



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Seventy-eighth session

14 February–11 March 2011

## Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

### List of themes to be taken up in connection with the consideration of the sixteenth to twentieth periodic reports of Uruguay (CERD/C/URY/16- 20)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the sixteenth to twentieth periodic reports of Uruguay. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

1. **The Convention in the domestic legal system; institutional, legislative and policy framework for its implementation; judicial remedies and reparation (arts. 1, 2, 4 and 6)**
  - (a) Progress made in preparing a national plan against discrimination that addresses the various manifestations of racial discrimination and related forms of intolerance, as referred to by the State party during the universal periodic review (CERD/C/URY/16-20, para. 15);
  - (b) Measures taken to encourage the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination to focus its efforts more on substance than on procedure; measures taken by the State party to ensure that the other mechanisms listed are adequately funded and independent, so as to increase their impact and effectiveness (CERD/C/URY/16-20, paras. 33–38);
  - (c) Information on measures taken to deal with the various manifestations of racial discrimination to which indigenous and Afro-Uruguayan women are subject as members of a given racial or ethnic group, in view of the long-standing concern about discrimination against women;
  - (d) Further information on progress made by the National Human Rights Institution established by Act No. 18.446 of 24 December 2008 since the beginning of its mandate in 2010, in terms of its functioning, its resources and measures to guarantee its independence, and information on its powers to receive and process reports of human rights

violations, particularly with regard to racial discrimination, and on any measures to make it fully compatible with the Paris Principles (CERD/C/URY/16-20, para. 6);

(e) Information on follow-up measures taken by the State party to implement the Committee's recommendation that the Criminal Code should be brought fully into line with article 4 of the Convention, particularly paragraphs (a) and (c), and that acts of racial discrimination by individuals, organizations, public authorities or public institutions should be adequately penalized, and clarification on the prohibition and punishment of illicit associations (CERD/C/304/Add.78, para. 14);

(f) Information on recent court cases and decisions in relation to the implementation of articles 2 and 4 of the Convention and on cases of racial discrimination brought before the national courts, as well as examples of compensation awarded by the courts for acts of racial discrimination, in accordance with article 6;

(g) Information on measures taken in response to the Committee's recommendation to facilitate equal access to the courts, administrative bodies and effective judicial remedies without discrimination, including for acts of racial discrimination, in accordance with article 6 of the Convention, for everyone and, in particular, for persons belonging to the Afro-Uruguayan and indigenous communities (CERD/C/304/Add.78, para. 17).

## **2. Situation of persons of African or indigenous descent**

(a) Special protection measures, and the establishment of special measures, to guarantee enjoyment of the rights set forth in the Convention by members of communities of African descent and indigenous communities (CERD/C/304/Add.78, para. 9);

(b) In its previous concluding observations, the Committee asked for information on the political, economic and social situation of disadvantaged ethnic groups in the State party. Notwithstanding the statistical information provided on the demographics, residential patterns and geographical distribution of the population of African or indigenous descent (CERD/C/URY/16-20, paras. 22–31), the State party is invited to provide preliminary data from the 2010 general population census and national prison census and to indicate whether these afford an adequate basis for drawing up special measures;

(c) Participation in politics and public life: information on practical and innovative measures to promote the inclusion of people of African descent in politics and public life, and particularly in Parliament;

(d) Right to work: special measures to address the persisting inequality facing people of African descent, particularly women, as regards access to employment, quality of employment (lower wages and low-skilled jobs) and income. Additional information on the establishment and work of the Commission for the Promotion of Racial Equity, and on ethnic and racial equity in employment (CERD/C/URY/16-20, paras. 72–77);

(e) Right to housing: the Five-Year Housing and Habitat Plan (2005–2009) and other measures taken by the State party in relation to the exercise of the right to adequate housing by people of African descent, and further information on specific achievements in this area (CERD/C/URY/16-20, paras. 83–85);

(f) Right to health: further information on progress made by the State party in putting into practice recommendations from the study on the inclusion of an ethnic-racial variable in vital statistics in Uruguay, with a view to strengthening health policies targeting the Afro-Uruguayan population and improving the health status and access to health care of people of African descent (CERD/C/URY/16-20, para. 105). Information on supplementary measures taken to address disparities in access to social security and to ensure that people of African descent have access to and receive social security benefits;

(g) Right to education and training: results of implementing Executive Decree No. 346/07, which gives priority to Afro-descendants in the allocation of Carlos Quijano scholarships for postgraduate studies abroad; further information on measures taken by the State party to reduce the dropout rate of children of African descent in schools, increase their enrolment rate and bridge the educational gap between the Afro-descendant community and other communities in the State party; information on measures taken to ensure the effective application of the special measures set out in the new law on education, Act No. 18.437 of 12 December 2008, and the results obtained (CERD/C/URY/16-20, paras. 112–116 and 118–120);

(h) Right to equal participation in cultural activities: the impact of the Ceibal Plan (Basic Computer Educational Connectivity for Online Learning), the Cardales Plan (Convergence for Access to Leisure and the Development of Alternative Forms of Work and Sustainable Enterprises) and other measures and initiatives taken by the State party to achieve equal participation by people of African descent in cultural activities (CERD/C/URY/16-20, paras. 123–126).

### **3. Refugees and asylum-seekers (art. 5)**

(a) Measures taken to improve the local integration of refugees and asylum-seekers and to afford them an adequate level of assistance, particularly by finding sustainable solutions for recognized refugees;

(b) Measures taken to enact domestic regulations that give full effect to certain provisions of Act No. 18.076 on the right to asylum and refugees, and to facilitate its full and effective implementation, particularly with regard to asylum-seekers (CERD/C/URY/16-20, para. 111).

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