



# 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

### List of issues in relation to the second periodic report of Uruguay\*

#### I. General information

1. Please provide information on the domestic legal framework regarding the Convention, policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party, including information on specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on resources allocated for its implementation and the results obtained (paras. 2–5).<sup>1</sup>
2. In light of the Committee's previous recommendation,<sup>2</sup> please explain what steps the State party has taken to institutionalize regular meetings with the Consultative Advisory Council on Migration and to facilitate cooperation in the design and implementation of initiatives to help migrant workers and their families (paras. 4 and 177).
3. It is stated in the report that communication and coordination with migration-related civil society organizations have been stepped up (para. 4). Please provide the Committee with more detailed information about the steps taken by the State party to encourage civil society organizations, including associations of migrant workers and organizations working to defend migrant workers' rights, to take part in the preparation of its second periodic report. Please describe civil society organizations' involvement in the implementation of the Convention and explain what kind of support they receive from the relevant governmental ministries in this connection.
4. Please inform the Committee about qualitative information and statistical data, disaggregated by sex, age, nationality and migration status, and covering the last three years, on labour migration movements to and from the State party, including returns; other labour migration-related issues; and unaccompanied children and children left behind by migrant parents. Please also provide qualitative and statistical data, or if precise data are not available, studies or estimates, on migrant workers in an irregular situation in the State party and abroad, in particular those working in less regulated sectors such as agriculture and domestic service. In addition, please provide information on measures taken by the State party to establish a coherent and comparable system of data collection on those issues, including measures aimed at making the information public (paras. 51–56).
5. Please provide, if available, the number of migrant workers and members of their families who have contracted SARS-CoV-2, who have died as a result of coronavirus disease

\* Adopted by the Committee at its thirty-fourth session (28 March–8 April 2022).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the second periodic report of the State party (CMW/C/URY/2).

<sup>2</sup> CMW/C/URY/CO/1, para. 40.



(COVID-19) or who have received a COVID-19 vaccination, disaggregated by sex, age and nationality. Please indicate:

(a) Measures taken to mitigate the adverse impacts of the COVID-19 pandemic, including with regard to Uruguayan workers living abroad or in neighbouring countries and undocumented returnees, in view of the joint guidance note on the Impacts of the COVID-19 pandemic on the human rights of migrants issued by the Committee and the Special Rapporteur on the human rights of migrants;

(b) Measures taken by the Government to ensure that all migrants have equitable access to COVID-19 vaccines, on a non-discriminatory basis, regardless of their nationality and migration status and on an equal basis with Uruguayan nationals, in accordance with the joint guidance note on equitable access to vaccines for all migrants issued by the Committee, the Special Rapporteur on the human rights of migrants, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and regional mechanisms;

(c) How vaccine prioritization within the territory of Uruguay takes into account vulnerabilities, risks and needs of those migrants who are at greatest risk of exposure to SARS-CoV-2;

(d) Whether firewalls are enacted between immigration enforcement and the provision of COVID-19 vaccination, in order to prevent fear or risk of reporting, detention, deportation and other penalties as a result of migration status. Furthermore, please indicate the safeguards taken in law and practice to ensure that vaccine registration is not used to collect or share information about migration status.

6. Please provide information on challenges faced by the State party's data-collection system, and on measures taken by the State party to ensure that the National Institute of Statistics is provided with adequate human and financial resources (para. 49). Please also provide information on steps taken to reinforce the mandate of the National Institute of Statistics to consolidate information and prepare and publish disaggregated statistics covering all aspects of the Convention.

7. Please provide detailed information on complaint mechanisms and other services offered by the national human rights institution, and on whether the institution conducts visits to detention centres for migrant workers. In addition, please provide information on the human, technical and financial resources made available to the institution and on awareness-raising activities conducted by the State party among the general public, and migrant workers in particular, on the services offered by the institution, including the right to file a complaint directly with the institution regarding all aspects of the Convention (paras. 84, 93 and 118).

8. Please provide information on measures taken to develop and implement systematic and regular training on the human rights of migrant workers and members of their families for government officials, including embassy and consular personnel, law enforcement officials, border police, the judiciary and labour inspectors. Such training should include information on an approach that focuses on gender, age, disability and diversity and on the application of the Convention. Please also provide information on any assessment that has been undertaken of the results of the training activities for public officials (paras. 246–249).

## **II. Information relating to the articles of the Convention**

### **A. General principles**

9. Kindly indicate what steps have been taken by the State party to inform migrant workers about the judicial and administrative remedies at their disposal in the event that their rights are violated. Please also explain what efforts have been taken to encourage migrant workers whose rights have been violated to report those violations so that they may be investigated and those responsible punished. Please provide additional information regarding the different options available to migrant workers who are seeking legal and judicial assistance (paras. 115–119).

10. Please indicate whether the Convention has been directly applied by officials in the administration. Please provide information on and examples of judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

(a) Judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including those in an irregular situation, in particular migrant domestic workers, and members of their families in the event that their rights are violated;

(b) The number and types of complaints examined by such mechanisms in the past five years and their outcomes, disaggregated by sex;

(c) Whether legal assistance was provided both to migrant workers in Uruguay and to nationals of Uruguay who were living as migrants abroad;

(d) Any redress, including compensation, provided to the victims of such violations under the Convention.

11. Please provide information on restrictions placed on the full exercise of the rights of migrant workers and members of their families in the face of the COVID-19 pandemic, including restrictive measures taken at borders in relation to their entry or exit from their countries of origin, transit or destination. Please also provide information on measures taken in relation to voluntary return to their countries of origin in the context of the pandemic. Please indicate the measures taken to ensure that the pandemic does not affect the process of asylum applications or migration procedures, including in relation to the suspension of procedures. In addition, please indicate efforts taken on behalf of migrant workers and members of their families to:

(a) Include them in national pandemic prevention and response plans, especially in relation to ensuring access to the COVID-19 vaccine;

(b) Ensure their access to health-care services;

(c) Uphold the necessary sanitary measures to prevent contagion and maintain the desired level of health protection at their workplaces;

(d) Prevent infections in detention centres and provide health-care services to those who have contracted COVID-19;

(e) Ensure that families of migrant workers who have died of the disease are informed of their deaths and receive their remains.

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

### **Article 7**

12. Please indicate what measures and action plans have been taken to strengthen the Honorary Commission against Racism, Xenophobia and All Forms of Discrimination, created by Act No. 17817 in 2004 (para. 90) regarding migrant workers and members of their families. Please inform the Committee about any cases identified by the Commission of racism and xenophobia, discrimination, ill-treatment and violence directed at migrant workers and members of their families, and provide information about normative, institutional and procedural measures adopted to prevent and combat all forms of racism, xenophobia, discrimination, ill-treatment and violence to protect the rights of the victims, including their right to access to justice. Please include quantitative and qualitative information on the types of discrimination and xenophobic cases, disaggregated by the victim's sex, age, nationality, ethnic origin, migratory status and disability, identified by the Commission. Please provide information on the capacity of the national human rights institution regarding protection of migrant workers and members of their families from discrimination.

## C. Part III of the Convention

### Articles 8 to 15

13. Please provide information on any cases identified in the State party of migrant workers and members of their families subjected to abusive employment conditions, both in regular and irregular situations, in particular those working in agriculture, construction, domestic work and other services, the fishing industry, cleaning services and lumber processing. Please explain how the Ministry of Labour and Social Security has stepped up labour inspections in order to protect migrant workers in the past three years, including with regard to sufficient resources to provide adequate protection to migrant workers (paras. 121–126). Please also provide information whether labour inspections are conducted in the private sector. In light of the Committee's previous recommendations,<sup>3</sup> please provide information on any measures put in place to ensure that migrant workers who are victims of human rights violations have effective access to means of bringing complaints against their employers, including in the domestic labour sector, and that all violations are investigated and, where appropriate, perpetrators punished. Please also provide information on measures taken to bring the national legislation into compliance with International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and ILO Abolition of Forced Labour Convention, 1957 (No. 105).

14. Please provide information on measures taken by the State party to ensure that the rights of migrant children, in particular those who are unaccompanied and/or in an irregular situation or are transiting through the State party, are respected and that they are protected from all forms of exploitation, taking into account joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child. Please indicate measures taken or envisaged by the State party, including legislative measures for the implementation of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the labour inspection system, to protect children against the worst forms of labour.

15. It is stated in the report that the National Migration Board established a specific working group on the design of a protocol for providing assistance at the borders for unaccompanied children arriving in the country (para. 267). Please indicate what steps the State party has taken to address this situation.

### Articles 16 to 22

16. Please provide information on measures undertaken by the National Migration Board to ensure the right to liberty of migrant workers and their families in the context of migration administrative procedures, including entry, residence and expulsion (paras. 130–136).

17. The Committee takes note of the State party's effort to improve the prison system (paras. 127–129). Please provide detailed information on efforts to improve prison conditions of migrant workers, in particular eliminating overcrowded conditions and enhancing access to information and legal assistance.

18. Please describe the types of criminal or administrative penalties imposed on migrant workers for failing to comply with migration laws or regulations. Taking into account the information provided by the State party indicating that no detentions are proscribed in law, please provide information on whether any decisions have been taken with regard to restrictions on liberty or detention based on migration status in the last five years. If so, please provide statistical information, including length of detention, place and other detention conditions, and explain why alternative measures were not implemented in those cases.

19. Please provide up-to-date information collected by the National Migration Directorate and the National Rehabilitation Institute, including disaggregated statistical data, on migrant workers in an irregular situation, and members of their families, who have been expelled or are subject to expulsion procedures (para. 135).

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<sup>3</sup> Ibid., para. 24.

**Article 23**

20. Please provide detailed information on how effective Act No. 19268, on consular organization, has been in assisting and protecting migrant workers who are nationals of the State party working abroad, including those in an irregular situation, and particularly in the case of abuse, arrest, detention and expulsion (paras. 137–145). Please indicate whether migrant workers and members of their families in the State party have effective access to the protection and assistance of the consular or diplomatic authorities of their State of origin, in particular in cases of arrest, detention or expulsion.

**Articles 25 to 30**

21. Please provide information on steps taken to ensure the enjoyment, in practice, of the right to equal treatment for migrant workers and members of their families, in particular women migrant workers, and to monitor their working conditions effectively. Please also indicate what mechanisms of legal and labour protection are in place to ensure that migrant workers enjoy treatment not less favourable than that which applies to nationals in respect of remuneration and conditions of work. Please describe the working conditions of migrants in border areas and the legislation, oversight mechanisms and programmes in place to address this particular issue.

22. Please provide detailed information on the situation of women migrant workers in domestic work and other services, specifying what measures have been adopted to investigate and punish those responsible for abuses against them, inform them of available mechanisms for lodging complaints against their employers and facilitate the regularization of their immigration status.

23. Please provide information on measures taken by the State party to ensure that migrant workers enjoy equality of treatment with nationals in respect of protection from dismissal, unemployment benefits, access to public work schemes for combating unemployment and access to alternative employment in the event of loss of work or termination of other remunerated activity, in particular as result of the COVID-19 pandemic, which has had an impact on employment.

**D. Part IV of the Convention****Article 40**

24. Please provide information on measures taken to guarantee migrant workers and members of their families, in particular those in an irregular situation, the right to form associations and trade unions, in accordance with article 40 of the Convention, and with parts I and II of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

**Article 41**

25. Please provide updated information on any measures taken by the State party to review its legal framework, and on other steps to facilitate the exercise of voting rights by migrant workers and members of their families of the State party residing abroad (paras. 150–151).

**Article 43**

26. Please provide information on the number of migrants accessing rental subsidies in the last three years. Please also provide information on any public programmes implemented to facilitate access to social housing schemes for migrants in vulnerable situations who do not meet the requirements for the Rent Guarantee Fund, in particular women in informal jobs facing a substantial decrease in their income as a result of the COVID-19 pandemic (para. 109).

27. Please explain whether a monitoring mechanism is in place for the oversight of the 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 (para. 112).

28. Please provide detailed information on the situation of migrant workers living in the streets, and on the measures taken to prevent this situation.

29. Please provide information on any necessary steps taken to accelerate the validation of qualifications and the recognition of skills of migrant workers (para. 189). Please also indicate whether there is a plan in place to promote international coordination with the aim of achieving automatic revalidation agreements in Uruguay for professionals who have studied at the main universities in Latin America and the Caribbean.

## **E. Part VI of the Convention**

### **Article 67**

30. In light of the Committee's previous recommendations,<sup>4</sup> please indicate whether the State party have involved migrant workers and members of their families in developing programmes to help returning migrants with long-term reintegration into the economic, social and cultural fabric of the State party. Please provide statistics on the number of people who have had the benefit of support and assistance measures designed to facilitate reintegration of returning migrant workers into Uruguayan society (paras. 204–206).

### **Article 68**

31. Please indicate what steps have been taken to secure the passage of a comprehensive law on trafficking in persons and smuggling, in accordance with the protocols to the United Nations Convention against Transnational Organized Crime, to put in place a policy to combat such practices and to launch a strategy for putting a stop to the trafficking of persons for purposes of sexual exploitation. Please include information on human and financial resources allocated by the State party to prevent and combat trafficking in persons, in particular women and children. Please also specify which institution is responsible for centralizing efforts to combat trafficking in persons. In particular, please elaborate on:

(a) Any cases identified in the State party of domestic servitude, forced labour and sexual exploitation involving migrant workers, especially in the context of sex tourism, and on measures to prevent and combat these phenomena;

(b) Programmes to prevent trafficking in persons, effectively protect trafficking victims and ensure their access to justice and legal remedies;

(c) Effective mechanisms to identify traffickers and victims of trafficking;

(d) Efforts made to effectively and impartially investigate, prosecute and punish all acts of trafficking in persons and the number of judgments issued in connection with this crime, including information on the number of convictions, type of sentences and reparations provided to the victims;

(e) The establishment of protection shelters and programmes to assist victims in rebuilding their lives, including assistance for their physical, psychological and social recovery;

(f) Measures taken to provide adequate training and capacity-building for law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consular personnel and other relevant professionals in the State party;

(g) The annual budget dedicated to detecting and eliminating trafficking in persons, and providing protection to victims of trafficking;

(h) Whether victims of trafficking may be granted temporary or permanent residence permits.

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<sup>4</sup> Ibid., para. 44.

**Article 69**

32. Please provide more detailed information on the Rapid Response Plan mentioned in the report (para. 271) and inform the Committee about the percentages of migrant workers in an irregular situation whose status has been regularized since the Plan was launched, disaggregated by sex, age, nationality and occupation. Please also include information on people who are in the process of having their status regularized.

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