



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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

**Twenty-first to twenty-third periodic reports of States parties
due in 2014**

Uruguay*

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** The appendices are available for consultation in the secretariat files.

I. Introduction

1. Pursuant to the international commitments made by Uruguay before the Committee on the Elimination of Racial Discrimination, the present report has been drafted under the supervision of the Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs, with the participation of the Secretariat for Human Rights of the Office of the President of the Republic (formerly the National Directorate for Human Rights of the Ministry of Education and Culture); the Department of Women of African Descent, the Department of International Relations and Projects of the National Women's Institute and the National Social Policy Directorate of the Ministry of Social Development; and the Ethno-racial Unit of the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Labour and Social Security, the National Institute of Employment and Vocational Training, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination and the Unit for the Rights of Persons of African Descent of Montevideo City Council.

2. The Inter-agency Committee for the Preparation of Reports to the Universal Periodic Review Mechanism and the Treaty Bodies, which was established by a presidential decision of 25 October 2011 and which is tasked with coordinating the drafting of reports and following up on the recommendations and observations made by such bodies, plays an important role in that regard. The Committee comes under the purview of the Ministry of Foreign Affairs and comprises representatives of other ministries, the legislative and judicial authorities, civil society organizations, academia and the United Nations system.

3. The National Human Rights Institution and Ombudsman's Office also participated in the drafting of the present report, in accordance with article 4, paragraph (e), of Act No. 18446 and section 3 of the Protocol for Action concluded with the Ministry of Foreign Affairs on 6 December 2013. However, as is stated in section 4 of the aforementioned Protocol, the National Human Rights Institution and Ombudsman's Office may have views that differ from those expressed in this report and maintains its absolute independence in submitting any report(s) which it deems pertinent to the Committee.

4. Since August 2013, the aforementioned parties have held regular meetings and have engaged in a fruitful dialogue for the purpose of collecting all the relevant information required to report on the progress made by Uruguay and to follow up on the recommendations made by the Committee in its concluding observations on the country's previous periodic report (CERD/C/URY/CO/16-20) which Uruguay received in 2011.

5. Furthermore, technical assistance was sought from the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights in the form of the consultant Mr. Alejandro Morlachetti for the purpose of drafting the present report.

6. Civil society was duly informed and produced recommendations which were included in the report. However, civil society was urged to submit its own report.

7. Furthermore, elections were held in Uruguay in 2014, making it a crucial year for the Government's various plans and programmes; this in turn resulted in a delay in the collection of information by the different government agencies. The scant time available for devising and evaluating plans and programmes on the subject in question may be explained by the new authorities having taken office in March 2015.

II. General Information

A. Improvements to the normative framework

8. In recent years, Uruguay has made progress in introducing the ethno-racial dimension as a cross-cutting theme in analysing access to human rights. This has led to the production of official statistics on ethnic and racial self-identification, the creation of a new institutional framework to promote equal opportunities for persons of African descent, the recognition of their historical and cultural contribution to the country, and the mainstreaming of ethnic and racial issues in public policies.

9. This in turn has resulted in the adoption of legislation aimed at finding solutions to the social and employment-related problems encountered by people of African descent:

(a) Legislation on racial discrimination

- Act No. 17677 of 29 July 2003, on incitement to hatred, contempt or violence or the commission of such acts against certain persons, replaces article 149 bis and 149 ter of the Criminal Code, which respectively provide for 3 to 18 months' imprisonment for cases of incitement to hatred, contempt, or any other form of psychological or physical violence and 6 to 24 months' imprisonment for acts of contempt or psychological or physical violence committed against persons on the grounds of their skin colour, race, religion, national or ethnic origin, sexual orientation or sexual identity;
- Act No. 17817 of 6 September 2004 on measures to combat racism, xenophobia and discrimination declares that it is in the national interest to combat racism, xenophobia and all other forms of discrimination and establishes the Honorary Commission for Combatting Racism, Xenophobia and Discrimination, the purpose of which is to propose national policies and practical measures for preventing and combating all discriminatory behaviour, including special measures, to keep a record of incidents of racist behaviour and to file the corresponding legal complaints;
- Act No. 18059 of 20 November 2006 on the National Day of Candombe, Afro-Uruguayan Culture and Racial Equity, establishes 3 December as the annual day of celebration for the appreciation and dissemination of *candombe* culture, and the contribution of persons of African descent to the construction of the Uruguayan nation and the country's cultural identity. The aforementioned Act also declares activities, educational initiatives and awareness-raising campaigns which contribute to that end, or which underscore the need to fight against racism and to promote racial equality, to be in the national interest;
- Act No. 19122 of 21 August 2013, on norms to promote the participation of persons of African descent in the areas of education and employment, acknowledges that this population was historically subjected to racism, discrimination and stigmatization, and recognizes human trafficking and the slave trade as crimes against humanity. Furthermore, the Act declares that it is in the public interest to develop, promote and implement affirmative action measures targeting members of the Afro-descendant community in the public and private sectors. Article 4 of the Act requires 8 per cent of public administration posts to be reserved for persons of African descent, while article 5 requires the Employment and Vocational Training Institute to apply the same quota in its various training programmes, and introduces quotas in respect of access to scholarships and student support. Moreover, the aforementioned Act declares

that it is in the public interest to incorporate the historical legacy of communities of African descent in education and vocational training programmes;

- Decree No. 144/014 of 22 May 2014 regulates Act No. 19122 and serves as a road map for its implementation.¹

(b) Legislation on non-discrimination and gender equality

- Act No. 16045 of 2 June 1989 prohibits all forms of discrimination that violate the principle of equality of treatment and opportunity for both sexes in any sector or branch of employment, and covers not only examinations to fill posts and selection criteria but also, inter alia, performance evaluation, social benefits and remuneration criteria;
- Act No. 18065 of 5 December 2006 on domestic labour regulates the working day and rest periods, sets salaries, defines service categories and authorizes the General Inspectorate of Labour and Social Security of the Ministry of Labour and Social Security to conduct inspections;²
- Act No. 18104 of 15 March 2007 on equal rights and opportunities for men and women entrusts the design, implementation and monitoring of public policies aimed at mainstreaming the gender perspective and, in particular, the design of the National Plan for Opportunities and Rights to the National Women's Institute;
- Act No. 18589 of 18 September 2009 declares 11 April as the Day of the Charrúa Nation and Indigenous Identity and provides that, on that date, the Executive and the National Public Education Administration shall oversee the implementation and coordination of public initiatives to inform and raise the awareness of people about the indigenous contribution to the country's national identity, the historical events concerning the Charrúa nation and the events that took place in Salsipuedes in 1831.

10. In keeping with national tradition, Uruguay is committed to principled action against discrimination on grounds of race or ethnic origin and against any other form of intolerance, which is reflected in its ratification of anti-discrimination instruments and human rights treaties, particularly the:

- International Convention on the Elimination of All Forms of Racial Discrimination (Act No. 13670 of 1 July 1968);
- Convention on the Elimination of All Forms of Discrimination against Women (Act No. 15164 of 4 August 1981);
- International Convention against Apartheid in Sports (Act No. 15892 of 11 September 1987);
- Agreement Establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (Act No. 17019 of 1998);

¹ Since 2012, the National Social Policy Directorate of the Ministry of Social Development has held annual seminars/debates on affirmative action for persons of African descent called "Quilombo". For the past three years, the seminar/debate has revolved around the drafting, approval, regulation and implementation of Act No. 19122 on affirmative action for persons of African descent in the areas of education and employment, highlighting one of these topics each year (affirmative action in 2012, employment in 2013 and education for persons of African descent in 2014).

² This Act is important to the Afro-Uruguayan population, as 21.5 per cent of women of African descent who work for pay are engaged in domestic labour ("Domestic labour = formal employment", the Social Insurance Bank, the Ministry of Labour and Social Security, the Ministry of Social Development, the National Institute for Women, 2014).

- United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (Act No. 17724 of 24 December 2003);
 - Convention on the Protection and Promotion of the Diversity of Cultural Expressions and its annex (Act No. 18068 of 11 December 2006);
 - Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, September 2001);
 - International Convention on the Suppression and Punishment of the Crime of Apartheid³ (Act No. 18801 of 26 August 2011), which has been ratified by Uruguay since the submission of its last periodic report.
11. Uruguay has also ratified the following Conventions of the International Labour Organization (ILO):
- Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Act No. 16063 of 13 December 1989);
 - Domestic Workers Convention, 2011 (No. 189) (Act No. 18899 of 9 May 2012).
12. At the inter-American level, Uruguay signed both the Inter-American Convention against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance on 6 July 2013.

B. Institutional mechanisms for the protection of human rights

13. Efforts to promote the introduction of a rights-based approach in all public policies began in 2005 and have been pursued by the current Government. Thus, new institutional entities have been created which assist the State in honouring its current commitments regarding equality and non-discrimination, namely a series of institutional mechanisms for the protection of human rights:

- The Secretariat for Human Rights of the Office of the President of the Republic, which was created by article 67 of Act No. 19149 approving the statement of accounts for the financial year 2012, replaced the National Human Rights Directorate of the Ministry of Education and Culture. The Secretariat is now the lead agency for the human rights components of public policy within the Executive. It is led by a governing board composed of the Secretary of the Office of the President of the Republic, who acts as chair, the Minister for Foreign Affairs, the Minister for Education and Culture, the Minister of the Interior and the Minister for Social Development;
- The Secretariat for Human Rights for the Recent Past of the Office of the President of the Republic, formerly known as the Secretariat for Follow-up on the Peace Commission, was renamed as such by a presidential decree of August 2013. The Secretariat's main responsibility is to examine and ascertain the truth about the human rights violations that occurred during the period between 13 June 1968 and 1 March 1985 under the responsibility or with the acquiescence of the State;

³ Adopted by the General Assembly of the United Nations by resolution 3068 (XXVIII) of 30 November 1973.

- The National Human Rights Institution and Ombudsman's Office, which was established by Act No. 18446 of 24 December 2008, in accordance with the guidelines of the Paris Principles,⁴ is an independent State body which comes under the purview of the Legislature and which was formally established on 22 June 2012 — the day on which the first governing board elected by the General Assembly took office. The National Human Rights Institution and Ombudsman's Office is tasked with the defence, promotion and protection of the gamut of human rights guaranteed by the Constitution and international law. It supplements existing mechanisms and its role is to provide people with greater safeguards for the enjoyment of their rights and to ensure that laws, administrative practices and public policies comply with national and international human rights standards. The legal framework defining its responsibilities is very broad and includes that of acting as the national preventive mechanism provided for under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in coordination with the Ministry of Foreign Affairs (article 83 of Act No. 18446). For the purpose of defining the responsibilities relating to the implementation of the aforementioned mechanism and preserving its independence, the National Human Rights Institution and the Ombudsman's Office and the Ministry of Foreign Affairs concluded a Protocol for Action on 6 December 2013;
- The Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs, which comes under the authority of the General Directorate for Political Affairs, the status of which was elevated from a Department to a Directorate in 2003;
- The General Inspectorate of Labour and Social Security and the Advisory Service on Fundamental Rights of the Ministry of Labour and Social Security, which were set up in 1967 and 2005, respectively;
- The Directorate of Human Rights of the Central Governing Council of the National Public Education Administration, which was created in 2006;
- The Division of Cross-cutting Perspectives of the National Social Policy Directorate of the Ministry of Social Development (2010-2014), which is the current Human Rights Department of the National Directorate for Sociocultural Promotion, as of 2015;⁵
- The Parliamentary Commissioner, a position created by Act No. 17684 of 29 August 2003, advises lawmakers on monitoring compliance with domestic legislation and international conventions ratified by Uruguay concerning the situation of persons deprived of their liberty by the courts, and supervises the work of the institutions that run the country's prisons and the social reintegration of prisoners and former prisoners.

C. Institutional mechanisms for racial equality

14. The marked inequality of opportunity is an impediment to the effective realization of the rights of persons of African descent and indigenous groups.

⁴ Adopted by the General Assembly of the United Nations by resolution 48/134 of 1993.

⁵ The purpose of the Human Rights Department is to mainstream the principles of human rights, equality and non-discrimination, and the perspectives of gender, sexual orientation and ethnicity and race in social policies, with a focus on economic, social, cultural and environmental rights, leading to the creation of progress indicators and promoting the involvement of civil society in designing the policies in question.

Moreover, the invisibility of those populations, which is attributable to a lack of official statistics with indicators of racial or ethnic origin, led to the disappearance of the racial dimension from public policies about a decade ago.

15. The legislation adopted and the mainstreaming of the aforementioned perspective through various institutional mechanisms for racial equality have allowed the country to make progress towards recognizing the diversity of the ethnic groups making up its population, thus leading to their social and cultural and symbolic integration. In this way, Uruguay has made and continues to make progress through the development of public policies aimed at reversing the situation of disadvantage of persons of African descent and indigenous groups.

16. Beginning in 2004, as part of the country's efforts to comply with the Durban Declaration and Programme of Action — adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance — and with the international agreements it has ratified, several offices tasked with promoting and developing programmes, measures and plans aimed at eliminating racial discrimination were set up under the purview of the Executive:

- The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, which was created under article 3 of Act No. 17817/004, is tasked, inter alia, with: analysing the situation in Uruguay with regard to racism, xenophobia and all other forms of discrimination; monitoring compliance with the Declaration and Programme of Action, and suggesting the development of specific legal norms or the modification of existing ones to the Executive; planning and promoting education campaigns intended to preserve social, cultural and religious pluralism, to eliminate discriminatory, xenophobic and racist attitudes, and to promote respect for diversity; receiving and centralizing information on racist, xenophobic and discriminatory behaviour, keeping a record of such behaviour and filing the corresponding legal complaints; providing free and comprehensive advice to persons or groups who consider themselves to be victims of discrimination or racist attitudes; and informing public opinion on discriminatory attitudes and behaviour;
- The Department of Women of African Descent, which was established in 2005 as the Secretariat for Women of African Descent and which has been operating as a Department since 2007 in the National Women's Institute of the Ministry of Social Development, is tasked with promoting plans, policies and programmes — including affirmative action measures — to guarantee full exercise of citizenship for persons of African descent in general and for women of African descent in particular;
- The Ethno-racial Unit of the Ministry of Foreign Affairs, which was established by a presidential decree of 27 July 2012, is tasked mainly with placing the topic of ethnicity and race on the international agenda, and with devising a strategic plan to strengthen links with the countries of sub-Saharan Africa, Latin America and the Caribbean. Furthermore, the Itinerant Ambassador of the Republic, a position created by a presidential decision of 21 September 2011, was appointed as the Director of the Ethnicity and Race Unit by a decision adopted by the General Director of the Secretariat on 28 September 2012. Subsequently, an honorary adviser on indigenous issues, who is attached to the Ethno-racial Unit, was appointed by a ministerial decision of 5 June 2014.

17. At the departmental level, Montevideo City Council, by Decision No. 3895 of 26 September 2003, created the Municipal Unit for the Rights of Persons of African Descent (currently the Unit for the Rights of Persons of African Descent by virtue of Act No. 18567), which comes under the purview of the Social Policy Division of the

Department of Social Development, in accordance with Decision No. 5052/2005. The primary responsibility of this Unit is to promote and implement policies aimed at creating conditions of equality for the Afro-Uruguayan community in the areas of, inter alia, health promotion, housing, access to courses, scholarships and other opportunities, promotion of cultural diversity in the media, contributions of Africans and their descendants and linkages with civil society organizations.

III. Implementation of the Committee's previous recommendations

Follow-up to paragraph 8 of the concluding observations

18. In Uruguay, the lack of recognition of the discrimination suffered by persons of African descent and the descendants of indigenous peoples was reflected in the absence, until very recently, of official statistics with indicators of ethnic or racial descent. There are few precedents of collecting information on the sociodemographic characteristics that take into account ethnic and racial ancestry.

19. A variable reflecting ethnic and racial origins had not featured in household censuses since 1852 when, in a series of surveys conducted from 1996 to 1997, such a variable was included by the continuous household survey, and then in 2006, when it once again featured in the comprehensive national household survey. Although household surveys are valuable for the large amount of information they collect, censuses are the only mechanism for compiling data that is available to all the country's inhabitants. In response to the Committee's recommendation, the most significant advance made by Uruguay is the inclusion of the ethno-racial variable in the national census of 2011.

20. For this purpose, a number of discussions took place between the National Institute of Statistics and other Government agencies and civil society organizations working in this area with a view to reaching a consensus on the most appropriate wording of the question. The participants concluded that the question that would best guarantee continuity and respect ethnic and racial self-perception would be: "Do you believe yourself to be of ... ancestry?". The householder completing the form should then respond by choosing all the options that apply (African/black, Asian/yellow, white, indigenous, other). A question intended to ascertain the primary ancestry among the various ancestries selected by the householder was also added to the census: "Which do you believe to be your primary ancestry?".⁶ Moreover, given the high level of consensus reached on the wording of the question, it has been deemed the most suitable for all forms intended for public use.

21. The ethno-racial variable has also been taken into account by various State bodies:

(a) The University of the Republic has included a question on self-identification in the student census since 2009 and on the enrolment and graduation forms in the new education management system since 2011. This real-time information system makes it possible to track a person's full educational career from undergraduate to postgraduate;⁷

⁶ It should be noted that the householder may choose more than one option in response to the first question before distinguishing his or her primary ancestry in the second question.

⁷ The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination is involved in this process in conjunction with organized civil society.

(b) The Education Training Council of the National Public Education Administration conducted its first student census incorporating the ethno-racial variable and allowing respondents to self-identify. The census, which initially targeted students enrolled in the 2013/14 academic year, was compulsory and sought to introduce efforts to regularly carry out actions that provide constant and up-to-date information on the actual enrolment rate at the Educational Training Council, any changes in profiles and the academic trajectories of students so as to correlate this information with academic indicators on student welfare and infrastructure (Act No. 62, Decision No. 14 of 25 October 2014);

(c) The National Institute of Employment and Vocational Training has included an ethno-racial variable in student enrolment forms and final course reports since November 2013, consistent with the survey methodology used by the National Institute of Statistics. This allows for the collection of disaggregated data on school enrolment and student graduation rates;

(d) The national prison system is undergoing a process of reform and modernization, which includes the design of a prison management system (currently being piloted). This system records and manages the case file of each detainee using specifically designed software which registers information pertaining to ethnic and racial identification and gender identity;

(e) Since 2013, ethnic and racial information has been included in the records of the Ministry of Social Development for the entire population that has consulted or used any of its services. As recommended, such information is also included in the records of all social programmes implemented by the Ministry;

(f) During 2013 and 2014, the National Social Policy Directorate of the Ministry of Social Development supported a project on the intercultural approach to health-care relationships in the comprehensive national health system, whose objectives included the promotion of a diverse social framework and an intercultural approach among health teams in public institutions. This project introduced, in particular, a process for registering ethnic and racial descent by the Neonatal Research Institute for the early detection of sickle cell anaemia;

(g) At the local level, the ethno-racial variable has been included in the patient files of municipal clinics, which treat 26 per cent of the African community, at the initiative of the Unit for the Rights of Persons of African Descent and in conjunction with the Health Division of Montevideo City Council. A question on ethno-racial descent has also been included in the forms of the Support Service for Women Victims of Domestic Violence in the women's municipalities (*comunas mujer*).

22. Similarly, Decision No. 1104 of 30 July 2014 of the Ministry of Social Development established an inter-agency working group for the inclusion of the ethno-racial variable and gender perspective in the public records of the State with a view to cultivating equitable conditions for equal opportunity and eliminating racial discrimination in all its individual, structural and institutional forms.

23. An analysis of the general education, employment and sociodemographic profile of the community of persons of African and indigenous descent in Uruguay is attached in annexes I to IV. This analysis is based on the information obtained as a result of the inclusion of the ethno-racial variable in the statistical records of State and departmental institutions.

Follow-up to paragraph 9 of the concluding observations

24. Article 8 of the Constitution of Uruguay establishes the principle of equality between all persons: “All persons are equal before the law, no other distinctions being recognized among them save those of talent and virtue”. It does not however specifically refer to racial discrimination. Nonetheless, article 72 of the Constitution sets out that “the list of rights, duties and guarantees set out in the Constitution does not exclude others that are inherent in the human person or that derive from the republican form of government”. Thus, the provisions of international human rights conventions are applicable at the national level.

25. The Uruguayan legal system contains extensive legislation on the subject, as described in the previous section entitled “Improvements to the normative framework”. It includes: Act No. 17677 on incitement to hatred, contempt or violence or the commission of such acts against certain persons; Act No. 17817 on measures to combat racism, xenophobia and discrimination; and Act No. 19122 on norms to promote the participation of persons of African descent in the areas of education and employment.

Follow-up to paragraph 10 of the concluding observations

26. As to the incidence of poverty in the population of African descent, while there has been a substantial reduction in poverty in the country in recent years, this process has not been mirrored by a reduction in the racial divide.⁸

It is important to note Act No. 19122 in this regard which declares that it is in the national interest to adopt affirmative action measures in the public and private spheres aimed at facilitating the access of persons of African descent to employment and education. The Youth Employment Act⁹ also includes quotas for persons of African descent in programmes such as the “Uruguay Works” programme¹⁰ and in the work experience and sheltered employment programmes of the National Youth Institute.¹¹

27. With regard to poverty reduction efforts, the “Uruguay Grows with You” programme monitors and assesses the most vulnerable families with pregnant women and children under 4 years of age. This programme provides social, educational and health-care support through regular home visits by health and social workers over an average of 10 months. It was launched in 10 departments in September 2012 and was extended to the rest of the country in July 2013. The second phase of the programme saw the introduction of a form that incorporated an ethno-racial indicator, to be completed at the beginning and at the end of the provision of support. Based on the information thus provided, 28 per cent of pregnant women and 30 per cent of children benefiting from the programme are of African or black descent.

⁸ While poverty in the total population stands at 12.4 per cent, among persons of African descent it is 27.2 per cent and among the white population 10.4 per cent, which reflects a significant racial divide (“Poverty estimations using the income distribution method”, National Institute of Statistics, April 2013).

⁹ Article 23 of Act No. 19133 of 20 September 2013.

¹⁰ The “Uruguay Works” programme conducted by the Ministry of Social Development offers the opportunity to work in the community for up to eight months and receive an allowance to facilitate workforce integration. Its main objective is to create employment opportunities for long-term unemployed persons from low-income households.

¹¹ The National Youth Institute convened inter-agency meetings to address the specific issues facing young persons in situations of social vulnerability, including persons of African descent, pursuant to the 2011-2015 National Plan for Young People.

Follow-up to paragraph 11 of the concluding observations

28. The Government of Uruguay prepared thematic research and analysis reports on groups facing discrimination with a view to developing a National Plan against Racism and Discrimination. These reports were included in the previous periodic report (CERD/C/URY/16-20). While such a specific plan has yet to be devised, a series of measures will be adopted within the framework of the International Decade for People of African Descent.

29. Following the establishment of the Ethno-racial Unit, the Ministry of Foreign Affairs has also endorsed the implementation of a strategic plan to strengthen relations between Uruguay and the countries of sub-Saharan Africa, Latin America and the Caribbean as part of the country's role as a member of the sixth region of Africa. Related actions seek to promote strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance in accordance with chapter V of the Programme of Action adopted at the third World Conference against Racism. The following progress has been made in that regard:

(a) Outreach centres have been established to promote cooperation and exchange in countries in sub-Saharan Africa;¹²

(b) Support has been shown for the establishment of a Uruguay-Africa Centre¹³ in Uruguay to promote civil society involvement through cooperation and exchange, and whose main task is to coordinate the activities of the aforementioned outreach centres;

(c) An inter-agency commission has been established to strengthen relations with sub-Saharan Africa,¹⁴ with a view to promoting exchange and cooperation in the relevant areas;

(d) Two meetings have been held by the centres with a view to strengthening linkages between Uruguay and the countries of sub-Saharan Africa;¹⁵

(e) Various framework agreements on education between Uruguayan and African academic institutions¹⁶ and agreements on economics and trade between the outreach centres and the business sector have been signed;

¹² In November 2014, centres were established in the Democratic Republic of the Congo, Benin, Mozambique, the Niger and Nigeria. These centres have links with the civil society authorities and/or institutional representatives of the societies in which they are located. Their main task is to foster relations with Uruguay through exchange and cooperation in all areas of expressed interest, with particular emphasis on social, cultural, economic and trade-related, educational, technological, scientific and academic, artistic and sports-related matters.

¹³ Comprising the Uruguayan Football Association, the Workers' Trade Union Confederation-National Convention of Workers (PIT-CNT), the Mundo Afro organizations, the Uruguayan Exporters' Union and the Uruguayan-African Chamber of Commerce.

¹⁴ Made up of representatives from autonomous entities and other Government agencies, including the Portland Administration (ANCAP), the State Water Supply and Sanitation Utility (OSE), the National Telecommunications Administration (ANTEL) and the National Postal Administration.

¹⁵ "Africa and its Diaspora: New Links to New Realities" (12 June 2012, Montevideo) and "First Training Sessions: Strengthening Links with sub-Saharan Africa", organized by the Uruguay-Africa Centre under the auspices of, inter alia, the Ministry of Foreign Affairs, with the participation of representatives from the city councils of Montevideo, Canelones, Florida, Lavalleja and Maldonado and the outreach centres of Benin, the Democratic Republic of the Congo, Mozambique, the Niger and Nigeria (18 to 28 August 2014).

¹⁶ In 2012 between the Faculty of Arts and Sciences (University of the Republic) and the University

- (f) A new Embassy of Uruguay in sub-Saharan Africa has opened in Angola;
- (g) Uruguay has participated in the African Union as an observer;
- (h) The Directorate of the Ethno-racial Unit has participated in the launch of volume IX of General History of Africa, which will cover African diaspora issues;
- (i) A cooperation framework agreement has been signed between Uruguay and Ethiopia, and framework agreements have been sent to 18 sub-Saharan African countries for their signature;¹⁷
- (j) In Latin America, memorandums of understanding on joint action to eliminate racial and ethnic discrimination and to promote equality have been signed with Ecuador and Colombia as well as with the United States of America;¹⁸
- (k) The ethno-racial dimension has been included in the country's international agenda through the participation of multilateral agencies, thereby promoting equal opportunities for persons of African descent and the diaspora, as well as their access to the full enjoyment of their social, economic, political and cultural rights.¹⁹

30. In addition, the Thematic Unit for the Rights of Persons of African Descent of Montevideo City Council participated in various thematic meetings throughout 2013.²⁰ In 2014, it organized an exchange in conjunction with the Ethno-racial Unit of the Ministry of Foreign Affairs aimed at strengthening ties with Africa and received delegations representing six African countries to establish twinning agreements between cities.²¹

Follow-up to paragraph 12 of the concluding observations

31. It is imperative to focus on education at all levels in order to combat structural discrimination. For that reason, the plans, programmes and strategies described in recommendation 14, section C, should be considered in conjunction with this issue. The employment sector programmes referred to in the replies to recommendation 10 are also important measures in this regard.

32. Training has been organized for public officials, including:

- (a) Training for United Nations peacekeeping personnel: The Ethnic and Racial Unit of the Ministry of Foreign Affairs has participated in preparatory workshops, organized by the Directorate of Social Services of the Ministry of

of Kinshasa, and between the School of Diplomacy in the Democratic Republic of the Congo and the Artigas Foreign Service Institute of Uruguay; and in 2014 between the University of Montevideo and the University of Lagos and between the University of Lagos and the Business School.

¹⁷ Angola, Benin, Cabo Verde, Republic of the Congo, Democratic Republic of the Congo, Equatorial Guinea, Nigeria, Kenya, Ghana, Mozambique, Togo, Ethiopia, the Niger, Guinea-Bissau, Namibia, Mali, Burkina Faso and Côte d'Ivoire.

¹⁸ Uruguayan embassies have also been instructed to present proposals for memorandums of understanding in Paraguay, Bolivia, Venezuela, Suriname, Guyana, Panama, Peru and Colombia.

¹⁹ In forums such as the High-level Meeting (RAN), the Community of Latin American and Caribbean States (CELAC), the Union of South American Nations (UNASUR), the Ibero-American Secretariat (SEGIB) and Afrohispanos.

²⁰ Such as the regional strategic discussion forum on "Women of African descent and political action in Latin America: building a common agenda"; the round table "Educational and legal perspectives on implementing Act No. 10639/03: the way forward" at the first Congress of Black Researchers of the South (COPENE/SUL), held at Pelotas University, Brazil; the third World Summit of Governors and Mayors of African descent on the panel "Public policies from the perspective of women" in Cali, Colombia.

²¹ Benin, Congo, the Niger, Nigeria, Mozambique and Ghana.

Defence, for the pre-deployment of junior staff to the United Nations Stabilization Mission in Haiti (MINUSTAH) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).²² The provisions of Act No. 18026 on cooperation with the International Criminal Court to combat genocide, war crimes and crimes against humanity are also included in the training;

(b) Training for diplomats: A training programme on ethnic and racial inequalities has been established and a training course on racial equality has been introduced for students at the Artigas Foreign Service Institute-School of Diplomacy, with the primary aim of teaching the diplomatic corps about ethnic and racial minorities;

(c) Training on the ethno-racial dimension for all personnel, experts and administrative and managerial staff of the National Institute of Employment and Vocational Training (INEFOP) aimed at highlighting different operating methods and measures, strengthening the awareness-raising and learning process for training entities so that they promote ethnic and racial diversity from a rights-based approach, and establishing evaluation tools for this process. There are also plans to review and analyse the public communications, promotional material and image of the Institute and to develop specialized research proposals;

(d) Awareness-raising of the ethno-racial and gender dimension, conducted in December 2012 and 2013, for the local teams of managers and directors of the Social Insurance Bank by the Department for Women of African Descent, the National Office of the Civil Service and Mundo Afro organizations;

(e) National training and awareness-raising sessions incorporating the ethno-racial perspective. Such sessions were held by the Ministry of Social Development in compliance with Act No. 19122 for experts, decision makers and managers of various programmes and plans in order to create better conditions for the implementation of the quota system in public tenders;²³

(f) The Education Training Council of the National Public Education Administration established that a quota of 8 per cent of available scholarships should be made available to people of African descent, and awarded equally, as far as possible, between men and women for the 2015 registration period for lecturers, teachers, technical, social and physical education teaching staff, and early childhood teaching assistants, pursuant to Act No. 19122 and its Regulatory Decree. Scholarships granted to students are either total or partial and cover financial assistance, housing, food and transport (in accordance with Act No. 69, Decision No. 5, of 12 November 2014);

(g) The Territorial Management Department of the Ministry of Social Development has published a guide of best practices, which was developed on the basis of the feedback received from the various bodies that took part in training. The guide also covers the concepts of equality and non-discrimination and includes a good compilation of data on persons of African descent.

²² A total of 2,101 and 1,522 personnel have participated in the aforementioned training workshops in 2013 and 2014 respectively.

²³ A few noteworthy examples are the “I Study and Work” programme, the “Uruguay Works” programme, the national postal service, field teams of the Ministry of Social Development, the National Office of the Civil Service, and the “Commitment to Education” programme. An estimated 20 annual forums have been organized, targeting directly or indirectly the population concerned through the implementation of the Affirmative Action Act; such forums have benefited more than 1,000 workers.

33. The Ministry of Education and Culture,²⁴ the Department for Women of African Descent and the Secretariat for Human Rights of the Office of the President have supported the annual Tools for Inclusion and Non-Discrimination contest with a view to developing and promoting public inclusion policies. The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination formed part of the judging panel in the contest, while the Department for Women of African Descent provided training and awareness-raising activities for the teachers and students taking part.

Follow-up to paragraph 13 of the concluding observations

34. The Uruguayan legal system contains extensive legislation on racism and combating, in general, all forms of discrimination, as described in the section entitled “Improvements to the normative framework”.

35. Furthermore, article 6, paragraph J, of Decree-Law No. 10279 of 19 November 1942 on conspiracy to subvert provides that: anyone who promotes, constitutes, organizes or directs associations, bodies, institutions or sections to induce or inspire racial strife or hatred shall be liable to 10 months’ to 5 years’ imprisonment. Anyone who participates in such groups shall be liable to 3 to 15 months’ imprisonment.

36. The current Criminal Code contains provisions on racism, xenophobia and, more generally, discrimination against persons on a wide variety of grounds. Title III, chapter I, on public order offences, criminalizes conduct that gives rise to hatred or any other expression of violence against persons on the basis, among other things, of their skin colour, race or religion.

37. The following provisions were introduced to ensure that the public enjoys greater legal protection against such practices:

(a) Article 147 (Public incitement to commit an offence): anyone who publicly incites another person to commit an offence shall be punished for the act of incitement and shall be liable to 3 to 24 months’ imprisonment;

(b) Article 148 (Glorification of acts classed as offences): anyone who publicly glorifies acts classed as offences shall be liable to 3 to 24 months’ imprisonment;

(c) Article 149 (Incitement to break the law): anyone who publicly, or by any means likely to make it public, incites another person to break the law shall be liable to a fine of 20 to 500 readjustable units;

(d) Article 150 (Criminal conspiracy): any persons who conspire to commit an offence shall be liable to 6 months’ to 5 years’ imprisonment for conspiracy alone. The sentence shall be increased to 18 months’ to 8 years’ imprisonment if the aim of the conspiracy was to commit any of the offences set out in article 1 of Act No. 8080 of 27 May 1927, articles 30 to 35 of Decree-Law No. 14294 of 31 October 1974, article 5 of Act No. 14095 of 17 November 1972, any other illegal activity relating to organ or tissue trafficking (Act No. 14005 of 17 August 1971) or the smuggling, acquisition, receipt or concealment of money or items obtained by committing an offence;

(e) Act No. 17677 of 29 July 2003, on incitement to hatred, contempt or violence or the commission of such acts against certain persons, replaces article 149 bis and 149 ter of the Criminal Code, which respectively provide for sentences of 3 to 18 months’ imprisonment for cases of incitement to hatred, contempt or any other form of psychological or physical violence and of 6 to 24 months’ imprisonment for

²⁴ Within the framework of the plan to popularize scientific culture spearheaded by the Directorate of Innovation, Science and Technology.

acts of psychological or physical violence, hatred or contempt by reason of skin colour, race, religion, national or ethnic origin, sexual orientation or sexual identity.

38. The Criminal Code is currently being overhauled and is before the Parliamentary Commission on the Constitution, Codes, General Legislation and Administration for consideration.

Follow-up to paragraph 14 of the concluding observations

Paragraph 14 (a)

39. Act No. 19122 declares that it is in the public interest to develop, promote and implement affirmative action measures in the public and private sectors and stipulates, among other measures, that the branches of Government, the Court of Audit, the Electoral Court, the Administrative Court, the departmental governments, the autonomous entities, the decentralized services and non-State public corporations must reserve 8 per cent of their posts for persons of African descent.

40. Article 9 of Decree No. 144/014, of 22 May 2014, which regulates the aforementioned law, states that the National Office of the Civil Service must be notified of the number of persons of African descent recruited and of the details of the posts concerned by 31 December of each year.²⁵

41. In 2012, as part of an initiative launched by the Unit for the Rights of Persons of African Descent, the Department of Montevideo set up the Commission for the Mainstreaming of Racial Equality to collect reliable information on the situation of public officials of African descent. The following bodies sit on the Commission: the Department of Culture, the Legal Advisory Division, the Secretariat for Women, the Occupational Health and Safety Service and the Unit for the Rights of Persons of African Descent.

42. Under the law on investment protection, Act No. 16906 of 7 January 1998, when allocating the benefits provided for therein, special consideration must be given to those investments that incorporate Afro-Uruguayan staff.

43. In addition, the National Women's Institute has been implementing a Quality Management with Gender Equity Model within a number of public and private enterprises. The main aim in this regard is to encourage organizations to incorporate gender equity into their organizational management strategies.²⁶ Likewise, since 2013, the ethno-racial dimension has been incorporated into the Model,²⁷ which makes

²⁵ The following bodies have introduced this quota system for vacancies since the entry into force of the law: the Ministry of Tourism and Sport, the Ministry of Public Health, the Regulatory Authority for Energy and Water Services and the national postal service.

²⁶ The Model is a certifiable standard that recognizes organizations that work towards gender equity. There are four levels of incorporation of the approach into the management of an organization and they are each certified separately by means of annual audits. Thus, the "Quality with Gender Equity" seal granted by the National Women's Institute acknowledges those bodies which incorporate gender equity into their quality management systems.

²⁷ As part of "Level 1: Commitment", ethnic and racial origin is taken into account during the organizational diagnostic phase through the adoption of the criterion of self-definition. "Level 2: Implementation" involves taking actions linked to the prohibition of stereotypical images of Afro-descendants, in particular women of African descent, and providing training on issues related to gender and discrimination. Turning to "Direct discrimination", provision is made for training for partners on the prohibition of discrimination and on existing mechanisms for dealing with cases of discrimination (on the basis of ethnic or racial origin, sexual orientation, etc.). "Level 3: Improvement" focuses on making progress with regard to the follow-up and assessment of the various aspects referred to above. Under "Level 4: Sustainability", organizations are required to implement those types of affirmative action defined by themselves and, in particular, those set out

provision for the mainstreaming of gender and other perspectives within the context of action plans, training, the prohibition of discrimination and anti-discrimination mechanisms. As part of implementation efforts, the Department of Women of African Descent has carried out awareness-raising and training activities targeting public and private enterprises that use the Model.²⁸

44. The proposed Tripartite Commission referred to in the recommendation has not been set up. However, article 9 of Act No. 19122 establishes a tripartite commission which, as a result of the scope of that law, is responsible for carrying out the tasks that would have been assigned to the proposed Tripartite Commission. Regulatory Decree No. 144/014 states that the commission shall operate under the aegis of the Ministry of Social Development, which will provide it with the infrastructure and administrative support required to enable it to carry out its duties, and that it shall be made up of representatives of the Ministry of Social Development (the body serving as its chair), the Ministry of Labour and Social Security and the Ministry of Education and Culture.

Paragraph 14 (b)

45. The first affirmative action linked to the evictions carried out during the dictatorship was developed as part of an agreement between the Ministry of Housing, Land Management and the Environment and Montevideo City Council — in response to calls from civil society — the initial version of which was signed in 1998. The project involved the construction of 36 homes by the UFAMA AL SUR cooperative. The homes, which were completed in 2010, were built to enable women of African descent who were also heads of household to live in or return to the Barrio Sur district — the former location of the now-demolished “Medio Mundo Tenement”.²⁹

46. In August 2009, a new agreement was signed between the Ministry of Housing, Land Management and the Environment and Montevideo City Council, the aim of which was to ensure that the families evicted from the Ansina-Reus del Sur district³⁰ between 1978 and 1979 received symbolic reparation. Under the aforementioned agreement, the institutions involved undertook to provide housing for those families who had been evicted from buildings that were emblematic of Afro-Uruguayan culture.³¹ The renovation and conversion into housing and a historical information centre of a building of significance in terms of heritage also serves to reaffirm the idea of symbolic action in favour of Afro-descendant culture.³²

47. Work to build 17 homes and a historical information centre focusing on the dissemination and recovery of Afro-Uruguayan culture began in 2014 in the Ansina-Reus del Sur district. The centre will stand as a reminder of the evictions and various forms of cultural harmony and expression, including *candombe* (traditional

in Act No. 19122.

²⁸ A total of 76 persons took part in the training activities.

²⁹ A location emblematic of Afro-Uruguayan culture and the evictions carried out during the military dictatorship. Those evictions mainly affected the Afro-descendent community living in the Barrio Sur, Palermo and Cordón districts, located in the centre of Montevideo on the banks of the River Plate.

³⁰ This district was home to and played a central part in the cultural life of the Afro-Uruguayan community. As a result of the evictions, people of African descent were yet again uprooted and their cultural and architectural heritage affected.

³¹ To that end, the authorities invited all persons in possession of a notice attesting to their eviction from the tenement during the period in question to step forward and a list of persons meeting the requirements for re-housing in a building on the corner of San Salvador Street and Ansina Street was drawn up. The premises in question, the former Reus Sur Building, had previously been declared a heritage site by the National Heritage Commission.

³² The aim of the overall project being prepared by the participating bodies is to recover tangible and intangible heritage, by working with the evicted population and showcasing Afro-Uruguayan culture.

Afro-Uruguayan music). The first phase, involving the construction of a building to host seven households and a cultural centre for the preservation of Afro-Uruguayan culture, should be completed sometime in 2015. The remaining homes will be built as part of the second phase.

48. This comprehensive reparation project is a part of the “My Place in Wider Society” five-year plan developed by the Ministry of Housing, Land Management and the Environment, or 2010-2014 National Housing Plan, and involves the participation of the Unit for the Rights of Persons of African Descent, the Land and Living Space Department of Montevideo City Council, the Mundo Afro organization, the Mundo Afro-Palermo Family Housing Unit Cooperative and Municipality B of Montevideo City Council.

Paragraph 14 (c)

49. The General Education Act (No. 18437) of 12 December 2008 establishes that State education shall be free, secular and ensure equal opportunity. Article 8 of the Act provides that the State shall guarantee the rights of minority communities and those that are particularly vulnerable, with a view to ensuring equal opportunity and full exercise of the right to education and their effective social inclusion. Article 18 establishes that the State shall provide special support and shall act to include persons and groups who are the object of cultural, economic or social discrimination so that they can achieve real equality of opportunity in access to, continuity of and success in education. It shall also promote action to change stereotypes that are discriminatory on the basis of age, gender, race, ethnicity or sexual orientation.

50. With regard to the incorporation of the ethno-racial and gender dimensions into the education system, the Department of Women of African Descent of the National Women’s Institute and the Working Group for Ethnic and Racial Equity of the National Public Education Administration have worked together on instruction and continuous training for teachers on the various educational subsystems, the design of classroom teaching tools relating to the ethno-racial and gender dimensions and the strengthening of both institutions through:

(a) Large-scale, regional training/awareness-raising campaigns on ways to prevent and deal with racial discrimination in the classroom, targeting teachers across the country;³³

(b) A teacher’s handbook on the ethno-racial dimension, prepared on the basis of inputs from the above-mentioned large-scale training sessions, which will be published in 2014 and distributed to educational establishments;

(c) “The Equality Game”, presented and adopted on 16 March 2012 (File No. 1405/05) by the Department of Women of African Descent at the Department of Educational Connectivity/Basic Computing for Online Learning and Educational Technology of the National Public Education Administration, as part of an awareness-raising campaign to combat racial discrimination. This memory game is designed to be used at all levels of initial and primary education and to highlight the values of equality in Uruguayan society and is just one of a number of teaching aids available to educators, including the abovementioned teacher’s handbook;

³³ In 2013, two training sessions for teachers were held in the Department of Montevideo, with 120 persons taking part. Another session, which was held in the Department of Salto in cooperation with a civil society organization, attracted around 130 teachers and students. In 2014, a further three similar large-scale training sessions were held in Salto (60 participants), Tacuarembó (90 participants) and Montevideo (10 participants). An additional number of events were broadcast to a further eight Departments in the form of videoconferences.

(d) The incorporation into the annual curriculum of the Institute for Further Education of an optional course on the ethno-racial dimension together with a gender perspective, to be delivered as of 2015 by a team of 40 lecturers.

51. Furthermore, since 2010, the Department of Women of African Descent has been working to develop institutional equality and non-discrimination mechanisms, including a significant addition to the Uruguayan education system in the form of a postgraduate degree in Afro-descent and public policy,³⁴ designed by the Department in cooperation with the Faculty of Social Sciences of the University of the Republic.³⁵

52. Since 2012, 18 July has been Nelson Mandela Day. The Friends of Nelson Mandela Commission, made up of representatives of Parliament, the National Public Education Administration, the Unit for the Rights of Persons of African Descent of Montevideo City Council and civil society, was set up to disseminate positive values and life philosophy and works mainly with schools.³⁶

53. As to efforts to reduce the school dropout rate, under Act No. 19122, a specified number of scholarships and other forms of student financial aid must be set aside for persons of African descent, at both the national and the departmental levels.

54. In 2011, the Unit for the Rights of Persons of African Descent, in partnership with the Ministry of Education and Culture and two Afro-Uruguayan civil society organizations,³⁷ launched a pilot project under which 20 scholarships were offered to secondary school pupils of African descent. The project proved successful, was extended to the entire country and the number of places³⁸ was increased in order to support the continuing education of vulnerable young persons of African descent at risk of dropping out of school.

55. In total, 30 per cent of the funding distributed in the form of Carlos Quijano grants is allocated to persons of African descent, in line with article 32 of Act No. 18046 of 24 October 2006. The grants, which total 120,000 Uruguayan pesos, are for postgraduate students.

56. In 2014, as part of a pilot programme in the Department of Montevideo and in line with Act No. 19122, an 8 per cent quota was incorporated into the third student intake for the “I Study and Work”³⁹ programme. The programme is one of a number of public policies designed to reduce unemployment among young persons by

³⁴ Funding for the initial year of the Diploma course was provided by the Spanish Agency for International Development Cooperation (€25,000), the National Women’s Institute (\$100,000) and the University of the Republic (\$50,000). Students studying for the degree are not required to pay any fees. In the first year of the course, of the 30 persons who enrolled, 20 were of African descent. In total, 30 per cent of places on the course are reserved for persons of African descent. The course is delivered by a number of Uruguayan and foreign lecturers and civil society experts, 50 per cent of whom are of African descent.

³⁵ The general aim of the course is to provide comprehensive training enabling professionals to contribute to public policy work on the promotion of equal rights, the mainstreaming of the ethno-racial perspective in social policies, the fostering of the conscious and reasoned rejection of racist ideology and discriminatory attitudes and the particular intersection with the gender perspective.

³⁶ On 7 November 2014, School 183, set up 50 years previously in the Carrasco Norte district, was renamed “Nelson Mandela”.

³⁷ Unkuele and Ubuntu.

³⁸ A total of 180 places were created by the Ministry of Education and Culture for the year 2013 and 423 grants were awarded in 2014.

³⁹ The programme is coordinated by the National Employment Directorate of the Ministry of Labour and Social Security, in partnership with the National Institute for Employment and Vocational Training.

encouraging students to remain in school while offering them an opportunity to gain initial formal work experience.⁴⁰

Follow-up to paragraph 15 of the concluding observations

57. As to gender-based discrimination, under Act No. 18104, the National Women's Institute is responsible for designing the National Plan for Equality of Opportunity and Equal Rights. The law also provides for the establishment of the National Coordinating Council for Gender Equality Public Policy within the Ministry of Social Development. Decision No. 1686/2009 of the Ministry of Social Development, implementing the provisions of Act No. 18104, stipulates that the ethno-racial perspective shall be incorporated into the work of the Ministry's various directorates and all its plans and programmes.

58. As part of the work to design and implement the National Plan for Equality of Opportunity and Equal Rights, the Department of Women of African Descent was given the task of promoting the incorporation of the ethno-racial perspective into national racial equity mechanisms. Since 2008, the Department has been following up on this task and putting forward proposals to public decision-making bodies, with the aim of incorporating the ethno-racial dimension into public policies and the variable of ethnic and racial origin into the various administrative registers.

59. Since 2010, the National Women's Institute has held a series of annual seminars for public administration decision makers, the aim being to ensure the mainstreaming of the ethno-racial dimension with a gender perspective into public policies. The seminars are designed to encourage and ensure the incorporation of issues relating to people of Afro-descent, together with a gender perspective, into the development and implementation of public policies; to ensure the inclusion of the ethno-racial variable in the data systems of State institutions; and to provide practical recommendations for implementing actions in the public sphere. The seminars have attracted participants from a number of public institutions, which have demonstrated a willingness to mainstream the gender and ethno-racial dimensions into their work.⁴¹

60. At the departmental level, as can be seen from an assessment of the Second National Plan for Equality of Opportunity and Equal Rights carried out by Montevideo City Council, a thematic panel made up of women of African descent was created to follow up on the implementation of the Plan, to coordinate with civil society and to establish inter-agency cooperation with other government bodies.

61. Recently, the Ministry of Social Development issued Decision No. 1104/014 of 30 July 2014, establishing an inter-agency working group on the inclusion of the ethno-racial and gender variable in State registers. The aim of the working group is to encourage discussion, the conclusion of agreements and the effective implementation of a strategy for the mainstreaming of the ethno-racial dimension with a gender perspective at all stages of the public policy process (design, development, implementation, follow-up and assessment) and to implement special measures targeting people of African descent, in particular women. The working group operates under the aegis of the Ministry of Social Development and is made up of representatives of the various ministries, autonomous entities and Montevideo City Council, with the National Women's Institute acting as its technical secretariat.

62. The National Women's Institute has published a series of texts with the aim of providing information on, disseminating and raising the profile of the gender and

⁴⁰ In 2014, a total of 326 posts were made available in Montevideo as part of the programme; of these, 23 were reserved for persons of African descent.

⁴¹ The seminars attracted 89 participants in 2010, 39 in 2011, 7 in 2012, 21 in 2013 and 140 in 2014.

ethno-racial dimension.⁴² In particular, the Institute's Gender Information System is used to produce an annual report on the situation of gender and ethnic and racial inequality, drawing on the continuous household survey and other specific surveys, such as the 2011 population and household census. As a result, several sets of data on the Afro-descendant population have been produced (see annex V).

63. As to gender issues in the labour market, under article 6 of Act No. 16045, the State, and in particular the education system, has a duty to carry out nationwide educational campaigns to promote and increase understanding of issues affecting women workers, make both them and employers aware of the current situation in that regard, and, in particular, eliminate the barriers preventing workers from making full use of their abilities.

64. In particular, with regard to the integration of women of African descent into the labour market, a series of laws have been issued encouraging the participation of people of African descent in the areas of education and vocational training. Under article 5 of Act No. 19122, the National Institute for Employment and Vocational Training must reserve at least 8 per cent of places in its various training programmes for persons of African descent.

65. The National Women's Institute has been working to set up a database of reliable information on professionals and technical specialists of African descent living in Uruguay. The aim is to establish a national baseline that will serve as the foundation for public policies relating to the sector in question and people of African descent in general, as well as for the design of affirmative action measures. The baseline will help increase knowledge of the tertiary training process and the related paths and obstacles; highlight the access of people of African descent to management or specialized posts; and promote and foster training, the strengthening of organizations and the participation of women's groups in third-sector activities, among other things.⁴³

66. From 2009 to 2012, the Department of Women of African Descent ran a number of training courses for women domestic workers, designed to provide them with additional qualifications⁴⁴ and covering issues of gender, the role and status of women,

⁴² A number of publications should be mentioned here: *Incorporación del enfoque étnico-racial: Elementos conceptuales* (Incorporation of the ethno-racial perspective: conceptual aspects) (2007); triptych for the International Day of Afro-Latin, Afro-Caribbean and Diaspora Women held on 25 July (2011); *La inclusión de la dimensión racial en la producción de información: Diagnóstico sobre programas y políticas para la equidad de género y raza en organismos del Estado* (The inclusion of the racial dimension in information production: a diagnostic study of State gender and racial equity programmes and policies) (2011); *Gender Information System*, issue No. 1, "La población afrodescendiente en Uruguay desde una perspectiva de género" (The Afro-descendant population in Uruguay from a gender perspective) (2011); *Diagnósticos Departamentales de Género* (2013); *Estadísticas de Género* (2010) and other publications examining data through the prism of the ethno-racial dimension.

⁴³ To date, self-reporting has not reached the level required for reliable statistical analysis work. Consequently, the population group in question was analysed in 2013 using data from the 2011 census. It was found that 9.7 per cent (around 25,000 persons) of Afro-Uruguayans were professionals and that 66 per cent of those professionals were women and 34 per cent were men. Of the 123 professionals/technical specialists registered, 90 are women and 33 are men. Breaking down the data by level of qualification and gender, 71 per cent of those registered had obtained a bachelor's degree (57 per cent of the 123 individuals were women with a bachelor's degree and 14 per cent were men with a bachelor's degree), while 29 per cent had qualified as technical specialists (16 per cent of the 123 individuals were women technical specialists and 13 per cent were men technical specialists). The following fields recorded the highest numbers of registrations: teaching, social work, psychology and law.

⁴⁴ The courses cover subjects such as communication skills, autonomy, problem-solving skills, familiarity with biosafety regulations, knowledge of legislation and the use of new technologies.

women of African descent and domestic work. The courses were held in a number of departments across the country, with 30 per cent of the places being reserved for women of African descent.

67. In addition, since 2010, the National Women's Institute has held training events for women of African descent in order to prepare them for leadership and collaborative roles, including awareness-raising workshops on gender, the ethno-racial dimension, the promotion of rights and the exercise of citizenship. The aim of such events is to strengthen the identity of women of African descent in Uruguay and to promote the various public policies on ethnic and racial and gender equity implemented by the National Women's Institute and other State institutions, in line with the commitment made by the State under the National Plan for Equality of Opportunity and Equal Rights.

Follow-up to paragraph 16 of the concluding observations

68. In 2009 the Supreme Court of Justice granted procedural rule status to the Brasilia Regulations Regarding Access to Justice for Vulnerable People,⁴⁵ making them binding on judges. The Regulations contain guiding principles and fundamental ideas that facilitate reflection on the problems that hinder access to justice for the most disadvantaged sectors of the population,⁴⁶ and they establish a series of recommendations for the activities of those responsible for public judicial policies and employees and actors within the legal system. They stipulate that public authorities should give priority to activities that facilitate access to justice for persons who are most vulnerable, whether for many reasons or just one. They also provide for the adoption of any organizational and judicial management measures that are necessary to provide access to justice for vulnerable persons, making their cases a priority, avoiding delays and encouraging speed, coordination, specialization and interdisciplinary action.

69. More specifically, article 9 of Act No. 19122 establishes a commission comprising representatives of the Ministry of Social Development, the Ministry of Labour and Social Security and the Ministry of Education and Culture that is responsible for meeting the aims of the Act. The related Regulatory Decree establishes that the commission's tasks include providing advice, referrals and guidance to persons who consider their rights to have been violated.

70. Additionally, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination provides comprehensive and free advice to persons or groups who consider themselves to be victims of discrimination or racist, xenophobic

⁴⁵ Decision No. 7647, Circular 34/09 of 2 April 2009. The Regulations were adopted at the Plenary Assembly of the fourteenth meeting of the Ibero-American Judicial Summit held in Brasilia in March 2008, where an agreement was reached on 100 minimum regulations in order to guarantee access to justice for vulnerable persons, without discrimination. Those regulations represent significant progress in the identification and systemization of basic principles for an accessible, equal model of justice that pays particular attention to the most vulnerable sectors of the population and endeavours to mitigate the difficulties and overcome the barriers that prevent them from fully enjoying their legally-recognized rights in relation to justice systems.

⁴⁶ The beneficiaries include those who, because of their age, gender or physical or mental condition, or because of social, economic, ethnic and/or cultural circumstances, encounter particular difficulties in fully exercising their legally recognized rights within the justice system. They include children and adolescents, persons with physical or mental disabilities, members of indigenous communities, crime victims, migrant workers, displaced persons, persons living in poverty, persons suffering gender-based discrimination or violence, persons belonging to ethnic or religious minorities and persons deprived of their liberty.

or discriminatory attitudes and receives and centralizes information on those types of behaviour, recording cases and lodging the relevant complaints.

71. Our country guarantees access to justice through the Public Defender Service, mediation centres and the Legal Advice Office at the Faculty of Law of the University of the Republic:

(a) The Public Defender Service provides legal assistance in matters relating to civil, criminal, labour, family and juvenile law;

(b) The mediation centres offer people free access to a method of conflict resolution that promotes dialogue, understanding and the joint search for solutions to conflicts affecting personal relationships. It thus provides a service that facilitates initial contact with the justice system for inhabitants of densely populated neighbourhoods, those living far from departmental capitals and those with few financial resources. At the same time, it encourages responsible citizenship and provides advice on individuals' rights and responsibilities with regard to other citizens and the State;

(c) The Faculty of Law at the University of the Republic, through the Legal Advice Office, acts as a free public defender service provider, offering advice and assistance in trials and administrative proceedings for persons who, because of their socioeconomic status, are unable to access private legal assistance. In recent years a decentralization process has led to the creation of district legal advice offices.⁴⁷

72. With regard to procedural guarantees, although access is provided by the three aforementioned institutions, there are no specific disaggregated data on access to justice among persons of African descent or other racial groups.

73. In relation to social guarantees, no substantial progress has been made regarding access to justice for persons of African descent. Although the establishment of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination and the National Human Rights Institution and Ombudsman's Office have enabled the lodging of complaints of discrimination and racism, progress at the judicial level has not yet been significant.

74. It should be noted that progress has been made in relation to racism against persons of African descent insofar as legal rulings are beginning to be made on criminal complaints and civil claims concerning discrimination against them in several areas, but case law remains in its infancy. To this, we should add that there are no statistical or sociological studies that allow access to justice among persons of African descent to be measured accurately, nor are there statistics that demonstrate the group's effective access to the judicial system.

Follow-up to paragraph 17 of the concluding observations

75. As part of its role to create public policies for the benefit of persons of African descent through, for example, affirmative action, the Ministry of Education and Culture is responsible for safeguarding *candombe*, which is classified as intangible cultural heritage. There are several lines of action relating to heritage and culture

⁴⁷ These are found in densely populated neighbourhoods in the capital (Barrio Sur, Nuevo París and La Unión); three additional premises were acquired following an agreement with Montevideo City Council. Similarly, through an agreement with a non-governmental organization (NGO), another decentralized advice office is in operation in the "40 Semanas" neighbourhood. Decentralization has also extended beyond the Department of Montevideo, and legal advice offices exist in the city of Salto as part of the curriculum taught at the northern regional branch of the University of the Republic. Offices were also established in the cities of Paysandú, Bella Unión and Maldonado.

pursued by the Ministry's National Cultural Heritage Commission; the main area concerns the promotion of the history and collective memory of the Afro-descendant community, as well as specific actions to safeguard *candombe*.

76. The National Cultural Heritage Commission declared several Uruguayan music genres, as well as the *llamadas de candombe* parade celebrated by the Afro-descendant community in Montevideo, to be intangible cultural heritage while it prepared their candidacy for the Representative List of the Intangible Cultural Heritage of Humanity of the United Nations Educational, Scientific and Cultural Organization (UNESCO). In 2010, a year after the inclusion of *candombe* on the List, the Ministry of Education and Culture issued Ministerial Decision 1235/10, article 1 of which established the Advisory Group on Candombe and its Sociocultural Space. This Group operates under the National Cultural Heritage Commission, and its members are prominent artists and historical figures of *candombe*. The Decision provides that the measures to safeguard *candombe* must ensure the viability of this example of intangible cultural heritage, through identification, documentation, preservation, research, promotion, protection, and development. Since 2011, the Commission has been working with the Advisory Group, along with other directorates and operational units of the Ministry, to safeguard *candombe*.

77. Similarly, since 2009 the Ministry of Education and Culture has been participating in the UNESCO project "The Slave Route: Resistance, Freedom and Heritage", whose main activities include the promotion of living cultures and artistic and spiritual expressions and the preservation of oral memories and traditions.

78. The National Culture Department also participates very actively in the Historical Review Working Group,⁴⁸ whose main objective is to produce manuals for the teaching of Afro-descendant subjects while promoting and compiling research so as to develop the national identity democratically and including the contribution made by Africans and persons of African descent to the country's history. It also aims to recognize the diversity of that community's contributions while promoting knowledge and understanding of the causes, consequences and evils of racism.

79. Additionally, the National Women's Institute carried out a genealogical study to discover family origins and preserve the cultural diversity of previous generations of Afro-Uruguayans, thus helping to reconstruct the identity of persons of African descent from an ethnicity perspective. Its main objective is to study the genealogy of prominent historical figures of African descent and of Afro-Uruguayan women.⁴⁹

80. At the departmental level, the Unit on the Rights of Persons of African Descent has successfully carried out a series of activities to investigate, highlight and mainstream the contribution of Africans and their descendants to the national identity, with the aim of raising awareness of their contribution to Montevideo's heritage among the Afro-descendant community and the general public.⁵⁰

⁴⁸ Comprising the National Culture Department, the National Cultural Heritage Commission, the National Directorate for Human Rights, the National Public Education Administration, the Vocational Technical Education Council, the Education Training Council and the University of the Republic.

⁴⁹ In the initial phase in 2013, a study was made public on the family of Esperanza Barrios Páez, founders of the *Nuestra Raza* newspaper, an early example of the media produced by the Afro-Uruguayan community in Montevideo. The launch of the first publication is planned for December 2014.

⁵⁰ This includes the naming, in late 2013, of a public space in the Malvin neighbourhood for Juan Julio Arrascaeta (1899-1988), an Afro-Uruguayan modernist poet who lived in the area and who defended Afro-Uruguayan traditions through, for example, a series of poems in the Bozal language; and the rediscovery of renowned teacher Héctor Almada Canchelo, the first Afro-Uruguayan to graduate from the Artigas Teacher Training Institute, for whom a secondary school in the city of

81. Notable activities designed to enhance the visibility of women of African descent include:

(a) A 2014 photography exhibition entitled “¿Me ves?” (“Can you see me?”) that includes images by 63 Afro-Uruguayan women working in different sectors. The images were exhibited in the open-air photography gallery in Rodó Park in Montevideo on 25 July 2014 as part of the International Day for Afro-Latin-American and Afro-Caribbean Women and the Diaspora. The exhibition will be displayed in another five departments in the country;

(b) The compilation and dissemination of the 2014-2015 Afro-Uruguayan calendar, which highlights important dates relating to the defence and recognition of women’s rights and national and international historic milestones achieved by persons of African descent. Its images feature the Afro-Uruguayan population, including female activists from today’s Afro-Uruguayan community. One thousand calendars were printed and distributed to different institutions, individuals and organizations.

Follow-up to paragraph 18 of the concluding observations

82. Training for public officials includes:

(a) Courses for police officers on ethnicity and race held by the National Police Academy of the Ministry of the Interior between 2008 and 2013.⁵¹ Specifically, the National Police Academy and the Ethnicity and Race Unit of the Ministry of Foreign Affairs attended a course on racial equity policies and their connection to police operations, which ran between 2011 and 2013 and was organized by Afro-Uruguayan civil society organizations;

(b) A course for candidates for judge positions organized by the Centre for Judicial Studies and delivered by the section with responsibility for public policies that benefit persons of African descent of the Ministry of Education and Culture, comprising a specific human rights module that examines the prohibition of discrimination on various grounds and the conventions that cover it.⁵² The course aims to raise awareness and provide training on progress in the field of human rights for judges, prosecutors and lawyers, with an emphasis on non-discrimination, and to achieve a more open justice system.

83. Furthermore, with regards to complaints, Act No. 17817 established the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, whose tasks include receiving and centralizing information on racist, xenophobic and discriminatory behaviour, keeping a record of such behaviour and filing the corresponding legal complaint if deemed necessary.

84. This year, the Commission, the National Human Rights Institution and Ombudsman’s Office and the Unit on the Rights of Persons of African Descent have drawn up a protocol for complaints and reports of cases of discrimination, which establishes that anyone may report to any of the competent institutions behaviour that they deem discriminatory. Although the protocol provided for the creation of a single

San José de Mayo was named.

⁵¹ The objectives of these courses include creating and strengthening links between civil society and public institutions, raising the profile of State and municipal forums for racial equity, providing training for public officials on racism and discrimination and designing pilot courses on ethnicity and race with officials of the judiciary (judges and prosecutors) as part of regional and national seminars.

⁵² The first course was held in 2011 at the regional meeting of judges and prosecutors in the city of Bella Unión.

register for complaints, those received by the different institutions are detailed separately below.

85. The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, under the Ministry of Education and Culture, received 195 complaints of different forms of discrimination between mid-2008 and March 2015. Of those complaints, 41 per cent related to racial discrimination, of which 93 per cent related to discrimination against persons of African descent, almost 5 per cent to discrimination against Jewish persons and 4 per cent to discrimination against indigenous persons.⁵³

86. The Inspectorate-General of Labour and Social Security of the Ministry of Labour and Social Security, tasked with providing legal protection for workers and monitoring working conditions, receives complaints of different forms of discrimination, including discrimination on grounds of religion, gender, ideology, race, physical disability and appearance.⁵⁴ As can be seen in annex VI, in 2013 the Inspectorate-General received 15 complaints of discrimination, 2 of which related to discrimination on grounds of race, and another 2 to discrimination on grounds of nationality.⁵⁵ Similar numbers of complaints were received in Montevideo and the rest of the country (46.7 per cent and 53.3 per cent, respectively) and from men and women (46.7 per cent and 53.3 per cent); most came from the private sector (73 per cent).

87. In the second half of 2012, when it began its activities, the National Human Rights Institution received a total of 144 complaints, of which 15 concerned discrimination on grounds of race, religion or sexual orientation. Of those, 3 related to discrimination on grounds of race. In 2013, the Institution received a total of 260 complaints, which are categorized by type of right violated and of which equality and non-discrimination represent 12.6 per cent, or 47 cases. This prompted the Institution to make equality and non-discrimination one of the central concepts of its strategic plan.⁵⁶ These complaints are classified according to the grounds for discrimination, with 25.5 per cent corresponding to disability, 19.1 per cent to women, 12.8 per cent to race, 12.8 per cent to sexual orientation, 8.5 per cent to religion and 21.3 per cent to other grounds.⁵⁷ Where recommendations were made, they were instrumental in the resolution of cases.

Follow-up to paragraph 19 of the concluding observations

88. Act No. 19122 provides that it is in the public interest to incorporate in educational curricula and teacher training programmes the historical legacy of communities of African descent and their involvement in and contribution to the shaping of the nation through their diverse cultural expressions and history of slavery, trafficking and stigma. Research into that legacy at the national level should be promoted.

⁵³ It is important to clarify that some complaints related to multiple forms of discrimination and were therefore classed as more than one form of discrimination for statistical purposes.

⁵⁴ Until 2012, complaints of discrimination were recorded as “moral harassment”. Although all discrimination involves some form of harassment, not all harassment involves discrimination, so from 2013 it was decided that those complaints would be recorded separately.

⁵⁵ Updated statistical data for 2014 will not be available until the end of the year, for which reason the information presented relates to complaints received up to the end of 2013.

⁵⁶ In addition to activities relating to the receipt of complaints, the National Human Rights Institution has organized two national human rights assemblies in accordance with the provisions of article 61 of Act No. 18446. Of particular relevance to this report: the first assembly focused on, inter alia, all forms of discrimination, and the second, on the Durban Declaration and Programme of Action.

⁵⁷ Updated statistical data for 2014 will not be available until the end of the year, for which reason the information presented relates to complaints received up to the end of 2013.

89. In that connection, there are two working groups dedicated to incorporating ethno-racial perspectives in educational programmes in Uruguay: one led by the Ministry of Education and Culture and the other by the Directorate for Human Rights of the Central Governing Council for Education.⁵⁸

90. The working group led by the Directorate for Human Rights is an institutional space specializing in advice on and the monitoring, coordination and strengthening of human rights policies in the area of education and of human rights education itself. Its general objective is to ensure the inclusion of the ethno-racial dimension in the non-discrimination policies of the National Public Education Administration. Its specific objectives include: (a) creating a working group for ethnic and racial equity in education within the framework of the Directorate for Human Rights; (b) detecting instances of ethnic and racial discrimination and understanding its intersection with gender inequality within the Administration's institutions in all settings and at all levels; and (c) undertaking activities to promote ethnic and racial equity. The outcomes of its coordinated intra-system and intersectoral work include:

(a) The organization of and participation in an ethnic and racial issues awareness day for the Administration's teachers;

(b) The design of a course on specialization in ethnic and racial matters at the Institute for Further Education.

91. Furthermore, through Ministry of Education and Culture Decision No. 979 of 20 October 2011, a working group was created to encourage new, and to compile existing, research on the contribution of Africans and persons of African descent to the history and culture of Uruguay. This group aims to contribute to the development of a national identity based on democratic principles and the recognition of all the factors that have contributed to its construction, while promoting knowledge and understanding of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance.⁵⁹ Noteworthy activities undertaken by this group include:

(a) Teaching manuals on the contribution of persons of African descent to Uruguayan history and culture have been produced and are in the process of adoption;

(b) Workshops on the contribution of persons of African descent to Uruguayan history and culture have been organized for teachers across the country at the Institute for Further Education (the National Public Education Administration, the Teacher Training Board and the Institute for Further Education).⁶⁰

92. An inter-agency working group for ethnic and racial equity was formed under the Central Governing Council for Education of the National Public Education

⁵⁸ This working group comprises representatives from the National Public Education Administration Gender Network, the Directorate for Human Rights and the Sectoral Directorate for Education Planning of the Central Governing Council for Education, and it receives technical support from representatives of the National Women's Institute. It was created by Memorandum No. 33, Decision No. 2, File No. 1-6638/12, dated 21 May 2013.

⁵⁹ The group comprises representatives of the National Culture Department, the National Cultural Heritage Commission, the National Directorate for Human Rights and the four decentralized boards of the National Public Education Administration (the Primary Education Board, the Secondary Education Board, the Vocational Education Board and the Teacher Training Board).

⁶⁰ The workshops were held in the cities of Montevideo, Melo and Colonia in 2012 and 2013, and one is scheduled for this year in Tacuarembó. They aim to update the approach taken in formal education towards the African diaspora regarding the history of Uruguay, in addition to knowledge of Afro-Uruguayan heritage as a fundamental aspect of the cultural identity of society as a whole, so as to contribute to the construction of a more democratic, non-discriminatory society. Additionally, they aim to train teachers to take an inclusive approach to Uruguayan history, and to study the subject of discrimination from a critical viewpoint.

Administration.⁶¹ This group's objectives include the formal inclusion of ethnic, racial and non-discrimination perspectives in the education system, and the establishment of a mechanism to coordinate and organize relevant initiatives within the National Public Education Administration is planned. Furthermore, the group aims to investigate ethnic and racial discrimination and its intersection with gender inequality within the national education system, both in terms of organization and public and social services, and to develop measures to ensure non-discriminatory interpersonal relationships in formal education.

93. Moreover, with regard to efforts to preserve and promote Afro-descendant culture, the National Women's Institute has awarded the annual Amanda Rorra prize⁶² since 2007 as part of the celebration of the International Day for Afro-Latin American and Afro-Caribbean Women and the Diaspora. Its aim is to increase awareness and recognition of the work of those who have made a substantial contribution to defending and promoting the rights and citizenship of the Afro-Uruguayan population, particularly women, as well as to honour Amanda Rorra.⁶³

94. Additionally, several activities took place in 2011, the year of the bicentenary of Uruguay and the International Year for People of African Descent, including:

(a) The publication of a piece entitled "Afro-Uruguayan Women: the root and support of identity", which highlights the contribution of Afro-Uruguayan women throughout the country's 200-year history;

(b) The homage paid by the Unit of the Rights of Persons of African Descent to notable athletes, including Deborah Rodríguez, Lorena Aires and Andrés Silva, and to the memory of sportspersons such as Leandro Andrade, Isabelino Gradin and Obdulio Varela;

(c) Support from the Ministry of Social Development since 2011 for cinema exhibitions and forums aiming to promote human rights, challenge racism and promote racial equality for persons of African descent.⁶⁴

95. With the support of the Spanish Agency for International Development Cooperation, the section within the Ministry of Education and Culture with responsibility for public policies that benefit persons of African descent promoted an exhibition of the work of plastic artists of African descent in September 2013 at the Ministry's Punto de Encuentro (Meeting Point) exhibition hall. The exhibition was

⁶¹ In accordance with the National Public Education Administration decision (File 1-6638/12) of 21 May 2013, the working group comprises representatives of the Administration's Gender Network, its Directorate for Human Rights, the Directorate for Education Planning of the Central Governing Council for Education, representatives of the National Women's Institute and, when necessary, an advisory team whose members are contact points from the Administration's subsystems and related programmes, including the Primary Education Board, the Secondary Education Board, the Vocational Education Board and the Teacher Training Board.

⁶² Between 2007 and 2014, 67 persons, most of them women, received the award.

⁶³ On 25 July 2013, the Uruguayan postal service released a commemorative stamp in honour of Amanda Rorra, historic activist and leader of the Afro-Uruguayan community. Other commemorative stamps have also been released, including a special postmark commemorating the first year of the declaration of *candombe* as an example of humanity's intangible cultural heritage in 2010; two stamps released in 2011 to commemorate the International Year for People of African Descent, including "The Spearwoman" which celebrated women of African descent, and "Nelson Mandela"; a series released in 2012 dedicated to notable women entitled "También hicimos Patria" (We Also Built the Homeland), featuring Lágrima Ríos, Rosa Luna and Virginia Brindis de Salas; stamps dedicated to Afro-Uruguayan figures such as Virginia Brindis de Salas and Andrés Aguiar, in 2012 and 2013, respectively; and a stamp dedicated to Ruben Rada as part of the "Montevideo: Ibero-American Capital of Culture" series, in 2013.

⁶⁴ Specifically, the film and human rights festival "Tenemos que ver" and the African cinema exhibition "A flor de piel" in 2013 and 2014.

curated by an artist of African descent, and both participants and the subject matter had a connection to Afro-Uruguayan cultural identity.

96. At the municipal level, the Cultural Diversity Unit⁶⁵ was created in 2006 under the Directorate-General of the Department of Culture of the Montevideo City Council, with the general aim of organizing cultural activities relating to indigenous American cultures, Afro-descendant groups, descendants of the Charrúa Nation, groups carrying out regional ethnographic projects on immigration, and others. Since its establishment, the Unit has promoted the World Day for Cultural Diversity for Dialogue and Development, celebrated on 21 May each year, and International Migrants Day, on 18 December, through awareness-raising activities and the support and promotion of cultural exchange and respect for multiculturalism.

97. Furthermore, at the departmental level, the Unit of the Rights of Persons of African Descent developed the “Hidden Identity” programme and organized, in cooperation with the Afro-Uruguayan Cultural Centre, an in-person and online seminar, entitled “Cultural policies and contemporary challenges: diverse viewpoints”. The seminar, which began in May 2013, covers the Afro-Uruguayan community’s contribution and connection to culture, and related challenges.⁶⁶ In October 2013, the Unit received a visit from the Afro-Colombian classical pianist Teresita Gómez, and in April 2014 it named the African-American Professor Dr. Marvin Lewis a Distinguished Visitor to Montevideo.

98. The Ministry of Foreign Affairs, through the Directorate-General for Cultural Affairs and the Directorate of Integration, and in coordination with the Ethnicity and Race Unit, has provided financial support⁶⁷ and/or issued a declaration of ministerial interest⁶⁸ in several initiatives led by civil society organizations that aim to disseminate and promote the culture and legacy of Afro-Uruguayans and to promote their social, economic, cultural and political rights.

Follow-up to paragraph 20 of the concluding observations

99. The Government engaged in inter-agency consultation with the various competent national authorities to consider the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and to

⁶⁵ Created by Montevideo City Council Decision No. 1065 of 24 March 2006.

⁶⁶ Both in-person seminars attracted a large, diverse turnout, including secondary school students and their teachers, NGO representatives from the Afro-Uruguayan community and civil society and the general public. They benefited from the participation of national and international actors, representatives from UNESCO, the Coalition of Latin American and Caribbean Cities against Racism, Discrimination and Xenophobia, the University of Buenos Aires and African-American researchers. They also benefited from the official declaration of cultural interest of the Ministry of Education and Culture and the Montevideo City Council and the patronage of the Ministry of Foreign Affairs, the departmental authorities of Flores, the Fulbright Commission, the Simón Bolívar Cultural Centre, the Uruguayan Society of Performers and the Abrelabios publishing house. More information is available at: <http://seminario10.webnode.com.uy>

⁶⁷ Examples include financial support for the Afro-Uruguayan Centre for the development of its website; for Mr. Oscar Montaña for the presentation of his book *Historia Afrouruguaya* and documentary *Batuque de Candombe* in Havana, Cuba; for the Triangulación Kultural group, enabling them to participate in the Cape Town World Music Festival in South Africa in July 2014; for the Agrupación Lubola C 1080 group for its tour of the United States in December 2014; for Mr. Daniel “Tatita” Márquez for his concerts in several cities in the United States from June to August 2013; and for student Stefanny Pérez for her trip to the National Aeronautics and Space Administration (NASA) facilities in Cape Canaveral, Florida, United States.

⁶⁸ For example, statements of ministerial interest were issued for a project on music of the African diaspora in the Americas, including *candombe*, jazz and a new fusion, to be undertaken jointly by Uruguay and the United States in 2014.

examine how it would be implemented. This Convention is an ILO instrument and therefore consultation is required with the Tripartite Commission, which comprises the Government, employers' organizations and workers' organizations. The Government established a time frame for those organizations to consider its ratification, during which they indicated that they did not support such a move.

100. However, Uruguay later committed to continuing the process of ratifying the Convention, as illustrated by its acceptance of the relevant recommendations made at its universal periodic review in January 2014.

101. Since it submitted its last periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, Uruguay has ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights through Act No. 19029 of 12 December 2012, which establishes communications and inquiry mechanisms in relation to the Covenant. Similarly, as mentioned previously, in July 2013 Uruguay signed the Inter-American Convention against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

Follow-up to paragraph 21 of the concluding observations

102. Progress has been made in the initial phase of the "Towards a National Plan against Discrimination" project through the submission of reports, although it is yet to advance to the second phase of design and implementation.

103. It should be noted that the Secretariat for Human Rights of the Office of the President of the Republic is undertaking inter-agency coordination in order to draw up a National Plan for Coexistence and Human Rights. To that end, in 2013 a workbook entitled "Initial Notes for Building a National Plan for Coexistence and Human Rights" was published by the National Directorate for Human Rights of the Ministry of Education and Culture and provided the basis for the document "Foundations for a National Plan for Coexistence and Human Rights", published in 2014. The latter offers a conceptual framework and strategic guidance and suggests matters to be addressed and proposals that could be adopted as part of the plan, with the aim of encouraging discussion in the different areas of Government and decentralized administration.

104. With regard to discrimination in particular, one of the document's specific objectives is to combat all forms of discrimination, to which end different actions have been identified, namely:

- (a) Review and eliminate all persisting forms of identity-based discrimination in the language of the State, the legal framework, institutional practices and culture;
- (b) Publicly condemn all acts of discrimination based on disregard for, or the non-recognition of, identity;
- (c) Encourage increased consideration in court decisions of unlawful acts that constitute the crime of discrimination;
- (d) Encourage mass communication campaigns to combat discriminatory cultural stereotypes based on identity, ability or cultural practices;
- (e) Redouble efforts in formal and informal education to promote respect for differences and eradicate all forms of identity-based discrimination;
- (f) Develop and implement a national plan on racism, discrimination and xenophobia.

105. Additionally, Presidential Decision No. 404/013 of 16 July 2013 created a commission to monitor the country's inter-agency activities and agreements on the eradication of racism and racial discrimination. The commission operates under the Ministry of Education and Culture⁶⁹ and will have competence to identify the institutions involved and the agreements existing at the national and departmental levels. It will also monitor and report on compliance with those agreements, suggesting possible opportunities for the coordination of public policies and private sector activity so as to implement them as effectively as possible.

⁶⁹ The commission has 11 members: 1 representative from the Ministry of Education and Culture, who will preside over the meetings; 1 representative each from the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labour and Social Security, the Ministry of Tourism and Sport, the Ministry of Social Development, the Uruguayan Agency for International Cooperation, the Social Insurance Bank and the Congress of Mayors; and 2 members appointed by the Executive on the recommendation of organizations representing persons of African descent.