



**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
Thirty-seventh session**

Summary record of the 534th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 28 November 2023, at 3 p.m.

Chair: Mr. Corzo Sosa

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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 *(continued)*

Second periodic report of Uruguay (continued) (CMW/C/URY/2;
CMW/C/URY/Q/2; CMW/C/URY/RQ/2)

1. *At the invitation of the Chair, the delegation of Uruguay joined the meeting.*
2. **The Chair**, welcoming the delegation of Uruguay to the meeting, explained that additional members of the delegation would be participating via video link.
3. **A representative of Uruguay** said that the Migration Unit within the Ministry of Labour and Social Security, which was represented on the National Council on Preventing and Combating the Trafficking and Exploitation of Persons, had undertaken significant work in conjunction with the judiciary, the public prosecution service and civil society, particularly since the onset of the coronavirus disease (COVID-19) pandemic in 2020. A guide for inter-agency action to address trafficking in persons had been adopted in 2020 and a protocol for identifying potential victims of trafficking and when a criminal offence had been committed had been drafted. The Ministry worked closely with civil society organizations, including El Paso, which referred cases to the Ministry and collaborated on the delivery of training on labour rights.
4. During the health emergency, all services provided by the Ministry, including services for victims of trafficking, public employment services and the training courses organized by the National Institute of Employment and Vocational Training, had continued to be available, and there had been no interruption to labour inspections. The Ministry had worked closely with civil society organizations, the Public Health Services Administration and the International Organization for Migration (IOM) to improve service provision. The Migration Unit had processed 1,599 exceptional entry applications in 2021 and 357 in 2022, thereby allowing foreign nationals in need of international protection to enter the country in accordance with Decree No. 104/2020.
5. An information brochure had been prepared that covered public employment services, vocational training and other services available to migrants of Southern Common Market (MERCOSUR) member and associate States. Guidelines were also being developed for all advisers and officials who provided public employment services, in order to ensure broad awareness, and the Ministry was working to redesign the services that they provided in order to ensure that advice was tailored to the needs of different user groups.
6. To assist victims of trafficking in persons, the authorities had worked with various national, international and civil society organizations to deliver training. Activities had included: seminars on the migrant population and labour market in Uruguay, in collaboration with IOM; talks on labour rights for women victims of trafficking, with the support of the National Labour Directorate; four training days on trafficking in persons for the purposes of labour exploitation, held across Uruguay in 2023 and led by the United Nations Office on Drugs and Crime and IOM, in which 38 officials from the Ministry of Labour and Social Security had participated; three rounds of career guidance workshops and talks on key labour rights and responsibilities for migrants, asylum seekers and refugees, with a total of 60 participants; introductory training days on trafficking for the purposes of exploitation for staff of the Inspectorate General for Labour in November 2023, in which a total of 33 officials had participated; and talks on trafficking in persons for migrant workers, organized in collaboration with civil society organizations and lawyers. An internal guide for responding to situations of labour trafficking and exploitation was also being developed within the Ministry of Labour and Social Security, the aim being to improve inter-agency coordination.
7. In 2022, the Ministry had dealt with cases of labour trafficking involving two women and one man. One of the victims had subsequently been offered voluntary repatriation in collaboration with IOM. Whenever a criminal offence was found to have been committed, the Ministry of the Interior was informed through the relevant inter-agency coordination mechanisms.

8. Labour inspections had been conducted in various sectors, including agriculture and livestock, tobacco and forestry. Whether or not they were migrants, all workers who felt that their rights had been violated could file a complaint with the Inspectorate General and, since 2021, claims could be filed online. The Inspectorate was required to investigate all complaints within 24 hours of filing and, where violations were found, fines and penalties were imposed. The Inspectorate also routinely undertook random checks to identify areas of non-compliance or irregularity, including, for example, in relation to wage payments, social security contributions, legally required documentation, rest periods and general working conditions. Internationally-established criteria were used to identify victims of trafficking, including, for example, checks to ascertain whether workers were in possession of personal documentation such as passports, whether they were free to leave the organization and whether their work was lawful.

9. The number of inspections carried out had increased in recent years, with 38 per cent more checks of general working conditions and over a thousand more checks of the working environment being carried out in 2022 relative to 2019. In 2020, 421 inspections had been carried out in the domestic service sector, leading to 123 migrant workers receiving assistance and protection. In 2022, a further 28 inspections had been carried out in the sector in response to complaints, leading to 163 migrant workers receiving protection. Overall in the period 2020–2023 the Inspectorate’s ongoing inspection and advisory work had helped to protect 8,500 workers, of whom 1,800 were migrant workers.

10. Employment statistics for 2022 revealed an activity rate of 77.5 per cent for migrants who had travelled to Uruguay to work within the previous five years, which was 17 percentage points higher than the equivalent rate for persons born in Uruguay. A similar gap was apparent in the employment rate, which had increased among recent migrants by 2.5 percentage points since 2019. The unemployment rate among recent migrants was marginally higher than the rate among persons born in Uruguay, having fallen by almost 5 percentage points since 2019. Informal employment rates for the two groups were almost identical.

11. Lastly, a programme had been launched in October 2022 under which subsidies were made available to private sector companies that hired migrants or persons of African descent aged under 29 or above 45 years old. The subsidies covered 60 per cent of the workers’ salaries if they were men, and 80 per cent if they were women, up to a maximum of US\$ 800 per person over a period of 12 months.

12. **A representative of Uruguay** said that the preliminary results of the 2023 census showed that 3 per cent of the population, or approximately 103,000 people, had been born abroad, an increase from 2.4 per cent in the 2011 census. The full results would be available in 2024 and would further understanding of the demographic profile of migrants, returnees and their family members. For the first time, the census would quantify Uruguayan migrant returnees: participants had been asked about their birthplace, the year of their arrival in or return to Uruguay, where they had been living in 2018 and whether they had spent time living abroad or in another locality.

13. The findings of the 2011 census and subsequent research had revealed that, compared to those already established in Uruguay, recent migrants to the country were generally younger – with an average age of 29 years, 10 years younger than the average age of the non-migrant population – and more predominantly male, that they had had a higher level of educational attainment, that a fifth were of minority ethnic, African or Indigenous descent, and that most of them lived in urban areas, with 70 per cent residing in Montevideo and 30 per cent in the departments of Canelones, Maldonado and Rivera, areas that also attracted many internal migrants.

14. The first National Plan for the Integration of Migrants, Asylum-seekers and Refugees was already being implemented. Similar actions to those conducted under the Plan, such as consultations, workshops and the publication of information brochures, were envisaged for 2024, and were expected to be formally announced by the President of the Republic by mid-December 2023.

15. Regarding the distinction between nationality and citizenship, there were two possible doctrinal positions. One view was that the terms “citizenship” and “nationality” had been

conflated in Uruguayan legislation, the other that, based on the definitions of the two terms and references to “natural citizenship” and “the exercise of citizenship” in the Constitution, the terms were distinct. Examples of situations in which the distinction was relevant included the situation of persons held in detention whose exercise of citizenship was suspended and Uruguayans residing abroad who did not exercise citizenship, for example, by voting. Nationality was granted only to persons born in Uruguay or to a Uruguayan parent. However, compared to Uruguayan nationals, the only right that legal citizens of Uruguay did not have was the right to become President of the Republic. Nonetheless, they could face problems in other countries in relation to documentation, and cases of statelessness and refoulement were possible, as other countries might revoke the nationality of those granted Uruguayan citizenship because they interpreted the terms as being synonymous. A draft bill had been brought before parliament to address issues relating to travel documents, which would require constitutional amendments. An interpretive law might potentially resolve the issue.

16. Consulates, civil society organizations and advisory boards representing Uruguayans living abroad were constantly engaging with diaspora communities.

17. **A representative of Uruguay** said that the authorities were currently dealing with only four cases of statelessness, none of which were the result of distinctions between legal citizenship and nationality. As Uruguay did not grant nationality to foreign citizens unless they were the children or grandchildren of a Uruguayan and it was possible that countries that did not accept dual nationality might revoke the nationality of a person granted Uruguayan citizenship due to confusion over the terms, the legislation of the person’s country of origin needed to be examined in situations where there was a potential risk of statelessness. However, the authorities currently had no cases involving such an issue.

18. According to the expert committee of the National Directorate for Civil Identification, Uruguayan passports complied with all international requirements and recommendations, including those set forth in Annex 2 to the Convention on International Civil Aviation – Rules of the Air and International Civil Aviation Organization document 9303 on machine readable travel documents, which required passports to display nationality and place of birth. The solution adopted by the National Directorate for Civil Identification to prevent legal citizens of Uruguay facing difficulties when travelling was to add, in the nationality field, a reference to the observations field on page 4 of the passport, in which it was stated that the passport holder was a Uruguayan citizen.

19. **A representative of Uruguay** said that the Social Security Bank complied fully with national employment legislation and ensured that it was applied equally to Uruguayan nationals and foreign migrant workers. A person’s nationality did not affect their eligibility for benefit payments from the institution: it was simply necessary to submit the required documentation. All economically active migrants could register in the social security system using their passport or identity document from their country of origin. Similarly, migrant parents of minors could use their passport or identity document from their country of origin to register with the social security system and receive any payments for which they were eligible.

20. **Mr. Moerzinger Pagani** (Uruguay) said that there were no obstacles to remittances entering or leaving the country. Checks to combat money-laundering were carried out as standard on any financial transactions with a value of more than US\$ 10,000. Persons who did not have an official Uruguayan identity document could present their passport in order to gain access to health services in the country, but doing so was not mandatory.

21. **A representative of Uruguay** said that MERCOSUR guidelines on child migration had been adopted in 2012. In 2017, the MERCOSUR regional guide for identifying and addressing the special protection needs of migrant children and adolescents had been adopted and, in 2018, Uruguay had introduced a national protocol concerning the entry of undocumented children and adolescents. Initially, the protocol had applied only to persons of Venezuelan nationality, but its scope had been broadened to cover all nationalities in 2022. A guide for employees of the Uruguayan Institute for Children and Adolescents had been distributed in September 2023, providing instruction on the procedures to follow when dealing with unaccompanied migrant children and adolescents.

22. Article 44 of Act No. 18250 of 6 January 2008 authorized the conditional entry to Uruguay, for humanitarian reasons, of minors arriving at the country's border without a valid travel document. A minor entering the country with an adult was considered to be unaccompanied if there was not sufficient documentary proof of the relationship between them. In such cases, the adults were required to sign a sworn statement including their full name and the relationship they claimed to have with the child, among other details. That statement was immediately forwarded by the National Migration Directorate to the Ministry of Foreign Affairs and the Uruguayan Institute for Children and Adolescents. The persons in question then needed to report promptly to their closest office of the Uruguayan Institute for Children and Adolescents, which would assess whether the minor had been subjected to rights violations. Whenever violations were identified, or there was a failure to report as required to the Institute, a family judge was notified. Care services, including the provision of food, were also deployed if necessary. If no violations were identified, advice was offered on procedures for obtaining official identity documents.

23. The Ministry of Social Development and the Uruguayan Institute for Children and Adolescents had developed two coordinated projects to ensure that all cases in which children were found to be in street situations were addressed and resolved. Meanwhile, shelters offered an emergency response, providing such children with food and a place to sleep overnight, and vulnerable families were provided with economic assistance and support from expert teams composed of psychologists and social workers. There was also a benefit payment available to families of origin that was worth approximately US\$ 300 per child. As a last resort, children in street situations could be institutionalized by court order. In such cases, efforts were subsequently made to reintegrate them into their families.

24. In October 2021, the National Public Education Administration had introduced a road map to deal with situations of violence in preschool and primary education. Drawn up with the participation of schools, the Uruguayan Institute for Children and Adolescents and the United Nations Children's Fund (UNICEF), the road map was intended to be used in both public and private educational establishments and provided guidance for identifying and monitoring cases of violence, assessing risk, taking appropriate action, escalating issues and ensuring access to justice. Also in 2021, in collaboration with UNICEF, the National Public Education Administration had launched a teaching kit called (Re)thinking Immigration in Uruguay. Starting from the premise that migration as a phenomenon had always been present in Uruguay, the kit was designed for the entire educational community, covered different areas of knowledge and was composed of three documents targeted at different age groups, with a number of corresponding activities.

25. Each year, the Uruguayan Institute for Children and Adolescents allocated US\$ 40 million, equal to 10 per cent of its budget, to mental health care for children and adolescents. In 2022, the National Institute for Youth, a body operating under the Ministry of Social Development, had launched a national campaign under the slogan "Neither silence nor taboo" to raise awareness about the mental health and psychosocial well-being of adolescents and help to prevent self-harm. The National Institute for Youth had also opened seven part-time mental health-care centres for young people across the country, also with the primary aim of preventing self-harm.

26. The Uruguayan Institute for Children and Adolescents had a long history of recording data related to children and adolescents. However, information relating to complaints, psychosocial reports and observations of the Institute's supervisory body was not systematically logged, and in 2020, a two-pronged modernization drive had been launched. On the one hand, the Institute's management was being improved through agreements with bodies including the National Quality Institute and the Uruguayan Institute for Standardization; on the other, technological improvements were being undertaken, involving the deployment of a national infrastructure capable of supporting a document management system. The resulting system would make it possible to consolidate information gathered across the country, improve the traceability of complaints and enhance the supervision and assistance provided to more than 90,000 children attending the Institute's centres.

27. **A representative of Uruguay** said that he was unaware of the existence of a draft law for the expulsion of migrants. However, specific legislation did exist that provided for their expulsion under certain circumstances. Article 43 of Act No. 14294 of 31 October 1974

established that foreign nationals who committed drug trafficking-related offences would be expelled from the country after serving the corresponding sentence, and article 51 of Act No. 18250 of 6 January 2008 established that serious crimes, crimes against humanity, genocide, trafficking in persons or arms and crimes related to money laundering constituted grounds for expulsion.

28. **A representative of Uruguay** said that, since the Ministry of Social Development had been represented on the Refugee Commission, there had been a significant improvement in the coordination of humanitarian assistance for persons seeking refuge in Uruguay. Communication had benefited and the Ministry now had offices in all of the country's departments, particularly the border areas, which facilitated work with the target population. To meet the most pressing need of migrants arriving in Uruguay, namely food, the Ministry provided referrals to canteens, including for undocumented arrivals. Food baskets, which had played a particularly important role during the COVID-19 pandemic, were also delivered and, in collaboration with IOM, families were provided with food and hygiene vouchers for exchange in shops.

29. With approximately 1,000 asylum applications being received each month, there was a major demand for migrant accommodation. In addition to the facility at Casa Trampolín in Rivera department, there was a holding centre for migrant families in Chuy. At those facilities, as well as in others in Montevideo, support was provided by social workers and psychologists, food was available and health-care coverage was provided if necessary. Although there was a backlog of some 21,000 applications for refugee status, persons awaiting a decision on their case were quickly provided with an identity document, free of charge.

30. The Ministry of Social Development had oversight over issues relating to sexual diversity, the Afrodescendent population, persons with disabilities, older persons, young people, women and young children. Migrants and refugees were referred, in the same way as citizens of Uruguay, to all of the programmes relevant to their population group, regardless of their nationality or country of birth.

31. **A representative of Uruguay** said that the Ministry of the Interior had recruited 31 new staff members to help it to meet the demands of changes to how MERCOSUR residence applications were processed that had taken effect in February 2023. It also expected to take on interns to help with the workload. Training, including more than 30 workshops and courses covering different scenarios and subject areas, was provided in collaboration with IOM to ensure that officials, especially those who had the first contact with migrants, had all the necessary tools at their disposal to assist new arrivals. Persons who were seeking refuge in Uruguay needed to be treated in a particularly sensitive manner.

32. Since the time of the COVID-19 pandemic, the Ministry of the Interior had coordinated more closely on migration matters with the Uruguayan Institute for Children and Adolescents, the Ministry of Labour and Social Security, the Ministry of Social Development and the Ministry of Foreign Affairs. The National Migration Directorate had kept its doors open to asylum-seekers during the pandemic and had regularized and initiated residency procedures for more than 2,000 individuals between 2018 and 2021. A plan to regularize the situation of applicants for refugee status who already had a provisional identity card and were working in Uruguay, in some cases in irregular forms of employment, was currently awaiting approval. Helping those persons obtain legal residency in the country would allow them to gain access to the formal economy and health services.

33. It was thought that the issuance of visas had helped to reduce cases of people smuggling and trafficking in persons of certain nationalities, including Dominicans. Between 2020 and 2023, there had been 23 victims of such practices in Uruguay, more than one in three of whom had been Ecuadorian and one in four Dominican, with Cubans, Venezuelans, Brazilians and Argentines making up the remainder. More than two-thirds of the victims in that period had been women. A Colombian citizen, a Cuban and two Venezuelans had been charged with related offences.

34. **A representative of Uruguay** said that the telephone hotline for issues relating to trafficking in persons was still in operation. It was not intended to be used for reporting complaints but rather for seeking guidance and advice. The process of forming the National

Council on Preventing and Combating the Trafficking and Exploitation of Persons had not interrupted the ongoing nature of work in that area.

35. **Mr. Babacar** said that he would be interested to know whether the Government planned to amend its employment legislation to incorporate the provisions of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the ILO Violence and Harassment Convention, 2019 (No. 190), both of which it had ratified. He wondered why the ILO Migration for Employment Convention (Revised), 1949 (No. 97) had not been ratified, given that the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) had. Similarly, it would be interesting to know why the State party had not ratified the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), having ratified the ILO Forced Labour Convention, 1930 (No. 29).

36. In the light of the State party's impressive labour inspection statistics, he wished to know how many labour inspectors there were in the country and whether their activities covered the whole of the national territory. He wondered what action the Inspectorate General for Labour and Social Security took in the informal sector, which employed large numbers of migrants, and what approach was adopted in order to enforce regulations in that sector, which was not easily accessible.

37. **Ms. Gahar** asked whether the delegation could provide any information on the system of juvenile justice applicable to migrant children, on the conditions in which migrant children in conflict with the law might be detained, and whether the principle of exceptionality set forth in the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families (CMW/C/GC/2, para. 26) was recognized in Uruguay. It would also be helpful to have information on the rehabilitation programme for migrant children in conflict with the law intended to help to prevent reoffending.

38. **Mr. Oumaria** said that the distinction between nationality and citizenship was still not entirely clear. He would like to know, in that connection, whether specific communities were fully able to enjoy their cultural, religious and social rights under the State party's legal framework. For example, were members of those communities guaranteed the right to belong to political parties and trade unions and to vote in elections on an equal footing with Uruguayan nationals?

39. **Ms. Diallo**, recalling that migrant children who did not have all of their documents were given a temporary registration to allow them to access education, said that she would like to know what happened if, a year after their temporary registration, the children were still in an irregular situation. Did the temporary registration process result in the issuance of other documents that enabled them to enrol in school, such as residency permits or other documents according to the status of regularized migrant? She also wondered whether the children of migrant workers in an irregular situation had access to higher education, which was not always the case in other countries.

40. It would be useful to know what action was being taken to address the lack of information on expulsions, particularly administrative expulsions of migrants in an irregular situation, that the State party acknowledged in its replies to the list of issues (CMW/C/URY/RQ/2, para. 76). She would also appreciate information on the average time frame required for regularization, and whether migrant workers were given temporary papers to enable them to access all services and rights normally enjoyed by national workers while the process was under way.

41. **Mr. Charef** said that, since a national census had been held in 2021, he was surprised that the delegation had quoted statistics from 2011. Could the State party provide the Committee with more up-to-date figures?

42. **Mr. Zounmatoun** said that, since the State party had stated that it had no policy of deportation, he wondered what became of migrants whose regularization applications were found to be incomplete or inadmissible. He also wished to know why Uruguayan nationals could not vote in elections from other countries.

43. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he would welcome an estimate of the time generally required to process and settle asylum applications, as well as details of

any measures being taken with a view to speeding up the procedure, excluding the use of the so-called “fast-track” procedures in place in various other countries. Since it appeared that some Cuban migrants were applying for residency in Uruguay before leaving the country and returning later, he would welcome information on what happened to migrants in those situations. He would also like to know how the State party dealt with the situation of migrants whose identity document or passport had expired that were nationals of countries without consular representation in Uruguay, which included many African countries.

44. Given that many theories had been developed on the subject, he wondered what the advantages of distinguishing between nationality and citizenship were. While there was a positive aspect to considering all persons who shared a community to be citizens, whether born within the community or elsewhere, such an approach could expose migrants to risks of statelessness or problems when travelling: the fact that access to nationality for migrants was possible only through family links with persons born in Uruguay but migrants could become Uruguayan citizens could cause confusion for countries where citizenship and nationality were synonymous, potentially even leading to statelessness. More effective solutions should be sought, in his view. He would also like to know what measures were taken to ensure that migrants to Uruguay did not risk becoming stateless.

45. **The Chair**, speaking as Country Rapporteur, said that he was particularly concerned about the legal uncertainty that migrants might face. At present, the status of migrants who were “legal citizens” of Uruguay was dependent upon the interpretation of the concept of citizenship adopted by their country of origin or the country to which they were travelling, and it was impossible for them to know in advance what that interpretation might be. A Supreme Court ruling on the distinction, if any, between nationality and citizenship would be the best way to eliminate confusion.

46. He would welcome information about the support available for victims of trafficking in persons, whether for purposes of labour or sexual exploitation, including, for example, whether they were offered shelter once their status as victims had been identified. Noting that, in 2022, around 15 per cent of identified victims of trafficking for sexual exploitation purposes had been persons born in Uruguay, and that the percentage was rising, he wondered whether the delegation could explain the factors behind that situation. There was a link between the issue of trafficking and stereotypical negative perceptions of migrants but more data was required to fully understand the phenomenon.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

47. **A representative of Uruguay** said that the Inspectorate General for Labour had a total of 96 inspectors nationwide who verified working conditions in both the formal and informal employment sectors, although the latter sector was by its very nature harder to monitor and improvements were needed. There were two additional inspectors attached to the Uruguayan Institute for Children and Adolescents, responsible for monitoring child labour.

48. Uruguay had ratified the ILO Domestic Workers Convention (No. 189) and had been the first country in the world to ratify the ILO Violence and Harassment Convention, 2019 (No. 190). The bill containing the amendments necessary to bring national legislation into line with the latter convention was currently before parliament, while Convention No. 189 had been transposed into national legislation through the Domestic Labour Act (No. 18.065). The ILO Forced Labour Convention, 1930 (No. 29) and ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) were currently being examined in parliament, their ratification having been recommended by the Ministry of Labour of Social Security, while the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) was pending review by the tripartite labour relations council, the ratification of all ILO conventions being subject to a tripartite agreement between employers, employees and the State.

49. Regarding statistics, as migrants often came to Uruguay to seek work, the employment rate was higher among migrants than among Uruguayan nationals. Although the first six months after arrival could be difficult, migrants were usually quickly able to build networks through which they could find employment: migrants in Uruguay were generally welcomed, particularly in the business sector. Several Uruguayan cities, including Paysandú and Salto,

straddled the border with neighbouring countries, and communities on either side freely moved from one to the other, making the cities genuinely transnational.

50. Regarding trafficking for labour purposes, whenever a criminal offence was suspected and/or a complaint was filed, the corresponding reports were circulated to the relevant agencies and a coordinated response was organized. In cases involving women, a team from the Prosecutor's Office composed of female lawyers and psychologists would assist the victims. Shelter could also be provided for victims in high-risk situations.

51. The Ministry of Labour and Social Security had a digital platform through which training, guidance and labour mediation services were available. Over the previous four years, 3.4 per cent of those registered on the platform had been migrants – a number in line with the percentage of the population made up of migrants. Any person with a residency permit, passport or identity card could register on the platform and benefit from courses provided by the National Institute of Employment and Vocational Training, particularly those aimed at reskilling.

52. **A representative of Uruguay** said that migrant children in conflict with the law were not referred to the Uruguayan Institute for Children and Adolescents, but rather to the National Institute for Adolescent Social Inclusion. Since 2016, the latter Institute had been responsible for all matters relevant to migrant adolescents in conflict with the law, from documentation through to health care and education. Whenever a migrant adolescent was referred to the National Institute's care, the Institute's Gender and Discrimination Unit was informed. Provided that they had Uruguayan or other identity documents, all adolescents in the National Institute's care had access to State education and health care. The Institute had various educational programmes in place, linked to agreements with official bodies in Uruguay including the University of Labour, which covered secondary education as well as technical and vocational training. Of the 323 adolescents currently deprived of their liberty in Uruguay, five were migrants serving sentences of between 12 months and 9 years. All five were able to participate in the same programmes as those available to other detainees.

53. **A representative of Uruguay** said that there was no dichotomy between nationality and citizenship in Uruguay. According to the Constitution, all persons who had been born in the national territory or were the children of a Uruguayan father or a Uruguayan mother, regardless of their place of birth, were Uruguayan nationals. The Constitution provided for two types of citizenship, namely, natural-born citizenship, which was that held by Uruguayan nationals, and citizenship by naturalization, which was that acquired by foreign nationals who chose to settle in Uruguay. The coexistence of two types of citizenship did not give rise to any kind of legal uncertainty. The rights flowing from citizenship by naturalization were delineated in the Constitution and any foreign national who became a naturalized Uruguayan citizen was aware of those rights.

54. Uruguay did not have a State religion. All persons residing in the national territory were free to practise their religion and culture without restriction. They were also free to establish and join trade unions and to associate freely with one another.

55. The Constitution stipulated that any Uruguayan citizen living abroad who wished to vote in elections must return to Uruguay to do so, thus precluding the possibility of consular voting.

56. Undocumented migrant children who were provisionally enrolled in a preschool education programme for one year normally received a Uruguayan identity document by the end of the school year. Migrant children who did not receive an identity document within that time frame could be issued with one under Decree No. 118/18 on access to documentation for persons in situations of particular vulnerability who, for reasons beyond their control, were prevented from regularizing their documentation. Migrant children in Uruguay were not denied an education simply because they were undocumented.

57. **A representative of Uruguay** said that the fluctuation in the number of permanent resident permits issued over the period 2019–2022 was attributable to the impact of the coronavirus disease (COVID-19) pandemic. Under the Rapid Response Plan operated by the National Migration Directorate of the Ministry of the Interior, it was possible for foreign nationals to initiate the permanent residency application process equipped with only the

identity document issued by their country of origin. Foreign nationals who initiated that process were then immediately entitled to apply for a Uruguayan identity card identical to that issued to nationals. The identity cards issued to those foreign nationals were initially valid for two years to allow them to gather the documentation necessary to complete the permanent residency application process. The rationale behind such a generous time frame was the authorities' desire to give applicants the best possible chance of meeting all the requirements for permanent residency and regularizing their migration situation in the country. Foreign nationals who already possessed all the necessary supporting documentation and had been cleared by the Uruguayan security services could be granted permanent residency within a period of between one and six months. The delay in processing applications for permanent residency could therefore be explained by the fact that applicants could sometimes take up to two years to gather the necessary documentation. If, after two years had elapsed, applicants had still not submitted all the supporting documentation required, they could renew their identity card for an additional year. Applicants who, through no fault of their own, were unable to obtain the necessary documentation from the authorities of their country of origin within that time could still be granted permanent residency under Decree No. 118/18.

58. Under the Migration Act (No. 18250), persons who purposely failed to gather the documentation required to support their application for permanent residency, persons whose application was rejected and persons with irregular immigration status could face expulsion. There were two types of expulsions: a judicial expulsion, which was a measure typically ordered by a judge upon convicting a foreign national of a criminal offence, and administrative expulsions, which were carried out by the National Migration Directorate on behalf of the Ministry of the Interior. Since the entry into force of the Migration Act in 2008, only one administrative expulsion had been carried out. The foreign national in question had been expelled for having failed to comply with the health protection measures imposed during the COVID-19 pandemic. Administrative expulsions rarely took place because, under the Migration Act, the National Migration Directorate was empowered to regularize the migration situation of all foreign nationals and proactively sought to do so, provided that certain criteria were met.

59. Any undocumented migrant child who had been provisionally enrolled in a preschool education programme and who had not received a Uruguayan identity document within one year had likely been unable to produce an identity document from his or her country of origin to initiate the permanent residency process. In such cases, the solution was generally to issue that child with a Uruguayan identity document under Decree No. 118/18 or to provide guidance on how a suitable identity document could be obtained from the authorities of his or her country of origin.

60. Applications for refugee status could take up to two years to process, depending on the specifics of each case. The delay in processing such applications could be explained by the fact that the Uruguayan authorities were receiving around 1,000 applications per month, which was quite a large number bearing in mind the size and population of the country. The Refugee Commission and the Office of the United Nations High Commissioner for Refugees had analysed the situation and concluded that the majority of those applications for refugee status had been submitted by economic migrants who did not meet the requirements to enter Uruguay as refugees. Moreover, the Refugee Act (No. 18076) required all applicants for refugee status to be interviewed, the corresponding reports to be drawn up and for each application to be considered by the Refugee Commission, which was a time-consuming process. In considering applications for refugee status, the Refugee Commission prioritized cases involving women and children and persons who were clearly in need of international protection. Applications received from economic migrants were accorded a lower level of priority and processed later.

61. **A representative of Uruguay** said that the national population census scheduled for 2021 had been postponed on account of the COVID-19 pandemic and had actually taken place in 2023. The National Institute of Statistics had only recently shared some preliminary results concerning the number of migrants in the country and their countries of origin. More extensive data would be made available in due course.

62. **A representative of Uruguay** said that, in Uruguay, there was also collective bargaining for domestic workers. Wage councils served as a forum where, under the auspices of the Ministry of Labour and Social Security, representatives of employers and workers in that sector could discuss issues such as wage levels, bonuses and working conditions. Any decisions taken in that connection were submitted to the Ministry for approval and, once adopted, became binding on all employers, including private households who hired domestic workers. The Government would welcome any guidance that the Committee could provide on how to integrate migrant workers more fully into the Uruguayan labour market and enhance protection for their rights.

63. **A representative of Uruguay** said that Uruguay adopted an open-door policy to migration. Migrants in an irregular situation were never considered to be “illegal”; instead, every effort was made to help them to regularize their situation by administrative means without resorting to expulsion.

64. **Mr. Ceriani Cernadas** said that he was grateful to the members of the delegation for the valuable information that they had provided throughout the interactive dialogue with the Committee. Hearteningly, much of the dialogue with the State party had focused on how it could improve the social integration of migrant workers and strengthen and better protect their rights, which was not always the case, as many countries continued to view migrants as a threat or as a political bargaining chip and to associate irregular migration with criminality. The recommendations contained in the Committee’s concluding observations would be aimed at helping the State party to continue in that positive vein and to overcome the specific challenges mentioned during the dialogue.

65. **Mr. García Sáenz** (Country Rapporteur) said that the delegation could submit to the Committee in writing, within 24 hours, any additional information that it had not been able to provide during the dialogue. The State party was to be commended for the progress that it had made in realizing the rights of migrant workers enshrined in the Convention and should not hesitate to call on the Committee for assistance if and when required.

66. **The Chair** said that he appreciated the constructive spirit in which the delegation had approached the interactive dialogue with the Committee. The question of how the Committee could best support States parties in their efforts to implement the Convention warranted further reflection. In his experience, it was important for the Committee and States parties to maintain an ongoing dialogue. For example, States parties might usefully alert the Committee to any proposed amendments to their legislation on migration before those amendments were enacted so that the Committee could inform them of the applicable international standards. Although the Committee did not have a mandate to provide consultancy services per se, it could, at the request of States parties, provide guidance on specific issues or challenges on an ad hoc basis. More important, however, was strengthening the protection afforded to the rights of migrant workers and members of their families.

67. He wished to recall that the Convention did not oblige States parties to regularize the status of migrant workers in an irregular situation; rather, it required them to take measures to ensure that the irregularity of their situation did not persist. Regularization was but one of the means by which States parties could fulfil that obligation. Uruguay had demonstrated that it was possible, through regularization and social integration, to reconcile the economic interests of migrant workers with the labour market needs of their host country in a mutually beneficial manner.

68. **Mr. Lozano Bonet** (Uruguay) said that he wished to thank the Committee for the richness of the discussion and for the constructive suggestions that it had made and the advice that it had provided to help the Government to further improve the situation of migrant workers in Uruguay. Uruguay was a country of immigrants. Whereas, previously, most immigrants to the country had come from European countries, migration patterns had since shifted, and the vast majority of immigrants were now arriving from neighbouring countries and other countries in the region. Article 8 of the Constitution stated that all persons were equal before the law and that no distinction other than that of talents or virtues was to be recognized among them. Migrants were therefore entitled to be treated on an equal footing with Uruguayan citizens and, thanks to the country’s long history of welcoming immigrants, generally were.

69. The conditions for the exercise of the right to vote laid down in the Constitution, including the requirement for Uruguayan citizens living abroad to return to the national territory to exercise that right, had been voted for by the people and could not be modified unless the people voted in favour of that course of action in a referendum.

The meeting rose at 5.50 p.m.