



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

List of issues to be taken up in connection with the consideration of the initial report of Uruguay, approved by the Committee at its nineteenth session (9–13 September 2013)*

I. General information

1. Please inform the Committee about measures for improving the compilation of statistics that can be disaggregated by sex, age and nationality and used as a basis for an evaluation of the implementation of the Convention in the State party, especially with regard to irregular migration. If the State party has information that has been updated since the submission of its initial report, please provide that information to the Committee (paras. 17–27).
2. Please inform the Committee about the steps taken to disseminate information regarding Migration Act No. 18.250 and Decree No. 394/009, entitled Provisions Governing Foreigners' Entry into, Residence in and Departure from Uruguayan Territory (paras. 75–82). The report states that various regulations are being updated and brought into line with the Migration Act, including the regulations on repatriation (para. 50) and on social security (paras. 84 and 289). Please update the Committee on this alignment process.
3. Please provide information on the human and financial resources that have been placed at the disposal of the National Human Rights Institution and Ombudsman's Office and on the main activities that it carries out to promote and protect the rights of migrant workers and members of their families (para. 119).
4. The report states that more work remains to be done in the area of training and awareness regarding the Convention and its provisions among both public officials and the general public (paras. 150 and 151). Please indicate what steps the State party has taken to address this situation. In particular, please indicate whether or not training programmes have been developed for judges, prosecutors, members of border police and/or security forces, government employees and social service providers.

* The paragraph numbers shown in brackets in this document refer to the State party's report issued under document symbol CMW/C/URY/1.

5. Please provide the Committee with more detailed information about the steps taken by the State party to encourage civil society organizations, including associations of migrant workers and organizations working to defend migrant workers' rights, to take part in the preparation of its initial report (paras. 6 and 97). Please describe non-governmental organizations' involvement in the implementation of the Convention and explain what kind of support they receive from the relevant governmental ministries in this connection (paras. 141–145, 196 and 345).
6. Please clarify what the Consultative Advisory Councils Abroad consist of and how the four global meetings of Uruguayans abroad were organized (paras. 62 and 65 h). How do these Councils interact with the Uruguayan consulates and Uruguayan communities abroad in general? Do they enjoy legal recognition? Please clarify also whether the Consultative Advisory Council on Migration is the only avenue for participation by members of civil society in the development of public policies relating to migrant workers and in monitoring the implementation of those policies (para. 104).

II. Information relating to each of the articles of the Convention

A. General principles

7. Please clarify what kind of work and what kind of coordination activities are conducted by the Directorate-General for Consular Affairs and Liaison with Uruguayans Abroad and the National Migration Board in connection with the development of a State policy on the maintenance of ties with and the return of Uruguayan migrant workers living abroad. Please indicate what progress has been made in this respect (paras. 59–65 and 78). Please take paragraph 67 into account in your reply.
8. Please clarify what the project that is being developed jointly by the Ministry of the Interior and the Ministry of Foreign Affairs with a view to having identity documents processed abroad (para. 65 f) consists of.
9. Please explain what funds are available to the Compatriot Assistance Office of the Directorate-General for Consular Affairs and Liaison (para. 65 i).
10. Please indicate what steps have been taken to secure the passage of a law against racial discrimination or to introduce provisions into existing laws that specifically and clearly prohibit racism and racial discrimination and are designed to prevent it (paras. 112–117).
11. Kindly indicate what steps have been taken by the State party to inform migrant workers about the judicial and administrative remedies at their disposal in the event that their rights are violated. Please also explain what efforts have been made to encourage migrant workers whose rights have been violated to report those violations so that they may be investigated and those responsible punished. Please provide additional information regarding the different options available to migrant workers who are seeking legal and judicial assistance (paras. 130 and 257–261).
12. Please explain how the mechanism works through Uruguayan consular offices that enables migrant workers to invoke the laws providing for full reparations and pension rights (para. 65 j).
13. Please report to the Committee on the progress made towards the development and adoption of a national migration policy that provides for oversight mechanisms (para. 151). Please indicate what human and financial resources have been made available to the National Migration Board and how well known the Board is among the general public.

Please also indicate whether or not the Ministry of Social Development holds a permanent seat on the Board (para. 94). Please clarify whether or not consultation takes place between the National Statistics Institute and the National Migration Board with respect to the centralization and use of information on migration and whether their actions are coordinated. Please also provide information concerning the mechanisms in place for inter-agency coordination and for systematic data exchange between the various government ministries and agencies and the National Migration Board.

14. Please indicate whether the Convention has been directly invoked before the courts and whether the courts have applied the Convention. In addition, please provide information on:

(a) The judicial and/or administrative bodies that have the authority to examine and take decisions regarding complaints lodged by migrant workers, including workers in an irregular situation, and members of their families in the event that their rights are violated;

(b) The complaints examined by those agencies since the entry into force of the Convention (including the specific cases cited in the report) and their outcomes (paras. 128–130); and

(c) The measures of redress provided in cases where it was found that rights had been violated. Please indicate how the State party has followed up on the complaints relating to violations of the rights of migrant workers residing in the State party which have been referred to the National Human Rights Institution (paras. 123 ff.).

B. Part III of the Convention

Articles 16, 17 and 18

15. Please report on the measures adopted to ensure that, both in law and in practice, migrant workers (including those in an irregular situation) and members of their families have the same right as nationals of the State party to file complaints in court, including labour courts, and receive effective redress. Please indicate what measures have been adopted to inform migrant workers about the remedies to which they are entitled in the event that their rights have been violated and to deal with their complaints in the most effective way possible.

16. Please describe the types of criminal or administrative penalties imposed on migrant workers for failing to comply with migration laws or regulations (para. 169). Please also provide detailed information on the conditions in which migrant workers are held when they are detained, explain the reasons why such persons are taken into custody and report on the decisions handed down in cases against them. Please specify how long persons who have violated migration laws or regulations are detained, on average, and whether any existing law sets a maximum length of detention in such cases.

Articles 21 and 22

17. The State party's report states that the confiscation and/or withdrawal of official documents is prohibited except under certain circumstances, as provided for by law, when documents are found to have been forged (para. 266). Please provide details about the cases provided for by law in which official documents, such as residence permits, may be withdrawn and describe the procedure used for confiscating identity or other documents that authorize a person to enter, stay in, reside in or remain in Uruguayan territory. Also indicate whether a detailed receipt is issued when a person's documents are confiscated and

whether or not such persons have access to an appropriate judicial and/or administrative remedy. Please give examples of remedies and their outcomes.

18. Please furnish data, disaggregated by nationality, sex and age, on migrant workers and members of their families who were expelled from the State party between 2009 and 2013. Please indicate whether or not the appropriate procedural safeguards were provided (para. 267). Also explain why those people were expelled and indicate whether or not they had the opportunity to settle all outstanding wage claims prior to leaving the country. Also indicate how many appeals against expulsion orders were submitted and what their outcomes were.

Article 23

19. Please indicate how effective consular services have been in dealing with applications for protection filed abroad by Uruguayan migrant workers and members of their families, particularly in the cases of persons deprived of their liberty. Indicate how, in practice, the availability of legal assistance is ensured in cases of detention or expulsion (para. 268).

Article 25

20. Please indicate how the State party ensures and verifies in practice that migrant workers employed in the fishing industry and in domestic service are treated equally with nationals (para. 25). Please provide information on the steps taken or to be taken to protect these migrant workers from labour exploitation, particularly women, who are regularly subjected to abusive employment conditions, such as the denial of a weekly rest period (paras. 183 and 478).

Article 26

21. Kindly supply the Committee with information regarding the right of all migrant workers to form associations and trade unions in accordance with the law in the State party. Please provide information on the restrictions applying to the right of migrant workers and members of their families, particularly those who are in an irregular situation, to join trade unions and other associations established in accordance with the law, seek assistance from these groups and take part in their meetings and activities with a view to safeguarding their economic, social and cultural rights and other interests.

Articles 28 and 30

22. Please provide additional information on all steps taken by the State party to ensure that migrant workers and members of their families in an irregular situation are able in practice to receive emergency medical attention and to obtain access to educational establishments (paras. 298–310 and 321–332). Please indicate what means exist in the State party for informing migrant workers about the health and education services to which they may have access.

Article 32

23. Please clarify what reactivating the “distance account” for Uruguayan migrant workers abroad entails. Please also explain how the Ministry of Foreign Affairs and the Banco de la República Oriental del Uruguay could give access to credit through international banking (para. 65 m).

C. Part IV of the Convention

Articles 41 and 42

24. Please provide updated information on plans for the adoption of provisions on participation in elections by Uruguayan nationals residing abroad.

Article 44

25. Kindly furnish information on the measures put in place in the State party to ensure that no obstacles exist to family reunification and, in particular, on the conditions established for obtaining residence permits in the State party for spouses and for underage unmarried sons and daughters and other dependent family members of migrant workers (paras. 361–363).

Article 46

26. The Migration Act grants favourable customs exemptions to returning Uruguayan nationals and the release of their effects. Please provide details of what those benefits are worth and to whom they apply (para. 79).

D. Part V of the Convention

27. Please provide estimates or data, disaggregated by age, sex and nationality, on the number of frontier and/or temporary workers who are gainfully employed in the State party. Also please indicate whether or not the State party intends to set up a system for the registration of such workers. Describe the steps taken to ensure that frontier and seasonal workers enjoy equality of treatment with nationals in respect of wages and working conditions. Please provide updated information on the application of bilateral and multilateral agreements on commuting by frontier workers to which Uruguay is party.

E. Part VI of the Convention

Article 67

28. Please provide information on the programmes that have been developed and put in place with a view to the development of a national liaison and voluntary return policy, as mentioned in the report. Discuss the efforts made to facilitate communication and coordination at different levels and in the various territorial divisions of the country's public administration. Please provide statistics on the number of people who have had the benefit of support and assistance measures designed to facilitate the sustainable reintegration of returning migrant workers (paras. 456–475). Describe how the State party distributes information abroad regarding the existence of programmes and services for returning Uruguayans.

Article 68

29. The Migration Act defines human trafficking and smuggling as punishable offences (para. 80). Indicate what steps have been taken to secure the passage of a comprehensive law on human trafficking and smuggling, in accordance with the Palermo Protocols, to put in place a policy to combat such practices and to launch a strategy for putting a stop to the trafficking of persons for purposes of sexual exploitation (paras. 185 and 188 ff.). Please specify which institution is responsible for centralizing efforts to combat human trafficking. Also indicate whether or not measures are in place to assist and protect the victims of

human trafficking, especially women and children. Please indicate whether shelter and psychological and medical care and legal assistance are provided free of charge, as well as reintegration services. Please provide updated information on the funding available for those purposes and on the adoption of a guide on support for women victims of trafficking (para. 220).

Article 69

30. Please provide more detailed information on the Rapid Response Plan mentioned in the report (para. 387) and apprise the Committee of the percentages of migrant workers in an irregular situation whose status has been regularized since the Plan was launched, disaggregated by sex, age, nationality and occupation. Include information on people who are in the process of having their status regularized. Please also include details of how the State party ensures compliance with Uruguayan legislation in the course of its efforts to combat irregular migration (para. 481).
