolescents to ensure the provision of assistance and protection for the possible victims and access to accommodation and/or food. Assistance may also be provided through the Advice and Complaints Office in Montevideo and labour offices in other areas of the country to further the complaint process. Under the provisions of Act No. 19.854, when carrying out inspections, labour inspectors may question workers under a protected procedure whereby the workers questioned are not identified in the file by name and remain under the protection of the Inspectorate in the event that they are called to appear before the judiciary.

47. Where complaints are filed by persons deprived of liberty, migrants or foreign nationals, the judicial and administrative bodies responsible for resolving them are the relevant judicial offices and/or the Directorate of the National Rehabilitation Institute.

48. Owing to the SARS-CoV-2 pandemic, Uruguay adopted special public health measures with which all persons, whether nationals or non-nationals, were required to comply when entering the country by any means, whether land, air or sea, pursuant to Decree No. 195/020 and subsequent amendments thereto, for the purpose of preserving public health and preventing the spread of COVID-19 across the country. The country launched a vaccination programme that was voluntary and accessible to all.<sup>21</sup>

49. During the COVID-19 pandemic, Uruguay was one of the few countries that, despite closing its borders, continued to allow foreign nationals in need of international protection to enter the country, as stipulated in article 2 (G) of Decree No. 104/2020, and to allow entry whenever there were clearly justified grounds for international protection, as provided by Act No. 18.076 (the Refugee Act). Entry was also permitted for purposes of family reunification and for humanitarian reasons.

50. With regard to asylum, Uruguay has always prioritized both the protection and reintegration of asylum-seekers, refugees and migrants. To this end, the Refugee Commission worked in coordination with other State institutions to draft a protocol for the entry of asylum-seekers through migration checkpoints in the context of the national health emergency.

51. The Refugee Commission also coordinated the development of a form to ensure that persons with genuine international protection needs were able to enter the country and the establishment of a safeguards system for analysing each case in real time. In addition, support at the border, including accommodation, quarantine facilities and financial support, for vulnerable asylum-seekers was provided in coordination with UNHCR and IOM.

<sup>19</sup> Official record of the meeting available at:

[https://parlamento.gub.uy/camarasycomisiones/representantes/documentos/versionestaquigraficas/49/580/0/CAR?width=800&height=600&hl=en\\_US1&iframe=true&rel=nofollow](https://parlamento.gub.uy/camarasycomisiones/representantes/documentos/versionestaquigraficas/49/580/0/CAR?width=800&height=600&hl=en_US1&iframe=true&rel=nofollow).

<sup>20</sup> National Human Rights Institution report available at: <https://www.gub.uy/institucion-nacional-derechos-humanos-uruguay/comunicacion/noticias/mnp-presento-ante-comision-ddhh-diputados-informe-sobre-garantias-primeros>.

<sup>21</sup> Ministry of Health vaccination programme available at: <https://www.gub.uy/ministerio-salud-publica/comunicacion/noticias/esquema-vacunacion-frente-sars-cov-2>.

52. With respect to the measures taken in response to the COVID-19 pandemic in detention centres, the National Rehabilitation Institute complied with the orders issued by the Ministry of Health and the health-care providers servicing the different detention facilities.

53. In accordance with the provisions set forth in Decree No. 104/020, although the borders were closed during the health emergency, as mentioned above, foreign nationals were permitted to enter the country for work purposes. To do so, the foreign national in question had to complete an online form and attach a note from the employer, to be endorsed by the competent ministry in the first instance and subsequently authorized by the Office of the President.

54. In addition, residents and their family members were permitted entry when authorized on the grounds of family reunification. Voluntary return was never prohibited provided that return was permitted by the country of destination.

55. The Ministry of Social Development launched a food package delivery service through the WhatsApp application for asylum-seekers who had entered the country; tents were erected at the border to provide a space in which to complete the quarantine required upon entry to the country; and COVID-19 centres were set up for those entering the country who had contracted the disease.

## **B. Part II of the Convention**

### **Article 7**

56. In 2022, the Ministry of Education and Culture strengthened the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, which it chairs, by expanding the work team, with the support of its National Education Directorate, to include specialist human resources (i.e. lawyers).

57. As provided in the protocol for handling complaints and petitions concerning cases of racism, xenophobia and all other forms of discrimination submitted to the National Human Rights Institution and the Commission, the two institutions engage in a continual exchange of information.<sup>22</sup>

58. Complaints about acts perpetrated in the public sphere are processed by the National Human Rights Institution and petitions related to cases of racism and discrimination in the private sphere are handled by the Commission.

59. The aim of any discrimination-related intervention should be to detect and address the discriminatory conduct at the earliest possible moment in order to prevent conflict and minimize the consequences for the persons affected. The receipt of petitions, whether electronically or in person, is one of main focuses of the Commission's work.

60. In 2019, a total of 12 petitions were filed by individuals. The annex includes a table showing cases of racism, discrimination, ill-treatment and violence against migrant workers and their families identified by the Commission in the period 2019-2022, disaggregated by the status of the petition, the reasons for its submission and the gender, age and nationality of the petitioner (see full table in statistical annex).

## **C. Part III of the Convention**

### **Articles 8 to 15**

61. In 2020, the Ministry of Labour and Social Security, through its General Directorate, the Inspectorate General of Labour and Social Security and the National Labour Directorate, developed a protocol for providing assistance to victims of trafficking, identifying when a

<sup>22</sup> Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination protocol of action available at: <https://www.gub.uy/institucion-nacional-derechos-humanos-uruguay/comunicacion/publicaciones/protocolo-actuacion-entre-cnhrxd-inddhh>.

trafficking offence has been committed and correctly handling the offence. The technical secretariat of the National Council on Preventing and Combating the Trafficking and Exploitation of Persons suggested changes to the protocol and it was agreed that these would be discussed and any amendments considered relevant would be made.

62. The Inspectorate General organizes inspections in various economic sectors, including forestry, rice harvesting and citrus harvesting. It also receives complaints in person at its headquarters in Montevideo, at labour offices across the country and online through the Ministry's web page. Whenever a complaint is received, an electronic file is created, an investigation is initiated – which is confidential in order to protect the complainant – and the aforementioned protocol is activated.

63. The Inspectorate General processes 100 per cent of complaints received and, if the worker concerned needs other services, coordinates with the relevant institutions. In addition, the Inspectorate conducts checks for non-compliance and labour irregularities, including in relation to payments, social security contributions, job categories and legally required documentation. These checks involve consultation on possible irregularities in relation to general working conditions and legally protected rights (wages, breaks, paid vacation, leaves of absence, social security contributions, etc.).

64. In order to determine whether a migrant worker is a victim of trafficking, the following criteria are considered during inspections:

- (a) Whether the migrant is in a regular or irregular situation in the country;
- (b) Whether the worker is in possession of personal documentation such as his or her passport;
- (c) Whether the worker has the option of leaving the job;
- (d) Whether or not the wages promised are paid;
- (e) Whether or not the worker wishes to remain with the company;
- (f) The legality of the work performed;
- (g) The workers' age and gender, which is relevant in certain situations;
- (h) Any other information, such as language, race and nationality.

65. Where signs of trafficking in persons are identified during an investigation, the Inspectorate informs the competent authorities without prejudice to any current or future administrative proceedings.

66. To promote the inclusion of children and their families in the host society, the Ministry of Education and Culture runs the Intercultural Education and Migrants Programme, designed to ensure the full enjoyment of migrants' rights within the Uruguayan education system. The Ministry also runs an educational advice service for migrants through which migrants, asylum-seekers and refugees can seek guidance either by email or in person at the offices of the National Institute for Official Publications.

67. In 2022, in-person workshops on the topic of migration and interculturality were organized in conjunction with the Educational Liaison Programme of the Ministry of Social Development at which the focus was on sensitizing delegates to interculturality and migration in educational centres and raising awareness in general.

68. In compliance with article 48 of Decree No. 394/009 of 2009, and in order to guarantee the right to education for children of migrant workers, the relevant public institutions do not prevent their enrolment: where the documentation required for enrolment is not provided, the institutions enrol the child on a provisional basis for a period of one year.<sup>23</sup>

69. The Uruguayan Institute for Children and Adolescents is the entity empowered to conduct inspections to identify child labour. However, if a child or adolescent is found to be working in irregular conditions during an inspection carried out by the Inspectorate General

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<sup>23</sup> Decree No. 394/009 of the National Institute for Official Publications.

of Labour and Social Security, the Inspectorate immediately contacts the Institute with a view to taking coordinated action in response to the situation.

70. The protocol for providing assistance at borders for unaccompanied minors was adopted in 2018 and an updated version was recently agreed upon by the competent authorities (Ministry of Foreign Affairs, Ministry of the Interior and the Chair of the Governing Board of the Uruguayan Institute for Children and Adolescents). The protocol establishes that no child or adolescent may be turned back at the border, regardless of his or her documentary situation and that the Uruguayan Institute for Children and Adolescents will intervene if necessary.

### **Articles 16 to 22**

71. Uruguay has a robust set of policies concerning documentation for migrants. Since 2012, a procedure known as the Rapid Response Plan has been in place. Under this plan, migrants can initiate a permanent residence application with an identity document alone, thus obtaining a Uruguayan identity document that identifies him or her as an applicant resident and is valid for two years. Extraditions are carried out when ordered by judicial or administrative act. Administrative expulsions are implemented in line with due process principles once the act becomes final, that is, after giving the person subject to expulsion the right to appeal.

72. Pursuant to Resolution No. 363/2017 of March 2017, the Directorate of the National Rehabilitation Institute established the National Support Programme for Foreign Nationals and Migrants Deprived of Liberty. The goals of this programme are to set out measures and targeted plans for providing social and educational support to foreign nationals and migrants deprived of their liberty, incorporating a human rights-based approach and gender and diversity perspectives. Another goal of the programme is to coordinate actions with external oversight agencies, the National Human Rights Institution in its role as Ombudsman's Office and national prevention mechanism, the Parliamentary Commissioner for the Prison System and civil society organizations that work to promote and protect human rights, especially those working with migrants and foreign nationals, to identify situations requiring particular attention and put forward potential responses and solutions.

73. Foreign nationals deprived of their liberty use the same facilities as the rest of the prison population. The work continually being done within the prison system, whether large- or small-scale, is improving communal areas and benefiting the entire prison population, including migrants.

74. Act No. 18.250 does not establish criminal or administrative penalties for migrants in an irregular situation, providing instead that their situation should be regularized as a matter of priority. Service orders Nos. 4 and 6 of 2021, for example, allowed persons who had not obtained a visa despite requiring one for entry to apply for a residence permit without having to meet the usual visa requirement. Whenever immigration officials identify a migrant in an irregular situation, the person is urged to regularize his or her situation. If the person wishes to leave the country, he or she is charged an "exit card" fee.

75. In no event has the freedom of any migrant been restricted owing to his or her irregular situation, nor have any administrative penalties been imposed on any migrant because of such situation.

76. There is a lack of information on migrant workers in an irregular situation and members of their families who have been expelled or are facing expulsion. The only figure available is the number of migrants in the process of judicial expulsion whose cases are under examination by the Ministry of the Interior.

77. As reported by the Prison Management System of the Ministry of the Interior, there were four expulsions from Uruguay in 2020, two in 2021 and one to date in 2022.

### **Article 23**

78. Act No. 19.268 on Consular Organization sets forth a regulatory framework that modernizes consular activities provided as a public service to bring them into line with the

principles of administrative simplification and ensure full respect for the rights of Uruguayans abroad.

79. Consular offices have been expanding their services to include: the issuance of documents such as marriage certificates, criminal record certificates, identity cards, passports, permits for minors and powers of attorney that could previously only be obtained in Uruguay; the creation of a user profile giving access to employment history through the Social Security Bank; and the implementation of the “Uruguayans around the world” programme allowing schoolchildren to sit the exams necessary to complete their secondary education. Executive Decree No. 281/2022 amended the requirements for obtaining passports, making the issuance process more secure.

80. Ongoing projects include the development of an electronic apostille platform, which will allow for formalities to be carried out remotely, and a facial recognition system to certify a person’s existence for the purpose of claiming pensions and allowances.

81. Uruguay ratified the Agreement on the Mechanism for Consular Cooperation between MERCOSUR members and associate States, which allows nationals in the territory of a third State access to the protection and assistance of any consular office of any other party to the Agreement in the event that there is no consular representation of their own country, by Act No. 19.951 of 2021

82. In providing protection and assistance for migrant workers and their families in the event of detention, deprivation of liberty or expulsion, the consular offices adopt a human rights perspective, with Act No. 19.268 and the Vienna Convention on Consular Relations of 1963 providing the overarching framework for the performance of their functions. As provided in these texts, consular officials make visits to detention centres and hospitals and provide due assistance for nationals. Working in conjunction with the Office for Assistance to Compatriots and Community Services of the Ministry of Foreign Affairs, the consular offices liaise as often as necessary with the families of detainees and provide follow-up and assistance where needed. To aid these efforts, work is under way to improve the coordination and systematization of information with a view to obtaining new statistical inputs to facilitate the formulation of public policies to address emerging challenges.

### **Articles 25 to 30**

83. In Uruguay, migrant workers have the same labour rights as nationals and no distinction is made between national and migrant workers. This is provided for in article 7 of Act No. 18.250, which establishes that: “Foreign nationals who enter and remain in the national territory under the terms and conditions established in this Act are guaranteed the right to be treated in the same way as nationals, in terms of both rights and obligations, by the Government of Uruguay.” As a result, if the Inspectorate General of Labour and Social Security finds in the course of an inspection or the investigation of a complaint that a migrant worker is not being treated in compliance with national regulations, the relevant penalties are applied.

84. The regulations applicable to migrant women are those applicable to any Uruguayan woman, specifically, Act No. 18.561 on Sexual Harassment at Work, Act No. 19.580 on Gender-Based Violence against Women, Act No. 19.161 on Maternity and Paternity Leave, Act No. 18.868 on the Prohibition of Pregnancy Test Requirements, Act No. 17.242 on Leave from Work for Preventive Cervical and Breast Cancer Screening, and Act No. 18.065 on Domestic Labour.

85. Thus, all migrant workers, both men and women, enjoy the same protection as national workers within the Uruguayan legal system.

86. Migrant workers performing domestic labour are covered by the provisions of Act No. 18.065, as implemented by Decree No. 224/007, and enjoy the same protection as any national worker. They can file a complaint at any of the labour offices of the Ministry of Labour throughout the country or online through the Ministry of Labour and Social Security’s website. When a complaint is received, an administrative investigation is initiated and inspectors may, with judicial authorization, carry out an inspection at the home of the

employer identified in the complaint. The evidence gathered is examined and a fine is imposed if the alleged facts are proven.

87. Upon filing a complaint with the Ministry of Labour, complainants are offered advice either in one of the regional labour offices or, if filing the complaint in Montevideo, in the Advice and Complaints Office.

88. Article 7 of Act No. 18.250 establishes that foreign nationals who enter and remain in Uruguay under the terms and conditions established in the Act are guaranteed the right to the same treatment as nationals, in terms of both rights and obligations, by the Government of Uruguay. Therefore, in the event of dismissal, migrant workers have the same rights and privileges as any national worker and can avail themselves of State programmes combating unemployment and facilitating access to alternative work. They also have the right to unemployment allowances provided by the Social Security Bank.

## D. Part IV of the Convention

### Article 40

89. In Uruguay, migrant workers have the same labour rights as any national worker, and are therefore covered by the provisions of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as well as those of Act No. 17.940, which guarantee protection for the exercise of freedom of association as well as protection for workers who are unfairly dismissed or harmed in any way because of their trade union membership.

90. The Inspectorate General of Labour and Social Security receives and investigates complaints of violations of freedom of association and provides the same guarantees in handling complaints from both national and migrant workers. Once a complaint is received, an administrative file is prepared and, if necessary, an inspection is carried out at the company's premises. The evidence provided is duly examined and, if the facts alleged are proven, the company is penalized. Under the provisions of Act No. 19.854, when carrying out inspections, labour inspectors may question workers under a protected procedure whereby the workers questioned are not identified in the file by name and remain under the protection of the Inspectorate in the event that they are called to appear before the judiciary.

91. For the purposes of this report, an administrative search on collective bargaining agreements was conducted by the Wages Department of the National Labour Directorate of the Ministry of Labour and Social Security in order to verify whether such agreements contained clauses that took account of the situation of migrant workers. The search found that only agreements linked to activity group No. 9 of the construction industry group contained clauses indicative of an interest in examining the involvement of migrant workers in the industry<sup>24</sup> This interest is evident in subgroups 1, 2 and 3.<sup>25</sup> The issue has not to date been addressed in any of the other activity groups.

<sup>24</sup> Wage councils and collective bargaining – Ministry of Labour and Social Security  
<https://www.gub.uy/ministerio-trabajo-seguridad-social/tematica/consejos-salarios-negociacion-colectiva>.

<sup>25</sup>

<b>Subgroup 1</b>	
Construction Industry and Installation Agreement dated 28 November 2016, clause 11	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-44?hrt=1010">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-44?hrt=1010</a>
Agreement dated 14 September 2018, clause 14	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-46?hrt=1010">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-46?hrt=1010</a>
<b>Subgroups 2 and 3</b>	
Quarries, Limestone, Ballast Agreement dated 9 March 2017, clause 17	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-45?hrt=1013">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-45?hrt=1013</a>

### Article 41

92. A bill setting forth regulations for the exercise of voting rights by natural born and naturalized citizens residing overseas was submitted at the end of the last legislature and is currently under consideration by the Constitution, Codes, General Legislation and Administration Commission of the House of Representatives. The bill was retabled in May 2020, without having undergone further development. As reported in the periodic report, Act No. 19.654 of 2018, interpreting articles 77 and 81 of the Constitution, provided for the establishment of an honorary commission to draft a bill and a report on legal options. The commission was formed in November 2018 and the report it was commissioned to produce, entitled “Voting Abroad”, was presented in the antechamber of the Senate and referred to the House of Representatives on 14 May 2019. In April 2020, the Supreme Court ruled that the interpretative regulations recognizing the citizenship of persons residing overseas were contrary to the Constitution and thus that articles 1, 2 et seq. of the aforementioned Act, establishing the honorary commission commissioned to draft the report, were also unconstitutional.<sup>26</sup>

### Article 43

93. One of the aims of the “Meeting Centre for Migrants” project funded by the Inter-American Development Bank and involving cooperation between the Ministry of Social Development, the Ministry of Housing and Land Management and the Bank was to foster the urban integration of migrant families by creating new short-term housing solutions such as the Temporary Housing Pilot Project and the Rental Subsidy Fund for Migrants.<sup>27</sup>

94. The agreement mentioned in the second periodic report is not in force. Currently, the division of the Ministry of Social Development’s National Directorate for Social Welfare responsible for coordinating programmes for homeless persons runs a programme that provides housing for migrants on the following terms: (1) Intended for single persons and migrant families who have been in the country for a maximum of six months; (2) Beneficiaries may or may not have an income; (3) Accommodation provided for a maximum of six months.

Agreement dated 26 November 2018, clause 15	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-47?hrt=1013">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-47?hrt=1013</a>
<u>Ready-Mixed and Precast Concrete</u> Agreement dated 1 December 2016, clause 11	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-46?hrt=1014">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-46?hrt=1014</a>
Agreement dated 5 October 2018, clause 15	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-48?hrt=1014">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-48?hrt=1014</a>
<u>Red, White, Refractory, Clay and Brick Ceramics</u> Agreement dated 7 March 2017, clause 12	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-47?hrt=1015">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-47?hrt=1015</a>
Agreement dated 26 November 2018, clause 15	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-49?hrt=1015">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-49?hrt=1015</a>
<u>Road Toll Booth Operations</u> Agreement dated 7 March 2017, clause 12	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-48?hrt=1017">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/sexta-ronda-48?hrt=1017</a>
Agreement dated 12 November 2018, clause 15	<a href="https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-50?hrt=1017">https://www.gub.uy/ministerio-trabajo-seguridad-social/politicas-y-gestion/septima-ronda-2018-50?hrt=1017</a>

<sup>26</sup> [https://parlamento.gub.uy/documentosyleyes/documentos/repartido/representantes/49/54/0/pdf/?width=800&height=600&hl=en\\_US1&iframe=true&rel=nofollow](https://parlamento.gub.uy/documentosyleyes/documentos/repartido/representantes/49/54/0/pdf/?width=800&height=600&hl=en_US1&iframe=true&rel=nofollow).

<sup>27</sup> Ministry of Social Development action plan for building self-sufficiency. [https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/agosto-2022-acciones-mides\\_actualizado.pdf](https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/agosto-2022-acciones-mides_actualizado.pdf).

95. Migrants have access to the “Temporary Housing” subsidies programme under an agreement with Otras Manos, an NGO.<sup>28</sup> Social workers monitor each case and work with beneficiary families in conjunction with the MIDES case officer.

96. The Ministry of Social Development has solutions available for all persons who find themselves on the street, be they nationals or migrants, asylum-seekers or refugees, in the form of night shelters, 24-hour hostels, emergency hotel accommodation, vouchers for rooms in boarding houses and housing provided under the new Sheltered Housing Programme. According to data provided by the National Directorate for Data Transfer and Analysis, in the last six months of 2021 a total of 203 foreign nationals were granted access to the programmes run by the Ministry of Social Development’s Directorate of Social Welfare. Of this number, 97 continue to benefit from the services provided in centres operated by the division responsible for coordinating programmes for homeless persons, 92 have been assigned permanent accommodation and just 5 remain in night shelters. In addition, in the current six-month period, 106 persons have received assistance.

97. Migrants’ qualifications can be validated and their skills recognized by means of a new procedure available at [gub.uy/tramites](http://gub.uy/tramites),<sup>29</sup> where almost all the necessary formalities can be easily completed online. Henceforth, migrants need to visit the office in person only at the end of the process, in order to present their original documents. Applications are handled via a digital tool designed to reduce processing times and a technical unit has been created within the higher education department to assume exclusive responsibility for this task. Uruguay has ratified the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean.<sup>30</sup>

98. In addition, a regional university degree accreditation system known as Arcu-sur has been created within the MERCOSUR framework. This system is the fruit of an agreement concluded between the ministers of education of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Paraguay and Uruguay and adopted by the MERCOSUR Council of the Common Market by Decision No. 17/08. The system is administered by each national accreditation agency forming part of the network of national accreditation agencies and covers the following degrees: Agronomy, Architecture, Dentistry, Economics, Engineering, Geology, Medicine, Nursing, Pharmacy and Veterinary Medicine.<sup>31</sup>

99. As mentioned in the second periodic report, the country’s migration policy has been developed from a rights-based perspective and has thus tended to encompass action to facilitate and simplify the return process with a view to ensuring migrants’ full reintegration into Uruguayan society.

100. The Directorate General for Consular Affairs and Liaison of the Ministry of Foreign Affairs has concluded agreements with various organizations in the educational field, including the Uruguay campus of the Latin American Faculty of Social Sciences (for full scholarships for returnees interested in postgraduate studies) and the National Institute of Employment and Vocational Training (for vocational training and education) to which persons interested in accessing vocational training courses are referred by the Return and Welcome Office. These initiatives are the result of consultations between the Directorate General for Consular Affairs and Liaison and the advisory councils representing Uruguayans living abroad established under article 74 of Act No.18.250 and regulated by Decrees Nos. 559/008 and 369/011. The remit of these advisory councils is to develop links with the country in various areas and help the Foreign Office to operate more efficiently by suggesting changes and improvements, drawing attention to shortcomings and gaps in services and serving as a point of liaison between civil society and consular offices.

101. Since 2006, the Directorate General for Consular Affairs and Liaison has convened general consultation meetings with representatives of the advisory councils and associations of Uruguayans resident abroad every two years. With a view to facilitating returnees’

<sup>28</sup> <https://www.gub.uy/ministerio-desarrollo-social/node/10988>.

<sup>29</sup> Application for recognition and validation of university degrees  
<https://www.gub.uy/tramites/solicitud-reconocimientos-revalidas-titulos-terciarios>.

<sup>30</sup> <https://www.iesalc.unesco.org/reconocimiento/nuevo-convenio-regional/>.

<sup>31</sup> [http://arcusur.org/arcusur\\_v2/](http://arcusur.org/arcusur_v2/).

reintegration into Uruguayan society, the advisory councils have provided extensive input to these meetings. Their contributions have been collated and given effect by means of the agreements mentioned in paragraphs 2 and 3 as well as through the creation of the Return and Welcome Office, accession to the Apostille Convention, the issue of identity documents, the extension of the documents to which descendants are entitled, the simplified procedure for the validation of foreign professional qualifications and reciprocal recognition of driving licenses issued in various countries, among other actions approved or supported by the Ministry of Foreign Affairs.

102. The number of Uruguayan returnees benefiting from some of the aforementioned agreements in the course of 2022 was as follows: 107 persons became affiliated to the State Health Services Administration, 41 to telecommunications services, 3 to the National Institute of Employment and Vocational Training, and 3 gained access to housing guarantees and subsidies for persons in extreme vulnerability.<sup>32</sup> In 2022, the Ministry of Social Development's Access to Employment Programme received a number of applications and various educational and coordination agreements with links to employment were concluded.<sup>33</sup> In addition, with the support of the Regional Management Directorate and civil society, migrants applied for socio-educational inclusion grants (Becas Bis) with the possibility of covering 4, 6 and 8 hours of study to support the work ventures of migrant fathers and mothers.<sup>34</sup>

#### Article 68

103. The adoption of Act No. 19,643 on preventing and combating trafficking in persons in 2018 (as reported in paragraph 162 of the second periodic report) marked a milestone in the design, implementation and evaluation of policies for preventing and combating the trafficking and exploitation of persons and for the provision of care, protection and reparation for victims. The Act recognizes the commitments assumed by Uruguay under the various international and regional human rights conventions related to trafficking.<sup>35</sup> It amends the Criminal Code to extend penalties, incorporate new offences and establish that victims of trafficking and exploitation who have committed criminal offences are immune from punishment when the offence is a direct result of their having been trafficked or exploited. The penalties and restrictions established in migration legislation are likewise not applicable if they arise as a consequence of action taken while the offence of which they are victims was being perpetrated.

104. Article 24 of this Act specifies that foreign nationals who have been victims of trafficking or exploitation have the right to a 180-day period of reflection during which to decide if they wish to remain in the country, return to their country of origin or resettle in a third country, obtain permanent residence in the country and/or regularize their migration status, even if they do not meet all the requirements established for this purpose. In such cases, they will receive the relevant documentation within a maximum of 60 days, which will exempt them from payment of the corresponding duties and the requirement to return immediately to their country of origin or place of habitual residence. In cases involving children and adolescents, any measures taken are adopted only after an exhaustive assessment of the risks involved in order to identify those offering the best protection for their rights.

105. In 2018, the Inter-agency Working Group on Preventing and Combating Human Trafficking began implementing the 2018–2020 National Action Plan to Prevent and Combat

<sup>32</sup> Affiliation is for one year and carries the right to free medical care throughout this period. The affiliation is not renewable; at the end of the one-year period the person concerned must apply to the State Health Services Administration on the same way as all other inhabitants of the country. "Return to Uruguay" Guide at <https://www.gub.uy/ministerio-relaciones-exterores/comunicacion/publicaciones/volver-uruguay>.

<sup>33</sup> <https://www.gub.uy/ministerio-desarrollo-social/observatorio/programas/accesos>.

<sup>34</sup> <https://www.gub.uy/sistema-cuidados/tramites-y-servicios/servicios/becas-inclusion-socioeducativa-bis>.

<sup>35</sup> Specifically, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Girls, supplementing the United Nations Convention on Transnational Organized Crime, ratified by Uruguay by Act No. 17,861 of 28 December 2004.

Human Trafficking.<sup>36</sup> This plan gave effect to the State's commitment through various planned actions. Civil society organizations were involved in the plan's implementation, assuming a monitoring role.

106. The National Council on Preventing and Combating the Trafficking and Exploitation of Persons, which is the body responsible for overseeing and coordinating policies on trafficking and exploitation, became operational in mid-2019, after the adoption of Act No. 19.643, and is composed of representatives of senior authorities including undersecretaries' offices and directorates general. The Council operates under the umbrella of the Ministry of Social Development, which provides its Chair (a representative of the National Women's Institute) and serves as its technical secretariat. Its members include representatives of the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Economic Affairs and Finance, Ministry of Defence, Ministry of Labour and Social Security, Ministry of Health, the Uruguayan Institute for Children and Adolescents, the Attorney General's Office and the Judiciary and three representatives of civil society organizations with recognized expertise in the field, namely, El Paso, CasAbierta, and the Uruguayan Network against Domestic and Sexual Violence. The Human Rights Secretariat of the Office of the President, the Ministry of Tourism and the National Institute of Adolescent Social Inclusion have permanent observer status. The Council is also advised by IOM and ILO.

107. Under the auspices of the National Council on Preventing and Combating the Trafficking and Exploitation of Persons, an inter-institutional guide for action in situations of trafficking and exploitation of persons in Uruguay was drafted and adopted by the Attorney General's Office by Resolution No. 1038/20211 in 2020 and 2021. In 2022, the Attorney General's Office, the National Women's Institute and the Ministry of the Interior established a group to provide training in how to use this guide throughout the country.

108. The Attorney General's Office is a member of various international forums that have formed networks and working groups. For example, it has appointed permanent focal points in the area of human trafficking, having become a member of the Ibero-American Network of Specialized Prosecutors against Trafficking in Persons and the Smuggling of Migrants, and, within the framework of the specialized meeting of public prosecutors of Mercosur countries, is a member of the Subcommittee on Trafficking in Persons, Smuggling of Migrants and Migratory Phenomenon in the Region.<sup>37</sup> <sup>38</sup> It also forms part of the Ibero-American Legal Assistance Network (IberRed), whose remit is to optimize judicial cooperation in criminal and civil matters between Ibero-American countries.<sup>39</sup> With the adoption of Act No. 20.069, Uruguay ratified the Medellín Treaty on the electronic transmission of requests for international judicial cooperation between central authorities, which encourages direct electronic transmission through [Iber@](mailto:Iber@).<sup>40</sup>

109. Since 2021, the Sub-Commission on Trafficking in Persons has been working on the development of a guide to safe repatriation in cases of human trafficking.<sup>41</sup>

110. In November 2020, the Victims and Witnesses Unit of the Attorney General's Office issued a protocol for action on human trafficking for sexual exploitation, which is now being implemented.<sup>42</sup>

111. Since 2019, public prosecutors have taken part in various training activities on this topic, notably a seminar on trafficking in persons organized by the training centre and gender

<sup>36</sup> <https://www.gub.uy/secretaria-derechos-humanos/sites/secretaria-derechos-humanos/files/documentos/publicaciones/Plan%20Nacional%20de%20Acci%C3%B3n%20para%20a%20Prevenci%C3%B3n%20y%20Combate%20a%20la%20Trata%20de%20Personas%202018-2020.pdf>.

<sup>37</sup> <https://www.aiamp.info/index.php/redes-permanentes-aiamp/red-de-trata-de-personas>.

<sup>38</sup> <https://www.rempm.org/crimen-organizado.php#trata>.

<sup>39</sup> <https://iberred.notariado.org/>.

<sup>40</sup> As at the date of submission of this report, the treaty has not entered into force.

<sup>41</sup> In "Ordinary Technical Commission", annex 8, <https://www.rempm.org/reuniones.php#XXXII>.

<sup>42</sup> <https://www.gub.uy/fiscalia-general-nacion/comunicacion/publicaciones/protocolo-actuacion-materia-tratapersonas-fines-explotacion-sexual>.

unit of the Attorney General's Office in 2019 and courses on people smuggling and trafficking in the context of migration organized by IOM in 2021.

112. The organizations that form part of the National Council on Preventing and Combating the Trafficking and Exploitation of Persons also organize training and awareness-raising activities on the subject: in 2019, they reported having provided training and awareness-raising sessions for more than 3,000 persons. In 2020, a far smaller number of persons received training owing to the impact of the COVID-19 pandemic. However, in 2021, training and awareness-raising activities resumed and approximately 3,800 persons took part.

113. In 2021, the Ministry of Tourism and the Uruguayan Institute for Children and Adolescents concluded a memorandum of understanding with UNICEF on preventing the sexual exploitation of children and adolescents in travel and tourism. The Ministry of Tourism has since produced a first informative video in implementation of the memorandum, with support from UNICEF and the Uruguayan Institute for Children and Adolescents and input from the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents.

114. In 2020, the budget allocated to the National Women's Institute for the provision of protection and assistance for victims of trafficking was USD 11,368,019. In addition to this sum, USD 304,500 was made available to provide housing when required. In 2021, the amount allocated for services and accommodation was USD 14,321,736 and 46,725 Uruguayan pesos (Ur\$) was earmarked to commemorate World Day against Trafficking in Persons.

115. Uruguay does not yet have a dedicated 24-hour shelter for victims of trafficking. However, the accommodation needs of victims receiving assistance through the aforementioned service providers are covered through existing facilities, be they those forming part of the National Women's Institute's Gender-Based Violence Response System or the facilities for children and adolescents run by the Uruguayan Institute for Children and Adolescents.

#### **Article 69**

116. This information is not available in the manner requested by the Committee, since no distinction is made between migrants who initiate the regularization process through the Rapid Response Plan and those who do so by submitting all documentation. However, it has been noted that a greater percentage initiate the permanent residency application process through the Plan. The Rapid Response Plan gives migrants the possibility of initiating the residency application process solely upon presentation of their identity document and payment of the relevant fee.

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