



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

Distr.: General
2 June 2014
English
Original: French

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

Summary record of the 243rd meeting

Held at the Palais Wilson, Geneva, on Monday, 31 March 2014, at 3 p.m.

Chairperson: Mr. Carrión Mena

Contents

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

Initial report of Uruguay

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GE.14-42152 (E) 200514 020614



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The meeting was called to order at 3 p.m.

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

Initial report of Uruguay (CMW/C/URY/1; CMW/C/URY/Q/1 and Add.1; HRI/CORE/1/Add.9/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*
2. **Mr. González** (Uruguay) said that Uruguay was now a party to all international human rights instruments and that a standing invitation had been extended to all special procedures mandate holders of the Human Rights Council.
3. In January 2008, Uruguay had adopted Act No. 18250 recognizing migrants' right to migration, family reunification, access to justice and due process and guaranteeing them equality of rights with nationals without any distinction. The Act also established the National Migration Board, which included representatives of all agencies dealing with migration and was responsible for advising the executive on migration issues and coordinating migration policy. In addition, a law had been adopted in October 2013 to enhance the Board's institutional capacity, in particular by appointing a representative of the Office of the President of the Republic and a representative of the Ministry of Social Development as members of the Board. A secretariat had also been established to facilitate its work, particularly from a technical and administrative point of view.
4. In addition, the "Migrant Section" (*Espacio migrante*) had recently been established within the Ministry of Social Development as the body responsible for coordinating migration activities, campaigns and projects.
5. In 2012, a rapid response plan developed by the National Migration Directorate had been adopted so that identity documents could be issued within 48 hours to migrants wishing to live in Uruguay. In addition, a bill on issuing permanent residence permits to family members of Uruguayan citizens who were nationals of Southern Common Market (MERCOSUR) member States (Argentina, Brazil, Paraguay and Venezuela) and associate member States (Bolivia, Chile, Colombia, Ecuador and Peru, soon to be joined by Guyana and Suriname), had been submitted to parliament in early 2014. The bill was part of the State's integrationist approach and was aimed at simplifying bureaucratic procedures. A bill amending the Nationality and Citizenship Act with a view to extending eligibility for Uruguayan nationality to include children born to Uruguayans abroad had also been submitted to the legislature. Lastly, in response to requests from civil society, a guide on the assistance available to returning Uruguayans and a guide on the reception of migrants had been published in early 2014.
6. **Mr. Núñez-Melgar Maguiña** (Country Rapporteur) welcomed the adoption of Act No. 18250 and the establishment of the National Migration Board. He asked the delegation to explain how the number of migrants in an irregular situation was calculated and to indicate whether there were any plans to criminalize trafficking and discrimination. He requested further information about the role of the consultative councils and their possible collaboration with consulates and with the Ministry of Foreign Affairs; the financing of repatriations carried out under foreign policy implementation programme No. 480; and voting rights for Uruguayans living abroad.
7. **Ms. Ladjel** (Country Rapporteur) requested further information about the relations between the various committees and commissions dealing with migration issues. She asked whether there were measures in place to protect children from trafficking and whether any cases involving child victims of trafficking had been identified.

8. **Mr. Ceriani Cernadas** welcomed the legislative amendments introduced and the key role played by the Ministry of Social Development in migration issues. He requested further information about the treatment of migrants who were not from MERCOSUR member States or associate member States and wished to know in particular whether they could benefit from the rapid response plan. He asked about the functioning of the Consultative Advisory Council on Migration and the National Migration Board. He wished to know what measures were taken to ensure equality of access to health and education between foreigners and Uruguayans and what activities were conducted to raise awareness among health and education professionals, particularly to combat xenophobia. He wondered whether there was a specific protocol on assisting unaccompanied minors at borders that aimed to protect them from the moment they entered Uruguay, and he asked for how many years foreigners must reside in Uruguay before they became eligible to vote in local elections.

9. **Mr. Kariyawasam** asked what measures the State party was taking to facilitate the reintegration of and support for migrant workers upon their return home. He wished to know how many Uruguayans left the country to work abroad and how many foreign workers immigrated to Uruguay, so as to determine whether Uruguay was primarily a country of emigration or immigration. He asked whether the State party had set up programmes offering employment to Uruguayan workers who were forced to return home.

10. With regard to the fight against trafficking, he wondered whether the small number of prosecutions and convictions of traffickers was due to a low rate of trafficking in Uruguay or to a lack of any mechanism to identify and prosecute traffickers. In addition, he wished to know whether any programmes had been set up to provide special assistance to trafficking victims and whether there were any shelters where they could stay.

11. He asked whether the Government regularly consulted civil society organizations, and particularly those working to promote the rights of migrants, before deciding on its migration policies. With regard to migrants working abroad, he asked whether any special mechanisms were in place to facilitate remittances.

12. **Mr. Tall** said he welcomed the fact that the right to migration was considered to be a fundamental right in Uruguay, but he wondered what specific measures were taken to enable the persons concerned to fully enjoy that right. He requested further information about the issuance of residence permits, and in particular about the fate of migrant workers who held employment contracts in Uruguay but whose residence permits were not renewed.

13. He asked whether there was a specific protection mechanism for victims of trafficking, whether any practical steps had been taken to combat trafficking in persons and whether any court judgements had been issued in that regard. He asked what follow-up had been given to the 32 complaints filed between 2007 and June 2011 by Brazilian workers employed in departments on the border. Noting that the Law Students Centre of the University of the Republic offered free legal aid services to migrant workers who were victims of discrimination, he asked whether the State had established a similar formal mechanism through which migrant workers, victims of trafficking and children could obtain legal aid. He requested information about the number of women domestic workers in Uruguay, the situation of those women and the measures taken by the State to protect them.

14. **Mr. Brillantes**, pointing out that non-resident status should not hinder the exercise of citizenship rights, including the right to vote, requested further information about the implementation of article 41 of the Convention in Uruguay. He also asked what the State party was doing to protect and promote the rights of Uruguayans working abroad. He asked how many Uruguayans worked abroad in either an irregular or regular situation compared with the number of migrants working in Uruguay in either an irregular or regular situation. Was Uruguay primarily a country of immigration or emigration?

15. **Ms. Castellanos Delgado**, pointing out that the smuggling of migrants was a scourge afflicting all countries of the region, asked what the State party was doing to identify smugglers.

16. **Mr. Haque** requested information about the State party's policies on migrants in a regular and irregular situation and about how those policies took account of refugees and persons in similar situations. He also asked the delegation for clarification about the transfer of benefits such as insurance and about the role played by the private sector in migration, particularly with regard to the mobility of migrants.

17. **Mr. Pime** asked if the rapid response plan also applied to migrants in an irregular situation. It would be useful for the Committee to have statistics on the number of persons who had benefited from that plan. The delegation had not provided any information about the national human rights institution, which was not accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Such information would thus be welcome.

18. **The Chairperson** said he wondered about the reliability of the statistical data that served as the basis for developing and implementing migration policies and asked whether the data collection methods used were satisfactory. Given that Uruguay had made tremendous progress in the field of migration, he was surprised that the vote had not yet been granted to Uruguayans living abroad. He asked whether Uruguay had signed migration cooperation agreements with countries outside the region, for example with member States of the European Union such as Spain or Italy.

19. He asked what efforts the State party had made to raise awareness of the Convention, particularly among migrants, and whether there were any mechanisms to assess the impact of remittances sent by Uruguayan emigrants and to direct their use towards specific sectors of the Uruguayan economy. He also wished to know whether any cases of corruption among State officials had been reported, particularly among those responsible for implementing the Convention and national law.

The meeting was suspended at 4.15 p.m. and resumed at 5.05 p.m.

20. **Mr. González** (Uruguay) said that in 2011 the International Organization for Migration (IOM) had provided the very first statistics on migrant workers in an irregular situation in Uruguay, based on census field operations and consultations with civil society organizations. Pursuant to Act No. 18250 of 2008, trafficking in persons was subject to penalties ranging from 4 to 16 years' imprisonment while the smuggling of migrants was punishable by 6 months to 3 years' imprisonment. Act No. 17815 of 2004 criminalized the sexual exploitation of children for commercial purposes. Also in 2004, Uruguay had established the National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents.

21. **Ms. Vianna** (Uruguay) said that in 2011 the Ministry of Social Development had established a support unit for victims of trafficking, which was made up of social workers, psychologists and lawyers. To date, 67 cases of trafficking had been reported to the unit, either by the victims themselves or by public bodies responsible for their care. Thanks to coordination among institutions, government agencies and civil society organizations, progress had been made in combating the scourge and assisting the victims. In order to coordinate actions to support victims of trafficking, the Government had established the Inter-Agency Bureau on human trafficking and smuggling, which was headed by the National Women's Institute at the Ministry of Social Development and comprised representatives of various ministries, the judiciary, the public prosecutor's office, civil society organizations, the IOM and the United Nations.

22. There was currently no comprehensive law addressing all aspects of the issue of trafficking. Committees had been established to examine the relevant legislation and submit a bill on the issue. A national plan to assist victims of trafficking was also to be implemented throughout the country, but those efforts were currently being hampered by the lack of shelters for victims of trafficking. Of the 77 suspected cases of trafficking in persons for purposes of sexual exploitation, 56 had been verified. Thus far there had been no criminal prosecutions for that offence.

23. **Mr. González** (Uruguay) drew attention to Act No. 17817 on the fight against racism, xenophobia and all other forms of discrimination. The reform of the Criminal Code of 1989 had introduced two new articles criminalizing incitement to hatred or violence and the commission of acts of hatred or verbal or physical violence based on racial, religious or ethnic discrimination, with penalties ranging from 3 to 24 months' imprisonment.

24. **Ms. Boné** (Uruguay) said that the consultative councils represented Uruguayans abroad. They were civil society organizations whose members were elected and which advised Uruguayan consulates abroad or the Ministry of Foreign Affairs. The councils held an international meeting every two years to harmonize their actions and reflect on potential synergies between their work and that of government institutions. The National Migration Board was responsible for ensuring coordination between the various institutions and with other organizations, including civil society organizations, in matters relating to migration.

25. A bill enabling Uruguayans living abroad to vote at consulates had been drawn up by the Ministry of Foreign Affairs and was currently being considered by a special parliamentary committee. Civil society organizations were invited to share their views on the matter. In addition, a pilot project enabling Uruguayan consulates to issue identity documents to Uruguayan nationals had been implemented in Buenos Aires and would soon be expanded to cover the whole region.

26. **Ms. Dupuy** (Uruguay) said that persons who were denied refugee status were not deported from Uruguay and could initiate procedures to obtain a different status under the Migration Act. Asylum seekers received an identity card that was almost identical to the one issued to nationals and conferred the same rights, including with regard to employment and access to public services.

27. **Mr. del Puerto** (Uruguay) said that migrant workers who entered Uruguay with an employment contract valid for less than six months were issued a temporary residence permit. If the employment contract was valid for longer than six months, the worker was issued a residence permit valid for two to three years, which could be converted to a permanent one if the employment contract was extended. Migrants received the same identity cards as nationals, which were issued free of charge to persons with low income.

28. **Ms. Vianna** (Uruguay) said that there were 24 undocumented migrants in Uruguay, most of whom were from Brazil and did not hold any identity documents from their country of origin. The Ministry of Social Development was making every effort to remedy that situation, but the only solution available to the persons concerned was to apply for supplementary foreign papers, though doing so would not enable them to obtain identity documents at a later stage.

29. The Migrant Section had been established within the Ministry of Social Development in May 2013 to consolidate the various services for migrants and to better meet their needs by making adjustments to the programmes designed to assist them.

30. **Mr. del Puerto** (Uruguay) said that all migrants were issued the same residence permit regardless of their country of origin. Those from MERCOSUR member States were exempt from the requirement to demonstrate their ability to support themselves. The possible grounds for the deportation of migrants were set out in articles 47 to 56 of Act No.

18250, which provided guarantees for the persons concerned. Deportation orders could be appealed, and no deportations had been carried out since 2008.

31. **Ms. Boné** (Uruguay) said that migrant workers enjoyed full access to all health services. Children whose parents had not yet obtained residence permits could enrol in primary and secondary schools. The same did not hold true for higher education, as universities were autonomous. In recent months, a group of representatives of various schools had been established to strengthen coordination between the education system and the National Migration Board, so as to better integrate migrant children and include issues relating to non-discrimination, tolerance and cultural diversity in school curricula.

32. There were very few unaccompanied minors in Uruguay. As soon as their presence in the country was reported, they were cared for by a specialized unit of the National Institute for Children and Adolescents. Procedures were then initiated to return them to their families or to entrust them to the child protection services in their country of origin. As the appearance of unaccompanied minors was a new phenomenon, Uruguay, together with other MERCOSUR member States, had requested an advisory opinion from the Inter-American Court of Human Rights to determine what standards should apply in such cases and to begin regional coordination in such matters.

33. **Mr. González** (Uruguay) said that article 78 of the Uruguayan Constitution granted foreigners the right to vote in certain circumstances. No distinction was made between national and local elections, which meant that foreigners could participate in elections at all levels.

34. **Ms. Boné** (Uruguay) said that the return home of Uruguayan emigrants was a recent phenomenon involving about 2,000 persons per year. In 2008, the Return and Welcome Office had been established within the Ministry of Foreign Affairs, which allowed citizens wishing to return to their country of origin to benefit from personalized services, including help in seeking employment. A quarterly news bulletin on the issue was published by the Ministry of Foreign Affairs, and a booklet containing all the information necessary for reintegration in the country had been disseminated. Administrative procedures were made easier for such persons, who could import their work-related equipment or vehicles duty free. They also benefited from free access to the public health system for one year, guarantees for housing rentals and many other advantages aimed at facilitating their resettlement.

The meeting rose at 6 p.m.