



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

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

**Summary record of the 244th meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 1 April 2014, at 10 a.m.

*Chairperson:* Mr. Carrión Mena

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*The meeting was called to order at 10.05 a.m.*

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

*Initial report of Uruguay* (continued) (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. **Ms. Boné** (Uruguay), replying to questions from the previous meeting (CMW/C/SR.243), said that remittances sent home by Uruguayans amounted to far less than 1 per cent of GDP and were used primarily by families to cover their basic needs; therefore, there was no need for greater State control of remittances. However, agreements had been reached with national banks to allow Uruguayans working abroad — an estimated 10 to 14 per cent of the population — to open savings accounts as an incentive to return and purchase property. In addition, efforts were being made to improve consular services for nationals living abroad.
3. She noted that Uruguay had traditionally been a sending country, but foreigners now accounted for at least 4 per cent of the population.
4. The lack of statistics was one of the main barriers to targeted policymaking. Accordingly, the Government had requested the assistance of the International Organization for Migration (IOM) in drawing up a migration profile for Uruguay, which had been completed in 2011. Moreover, questions relating to migration had been included for the first time in the 2011 general census, resulting in the publication of a report on migration in Uruguay. There were plans to establish a database to inform future policymaking.
5. A training workshop on the Convention and Act No. 18250 on Migration had been held, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and IOM, for the benefit of civil society and public servants. The National Directorate for Government Publications, in conjunction with IOM, had run an awareness-raising campaign on national radio and public transport, on the benefits of immigration, which had led to many requests for further information from educational institutions.
6. **Ms. Demarco** (Uruguay) said that foreign nationals had to have a permit from the National Migration Directorate in order to work legally in Uruguay and employers were prohibited from employing persons in an irregular situation. Under Act No. 18250, foreign employees enjoyed the same rights as nationals. The Ministry of Labour and Social Security had some 70 health and safety inspectors, who were recruited in accordance with the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) and who also dealt with issues specific to foreign workers in the course of their duties. The Ministry also had the authority to receive workers' complaints, on the basis of which it could order an immediate inspection of the workplace. Bringing a case before the courts, through the Ministry, was free of charge.
7. In 2006, the Government had adopted a pioneering law regulating the rights of domestic workers. Labour inspectors could canvass neighbourhoods known to have many domestic workers and did not require court authorization to enter private homes. Sanctions had been imposed on employers found to have hired persons in an irregular situation or to have violated household employees' rights, for example by withholding their passports.
8. Regarding training and awareness-raising, the Ministry informed employers of the rights of migrant workers. Considerable efforts were made at the borders to inform migrants of Uruguayan labour and migration laws. In addition, the National Institute for

Employment and Occupational Training provided information to migrant workers about a range of issues, including job opportunities, procedures for obtaining residency and work permits, and workplace safety standards. The Government had signed bilateral social security agreements with a number of Southern Common Market (MERCOSUR) partners and European countries.

9. **Mr. González** (Uruguay) said that corruption was not systemic and did not hamper the work of State agencies. In fact, in 2013, Transparency International had ranked Uruguay among the 20 countries with the lowest levels of perceived corruption.

10. **Mr. del Puerto** (Uruguay) said that over the past decade there had been only seven reported cases of corruption among border officials. The Ministry of the Interior had an open-door policy towards civil society organizations, which were free to bring to its attention possible cases of violations of migrant rights. Growing numbers of residency permits were issued each year, and in the vast majority of cases these were accompanied by the requisite work permit. There was a deferred payment option for migrants to cover the costs associated with regularizing their situation; however, the entire procedure did not exceed US\$ 90.

11. **Mr. González** (Uruguay) said that the law provided for free legal aid for vulnerable persons through the Ombudsman's Office. Law faculties ran legal aid workshops and a helpline was in place to spare low-income users from travelling to obtain legal assistance.

12. **Ms. Dupuy** (Uruguay) said that the national human rights institution had not yet been accredited under the Paris Principles because it had only been operational since May 2012. The institution expected to receive "A" status from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in the autumn of 2014. Act No. 18250 contained a broader definition of trafficking than either the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children or the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; however, implementation continued to pose a challenge, especially in terms of inter-agency coordination.

13. **Ms. Vianna** (Uruguay) said that the Ministry of Social Development worked directly with migrants in a vulnerable socioeconomic situation and helped them access regularization procedures free of charge. Policies, mechanisms and standards were in place to assist individuals in that regard.

14. Turning to the issue of trafficking in women for the purpose of sexual exploitation, she invited the Committee to consult a regional study carried out by MERCOSUR, a protocol based on the study and a handbook on providing care and assistance to victims.

15. **Mr. Núñez-Melgar Maguiña** asked whether the Criminal Code had been amended to criminalize trafficking in persons. In respect of advisory boards, he wished to know how they were regulated, and how they helped to create a dialogue between the Government and civil society that also took account of the opinions of Uruguayans abroad. He asked the delegation to indicate which body was in charge of gathering statistics in the State party, particularly with regard to migration. Lastly, he wished to know what training in migration issues had been given to officials working in government institutions involved in implementing the Convention.

16. **Mr. Ceriani Cernadas**, referring to the State party's policy on consular assistance, asked whether free legal aid was provided to Uruguayan nationals abroad, and whether consular staff received training on migrants' rights. The delegation should indicate whether specific support was offered to children, migrants in detention, and those under an expulsion order.

17. With regard to Act No. 18250 on Migration, he wished to know whether the migrant workers referred to in article 34 included persons who were self-employed, such as street vendors. He invited the delegation to comment on reports that migrants in detention facilities sometimes had difficulty accessing interpretation services, adequate legal aid and consular assistance. Lastly, he would welcome information on efforts to meet the needs of female migrants in detention.

18. **Ms. Ladjel** asked whether the mandate and work of the National Institute for Women extended to migrant women. In respect of the repatriation of children, she wished to know what procedure was followed in cases where it was not possible to identify relatives in the child's country of origin. She asked whether children in that situation remained in Uruguay and, if so, under whose care they were placed.

19. **Mr. Brillantes** thanked the delegation for its comprehensive replies and said that Uruguay could serve as a model for other States to emulate. Given the shortage of nurses in the country, he asked whether there were plans to welcome migrant workers with the relevant skills. Noting that, at 0.2 per cent, the figure for remittances as a share of gross domestic product (GDP) was relatively low, he asked whether foreign workers transferred money to Uruguay by other means, such as on their person or through the postal service. The delegation should indicate whether there were limitations to the amounts that Uruguayan nationals could bring into the country.

20. **Ms. Castellanos Delgado** said that she was extremely concerned about the extreme violence in Central American countries. Many young people between the ages of 14 and 24 left the region for the United States, often at great personal risk. Those who rode atop the network of trains known as "The Beast", for example, were sometimes targeted by extortionists, mutilated or killed. She called on the delegation of Uruguay and all other States parties to cooperate with the Committee in order to put an end to serious human rights violations against migrants.

21. **Mr. Taghizade** said that he would appreciate additional information and statistics on Uruguayan nationals living abroad. He asked whether emigrants felt that their rights were respected, and whether they tended to be highly skilled or specialists in certain fields.

22. **The Chairperson**, speaking as a member of the Committee, requested further information on the relationship between government authorities and NGOs dealing with migration issues. It would be useful to know the opinion of Uruguayan nationals living abroad on the consular services available to them, as prompt, flexible and efficient consular assistance facilitated the Committee's work.

*The meeting was suspended at 11.25 a.m. and resumed at 11.55 a.m.*

23. **Mr. González** (Uruguay) said that the offence of human trafficking had been criminalized under Act No. 18250 on Migration, which had the same legal standing as the Criminal Code. A revised version of the Code, covering human trafficking, was to be approved shortly.

24. **Ms. Boné** (Uruguay) said that the advisory boards were part of a new vision of the relationship between consulates and Uruguayan nationals abroad, based on civic participation. Decree No. 369/2011 established that the boards represented Uruguayan nationals but not the State, and were completely independent of the Foreign Service, with which they worked on a purely advisory basis.

25. In the context of reforms to the consular service, a new bill on consular organization, currently before parliament, established that the consular service was a public service responsible for assisting Uruguayan nationals abroad. In that connection, steps had been taken to offer due protection to Uruguayan nationals by, inter alia, dealing with requests for travel documents, providing information and helping them save money so that they could return to their country. Efforts had focused on streamlining administrative procedures,

modernizing technology and fully respecting human rights. Consulates located and monitored persons deprived of their liberty, visited them regularly, provided basic hygiene products and reading materials, and established a channel of communication between detainees and their relatives in Uruguay by delivering letters, photos and other correspondence. With regard to legal proceedings involving Uruguayan nationals, consulates were authorized by law to ensure that due process was respected, but could not represent individuals in court.

26. She said that in some cases Uruguayans awaiting deportation were visited by consular representatives, who could sometimes help them with paperwork and removals.

27. Human rights training was provided to consular staff prior to postings abroad. A protocol on detecting victims of human trafficking had been introduced, giving guidance on what signs to look for and how to question possible victims.

28. Although Uruguayans had previously had a negative opinion of their consulates, that had changed and Uruguayans abroad were beginning to recognize that the consulates were listening to their requests. Consular services had been improved and most consulates were meeting their goals.

29. The National Statistics Institute had overall responsibility for collecting and analysing statistics. It had a unit dealing specifically with migration statistics and had included migration data in the 2011 census. Data was collected from government ministries by subunits of the National Statistics Institute.

30. All training for judges was provided by a central organization and covered human rights. Discussions were under way with the International Organization for Migration (IOM) on the provision of training on migration issues for judges, migration officials and judicial officers.

31. Significant progress had been made in preventing remittances being used as a cover for money-laundering. Uruguayans abroad were able to open a home savings account through the consulate and transfers were made through the Uruguayan postal service, which had links with the Spanish postal service. Similar arrangements were being considered using the postal services of Australia and the United States. The limit on cash being brought into the country was usually US\$ 10,000, but more was permitted if its provenance could be proved.

32. The Uruguayan diaspora was generally skilled and a database had been set up to encourage links between the Ministry of Industry, Energy and Mining and its counterparts in other countries in order to provide professional training, internships and workshops. Encouraging professional exchanges had been a priority for the consulates in 2013, notably through the National Research and Innovation Agency.

33. **Mr. del Puerto** (Uruguay) said that an individual was required to register with the social security and tax authorities in order to qualify as self-employed. According to a Ministry of the Interior circular of July 2013, self-employed persons must show that they met minimum monthly income requirements by producing payslips, a tax certificate or an accountant's report.

34. There were 269 foreigners deprived of their liberty in Uruguay, 19 of them women. Although the number of foreigners deprived of their liberty remained small, it had risen in recent years, in line with the rise in immigration. In general, foreigners received the same treatment as nationals in the prison and justice systems. However, when foreigners were detained, the relevant consulates were notified immediately and consular officials were able to visit their nationals at any time, regardless of any ordinary visiting schedule. A booklet on the rights and responsibilities of persons deprived of their liberty had been published in several languages to ensure that foreigners were able to understand and access their rights.

35. Until 2014, the main problem faced by places of detention in Uruguay had been overcrowding. Following the recommendations made by the Committee against Torture in 2010, significant resources had been invested to address the problem and the first half of 2014 would be the first period in which all places of detention were free of overcrowding. Women deprived of their liberty were housed in a single establishment that had not experienced any overcrowding since 2012.

36. A Parliamentary Commissioner for Prisons, who worked independently of the Government, had been established as part of the national preventive mechanism required by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commissioner made regular visits to places of detention and oversaw the welfare of foreign prisoners. No distinction was made between nationals and foreigners who had committed drug-related crime; rather the treatment of perpetrators depended on the seriousness of the charge. Prisoners received reintegration support from a government body that helped them look for work and prepare for release.

37. **Ms. Vianna** (Uruguay) said that the National Institute for Women had been established in 1989 and had been moved to the Ministry of Social Development in 2005. It was responsible for guiding government policy on gender and promoting gender equality. The Institute's main tasks were monitoring gender mainstreaming in national policies and programmes, raising awareness of gender mainstreaming in the public, private and NGO sectors and implementing public policy on gender-based violence. Groups that experienced multiple forms of discrimination, such as women living with HIV, lesbians, women prisoners and women of African descent, were covered in training programmes for public and private sector workers that raised awareness of the challenges they faced.

38. Until 2012, the Institute had also been responsible for support to victims of human trafficking, but that was now the responsibility of the Family Department of the Division for Integrated Protection in Situations of Vulnerability.

39. **Ms. Demarco** (Uruguay) said that education was free of charge at every level and that students from rural areas received grants to enable them to attend university in the cities. Many students followed postgraduate studies and then left the country because they could earn more elsewhere. Uruguayan professionals who had left the country and then returned paid a special tax that contributed to the costs of providing tertiary education for students from remote and inland areas.

40. **Mr. González** (Uruguay) said that the first woman president of the Human Rights Council, Ms. Laura Dupuy Lasserre, had been from Uruguay and one of the main pillars of her work had been to promote the efforts of NGOs within the multilateral system. New mechanisms were being set up in Uruguay to engage with NGOs in a number of areas, including migration. One was the Consultative Advisory Council on Migration, where civil society was represented. All authorities working in the field of migration engaged in permanent, constructive dialogue with relevant NGOs. Two meetings had been held with civil society organizations involved in migration issues in advance of the Committee's session.

41. He noted that, although there was violence in Uruguay, it was not common for young people to leave the country specifically to flee violence.

42. **Ms. Boné** (Uruguay) said that, when an unaccompanied minor was identified, the Ministry of Foreign Affairs would attempt to contact his or her family. The child could then either apply to remain in Uruguay or ask to be returned to his or her country of origin. In either case, the family or the relevant guardianship authorities were contacted. If the child wished to stay in Uruguay the family, where possible, or otherwise the court, was required to authorize that decision.

*The meeting rose at 12.50 p.m.*