

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 32nd Session

URUGUAY

I. BACKGROUND INFORMATION

Uruguay ratified the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in 1970. Uruguay acceded to the *1954 Convention relating to the Status of Stateless persons* and the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention* respectively) in 2001. In addition, Uruguay applies the regional broader refugee definition in accordance with the *1984 Cartagena Declaration on Refugees*.

The domestic legal framework dealing with refugees is set out in the *2006 Refugee Law (Derecho al Refugio y a los Refugiados)* N° 18.076, which enshrines important provisions, ranging from those related to the refugee status determination (RSD) procedure to those referring to the search for durable solutions, such as local integration and access to fundamental rights (documentation, employment, health care and education). Moreover, *Law N° 18.076* establishes a Refugee Commission (CORE), which is in charge of adjudicating asylum claims and finding durable solutions for refugees. The refugee legal framework is complemented by *Migration Law N° 18.250*, which incorporates safeguards regarding the protection of asylum-seekers and the prevention of *refoulement* at borders.

Information collected until the end of 2017 indicates that Uruguay hosts a total of 344 refugees (40 per cent female) and 2,106 asylum-seekers (27 per cent female) waiting for a decision at the first instance of the RSD procedure. The majority of recognized refugees originate from Colombia (43 per cent) and Syria (19 per cent). Also, the majority of pending asylum claims have been submitted by Cuban nationals (93 per cent). Thus, Uruguay experienced in 2017 a 469 per cent increase in the number of asylum applications compared to the previous year. The exceptional increase in the number of these applications and the lack of an adequate response from asylum authorities to this situation have heavily strained the Uruguayan asylum system, negatively affecting the efficiency of the RSD procedure and causing significant delays in the registration and adjudication of claims.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 123.21: “Continue strengthening the national legislation for the prevention, prosecution and reparation of racism and other forms of discrimination” (Colombia) and **recommendation no. 123.41.** “Encourage racial, ethnic and religious tolerance, especially among young people.” (Turkmenistan)

UNHCR commends Uruguay for its active involvement in the adoption of the *Brazil Declaration and Plan of Action (BDPA)*¹, as well as the development of concrete measures for the implementation of its main components. The *BDPA* includes provisions on non-discrimination to strengthen local integration through the promotion of respect for diversity and inter-culturalism, highlighting the positive contribution refugees, displaced and stateless persons bring to the host communities. Following the adoption of the *BDPA*, UNHCR and CORE elaborated a draft Plan of Action to implement the components of the *BDPA* that are relevant to strengthen the protection framework in Uruguay, namely the “Quality Asylum” Programme, the “Borders of Solidarity and Safety” Programme, the “Local Integration” Programme, and Chapter Six on Statelessness in the Americas.

UNHCR also notes that Uruguay renewed its commitment to the implementation of resettlement initiatives, announcing that in 2017-2018 it will pilot the regional Refugee Solidarity Resettlement Program for persons fleeing violence from northern Central America. Uruguayan authorities and UNHCR have agreed on an initial project to design a work plan for the implementation of this initiative, which also includes an institutional strengthening component of CORE.

Notwithstanding the above, the sustainability and long-term solutions in both initiatives depend on the Government’s continued efforts to fulfil these commitments.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Prevention of human trafficking and identification of victims who may be in need of international protection

Linked to 2nd cycle UPR recommendation no. 123.118: “Step up measures to combat trafficking of persons and protect the rights of victims, in particular women and children” (Ecuador) and **recommendation no. 123.124.** “Draw up a comprehensive programme to combat trafficking in persons.” (Kyrgyzstan)

Refugees and asylum-seekers are particularly at risk of falling victims to trafficking or smuggling due to the vulnerable and volatile security situations they often face. The social situation of asylum-seekers and refugees and the absence of special programs to facilitate their local integration in the country make refugees, particularly refugee women, especially vulnerable to human trafficking for sexual exploitation. No special provisions have been adopted to prevent refugees, asylum-seekers and other persons under UNHCR’s mandate from being trafficked.

The Government should also take into account the fact that victims or potential victims of human trafficking who are at risk of persecution, if returned to their countries of origin, may qualify as refugees within the meaning of the *1951 Convention*.

A proper referral system to the RSD procedures needs to be established, to ensure that victims of trafficking enjoy the right to seek and be granted asylum. In particular, Uruguay should adopt proper measures, including the development of standard operating procedures, to facilitate their prompt identification and referral to the asylum system, when appropriate.

¹ *Brazil Declaration and Plan of Action: A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity*, 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

Moreover, RSD procedures should be improved to ensure that asylum claims from victims of trafficking are fairly and appropriately examined in line with international standards. Additionally, specialized programs and policies to protect and support victims who cannot return to their countries of origin should be adopted.

In this respect, the Committee on the Elimination of Discrimination against Women encouraged Uruguay “to intensify its efforts to combat trafficking in women and girls, study its scope, causes, consequences and purposes, and systematically compile information with a view to formulating a comprehensive strategy that includes (...) measures to protect and rehabilitate victims and reintegrate them into society” (CEDAW/C/URY/CO/7).

Recommendations:

UNHCR recommends that the Government of Uruguay:

- (a) Establish a referral mechanism for victims of trafficking to enable them to apply for asylum, whenever appropriate; and
- (b) Develop a standard operating procedure for the identification of victims of trafficking and those who may be in need of international protection.

Additional protection challenges

Issue 2: Strengthen the RSD procedure and promote alternative migratory solutions to clear the current backlog of pending cases

UNHCR notes the current challenges that the Uruguayan asylum system is facing. The significant increase in the number of asylum-seekers has resulted in an important backlog in the status determination procedure, problems in registration and long delays in the identification and protection of persons with specific needs. There are currently more than 2000 pending asylum applications before CORE, the majority of them submitted by Cuban nationals. Efforts must be made by asylum authorities to speed up the refugee status determination procedures and allocate CORE sufficient human resources to reduce the impact of the current backlog and prevent its increase.

Recommendations:

UNHCR recommends that the Government of Uruguay:

- (a) Decentralize the RSD system in order to ensure registration of asylum claims at borders;
- (b) Establish a system for registration of asylum claims that is able to collect disaggregated data with regard to asylum-seekers and refugees in the country by age, gender, country of origin, special needs, etc;
- (c) Collect and make publicly available updated statistical information on asylum-seekers and refugees in the country;
- (d) Establish migratory solutions under the Migratory legislation for manifestly unfounded asylum claims in order to clear the current backlog of the asylum system; and
- (e) Implement simplified and accelerated RSD procedures for both manifestly unfounded and well-founded cases.

Issue 3: Legal framework for the protection of stateless persons

Establishing a statelessness determination procedure is the most efficient means for States party to the *1954 Convention* to identify beneficiaries with the view to providing them with appropriate protection.

At the Ministerial Meeting in December 2011, Uruguay pledged to adopt domestic legislation on statelessness, including the adoption of a formal statelessness status determination

procedure.² An updated draft law on statelessness status determination and protection of stateless persons is currently under consideration by the Parliament after having been reviewed and approved by CORE.

Recommendation/s:

UNHCR recommends that the Government of Uruguay:

- (a) Urgently adopt domestic legislation on statelessness, including the adoption of a formal statelessness status determination procedure, to ensure the protection of stateless persons who are not refugees and implement legislation that codifies the protection standards guaranteed in the *1954 Convention* in national legislation.

Issue 4: Local integration of refugees and asylum-seekers

The difficult socio-economic context in Uruguay presents serious obstacles to the successful local integration of refugees despite the political commitment of the Government. The provision of humanitarian assistance to new asylum-seekers and the development of effective programs for the local integration of refugees that includes an age, gender and diversity sensitive approach remain main challenges for UNHCR, civil society and the Government. There is no comprehensive State strategy or policy to ensure the local integration of asylum-seekers and refugees. Despite the Government's limited resources, refugees and asylum-seekers must nonetheless be afforded specific assistance and be granted access to care programs, including social security schemes. Measures should be implemented to ensure refugees' empowerment through access to employment and other income generating activities.

So far, the process of local integration is primarily supported through the efforts of UNHCR and its local partner agency Servicio Ecuaménico para la Dignidad Humana (SEDHU). The CORE, which only has limited resources, is mainly concerned with RSD and nominally involved in matters related to integration, including the response to the basic needs of asylum-seekers. In the absence of an institution equipped to coordinate public policies for refugees, local integration measures for asylum-seekers and refugees are insufficient.

Recommendations:

UNHCR recommends that the Government of Uruguay:

- (a) Include measures that facilitate access to income generating opportunities and the provision of adequate social assistance;
- (b) Provide CORE with the necessary human resources and sufficient budgetary allocations to further assume its duties related to the process of local integration of refugees and asylum-seekers; and
- (c) Pay particular attention to the specific needs of refugee women and girls in accessing durable solutions.

Issue 5: Gender and child-sensitive approach to RSD procedures

In spite of the enactment of *Refugee Law N° 18.076* and *Migration Law N° 18.250*, Uruguay has not yet adopted all the necessary internal regulations to facilitate their effective implementation. For example, special procedures for women applying for refugee status, as foreseen in section 38 of the *Refugee Law*, have not yet been adopted. There is also a need to apply an adequate gender-sensitive approach in the RSD procedures to ensure that asylum claims submitted by women and girls and boys are examined in a manner that responds to their specific protection needs. Standard Operating Procedures for Prevention

² UN High Commissioner for Refugees, *Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011*, October 2012, available at: <http://www.refworld.org/docid/50aca6112.html>

and Response to Sexual Gender Based Violence and for cases of unaccompanied or separated children with international protection still need to be developed. Such procedures should take into account the measures suggested under UNHCR's *Guidelines on Gender-related Persecution*,³ particularly with regard to ensuring individual interviews of female claimants and access to a female interviewer and interpreter as well as proper research of country of origin information related to this specific matter. RSD procedures should also incorporate child-sensitive elements with special attention to be given to unaccompanied and separated children. UNHCR's *Guidelines on child asylum claims*⁴ offer substantive and procedural guidance.

Recommendations:

UNHCR recommends that the Government of Uruguay:

- (a) Ensure that the RSD procedure promptly identifies women and girls at risk and that their specific protection needs are addressed in a systematic manner;
- (b) Adopt rules of procedure and internal regulations to facilitate the effective implementation of the refugee and migratory legal framework;
- (c) Ensure that gender-related claims are properly considered, notably by incorporating gender-sensitive elements both in the formalization of the asylum claim and during its assessment;
- (d) Incorporate child-sensitive elements into the RSD procedure; and
- (e) Establish and implement Standard Operating Procedures for Prevention and Response to Sexual Gender Based Violence.

UNHCR
July 2018

³ UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/01/01, 2002, available here: <http://www.unhcr.org/publications/legal/3d58ddef4/guidelines-international-protection-1-gender-related-persecution-context.html>.

⁴ UNHCR, *Guidelines on International Protection: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/09/08, 2009, available here: <http://www.unhcr.org/publications/legal/50ae46309/guidelines-international-protection-8-child-asylum-claims-under-articles.html>.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review and Concluding Observations from UN Treaty Bodies

URUGUAY

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to URUGUAY.

I. Universal Periodic Review (Second Cycle – 2014)

Recommendation ⁵	Recommending State/s	Position ⁶
Non-discrimination		
123.21. Continue strengthening the national legislation for the prevention, prosecution and reparation of racism and other forms of discrimination, in particular through the adoption of the National Plan against Racism and Discrimination, the strengthening of the Honorary Commission against Racism and Xenophobia, as well as the implementation of awareness-raising campaigns that may lead to cultural changes.	Colombia	Supported ⁷
123.41. Encourage racial, ethnic and religious tolerance, especially among young people.	Turkmenistan	Supported
123.54. Take necessary measures to prohibit racial discrimination and adopt a comprehensive anti-discriminatory law.	Pakistan	Supported
Birth registration		
123.64. Continue to protect the rights of its children, by implementing successful programs that ensure 100% access to birth registration, as well as strengthening the legal framework that guarantees the universal right to education and promote emphasis on care, access and opportunities.	Israel	Supported ⁸
SGBV		
123.67. Take all necessary policing and other measures to prevent and provide protection against all forms of discrimination, violence and harassment related to sexual and gender identity, and ensure that perpetration of such violence is vigorously investigated and that	United Kingdom of Great Britain and Northern Ireland	Supported

⁵ All recommendations made to Uruguay during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Uruguay" (4 April 2014), A/HRC/26/7, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UYIndex.aspx>.

⁶ Uruguay's views and replies, in English, can be found in: *Addendum* (9 April 2014), A/HRC/26/7/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UYIndex.aspx>.

Addendum: "Guided by international human rights standards, Uruguay has accepted all but recommendation 124.1. This is in line with its stated intention, set forth in its initial statement on 29 January 2014, to accept them "where they promise to render the protection and promotion of human rights in Uruguayan society more effective, with the obvious proviso that the means and time-frame for their individual application will depend on their nature and scope".

⁷ **Addendum:** "As previously reported, a National Plan against Racism and Discrimination has, after a period of analysis, been drafted along the lines of the United Nations model, focusing on all forms of discrimination and not just racism. Discrimination may occur on grounds of gender, Afro-descendants, disability (including mental disability), sexual orientation and gender identity, drug abuse, HIV, and others. The draft should be ready for submission to civil society by the middle of this year and implemented in 2015."

⁸ **Addendum:** "As reported, the national system of birth registration boasts almost universal coverage and the lowest under-reporting rate in the region (less than 2 per cent whereas the average for Latin America is 9 per cent). Most births in Uruguay take place in health facilities, which facilitates universal registration of births, given that children leave clinics with their birth certificate and identity card number."

perpetrators are held accountable.		
123.101. Continue to combat domestic violence and renew the national action plan in this field.	Russian Federation	Supported ⁹
123.102. Strengthen the mechanisms to protect victims of gender-based violence.	Senegal	Supported
123.103. Continue to enhance the protection of women against violence and to promote greater gender equality.	Singapore	Supported
Trafficking in persons		
123.117. Continue its efforts in raising awareness about trafficking in persons through comprehensive training programmes for social workers, law enforcement officials and the media.	Bhutan	Supported ¹⁰
123.118. Step up measures to combat trafficking of persons and protect the rights of victims, in particular women and children.	Ecuador	Supported
123.119. Continue to implement adequate measures to fight trafficking in women and girls for the purpose of sexual exploitation, as well as adequate measures to fight violence against women, including providing assistance and redress for victims of both crimes.	Germany	Supported
123.120. Develop a comprehensive, inclusive and holistic national plan of action against trafficking in persons; and examine the possibility of establishing a central organ to deal with trafficking in persons.	Honduras	Supported
123.123. Continue taking measures on combating trafficking in persons.	Kazakhstan	Supported
123.124. Draw up a comprehensive programme to combat trafficking in persons.	Kyrgyzstan	Supported
123.127. Adopt a national action plan to prevent trafficking in persons and assist the victims of this crime.	Mexico	Supported

II. Treaty Bodies

Committee on Economic, Social and Cultural Rights

Concluding observations, (20 July 2017), [E/C.12/URY/CO/5](#)

Anti-discrimination legislation

9. The Committee remains concerned about the lack of a comprehensive law covering all the forms of discrimination covered by article 2 of the Covenant and about the absence of an effective mechanism for overseeing the enforcement of such a law. It is also concerned about the fact that the denial of reasonable accommodation is not recognized as a form of discrimination against persons with disabilities (art. 2).

10. **The Committee draws the State party's attention to its earlier recommendation (E/C.12/URY/CO/3.4, para. 7) and urges it to introduce legislation that will establish an express prohibition of discrimination and provide sufficient protection against discrimination and that will, inter alia:**

⁹ **Addendum:** "A series of measures has been adopted to combat violence against women, which is of prime concern to the Government and for Uruguayan society as a whole. A legal and institutional framework has been developed with a view to safeguarding rights, protecting victims and ensuring that the perpetrators of such crimes are tried and held liable, [including the Domestic Violence Act, the National Domestic Violence Advisory Council, specialised courts, a special unit within the National Institute for Women, a range of code of conduct and other initiatives]."

¹⁰ **Addendum:** "Being implemented, especially with regard to tightening coordination between institutions to prevent and combat such offences and to provide victims with support."

- (a) **Explicitly include all the forms of discrimination that are prohibited under article 2 of the Covenant as interpreted in the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;**
- (b) **Define direct and indirect discrimination in a manner that is consistent with the State party's obligations under the Covenant;**
- (c) **Prohibit discrimination in both the public and private spheres;**
- (d) **Incorporate provisions under which redress can be obtained in cases of discrimination by, inter alia, judicial and administrative means;**
- (e) **Make provision for the adoption of the measures needed to make the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination an effective anti-discrimination mechanism, for the allocation of appropriate human, technical and material resources to it and for the assignment to it of the necessary mandate and authority to ensure its effectiveness.**

Discrimination against migrants

13. While the Committee welcomes the efforts made by the State party to ensure that migrants can avail themselves of their economic, social and cultural rights, it is concerned by the persistence of discriminatory attitudes towards the migrant population. It is also concerned that at times delays in the issuance of identity cards may prevent the effective exercise of those rights (art. 2).

14. The Committee recommends that the State party adopt specific measures for combating discrimination against migrants and for promoting the social integration of migrants while ensuring that they are able to avail themselves of their economic, social and cultural rights, particularly in respect of employment, education, housing and health. The Committee urges the State party to intensify its efforts to ensure that identity cards are issued to migrants within a reasonable amount of time and draws its attention to the Committee's statement on the duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights of 2017 (E/C.12/2017/1).

Committee on the Elimination of Racial Discrimination

Concluding observations, (12 January 2017), [CERD/C/URY/CO/21-23](#)

Policy on combating racial discrimination

12. The Committee regrets that the State party has not implemented its earlier recommendation (CERD/C/URY/CO/16-20, para. 11) that the State party adopt the National Plan against Racism and Discrimination. In addition, it is concerned that the State party does not have a comprehensive policy on combating racial discrimination (art. 2).

13. The Committee urges the State party to formulate a comprehensive national policy on combating racial discrimination that includes the adoption of a national plan against racism and discrimination, ensuring that the stages of formulation and implementation both include effective participation by persons of African descent, persons of indigenous origin and persons belonging to other minority groups who continue to be victims of discrimination and social exclusion. The Committee further recommends that the State party ensure the allocation of the necessary human, technical and financial resources for effective implementation of the policy throughout the territory of the State party.

Refugees and asylum seekers

29. The Committee, while welcoming the State party's refugee resettlement programme, is concerned by reports of occasional discrimination against asylum seekers and refugees. It

is also concerned by the lack of adequate programmes to facilitate the social integration of asylum seekers and refugees (art. 5 (d)).

30. **The Committee urges the State party to take the necessary action to effectively support the social integration of refugees and asylum seekers, ensuring that they have access to education, employment, health services and housing without any type of discrimination. The Committee also recommends that the State party expand and enhance the human rights training offered to civil servants with regard to the rights of refugees and asylum seekers.**

Committee on the Elimination of Discrimination against Women

Concluding observations, (25 July 2016), [CEDAW/C/URY/CO/8-9](#)

Trafficking and exploitation of prostitution

23. The Committee notes the establishment of institutional committees in the Ministry of the Interior and the National Women's Institute to tackle trafficking in persons and the development of a national plan of action in that regard, in addition to guidelines on protecting and assisting victims of trafficking. The Committee is concerned, however, about:

- (a) The State party being both a transit and a destination country for trafficking in persons, especially women and girls;
- (b) The lack of information on the measures taken to identify, prevent and bring prosecutions in cases of trafficking for the purpose of labour exploitation and on the number of prosecutions and convictions in cases of trafficking.

24. **The Committee recommends that the State party:**

- (a) **Adopt a more comprehensive national framework to combat trafficking in women and girls;**
- (b) **Establish a system to gather data, disaggregated by age, ethnic background and socioeconomic condition, on trafficking in women and girls that will allow the identification of gaps in the national framework to combat trafficking, as well as continue its efforts to prevent and prosecute trafficking and to strengthen bilateral, regional and international cooperation to prevent trafficking, including by exchanging information with other countries in the region and harmonizing legal procedures to prosecute traffickers.**

Nationality and stateless women

29. The Committee commends the State party on its legislation that protects women against discrimination on the basis of nationality, but is concerned about the absence of legislation on status determination and protection of stateless persons that would ensure that stateless women who are not refugees have equal access to documentation and to basic services.

30. **The Committee recommends that the State party adopt legislation on status determination and to protect the human rights of stateless women who are not refugees and reduce their risk of discrimination, in line with its obligations under the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. It also recommends that the State party adopt measures to enable access to documentation for such women and to provide them with access to basic services and opportunities of resettlement, as well as adopt a system to gather data on stateless women.**

Disadvantaged groups of women

Refugee and stateless women

39. The Committee notes that the State party has adopted programmes for the social inclusion and/or resettlement of refugees and stateless persons of Colombian and Syrian

origin, but is concerned about the situation of migrant and refugee women who are at risk of violence and trafficking.

40. In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party protect refugee and stateless women against sexual violence and trafficking and adequately punish perpetrators. It also recommends that the State party adopt protocols developed by the Office of the United Nations High Commissioner for Refugees for conducting the refugee status determination process in a gender-sensitive manner, with full respect for the procedural rights of women in need of international protection, including by ensuring that interviews are conducted by trained female interviewers and interpreters.

Committee on the Rights of the Child

Concluding observations, (5 March 2015), [CRC/C/URY/CO/3-5](#)

Unaccompanied children

63. Despite the information provided by the State party, the Committee is concerned about the lack of a special procedure for the protection of unaccompanied migrant children. The Committee is also concerned about information on the absence of a procedure for the appointment of a guardian and a legal representative for unaccompanied children.

64. In the light of its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party introduce comprehensive legislation ensuring assistance to and the protection of unaccompanied migrant children. In particular, the Committee recommends that the State party establish a specific and permanent national authority to oversee the conditions of unaccompanied migrant children, identify their needs and address problems of the current system, and to develop operational guidelines on unaccompanied migrant children, including guidelines on their reception and identification, on needs assessment and on a protection strategy.

Committee against Torture

Concluding observations, (10 June 2014), [CAT/C/URY/CO/3](#)

Refugees and training courses

18. Bearing in mind the State party's efforts to equip itself with a new legal framework in respect of migration and asylum, the Committee is concerned by reports indicating that, despite the provisions of Act No. 18076, women, unaccompanied minors or minors who have become separated from their families, and victims of torture or traumatization who request asylum in the State party do not receive treatment that is in accordance with their specific needs during the refugee-status application process (arts. 3, 10 and 16).

The State party should ensure that it is in full compliance with its obligations in respect of *non-refoulement* under article 3 of the Convention. In particular, the Committee recommends that the State party:

- (a) Strengthen its ongoing training programmes on the protection of refugees and national asylum laws for immigration officers and border guards;

- (b) Uphold the principle that asylum procedures should remain confidential and should provide for special consideration for women, minors, victims of torture or traumatization and other asylum seekers with specific needs.**

Trafficking in persons

22. The Committee takes note of the information supplied by the State party on trafficking in persons for purposes of sexual exploitation and forced labour, and appreciates the State's efforts to prevent and combat this phenomenon. The scant information available on the subject, however, is limited to the number of trials and convictions and the sentences handed down to guilty parties between 2012 and 2013 (arts. 1, 2, 4, 12 and 16).

The State party should:

- (a) Redouble its efforts to prevent and combat human trafficking;**
- (b) Undertake prompt, impartial investigations into cases of human trafficking, ensure that those found guilty of such offences are punished and ensure that all victims of such acts obtain redress.**

Committee on Migrant Workers

Concluding observations, (2 May 2014), [CMW/C/URY/CO/1](#)

Trafficking in persons

45. While it welcomes the State party's efforts to combat and penalize the crime of trafficking in persons by giving specific definitions of such offences in Act No. 18250 on Migration and elsewhere, the Committee is concerned at the lack of comprehensive legislation to protect the victims of human trafficking in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). The Committee is also concerned at:

- (a) The lack of an up-to-date analysis of the extent and nature of the problem or of any national plan to combat trafficking;**
- (b) The continuing occurrence of cases of trafficking in persons for purposes of sexual or labour exploitation, both women and men;**
- (c) The low number of trials and convictions for trafficking in persons; and**
- (d) The lack of special shelters to support victims of trafficking, or of information on what special protection and assistance is available to victims.**

46. **The Committee recommends that the State party step up its efforts to combat trafficking in persons and encourages it to adopt without delay a comprehensive law on human trafficking and regulations to ensure its application, in accordance with the Palermo Protocol. In particular, the Committee recommends that the State party:**

- (a) Pursue its work across agencies to produce a comprehensive strategy on the prevention of trafficking and the prosecution and punishment of those responsible, and on the protection, rehabilitation, reintegration and social support of victims of human trafficking;**
- (b) Put in place effective mechanisms to identify traffickers and victims of trafficking and, where necessary, arrange international protection for the victims;**

- (c) **Set up enough special shelters to cater for trafficking victims;**
- (d) **Pursue its training programmes for officials, and particularly law enforcement officials, prison officers, prosecutors, labour inspectors, teachers, health workers, and diplomats and officials in Uruguayan embassies and consulates abroad, in order to enhance their ability to identify victims and their understanding of the problem of trafficking;**
- (e) **Step up international, regional and bilateral cooperation and information exchanges with countries of origin, transit and destination, in order to prevent human trafficking.**

Unaccompanied minors

47. The Committee notes with interest the request for an advisory opinion jointly submitted to the Inter-American Court of Human Rights by Argentina, Brazil, Paraguay and Uruguay in relation to the migratory status of unaccompanied minors, and welcomes the tailor-made assistance provided to such children by the State party. While noting that the problem is not widespread in the State party, the Committee regrets the lack of specific data and measures to adequately identify unaccompanied migrant children, who run the risk of falling victim to abuse and violations along migration routes.

48. **The Committee encourages the State party to pursue efforts to guarantee clear procedures for the identification and protection of unaccompanied minors based on the best interests of the child and their individual situation. The Committee recommends that the State party consider establishing a protocol for dealing with children at the border.**

Migrants in irregular situations

49. The Committee welcomes the regularization programmes in the State party for migrant workers from MERCOSUR and Associate Members, migrant workers from non-MERCOSUR countries who are under a contract of employment, and on humanitarian grounds. It also commends the various initiatives for the regularization of the status of migrant workers in an irregular situation, such as the Rapid Response Plan and the Identity Programme. Nevertheless, the Committee is concerned at:

- (a) The lack of sufficient statistical data on irregular migration;
- (b) The assessment by the State party that, although migrant workers in an irregular situation can access employment programmes with provisional identity cards, little use has so far been made of that resource;
- (c) The lack of clarity about how many people have sought to avail themselves of those initiatives, how many have done so, and the current situation of migrants whose applications for regularization were turned down;
- (d) The alleged difficulties in obtaining documents, including limited access to information on procedures, their cost, requirements and conditions;
- (e) The situation of 24 long-standing undocumented immigrants who do not possess the documents required by their country of origin. Although, following legal proceedings, they will receive a temporary certificate for foreigners, the document is not enough to enable them to access a Uruguayan identity card and, by extension, their other rights.

50. The Committee recommends that the State party collect data on migrant workers in an irregular situation and their families, and ensure that they have effective access to information on procedures in place for regularizing their situation. The Committee encourages the State party to continue to facilitate regularization procedures, primarily by strengthening the collection of empirical information on the results of available migration status regularization procedures. It also encourages the State party to consider a special regime allowing the 24 immigrants who will receive a temporary certificate to obtain a provisional identity card and exercise their rights on an equal footing with residents in the State party.