



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr.: General  
5 August 2020  
English  
Original: Spanish  
English, French and Spanish only

---

**Committee on the Elimination of Racial Discrimination**

**Combined twenty-fourth to twenty-sixth periodic  
reports submitted by Uruguay under article 9 of  
the Convention, due in 2020\*, \*\***

[Date received: 3 February 2020]

---

\* The present document is being issued without formal editing.  
\*\* The annexes to the present report are available on the Committee's web page.



## I. Introduction

1. This report<sup>1</sup> has been prepared by the National Mechanism for Reporting and Follow-up on Recommendations, which is coordinated by the Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs. The Mechanism is made up of 32 State institutions,<sup>2</sup> including the three branches of government, autonomous bodies, decentralized services and departmental governments. The National Human Rights Institution and Office of the Ombudsperson forms part of the Mechanism and therefore participates as an observer in the process of preparing national reports for treaty monitoring bodies and the universal periodic review, while maintaining its independence as a body authorized to prepare and submit alternative reports.

2. Prior to submitting the draft national report, the Mechanism circulated it among civil society organizations with a view to obtaining their feedback, which was duly considered.

3. Following the elections that took place in October and November 2019, the new Government will take office in March 2020, which leaves very little time in which to formulate and assess plans and programmes that address this issue.

## II. General information

4. In recent years, Uruguay has made progress in mainstreaming the ethno-racial dimension in order to analyse the extent to which human rights are fully realized. This has led to the production of official statistics on ethnic and racial self-identification, the creation of a new institutional framework to promote equal opportunities for people of African descent, the recognition of this people's historical and cultural contribution to the country, and the mainstreaming of ethnic and racial issues in public policies.

5. In accordance with Act No. 19.670<sup>3</sup> of 2018 and its Regulatory Decree No. 81/019 of March 2019, the executive branch has established a National Council for Ethnic and Racial Equity and People of African Descent. The Council's responsibilities include advising the executive on matters within its remit, promoting the mainstreaming of an

---

<sup>1</sup> The information contained in the present report relates to the period from 10 December 2016 to 31 December 2019.

<sup>2</sup> At the time of writing, the Mechanism comprised 32 State bodies. Executive branch: the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Economic Affairs and Finance, the Ministry of Defence, the Ministry of Education and Culture, the Ministry of Transport and Public Works, the Ministry of Industry, Energy and Mining, the Ministry of Labour and Social Security, the Ministry of Health, the Ministry of Livestock, Agriculture and Fisheries, the Ministry of Tourism, the Ministry of Housing, Land Management and the Environment, the Ministry of Social Development, the Planning and Budget Office, the National Institute of Statistics, the Human Rights Secretariat of the Office of the President, the Agency for the Development of e-Government and the Information and Knowledge Society, the Uruguayan International Cooperation Agency and the National Civil Service Office. Decentralized services: the National Institute for the Social Inclusion of Adolescents, the State Sanitary Works, the Institute for Children and Adolescents, the State Health Services Administration, the Attorney General's Office and the National Postal Administration. Independent bodies: the Social Security Bank, the National Public Education Administration, the judiciary, the legislature (both houses) and the Office of the Parliamentary Commissioner for the Prison System. Departmental governments: the departmental government of Montevideo. Observers: the National Human Rights Institution and Office of the Ombudsperson.

<sup>3</sup> Article 228 of Act No. 19670 stipulates that the Directorate for Sociocultural Promotion is responsible, in coordination with other central and departmental State agencies, for drawing up plans to promote equal opportunities with the aim of eliminating discrimination and establishing substantive safeguards for the human rights of ethnic and racial minorities, including people of African descent and sexually diverse communities. Article 229 of Act No. 19670 provides for the establishment of advisory councils composed of central government agencies, departmental governments, the National Public Education Administration, the University of the Republic, and civil society, with responsibility for advising on and mainstreaming the perspective of ethnic and racial minorities, people of African descent and sexually diverse persons in public policies. See <http://www.impo.com.uy/bases/Leyes/19670-2018/229>.

ethnic, racial and Afrodescendent perspective in public policies, and working on the design and implementation of a national system for racial equity and people of African descent.

6. The following legislative developments have taken place at the national level:
- Article 28 (1) of Act No. 19.775 of 26 July 2019, amending the Organic Act on the Military (Armed Forces) and establishing the principle of non-discrimination, stipulates that there must be no discrimination in the armed forces on the grounds of birth, racial or ethnic origin, gender, sex, sexual orientation, religion or belief, opinion, or any other personal or social status or circumstance. The final part of this article establishes that the executive will take the necessary measures to promote the real and effective implementation of the aforementioned principle.<sup>4</sup>
  - Act No. 19.747 of 19 April 2019 introduced an amendment to chapter XI of the Code on Children and Adolescents, including its article 120-1 on general principles, which stipulates that all measures adopted must be in strict compliance with the principles and provisions of the Convention on the Rights of the Child, other international and inter-American human rights instruments and the guiding principles of the Code. In particular, they must ensure that there is no discrimination on the basis of gender, age, racial or ethnic origin, sexual orientation, gender identity or socioeconomic status.
  - Act No. 19.747 of 19 April 2019 introduced an amendment to chapter XI of the Code on Children and Adolescents, which addresses the protection of the rights of children and adolescents when those rights are endangered or have been violated. The amended version of article 118 of the Code provides that in administrative and legal proceedings for the restoration of violated or threatened rights, care must be taken to ensure that every child or adolescent is guaranteed the right not to be discriminated against on the basis of sex, age, ethnic or racial origin, sexual orientation, gender identity, economic or social status, disability, or place of origin or residence.
  - Act No. 19.682 of 26 October 2018 provides for the recognition and protection of stateless persons.<sup>5</sup>
  - Act No. 19.643 of 20 July 2018 provides for measures to prevent and combat trafficking in persons. In adopting this Act, the Government took into account all the international human rights instruments ratified by Uruguay. In addition to being in line with the Convention, the Act consolidates a comprehensive public policy that guarantees human rights and pays particular attention to discriminatory stereotypes<sup>6</sup> and the characteristics of the most vulnerable groups, including people of African descent. In that regard, the following articles are especially noteworthy.
    - Article 3 (c) establishes that equality and non-discrimination are guiding principles of the Act and stipulates that, in all proceedings, respect for victims' human rights must be guaranteed without discrimination of any kind on grounds of race, ethnicity, disability, sex, gender, age, language, religion, sexual orientation, gender identity, political or other opinion, origin, nationality, statelessness, or financial or any other social or migratory status.<sup>7</sup>
    - Article 2 addresses the interpretation and implementation of the Act and stipulates that it must be interpreted and implemented in the light of the principles and provisions of the Constitution and the international human rights instruments ratified by Uruguay, in particular the 1926 Slavery Convention and the 1953 Protocol amending the Slavery Convention, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Act No. 17.304). In the event of

<sup>4</sup> <https://www.impo.com.uy/bases/Leyes/19775-2019/28>.

<sup>5</sup> <https://www.impo.com.uy/bases/Leyes/19682-2018>.

<sup>6</sup> See, in particular, articles 2, 3 (c) and (d), 5 (a), 8 (d), 17 (b) and 32 (h).

<https://www.impo.com.uy/bases/Leyes/19682-2018>.

<sup>7</sup> <http://www.impo.com.uy/bases/Leyes/19643-2018>.

conflict or doubt about the implementation of the Act, the interpretation most favourable to the victims of trafficking and exploitation will prevail.

- Article 5 addresses the rights of victims of trafficking and exploitation and stipulates that all victims of trafficking in persons, even if they have not filed a judicial or administrative complaint, have the rights enumerated in that article, without prejudice to the rights guaranteed to all persons in the international treaties and conventions ratified by Uruguay and enshrined in the Constitution and national laws, including the right to respect for their dignity, privacy and autonomy and the right not to be subjected to any form of discrimination.
- Article 8 establishes the National Council to Prevent and Combat Trafficking in and the Exploitation of Persons as the lead agency in this area and identifies its functions, which include proposing measures to inform and raise the general public's awareness of the trafficking and exploitation of persons; such measures must incorporate a human rights and gender perspective and have particular regard for the situation of children and adolescents and the ethnic and cultural diversity and language of potential victims, and must comply with the regulations on accessibility for persons with disabilities.
- Article 17 (b) stipulates that prevention measures, including information-sharing and awareness-raising activities, must take into account the factors that make persons vulnerable to trafficking and exploitation, such as their racial and ethnic origin, including, in particular, the historical discrimination to which persons of African descent have been subjected.<sup>8</sup>
- Article 32 (h) establishes victims' rights to obtain access to justice and provides, inter alia, that in administrative and legal proceedings, victims of trafficking in persons and related offences have the right not to have their testimony devalued because of discrimination based on racial or ethnic origin, gender stereotypes, gender identity, beliefs, or cultural identity, among other characteristics.<sup>9</sup>
- The current Code of Criminal Procedure entered into force in 2017 under Act No. 19.293 of 19 December 2014. Article 331 (e) of the Code establishes the cases in which extradition is inadmissible, which include those where it may be inferred that a person is being persecuted for discriminatory reasons of race, religion or nationality or that his or her situation may be prejudiced for another, similar reason.
- Act No. 19.580 of 22 December 2018 on gender-based violence against women, which is aimed at guaranteeing women's right to a life free from gender-based violence, includes a specific article that defines racial or ethnic violence as any physical, moral, verbal or psychological attack, or any humiliating or offensive treatment, targeted at a woman because of, or in reference to, her ethnic background, that causes the victim to feel intimidated, ashamed, disrespected or denigrated, whether this type of violence is exercised in public, in private, or in any other setting.
- Article 11 (j) of the Act provides for the establishment of registers of quantitative and qualitative data on gender-based violence that include variables such as age, disability, racial or ethnic origin, religion and area of residence, among other dimensions of discrimination. Steps must be taken to ensure that personal data are kept confidential so that the persons to whom they correspond cannot be identified (Act No. 18.331 of 11 August 2008).
- Article 1 of Act No. 19.534 of 24 September 2017 regulates the right of admission to public events and, in this regard, establishes that under no circumstances may this right be exercised to restrict access in an arbitrary or discriminatory manner on the grounds set out in article 2 of Act No. 17.817.
- Article 4 of the Mental Health Act (No. 19.529) of 24 August 2017 establishes non-discrimination as one of the guiding principles of the Act.

<sup>8</sup> <https://www.impo.com.uy/bases/Leyes/19643-2018/17>.

<sup>9</sup> <https://www.impo.com.uy/bases/Leyes/19643-2018/32>.

7. Uruguay is committed to the principles that shape the fight against racial and ethnic discrimination and all other forms of intolerance. This commitment has been clearly demonstrated by its ratification of universal and inter-American instruments on protection against discrimination and of the core international human rights treaties, including:

- Ratification of the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination<sup>10</sup> (January 2020)
- Ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance (May 2018)<sup>11</sup> (Uruguay is the only country in the region that has ratified this instrument)
- Ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance<sup>12</sup> (October 2017)
- Approval for the ratification of the protocol additional to the Ibero-American Convention on the Rights of Youth,<sup>13</sup> signed in Cartagena, Colombia, on 25 October 2016 (August 2019)

### III. Implementation of the Committee's previous recommendations

#### A. Statistical data

##### Follow-up to paragraph 9 of the concluding observations

8. The total population of Uruguay is 3,506,534, of whom 10.5 per cent are of African descent and 5.1 per cent self-identify as indigenous.<sup>14</sup> Women<sup>15</sup> account for 51 per cent of the population of African descent.

9. With regard to the collection of statistical data, the continuous household survey<sup>16</sup> includes a question on racial background.

10. The ethnic and racial background variable<sup>17</sup> has been routinely included in the records of the National Institute of Statistics since 2006. It was also included in the 2011 census, which made it possible to provide demographic, educational and employment data and data on access to resources measured by the extent to which basic needs are met. The inclusion of this variable in the continuous household survey makes it possible to obtain disaggregated information for monitoring inequality gaps according to ethnic and racial origin. This variable was also incorporated in other studies carried out by the National Institute of Statistics, such as the nutrition, child development and health survey and the national survey of adolescents and youth. Steps are currently being taken to ensure that more agencies make use of this variable.

11. Since October 2015, the Ministry of Social Development has included this variable in the benefits monitoring, administration and decision system and in forms for viewing data, making it possible to disaggregate data on the different programmes by the background of the participants. This information is included in reports published at various intervals.

<sup>10</sup> <https://parlamento.gub.uy/documentosyLeyes/ficha-asunto/141625>.

<sup>11</sup> Act No. 19.584 of 19 December 2017.

<sup>12</sup> Act No. 19.517 of 21 July 2017.

<sup>13</sup> Act No. 19.789 of 30 August 2019: <https://www.impo.com.uy/bases/Leyes/19789-2019>.

<sup>14</sup> Data obtained from the 2011 census. For more information, see <http://www.ine.gub.uy/censos-2011>.

<sup>15</sup> Source: Gender Information System of the National Women's Institute of the Ministry of Social Development, based on the continuous household survey of 2018.

<sup>16</sup> <http://www.ine.gub.uy/encuesta-continua-de-hogares1>.

<sup>17</sup> For more information, see *Dimensión étnico-racial y acciones afirmativas hacia afrodescendientes. Material de apoyo* ([https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/materialapoyo\\_decenio\\_agosto2016.pdf](https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/materialapoyo_decenio_agosto2016.pdf)).

12. Decision No. 3066/17 of the Vocational and Technical Education Council and Decision No. 68/18 of the Governing Board of the National Public Education Administration, adopted in 2017 and 2018 respectively, approved a document on affirmative action for persons of African descent and transgender persons. This document identifies the need to create conditions conducive to the improvement of educational outcomes for sexually diverse students and students of African descent, to which end data on ethnic and racial background are collected when students enrol or re-enrol in secondary school. This allows the authorities to obtain information on the self-identified background of secondary school students.

*Persons deprived of their liberty*

13. A national survey on the highest level of education attained by persons deprived of their liberty, carried out in April 2018 by the National Rehabilitation Institute, produced the following data on the ethnic and racial origin of such persons:<sup>18</sup>

<i>Distribution of the population by self-identification of ethnic and racial background</i>		
<i>Ethnicity/race</i>	<i>Number</i>	<i>Percentage</i>
African or black	1 737	20.1
Asian	81	0.9
White	5 465	63.2
Indigenous	267	3.1
Other	357	4.1
No data	160	1.9
<b>Total</b>	<b>8 646</b>	<b>100.0</b>

14. This survey was based on individual self-identification. The census covered 92 per cent of institutions, housing 86 per cent of the prison population.

## **B. Legislative measures**

### **Follow-up to paragraph 11 of the concluding observations**

15. Uruguayan law punishes any person who promotes, sets up, organizes, leads or participates in associations, bodies, institutes or sections formed with a view to provoking or perpetrating racial conflict or hatred and penalizes the incitement and commission of acts of hatred, contempt or violence towards specific individuals. Serious and very serious aggravating circumstances are defined for the offences of murder and bodily injury, and a number of convictions have been handed down for acts of this kind.<sup>19</sup>

16. In this regard, attention may be drawn to the judgment handed down in summary proceedings on 21 June 2018, which cites the offence established in article 149 ter of the Criminal Code on the commission of acts of hatred, contempt or violence against certain persons.<sup>20</sup>

<sup>18</sup> Survey conducted by the National Rehabilitation Institute on the basis of the guidelines established by the National Institute of Statistics in the *Manual de campo. Encuesta de violencia basada en género y generaciones*.

<sup>19</sup> With regard to criminal legislation relating to hate crimes, see Decree-Law No. 10.279 of 19 November 1942 on the establishment of investigating courts: <https://www.impo.com.uy/bases/decretos-Ley/10279-1942/6/>; Criminal Code: articles added pursuant to Act No. 16.048 of 16 June 1989 and in the wording of Act No. 17.677 of 29 July 2003 (update related to discrimination on the grounds of sexual orientation/identity), art. 149 bis: [https://www.impo.com.uy/bases/codigo-penal/9155-1933/149\\_BIS](https://www.impo.com.uy/bases/codigo-penal/9155-1933/149_BIS) (incitement) and art. 149 ter: [https://www.impo.com.uy/bases/codigo-penal/9155-1933/149\\_TER](https://www.impo.com.uy/bases/codigo-penal/9155-1933/149_TER) (commission of acts).

<sup>20</sup> <http://www.fiscalia.gub.uy/innovaportal/v/6116/1/innova.front/fiscal-mirra-morales-solicitado-la-condena-de-cuatro-hombres-por-violencia-privada-y-delitos-de-odio.html>.



17. Act No. 17.677 of 2003 amended the Criminal Code to introduce the offence of incitement to hatred, contempt or violence towards one or more persons because of the colour of their skin, race, religion, national or ethnic origin, sexual orientation or gender identity. Act No. 18.026 of 2006 establishes the offences of public incitement to commit genocide; conspiracy to commit genocide; crimes against humanity; war crimes; and the justification of acts of this kind committed in the past.

18. Article 2 of Act No. 17.817 of 2004 contains a definition of discrimination that includes all the elements set out in the various United Nations conventions on discrimination that have been ratified by Uruguay. The only element that is not included is “descent”, but discrimination on this basis is prohibited under article 9 of the Constitution. Article 1 of the above-mentioned Act stipulates that the fight against discrimination, racism and xenophobia is in the national interest, thereby highlighting the unique nature of such discriminatory conduct.<sup>21</sup>

19. Attention may also be drawn to the draft amendment to the Criminal Code that has been under consideration by the parliament since 2010. Pursuant to this draft, article 149 bis on incitement will become article 179 and will retain the same text, aside from the penalty provided for, which will be imprisonment for a minimum of 3 to 6 months and a maximum of 18 to 24 months, in line with the penalty provided for in article 149 ter on the commission of acts.<sup>22</sup>

20. The Uruguayan State is committed to promoting and fostering long-term strategies and policies to combat all forms of discrimination, including racial discrimination, employing affirmative actions to compensate for the inequalities that exist in our society. In this regard, Act No. 17.817 is intended not to impose penalties but to promote and facilitate such actions. A clear example of this approach is provided by the adoption of Act No. 19.122 of 2013 on affirmative action in the public and private sectors, access to the labour market, the establishment of quotas, and scholarships for persons of African descent.

21. In August 2019, the National Human Rights Institution and Office of the Ombudsperson coordinated an interactive forum on the progress made, existing gaps and challenges faced in relation to national legislation on the issue of discrimination, especially article 149 bis of the Civil Code and Act No. 17.817 on measures to combat racism, xenophobia and discrimination. The format of this forum, in which national authorities and civil society took part, was conducive to the development of proposals that generate synergies between objectives and efforts.

22. In addition, the National Human Rights Institution and Office of the Ombudsperson, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, the Race and Ethnicity Unit (Foreign Nationals Service Office) of the Ministry of the Interior, and the judiciary have drawn up a preliminary bill on the incorporation of an article 149 quater in the Criminal Code, introducing specific penalties for acts that infringe labour rights, such as the right to employment, promotion or any improvement in employment conditions, and the right of access to commercial premises or establishments, means of transport, events, sporting activities, or any public or private benefits or services, on the grounds set out in the article.

#### *Code of Criminal Procedure*

23. The new Code of Criminal Procedure,<sup>23</sup> which amended criminal procedure as needed to move from an inquisitorial system to an oral, public, adversarial system, entered into force in November 2017. The change empowers the Public Prosecution Service to direct investigations. It also ensures that victims of crime receive guarantees, care and protection.

24. Following the entry into force of the new Code of Criminal Procedure, an information system for adversarial criminal proceedings was launched which centralizes

<sup>21</sup> For more information, see <https://legislativo.parlamento.gub.uy/temporales/D2003111233-014864545.pdf>.

<sup>22</sup> Articles 13 and 14 of the new Criminal Code: [https://parlamento.gub.uy/documentosyLeyes/ficha-asunto/105583/ficha\\_completa](https://parlamento.gub.uy/documentosyLeyes/ficha-asunto/105583/ficha_completa).

<sup>23</sup> Act No. 19.510 of 14 July 2017.

data on all complaints lodged in Uruguay, including the number filed and the related offences. The system will provide statistical data for use in evaluating public policies, redefining the competencies of prosecutors' offices and determining the number of prosecutors' offices in each area, for example.

## C. Policy on combating racial discrimination

### Follow-up to paragraph 13 of the concluding observations

#### *National Strategy on Policies for Persons of African Descent 2030*

25. In 2015, the Planning and Budget Office began drawing up the National Development Strategy 2050, which sets out three cross-cutting perspectives – regional equity, gender equality and racial equality – that form part of the concept of comprehensive development in Uruguay. The National Strategy for Public Policies on Afro-Uruguayan Persons and Persons of African Descent up to 2030 was prepared with the technical support of the Inter-American Development Bank, the Spanish Agency for International Development Cooperation and the World Bank.

26. The National Strategy on Policies for Persons of African Descent 2030 is a series of medium-term public policy recommendations that promote socioeconomic, productive and political equity between Uruguayan citizens of African descent and the rest of the population. Its purpose is to contribute to the fulfilment of the commitments assumed within the framework of the 2030 Agenda for Sustainable Development in coordination with the proposals set out in the National Plan for Racial Equity and People of African Descent (2019–2022) established by the Racial Equity Council of the Ministry of Social Development in accordance with the National Development Strategy 2050 of the Planning and Budget Office.

27. The National Strategy on Policies for Persons of African Descent 2030 sets out a series of public policies based on the available evidence of the factors that prevent citizens of African descent from enjoying the same opportunities as the rest of the population. Its purpose is to accurately characterize the target population and establish a starting point for future evaluations of the effectiveness of the proposed measures.

28. A participatory and inclusive approach was taken to the design of the National Strategy, which benefited from contributions from Afro-Uruguayan civil society and cooperation with representatives of different national political parties through the governments of the five departments with the largest proportions of people of African descent. Three consultations were held with representatives of Afro-Uruguayan civil society (two at the regional level and one at the national level)<sup>24</sup> with a view to determining their demands and requirements. Furthermore, working alliances were established with the departmental governments of Artigas, Cerro Largo, Rivera, Salto and Montevideo in order to build the political consensus necessary for the coherent implementation of the recommendations set out in the National Strategy on Policies for Persons of African Descent 2030.

#### *National Plan for Racial Equity and People of African Descent*

29. The National Plan for Racial Equity and People of African Descent was presented on 21 March 2019. The process of preparing this plan involved holding regional assemblies with representatives of departmental governments, State agencies, civil society organizations and people of African descent<sup>25</sup> and was supported by international bodies (the United Nations system and the Spanish Agency for International Development Cooperation).

<sup>24</sup> The first regional consultation took place in the city of Rivera on 16 March 2018 and included participants from Cerro Largo, Rivera, Rocha and Tacuarembó. The second regional consultation took place in the city of Salto on 28 April 2018 and included participants from the departments of Artigas, Paysandú, Rio Negro and Salto. The last consultation, which was at the national level, took place in Montevideo on 21 May 2018.

<sup>25</sup> See annex 1: *Plan Nacional de Equidad Racial y Afrodescendencia*.



30. The aims of the Plan include definitively reducing the racial divide between people of African descent and the rest of the population, combating all forms of racism, promoting racial equity in combination with the gender and generational perspectives and ensuring that people of African descent may exercise their political, economic, social, cultural and environmental rights.

31. The Plan sets out 10 strategic lines of action: (1) ensuring the statistical visibility of people of African descent; (2) combating all forms of discrimination in order to guarantee the exercise of universal rights and uphold the dignity of people of African descent; (3) reducing multidimensional poverty from an ethno-racial, Afrodescendent and territorial perspective; (4) guaranteeing decent housing and inclusive environments; (5) providing an education system committed to the present and future of people of African descent; (6) ensuring an equitable labour market and employment with an ethnic and racial perspective; (7) guaranteeing a health system that incorporates an ethnic and racial equity perspective; (8) positioning women of African descent as pillars of a new sense of citizenship; (9) promoting economic empowerment with an ethnic, racial and territorial perspective; (10) increasing coordination between the State and Afrodescendent civil society and increasing the autonomy of the latter.

32. The gender perspective is incorporated into the objectives of the Plan and is specifically incorporated in strategy 8, which proposes to position women of African descent as pillars of a new sense of citizenship. However, it is important to note that the gender dimension is a cross-cutting component of the entire Plan and the Council.

33. In 2018, in order to implement the National Plan for Racial Equity and People of African Descent, the Racial Equity Policy Group, under the leadership of the Ministry of Social Development, addressed the following key themes in relation to the participation and regional nature of local organizations and civil society: education, employment, health, housing, and situations and manifestations of racism and racial discrimination.

34. Act No. 19.670 of 2018 provided for the establishment of the National Council for Racial Equity and People of African Descent, which is responsible for advising the executive branch on this issue, promoting the mainstreaming of an ethnic, racial and Afrodescendent perspective in public policies, providing specialized technical advice on the implementation of regulations, programmes and public policies and promoting the incorporation of the ethno-racial variable in official State records. Decree No. 81/019 of 18 March 2019 sets out regulations relating to article 229 of Act No. 19.670, which provides for the establishment of the National Advisory Council for Ethnic and Racial Equity and People of African Descent.<sup>26</sup>

35. One of the Plan's strategic lines sets out the need for an educational system that is committed to the present and future of people of African descent. This goal was set in response to various studies<sup>27</sup> that reveal disparities between the school access and retention rates of people of African descent and those of the rest of the population. The proposals contained in the Plan include the incorporation of the ethno-racial perspective in primary education and in the Vocational and Technical Education Council. The Plan also promotes access to scholarships for people of African descent and measures to prevent and reduce the risk of school abandonment. It is necessary to address educational practices that echo racist ways of thinking, from stereotypes and prejudices to the failure to recognize the history of the Afro-Uruguayan people, including their contributions to Uruguayan culture.

36. Pursuant to Decision No. 30/66-17 of the Vocational and Technical Education Council and Decision No. 68/18 of the Governing Board of the National Public Education Administration (the Secondary Education Board and the Vocational and Technical Education Council), affirmative actions are being taken in the education system to improve access to education. Within this framework, regional training sessions (for school retention officers) and departmental training sessions (for teachers, administrative staff and other members of the education system) were held throughout the country in 2019 in conjunction with the Governing Board of the National Public Education Administration and the

<sup>26</sup> <https://www.impo.com.uy/bases/decretos/81-2019/1>.

<sup>27</sup> United Nations Development Programme, 2008; Scuro, Lucia, et al., 2013; Calvo, J., et al., 2013; Economic Commission for Latin America and the Caribbean, 2017.

Ministry of Social Development. At the time of writing, more than 1,000 people have received such training.

37. In addition, three specific actions have been carried out by the National Directorate for Sociocultural Policy of the Ministry of Social Development. The first relates to the signing of an agreement with the Faculty of Humanities and Education Sciences on conducting historical research into the contributions that people of African descent have made to the building of the nation State. The second, which was launched in September, relates to the Societies on the Move Archive,<sup>28</sup> the purpose of which is to contribute to the preservation, organization and dissemination of the documentary heritage of social movements in Uruguay, including movements relating to people of African descent. The third relates to the strategy for human rights-friendly schools, which, among other areas, focuses on people of African descent, providing for on-site work with retention officers and teachers and an online platform that contains educational and theoretical material to enable these issues to be addressed in schools.<sup>29</sup>

38. With regard to awareness-raising and training, mention may be made of the mobile educational stand “Equals in Difference”, which is run by the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination. The stand displays educational material and information on the issues of racism and people of African descent, disability, gender equality, sexual diversity, religious diversity and migration. The content has been approved by the National Public Education Administration and the project has received financial support from the United Nations Development Programme in Uruguay.

39. Within the framework of the National Human Rights Education Plan, an online course on education and persons of African descent was held under a working agreement that has been in force since 2016 between the National Directorate of Education of the Ministry of Education and Culture, the National Public Education Administration, acting through the Human Rights Directorate of the Central Governing Council, the Gender Network and the sex education programme, together with the National Women’s Institute of the Ministry of Social Development (as institutions members of the National Gender Council) and the Educational Connectivity/Basic Computing for Online Learning (CEIBAL) Plan. The purpose of this course, which was held in 2017, 2018 and 2019, is to contribute to discussions and work on ethnic and racial equality and non-discrimination and to raise awareness of national and international regulations on the subject.

40. Lastly, the Ministry of Education and Culture, the Ministry of Social Development and the National Public Education Administration are providing training to trainers on the issue of people of African descent from the ethno-racial and human rights perspectives and on recent, major legal developments related to people of African descent and the fight against racism at the national and international levels. Training and awareness-raising activities are also being carried out for teaching and non-teaching staff and for school retention officers.

#### *Progress made in the implementation of the Plan*

41. In 2019, the Plan focused on the conduct of visits to the inter-agency committees on social policy in order to promote the organization of local human rights committees in all of the country’s departments.

42. The National Directorate for Sociocultural Policy has proposed to move forward with the planning, execution and evaluation of local-level plans related to people of African descent and sexual diversity. To this end, meetings have been held with the inter-agency committees on social policy and local actors to set up departmental human rights committees involving various State institutions and civil society organizations associated with these issues. Training and awareness-raising activities for inter-agency committees on social policy and other local actors have been carried out in some departments.

<sup>28</sup> <https://asm.magnesium.link/>.

<sup>29</sup> <http://cpd.mides.gub.uy/>.

## D. Institutional measures

### Follow-up to paragraph 15 of the concluding observations

#### *Working group on ethnic and racial policies*

43. The Working Group on Racial Equity Policies was established pursuant to Presidential Decision DS/181 of March 2017 to carry out initiatives relating to the International Decade for People of African Descent, promote specific measures to give effect to the actions provided for in General Assembly resolution 68/237 and work on establishing and operationalizing the National Council for Racial Equity.

44. In connection with this last task, pursuant to Regulatory Decree No. 81/019 of March 2019, the Working Group ceased its functions and the National Council was established.

#### *Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination*

45. The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination<sup>30</sup> was established to propose national policies and practical measures to prevent and combat racism, xenophobia and discrimination, including affirmative action measures. The specific tasks of the Commission are: (a) analysing the situation in Uruguay with regard to racism, xenophobia and all other forms of discrimination and submitting proposals to the executive branch on new legislation or the modification of existing legislation; (b) monitoring compliance with domestic legislation; (c) planning and promoting education campaigns; (d) compiling and updating information on international law related to racism, xenophobia and all other forms of discrimination; (e) receiving and centralizing information on racist, xenophobic and discriminatory behaviour, keeping a record of incidents of such behaviour and, where appropriate, filing the corresponding legal complaints; (f) providing free and comprehensive advice to persons or groups who consider themselves to be victims of discrimination or racist, xenophobic or discriminatory attitudes.

46. In 2018 and 2019, the Commission was strengthened with additional human, technical and administrative resources, and steps were taken to raise its profile. The Commission's team was expanded through increased support from the National Directorate of Education of the Ministry of Education and Culture. The amount of time devoted to the Commission was increased, with the addition of 20 hours per week for secretariat and communication services (a public recruitment competition was held). A representative of the National Directorate of Education, a technical assistant in the area of human rights education from that same directorate and a lawyer also joined the team. In March 2018, the Commission concluded a cooperation agreement with the Human Rights Secretariat of the Office of the President for the purpose of receiving technical legal advice.

47. In 2018, the Commission and the National Human Rights Institution concluded a protocol establishing criteria and procedures to be applied when handling complaints or petitions referring to cases of racism, xenophobia or any other form of discrimination, with guidelines for how the signatory institutions should respond to such complaints and interact with each other. Both bodies are competent to receive complaints and petitions referring to cases of racism, xenophobia and other forms of discrimination. In 2019, the Race and Ethnicity Unit of the Ministry of the Interior made the dissemination and application of the protocol part of police training courses.

48. Cases of discrimination in employment matters must be reported to the General Labour Inspectorate of the Ministry of Labour and Social Security. Submitting a complaint or petition to the Inspectorate does not preclude the pursuit of other forms of legal action.

<sup>30</sup> Act No. 17.817, art. 3.

## E. Structural discrimination

### Follow-up to paragraph 17 of the concluding observations

#### *Population of African descent and the labour market in Uruguay*

49. The National Institute of Employment and Vocational Training has developed a series of indicators on the participation of persons of African descent in the labour market, using information from the 2016 continuous household survey. According to this survey, 10.27 per cent of the Uruguayan population is of African descent, while 4.12 per cent of the population is of primarily African descent. A departmental analysis reveals that Artigas is the department with the highest proportion of persons of African descent, in relative terms, at 33.92 per cent of the total departmental population, followed by Salto, Rivera and Soriano. The proportion of persons of African descent in the Departments of Cerro Largo, Treinta y Tres, Tacuarembó, Rocha and Montevideo is also above the national average.

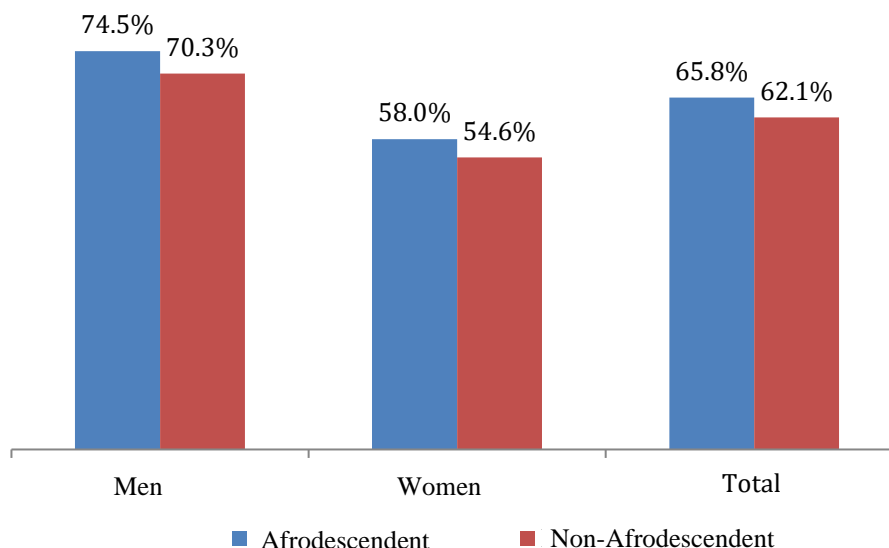
50. The figures are similar for persons of primarily African descent. Artigas and Rivera are the departments with the largest proportions of persons who report that they are of primarily African descent, at 13.59 per cent and 11.3 per cent, respectively. Meanwhile, the proportions of persons of primarily African descent in the Departments of Treinta y Tres, Salto, Cerro Largo, Tacuarembó, Rocha and Montevideo are above the national average.

51. These figures reveal that the majority of Uruguayans of African descent live in the departments in the north of the country.

52. An analysis of the participation rate, which reflects the supply of labour, reveals that labour market activity is higher among the population of African descent than among the white population and is above the national average. The largest differentials are observed in relation to persons of primarily African descent: 69 per cent of working-age persons of primarily African descent have a job or are looking for one, compared to 63 per cent of white persons of working age and a national average of 63.42 per cent.

53. The figure below shows the labour force participation rate of persons aged 14 or over, disaggregated by sex and ethno-racial background, in 2018 at the national level.

#### Labour force participation rate of persons aged 14 or over



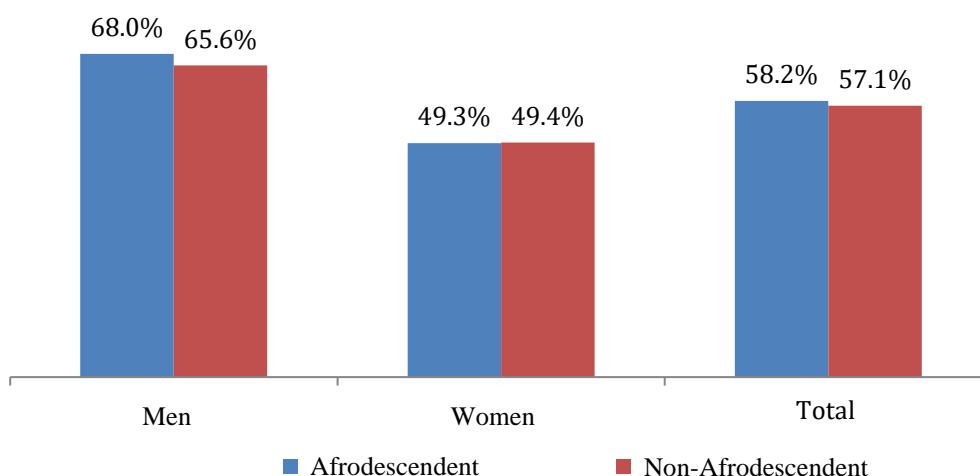
Source: National Women's Institute.

54. With regard to the employment rate, which reflects the demand for labour, employment among persons of primarily African descent is higher in relative terms: 61.81 per cent of working-age persons of primarily African descent are in employment. The rate drops to 59.87 per cent when all persons of African descent are taken into account. However, the employment rate of both groups is above the national average, which stands

at 58.44 per cent, and is higher than the employment rate among the white population, which is 58.23 per cent.

55. The figure below shows the employment rate of persons aged 14 or over, disaggregated by sex and ethno-racial background, in 2018 at the national level.

#### Employment rate of persons aged 14 or over

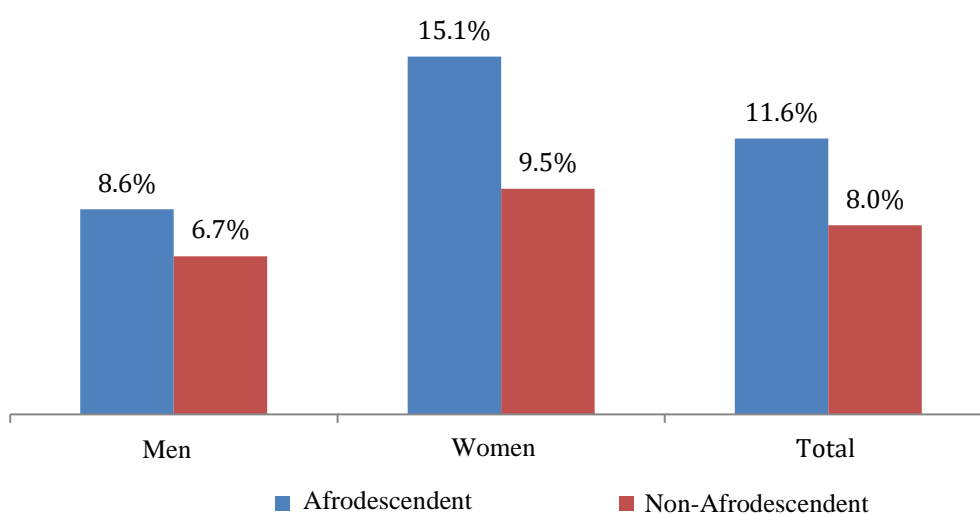


Source: National Women's Institute.

56. The unemployment rate among persons of African descent is higher than the national average, which stands at 7.84 per cent. The only demographic group in which unemployment is lower than the national average is the white population, in which unemployment sits at 7.71 per cent. Among the population of African descent, the unemployment rate sits at 10.81 per cent of the active population, while among the population of persons of primarily African descent, the unemployment rate is 10.73 per cent.

57. The figure below shows the unemployment rate of persons aged 14 or over, disaggregated by sex and ethno-racial background, in 2018 at the national level.

#### Unemployment rate of persons aged 14 or over



Source: National Women's Institute.

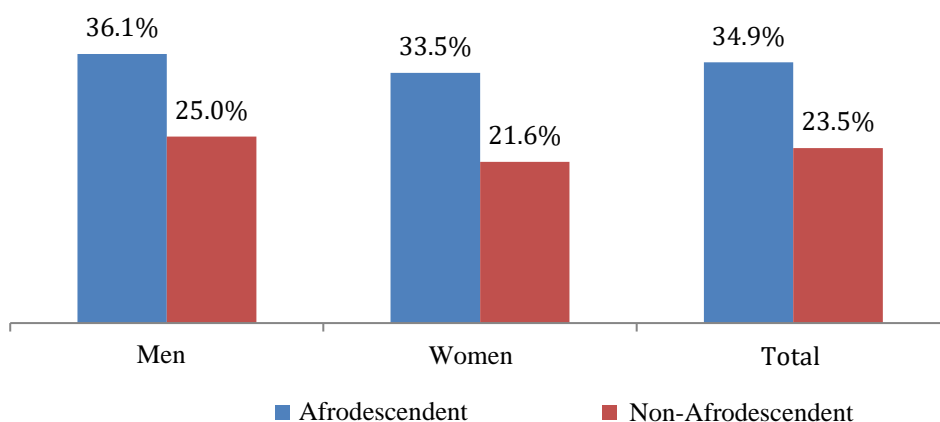
58. In summary, considering the three indicators together reveals that the higher levels of employment among the Afrodescendent population are not sufficient to absorb the large percentage of that population which is economically active, as reflected in the participation

rate and the unemployment rate. In other words, the population of African descent has the highest level of unemployment, despite having a higher employment rate than any other population group.

59. The primary form of employment among persons of African descent is wage employment in the private sector. However, while this is the primary form of employment among workers as a whole, differences can be observed when ethno-racial background is taken into account. Among persons of primarily African descent, 63.44 per cent of the total employed population is in wage employment, compared with 60.61 per cent of the total employed population among persons with African ancestry. These figures are higher than the national average of 56.79 per cent and the proportion of the white population in wage employment, which stands at 56.54 per cent.

60. The figure below shows the proportion of employed persons aged 14 or over who are not registered with the social security system, disaggregated by sex and ethno-racial background, in 2018 at the national level.

**Proportion of persons in employment aged 14 or over**

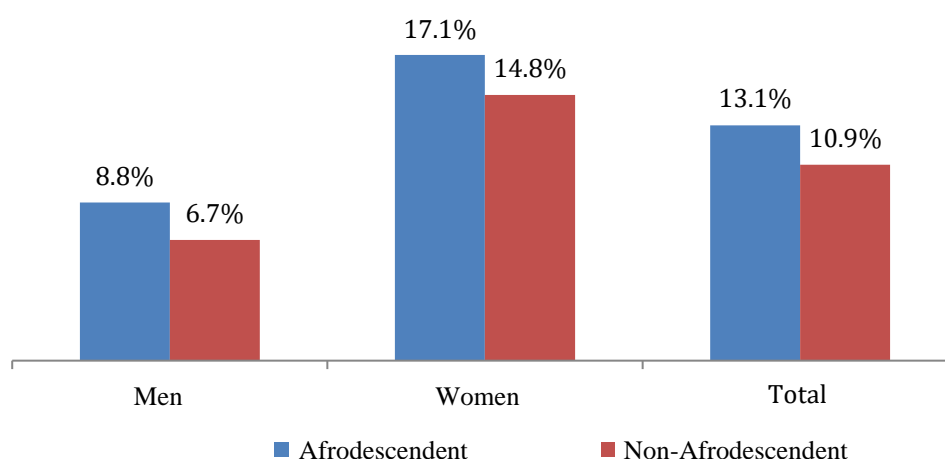


Source: National Women’s Institute.

61. The population of African descent is underrepresented in the public sector and among business owners and self-employed persons with premises or investment capital, when compared with the national average and the white population. However, persons of African descent, particularly persons of primarily African descent, are more widely represented among self-employed persons without premises or investment capital.

62. The figure below shows the proportion of persons aged 14 or over who have no personal income, disaggregated by sex and ethno-racial background, in 2018 at the national level.

### Proportion of persons aged 14 or over who have no personal income



Source: National Women's Institute.

#### Implementation of Act No. 19.122

63. Act No. 19.122, containing provisions for promoting the participation of people of African descent in education and employment, was adopted in 2013. This Act provides for affirmative action such as the award of secondary and tertiary education scholarships to persons of African descent, and requires State bodies and public law corporations to meet a quota whereby persons of African descent must account for at least 8 per cent of new employees hired through open competitions each year. This proportion of annual vacancies must be reserved, for a period of 15 years, for persons of African descent who meet the requirements set out in vacancy announcements and take part in the open competitions.

64. The Ministry of Social Development chairs a committee on the implementation of Act No. 19.122, which submits annual reports on compliance with the Act. The National Civil Service Office<sup>31</sup> submits reports regarding affirmative action in the area of employment. In 2020, it submitted a quinquennial report. In the area of education, data on ethno-racial background are now kept in the administrative records of the Vocational University of Uruguay but not in the records of other parts of the education system. Such data are not yet kept in the records of other State-run institutions.

65. This law represents an important step towards reversing the discrimination and inequality of opportunity historically faced by people of African descent in Uruguay, advocating affirmative action measures that promote their employment in the public sector.

#### Labour sector

66. Compliance with article 4 of Act No. 19.122, on the employment of persons of African descent in the public sector, has improved since 2016, but the 8 per cent quota established by the Act has not yet been met. In 2016, 275 persons of African descent were recruited to positions in the public sector. This figure rose to 361 in 2017, then to 642 in 2018. These data show that compliance increased from 1.8 per cent in 2016 to 3.3 per cent in 2018.

<sup>31</sup> Article 5 of Act No. 19.535 of 25 September 2017 provides that the committee established pursuant to article 9 of Act No. 19.122 (a tripartite committee, with an advisory council composed of representatives of non-governmental organizations, set up to monitor compliance with Act No. 19.122 on affirmative action) comes under the authority of the National Civil Service Office, pursuant to the enlargement of the Office's mandate under Act No. 19.149 of 11 November 2013, which introduced a new subparagraph (r) under article 4 of Act No. 15.757. Article 4 (r) provides that the National Civil Service Office is required to monitor compliance with the positive discrimination quotas prescribed by law in the open competitions for recruitment to the bodies responsible for sections 2 to 15 (central administration) of the national budget and may refuse to authorize the competition if those quotas are not met. See Act No. 19.438 of 14 October 2016 on the approval of accounts for 2015, article 4 on the obligations of the bodies mentioned therein.



67. Compliance with the quota within the executive branch is shown in the table below.

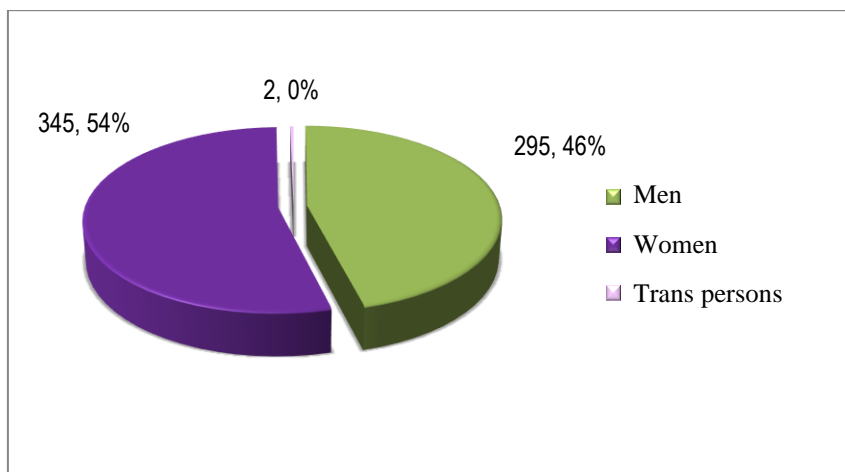
Year	Compliance with recruitment quota (%)	Applicants of African descent (%)	Proportion on priority lists (%)	Applications from persons of African descent	Total number of persons of African descent selected
2014	3.3	7.7	0.36	278	1
2015	7.3	6.2	2.2	1 390	30
2016	8.0	5.9	1.4	12 296	166
2017	9.2	6.6	0.8	7 787	66
2018	9.8	8.2	1.1	15 142	172

68. The above table shows that while the executive branch complies with the 8 per cent quota in competitions managed through the Uruguay Concursa portal,<sup>32</sup> during the competition process less than 2 per cent of the persons who make it onto priority lists are of African descent.

69. In 2018, 295 (46 per cent) of all persons of African descent who took up positions in the public sector were men and 345 (54 per cent) were women. Twenty-nine per cent of the men took up positions in the Ministry of Defence, down from 64 per cent in 2017.

70. Eighty-four women of African descent took up positions in the Ministry of Social Development, representing 24 per cent of all selected women of African descent, while 61 took up positions with the National Administration of Electricity Producers and Distributors, representing 18 per cent of the total. The body that took on the third highest number of women of African descent was the Ministry of Education and Culture, to which 13 per cent of all such women were hired.

#### Gender distribution of persons of African descent selected in 2018<sup>33</sup>



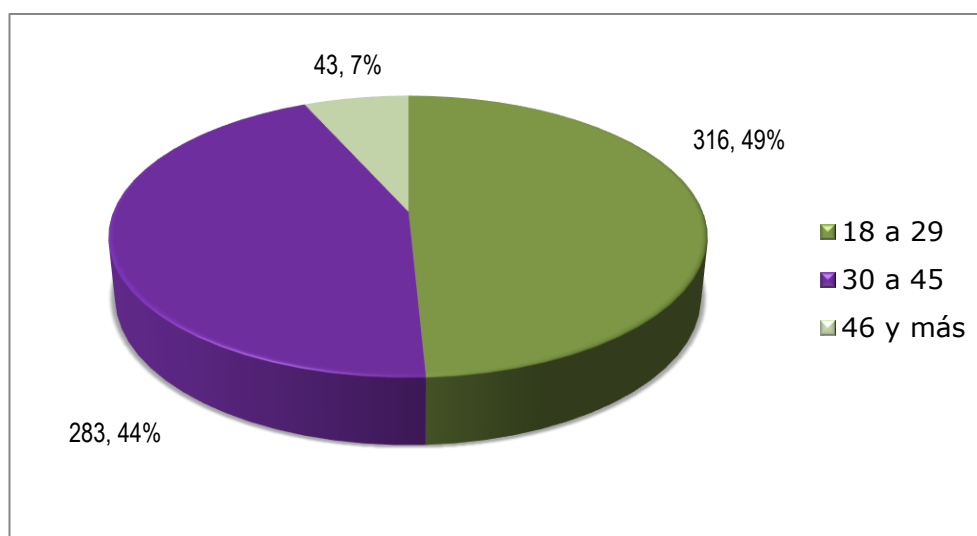
71. The average age of those selected is 31 years, with the following distribution by age group: 49 per cent of persons of African descent selected are between 18 and 29 years old, 44 per cent are between 30 and 45 years old and 7 per cent are over 45 years old.

72. In the largest age group (18 to 29 years), men represent 78 per cent and women 22 per cent. Of the 258 persons selected who fall into this age group, 67 per cent (171 persons) took up positions with the Ministry of Defence.

<sup>32</sup> Uruguay Concursa is a State-run web portal through which the public can access all State recruitment competitions. For more information, see [www.uruguayconcursa.gub.uy](http://www.uruguayconcursa.gub.uy).

<sup>33</sup> Source: National Civil Service Office.

### Age distribution of persons of African descent selected in 2018<sup>34</sup>



*Age distribution of persons of African descent selected for positions in the public sector  
(Source: National Civil Service Office)*

Sex	18 to 29 years old	30 to 45 years old	Over 45 years old	Total
Men	180	95	20	295
Women	135	187	23	345
Transgender	1	1		2
<b>Total</b>	<b>316</b>	<b>283</b>	<b>43</b>	<b>642</b>

73. More State agencies are now implementing the provisions of the new legislation (up from 19 in 2016 to 37, of which 14 have complied with the 8 per cent quota). Some agencies have even incorporated the quota into their standard practice. In the process, lessons have been learned regarding methods of collecting information, random selection and recruitment methods, and the incorporation of data on ethno-racial background into public employment information systems. These lessons were put to good use in the preparation of a guide on organizing recruitment competitions for human resources positions in the public administration.<sup>35</sup>

74. At the time of writing, the Planning and Budget Office is carrying out a design, implementation and performance evaluation of the application of Act No. 19.122.

75. Since August 2017, the “Road to Employment” (Vía Trabajo) platform of information and management services in the area of guidance, training and job placement, which is jointly managed by the National Institute of Employment and Vocational Training and the Ministry of Labour and Social Security, has included questions on ethno-racial background in the form used to collect information on persons registering in the system, in accordance with the survey methodology used in the national census.

76. Ethno-racial background is also taken into account in the “Yo estudio y trabajo” (I Study and Work) programme, an inter-institutional initiative<sup>36</sup> to strengthen the ties between the worlds of education and work by offering young students their first formal

<sup>34</sup> Source: National Civil Service Office.

<sup>35</sup> [https://www.onsc.gub.uy/onsc1/images/observatorio/documentos/2019/Gu%C3%ADa\\_para\\_la\\_transversalizaci%C3%B3n-09-05-19.pdf](https://www.onsc.gub.uy/onsc1/images/observatorio/documentos/2019/Gu%C3%ADa_para_la_transversalizaci%C3%B3n-09-05-19.pdf).

<sup>36</sup> The Ministry of Labour and Social Security, the Ministry of Education and Culture, the National Institute for Youth of the Ministry of Social Development, the National Institute of Employment and Vocational Training, the Uruguayan Institute for Children and Adolescents and the National Public Education Administration participate in the “I Study and Work” programme.

work experience. The programme is coordinated by the National Employment Directorate of the Ministry of Labour and Social Security.

77. Objective 1.2.11 in the guidelines and objectives established in the Strategic Plan 2017–2019 of the National Institute of Employment and Vocational Training concerns the promotion of measures to ensure compliance with Act No. 19.122, including setting a budget for its implementation.

78. Since March 2019, the National Institute of Employment and Vocational Training has been part of the National Council for Racial Equity and People of African Descent established pursuant to Presidential Decision CM797/2019. Its institutional representatives were appointed by Decision No. 325/19 of the Governing Board. The Institute is also coordinating with the Planning and Budget Office in the preparation of a 2050 strategy.

79. In 2017, the National Institute of Employment and Vocational Training incorporated Act No. 19.122 and the International Decade for People of African Descent into its institutional communication strategy. In 2018, it added a new web page on African descent to its website, with information on national and international norms and technical documents. In 2019, images relating to people of African descent and lesbian, gay, bisexual and transgender people were displayed on the facade of the Institute's headquarters and new brochures were published containing images of people of African descent.

80. The National Employment Directorate is actively involved in the National Gender Council established pursuant to Act No. 18.104 and in the preparation of the workplan for 2015–2020, especially theme 5 on the “right to quality employment and the development of job skills”, which advances a strategy for strengthening public policies to facilitate women's access to the labour market, with a particular emphasis on young women and women of African descent.

81. Within the framework of the “Social Dialogue for Employment” project, the National Employment Directorate and the National Institute of Employment and Vocational Training have been working on joint local development projects with other public agencies and local social actors in the Departments of Río Negro (from 2016 to 2018) and Rivera (2017 to the time of writing), promoting employment and professional training policies that incorporate affirmative action with a focus on socially vulnerable groups. Since the population of African descent is a priority group, action is being taken to promote access to education and decent work for Afrodescendent persons. In this regard, mention should be made of the seminar and workshop “Quilombo 2017: African descent, territories and borders”, held in Rivera.

82. Affirmative action measures have been part of the “I Study and Work” programme since the launch of its third edition in 2014, to ensure compliance with the quotas established in the Youth Employment Act (Act No. 19.133). These measures ensure that 8 per cent of the persons selected through the programme are of African descent. Applications are open to all young students between the ages of 16 and 20, without distinction of any kind.

83. In addition, meetings and dialogues have been held with leaders, social organizations and persons of African descent to promote Act No. 19.122 and the services provided by the National Institute of Employment and Vocational Training. These actions have been carried out in coordination with local and national social actors and international organizations such as the Inter-American Development Bank, the World Bank, the United Nations Development Programme, the United Nations Population Fund and the Office of the United Nations Resident Coordinator in Uruguay.

84. In 2019, the National Employment Directorate of the Ministry of Labour and Social Security, the National Directorate for Sociocultural Policy of the Ministry of Social Development and the National Institute of Employment and Vocational Training undertook a joint project to prepare and implement a pilot project to promote the inclusion of transgender people in education and the labour market. The project took a gender-sensitive and intersectional approach and included the ethno-racial perspective.

85. In 2018, the National Institute of Employment and Vocational Training concluded an agreement with the Centre for Afrodescendent Studies and Research, with the support of the Ministry of Labour and Social Security. The aim of the agreement is to combine efforts

to implement active employment, professional training and entrepreneurship policies to improve the employment prospects of the population of African descent in Uruguay.

86. The Labour and Social Security Statistics Unit specifically studied the ethnic and racial dimension in a 2017 report on the population of African descent that drew on data from the continuous household survey. The report, entitled *Ascendencia étnico-racial y mercado de trabajo* (Ethno-racial Background and the Labour Market), presents an analysis covering the period between 2006 and 2016. An updated version of the report was issued with data from 2017 and work is under way on an update with data from 2018.<sup>37</sup>

87. In 2018, to mark the tenth anniversary of the establishment of the National Institute of Employment and Vocational Training and in collaboration with the national postal service, a stamp and postmark referring to Act No. 19.122 were launched.

88. Since 2018, the Ministry of Foreign Affairs has referred to the quota law in the announcements of its annual recruitment competition for the filling of vacancies in the “M” (diplomatic) category. However, so far no applicant has passed the qualifying stages for entry into the foreign service. The last persons hired to the “C” (administrative) category were selected on the basis of a pre-existing order of priority dating back to 2015, which did not provide for the new quota.

#### *Education*

89. In the context of the implementation of Act No. 19.122 on affirmative action for persons of African descent, in recent years there has been an increase in the number of grants awarded by the Ministry of Education and Culture to students of African descent. The proportion of financial assistance grants for secondary-school students awarded to persons of African descent increased from 19 per cent in 2016 to 21 per cent in 2018. The proportion of “Commitment to Education” programme scholarships awarded to students of African descent increased from 13 per cent in 2016 to 18 per cent in 2018, while the proportion of Carlos Quijano postgraduate scholarships awarded to students of African descent increased from 36 per cent in 2016 to 40 per cent in 2018.

90. In 2018, training on racial equity and African descent was provided to instructors on the steam boiler technician course at the Vocational University of Uruguay and an awareness-raising workshop was held for rural teachers throughout the country in coordination with the Uruguayan Preschool and Primary Education Council.

#### *Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination*

91. As mentioned above, the Honorary Commission was established to propose national policies and practical measures to prevent and combat racism, xenophobia and discrimination, including affirmative action measures. To this end, the Commission’s specific tasks include monitoring compliance with domestic legislation, including Act No. 19.122.

92. In 2018 and 2019, the Commission was strengthened with additional human, technical and administrative resources.

## **F. Political rights**

### **Follow-up to paragraph 19 of the concluding observations**

93. Mention should be made of National Afrodescendants’ Month, which is celebrated in July and which focuses on accountability and the future within the framework of the International Decade for People of African Descent (2015–2024). In this context, the activities carried out in 2017 focused attention on the accountability of the State and on

<sup>37</sup> Other documents issued: (1) a report on the gender wage gap with an analysis of income components, focusing on construction, trade and education; (2) a brief overview of the situation of women in the labour market; (3) a document on the situation of women in the labour market in Uruguay; (4) an impact assessment on domestic work; (5) a document on domestic work and the impact of public policies in Uruguay; and (6) data from the fifth to seventh editions.

spreading awareness of various aspects of the Afro-Uruguayan community, thus shining a spotlight on the situation of Afro-Uruguayans in the country.

94. In 2017, several activities centred on the theme of women of African descent took place, including a conference for the discussion of regional perspectives on the intersectionality of gender and African descent in public policy, aimed at advisers from the National Gender Council and public policymakers in general; the eleventh edition of the Amanda Rorra Award ceremony, held on International Afro-Latin American, Afro-Caribbean and Diaspora Women's Day, which promotes the recognition and visibility of women of African descent throughout the country; and a round table entitled "Political participation of Afro-Uruguayan women: The right to vote and to be elected". The round table had three main objectives: (1) to strengthen the political participation of women of African descent as an exercise of their civil rights; (2) to encourage the participation of women of African descent in the political sphere as a means of ensuring the democratic development of society; and (3) to extend the political influence of Afro-Uruguayan women in local and national participation networks so that issues relevant to their communities are included on the political agenda.

95. An educational documentary film was produced for National Afrodescendants' Month 2018 that included interviews with persons of African descent. Various documents were also published, including the guide prepared by the National Civil Service Office and a publication on developing public policy in support of children of African descent in the Americas and the Caribbean, which was prepared with the support of the United Nations Children's Fund (UNICEF) and the Economic Commission for Latin America and the Caribbean (ECLAC) in the context of the first Regional Conference on Social Development in Latin America and the Caribbean.

96. Other initiatives include the sixth edition of the Quilombo Conference (held in 2017); a workshop on progress made and challenges encountered in the implementation of Act No. 19.122; financing of seed capital for sociocultural projects centred on the Afrodescendent community throughout the country; the second Academic Conference on People of African Descent; and the publication of a paper on the ethno-racial perspective and public policy by the Human Rights Division of the Ministry of Social Development. In 2018, the seventh edition of the Quilombo Conference was held, with a focus on developing a national plan. A seminar on education and employment and further academic conferences were also held.

97. In the context of National Afrodescendants' Month 2019, the eighth edition of the Quilombo seminar/debate was organized, as a forum for debate on public policies and issues affecting the population of African descent among authorities, experts, members of civil society organizations and the general public. Five years into the United Nations International Decade for People of African Descent (2015–2024), the focus of the discussion this time was on progress and challenges in the implementation of public policy with an ethno-racial perspective. As part of the theme of "Recognition, Justice and Development", recent advances in public policies and issues affecting people of African descent were presented in relation to these three categories.

98. In this context, the above-mentioned publication on developing public policies for children and adolescents of African descent in the Americas and the Caribbean was presented, with the support of UNICEF, ECLAC, the care system, the Uruguayan Institute for Children and Adolescents, the "Uruguay Grows with You" programme and the Human Rights Division of the Ministry of Social Development.

99. Various documents were published in 2019, including a National Civil Service Office guide on the mainstreaming of issues affecting persons of African descent and the implementation of the job quota in the public sector, and a timeline of social movements, legislative reforms, institutional structures and public policies related to racial equity and persons of African descent between 1987 and 2019, which was prepared with the support of the United Nations Population Fund. There are also plans to carry out general and localized anti-racism campaigns.

100. One of the main areas of work of the Human Rights Secretariat of the Office of the President is "cultural change, equality and non-discrimination". In this area, the Secretariat conducts activities to empower citizens to exercise and claim their human rights, taking as a central point the importance of active participation in public and political life. Various State institutions are involved in these activities. Mention should be made of the activities carried

out as part of Democracy Week and Human Rights Month, which included round tables, talks, campaigns and local workshops on human rights.

### *Education*

101. In 2016, the Commission on Education and People of African Descent was established. It includes various representatives of civil society organizations and State institutions and is overseen by the Directorate of Education of the Ministry of Education and Culture. Since its founding, the Commission has held awareness-raising workshops for staff of the Ministry of Education and Culture, in collaboration with the Ministry of Social Development.

### *Awareness-raising, advocacy and visibility*

102. Various courses have been organized for public officials and people of African descent with a view to involving them in raising awareness of the rights established in Act No. 19.122. Joint management-training activities are also being organized for various public bodies in order to implement the Act. For example, the Ministry of the Interior, in collaboration with representatives of civil society organizations, the Working Group on Racial Equity Policies and the National Directorate of Police Education, organizes courses for the police in Montevideo and other departments.

103. The National Directorate of Police Education established a working group to develop academic material on subjects such as personnel training and the review of police protocols and procedures involving issues of ethnicity. The Directorate received the Nelson Mandela Award from the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination for its work on promoting solidarity and overcoming gender-based discrimination and religious intolerance. The University Institute of Police Studies organizes extracurricular student activities promoting non-discrimination.

104. The Human Rights Division of the Ministry of Social Development has delivered relevant training to the human resources staff of all State bodies. It has also provided technical assistance and guidance with regard to the recruitment process and vacancy announcements. In 2019, in the framework of an agreement with the Governing Board of the National Public Education Administration, the Division trained more than 500 people in most areas of the country. Training has also been organized for almost 200 people in other institutions, including members of extended inter-agency committees on social policy and human resources managers at the Technological Laboratory of Uruguay.

105. Since 2011, the National Postal Administration has had a policy of printing stamps celebrating notable Uruguayans of African descent, as a form of cultural expression. The policy raises awareness of the importance of the work of the persons depicted and involves artists of African descent in the design of postage stamps. The policy has been sustained over time, having now reached its eighth edition without interruption. By way of example, in recent years commemorative stamps have been issued in honour of Sayago (2016), Gregorio el Pregonero and the 100th anniversary of the birth of Obdulio Varela (2017), Ana Gasquen and Martin Luther King (2018) and Angela Davis (2019), among others.<sup>38</sup>

106. The postal service has made progress with its inclusive website and its policy on diversity and equal opportunity, launching an inclusive publicity campaign in 2013. The campaign was also inclusive in the selection of its protagonists; it featured Uruguayans of African descent, persons with disabilities and transsexual persons as spokespersons for the service's new products.

107. In 2019, the National Directorate for Sociocultural Policy arranged for Angela Davis to visit Uruguay for the presentation of the National Plan for Racial Equity. To coincide with this event, workshops were held with experts from the National Directorate for Sociocultural Policy and representatives of civil society.

<sup>38</sup> The description of these stamps can be found at <http://www.correo.com.uy/sellos>.

## G. Discrimination in the education sector

### Follow-up to paragraph 21 of the concluding observations

108. The Working Group on Inclusion of the Ethno-Racial Afrodescendent Perspective in Education (National Public Education Administration/National Women's Institute) coordinates, consolidates and advises on human rights policies for education and policies on human rights education. The overall objective of the Working Group is to ensure that the non-discrimination policies of the National Public Education Administration take the ethno-racial perspective into account.

109. The specific objectives of the Working Group include: (i) establishing a working group on ethno-racial equity in education within the Directorate of Human Rights of the National Public Education Administration; (ii) identifying cases of ethno-racial discrimination and their overlap with issues of gender inequality in all spheres and at all levels of the Administration's institutions; and (iii) promoting ethno-racial equity.

110. The activities of the Working Group have included: (1) organizing four workshops in northern departments to introduce and raise awareness of the "Education and the Afrodescendent Community" teaching guide; (2) organizing an awareness-raising workshop for non-teaching staff on the Central Governing Council of the National Public Education Administration; (3) delivering an online course on education and the Afrodescendent community, which was available on the websites of the Ministry of Public Education, the CEIBAL Plan and the National Public Education Administration; (4) working to ensure the inclusion of data on ethno-racial background in the records of the National Public Education Administration; and (5) participating in the work of the education subcommittee of the committee on implementation of Act No. 19.122.

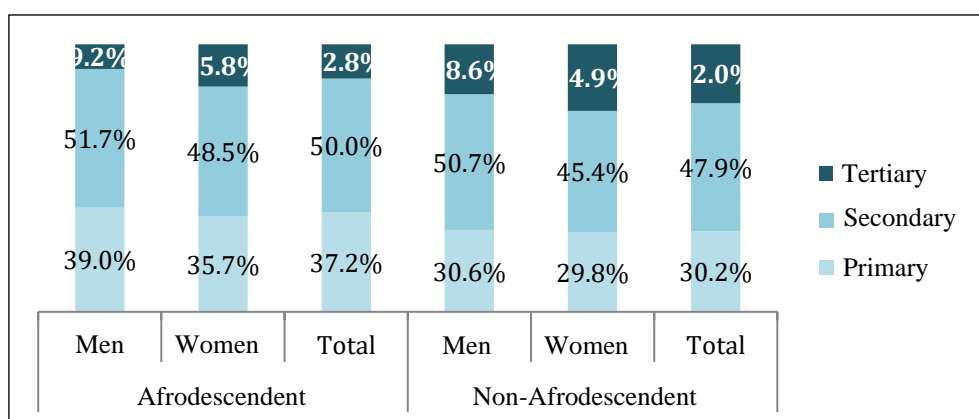
111. In accordance with Act No. 19.122, every year, the Ministry of Education and Culture awards financial assistance grants, the Carlos Quijano scholarships and the inter-agency "Commitment to Education" programme scholarships. As noted above, in recent years there has been an increase in the number of scholarships granted by the Ministry of Education and Culture to students of African descent. The proportion of financial assistance grants for secondary-school students awarded to students of African descent increased from 19 per cent in 2016 to 21 per cent in 2018, the proportion of "Commitment to Education" programme scholarships awarded to students of African descent increased from 13 per cent in 2016 to 18 per cent in 2018, and the proportion of Carlos Quijano postgraduate scholarships awarded to students of African descent increased from 36 per cent in 2016 to 40 per cent in 2018.

112. It should be noted, however, that it remains a challenge for the State to ensure that the ethno-racial perspective is included in all scholarship programmes in order to meet the quotas for students of African descent.

113. The figure below shows the percentage distribution of people aged 24 or over by level of education, disaggregated by gender and ethno-racial background, in 2018 at the national level.<sup>39</sup>

<sup>39</sup> Source: National Women's Institute.





114. In 2018, the Governing Board of the National Public Education Administration approved a series of affirmative action measures to support the educational careers of students of African descent and transgender students attending schools run by the National Public Education Administration, including training for key actors in the educational system at the national level. Twenty-three workshops were held throughout the country in 2019; 3,000 people working in educational and social institutions took part.

115. As a means of preventing discrimination, since 2016 the National Women's Institute has been offering an online course on education and the Afrodescendent community to educators, teachers, trainee teachers and other professionals working in formal and/or non-formal education.

116. In 2019, the National Directorate for Sociocultural Policy and the Inter-American Development Bank conducted a study on coexistence and discrimination in secondary education centres in Uruguay in 2019, with the participation of the National Public Education Administration. The purpose of the study was to analyse coexistence and discrimination in secondary education. It addresses these issues from the perspective of persons involved in education, including students, teachers, administrators and others, with an emphasis on migrants; lesbian, gay, bisexual, transgender and intersex persons; and people of African descent. The study combines quantitative methods (a national self-administered survey of first- to sixth-year students in private and public secondary schools and the Vocational University of Uruguay) and qualitative methods (interviews and focus groups with students, teachers, directors and other members of the educational community), with the aim of formulating recommendations for best practice in the area of education policy. In the medium term, an anti-discrimination campaign will be rolled out in schools.

117. Another action undertaken by the National Directorate for Sociocultural Policy through its Socioeducational Policy Division is the "Human Rights-Friendly Schools" strategy, whose aim is to promote inclusion in education through new practices linked to the promotion of rights. This initiative combines intra- and inter-institutional efforts to cooperate in promoting and upholding rights in secondary schools. Its aim is to ensure that adolescents have equal opportunities to access and remain in schools, to promote critical thinking and to teach students not to discriminate on the basis of age, gender, ethnicity/race, sexual orientation, or national origin, or to engage in any other form of discrimination. These objectives are intended to strengthen an institutional culture that educates adolescents to be citizens with an understanding of their rights and responsibilities.

## H. Indigenous peoples

### Follow-up to paragraph 23 of the concluding observations

118. According to the 2011 census, 5.1 per cent of the Uruguayan population identifies as indigenous.<sup>40</sup> As mentioned above with regard to the collection of statistical data, the continuous household survey<sup>41</sup> includes a question on racial background.

<sup>40</sup> For more information, see <http://www.ine.gub.uy/censos-2011>.

119. In November 2016, in coordination with the Council of the Charrúa Nation, the Ministry of Education and Culture presented the book *Devenir charrúa en el Uruguay* (Becoming Charrúa in Uruguay) at the National Museum of Visual Arts (Ministry of Education and Culture) with the aim of giving visibility to persons who identify as the descendants of indigenous people. The short film *El país sin indios* (The Country without Indians) was screened at the event.<sup>42</sup>

120. During a seminar on significant experiences related to the challenge of teaching about the Holocaust, the recent past and discrimination in modern times, organized jointly by the Ministry of Education and Culture, the Organization of Ibero-American States for Education, Science and Culture, the National Public Education Administration, the Municipality of Montevideo, the Human Rights Secretariat of the Office of the President, the Shoah Project: Memory and Legacy of the Holocaust, the Anne Frank Centre Argentina and the International Holocaust Remembrance Alliance, representatives of the Council of the Charrúa Nation participated in the panel “Transmission and legacy: Testimony as a tool for preventing human rights violations”. The seminar took place in the Legislative Palace in October 2017.

121. On 11 April 2018, to mark the National Day of the Charrúa Nation and Indigenous Identity and the seventieth anniversary of the Universal Declaration of Human Rights, a round table on “recognition of the contribution of indigenous peoples to the national identity, with emphasis on the educational and cultural sphere” was held at the headquarters of the National Human Rights Institution and Office of the Ombudsperson. The Council of the Charrúa Nation, the National Public Education Administration and the National Directorate of Education of the Ministry of Education and Culture participated in the event.

122. On the eve of Heritage Day 2018, the National Museum of Anthropology (National Culture Directorate) hosted a talk on the contribution of indigenous peoples to cultural diversity, in which the Council of the Charrúa Nation participated. The talk was organized by the National Cultural Heritage Commission and the National Museum of Anthropology (National Culture Directorate/Ministry of Education and Culture), with support from the Faculty of Humanities and Education Sciences of the University of the Republic.

123. The Human Rights Secretariat of the Office of the President of the Republic, as part of its work on cultural change, equality and non-discrimination, has carried out various activities to combat stereotypes and prejudice based on ethno-racial origin. These activities include the “Dialogues for Peace”, in which representatives of groups of indigenous persons took part, and the “Human Libraries” event which took place during Democracy Week 2019.

#### **Follow-up to paragraph 24 of the concluding observations**

##### *International Labour Organization (ILO) Convention No. 169*

124. The Government has looked at how the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) might be applied, but the definition of indigenous peoples contained in article 1 makes it difficult to see how the Convention could be implemented in present-day Uruguay. However, the Ethnicity and Race Unit of the Ministry of Foreign Affairs is studying ways of working with the relevant bodies with a view to applying some of the Convention’s provisions in relation to people of indigenous descent.

## **I. Multiple discrimination against women of African descent**

#### **Follow-up to paragraph 26 of the concluding observations**

125. The National Gender Council, which is headed by the National Women’s Institute, was established pursuant to Act No. 18.104 on equal rights and opportunities for men and women. The Council represents an environment conducive to the development of public policies on gender equality and is made up of the most senior State officials and social

<sup>41</sup> <http://www.ine.gub.uy/encuesta-continua-de-hogares1>.

<sup>42</sup> For more information on this event, see <http://mnav.gub.uy/cms.php?id=charruas>.

stakeholders, resulting in a forum where the discussions are enriched by a broad range of contributions and perspectives. Inter-agency coordination is the central strategy adopted in the design, implementation and evaluation of public policies. It has engendered a profound change in institutional cultures that has strengthened cooperative capacities, incorporated new perspectives and demands and generated more fluid dialogue between political and technical approaches that is enriched by the particular identity of each institution within the framework of its substantive responsibilities and competencies.

126. This inter-agency forum has highlighted the contributions that women of African descent have made to the country's culture and development. It has also promoted the leadership of Afro-Uruguayan women through specific processes that strengthen their organizations in ongoing dialogue with them.

127. The main results achieved by the National Gender Council for this period are reflected in formal, legislative and budgetary changes. The most significant of these include the institutional strengthening of the National Gender Council, the National Gender Equality Strategy 2030, the drafting and adoption of Act No. 19.846 of December 2019 on gender equality and non-discrimination against women, and the submission of proposals on gender equality for inclusion in the national budget.

128. The National Gender Equality Strategy 2030,<sup>43</sup> which was adopted by Executive Decree No. 137/18, is the most significant programmatic tool related to the design and implementation of medium-term public policies on gender.

129. The Strategy is the result of intense inter-institutional work with academia, social organizations and representatives from all over the country and is based on prospective studies carried out by the Planning and Budget Office of the Office of the President and the international commitments assumed by Uruguay under the Regional Gender Agenda, the Montevideo Strategy of the Regional Conference on Women in Latin America and the Caribbean, the Sustainable Development Goals and the recommendations of the treaty monitoring bodies, including the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights. Its conceptual framework is based on the human rights approach and the principles of substantive equality and comprehensive human development, and it incorporates a vision that recognizes regional and human diversity from an intersectional perspective.

130. The Strategy proposes the mainstreaming of gender policies in all State actions from an intersectional perspective that takes into account socioeconomic status, ethno-racial background, age, gender identity, sexual orientation, disability status and area of residence.

131. Public bodies propose specific measures to combat racism and racial discrimination and promote the exercise of human rights by persons of African descent in general and women in particular.

132. A comprehensive, intersectional view of women of African descent is reflected in the Strategy's first four strategic goals, which are of a general nature and are linked to sustainable development, the institutional architecture for gender equality, the generation of statistical data for better decision-making in public policy, and the participation and political influence of various groups of women.

133. One of the prerequisites for the implementation of the Strategy was the adoption of a new law that would strengthen gender institutions in the country and promote the fulfilment of the international commitments assumed by the Uruguayan State in the area of equality and non-discrimination towards women. Thus, Act No. 19.846<sup>44</sup> of December 2019, which was drafted under the auspices of the National Gender Council, introduces into the legal framework the principle of equality and the eradication of gender-based discrimination against women from an intersectional perspective that comprehensively addresses the various grounds of discrimination and the violation of rights, including ethnicity and race. The policy guidelines incorporate a number of basic elements necessary for the attainment of equality: the overcoming of gender stereotypes, the prevention and combating of racism

<sup>43</sup> <http://www.impo.com.uy/bases/decretos/137-2018>.

<sup>44</sup> [https://medios.presidencia.gub.uy/legal/2019/leyes/12/mides\\_459.pdf](https://medios.presidencia.gub.uy/legal/2019/leyes/12/mides_459.pdf).

and racial discrimination against women of African descent, the promotion of financial independence, the elimination of occupational segregation and discrimination, and the promotion of political participation, equity in care, sexual and reproductive health, and freedom from violence. Organized civil society is to play a more prominent role in the National Gender Council, which is to incorporate five feminist and women's organizations whose members will include representatives of organizations of women of African descent and rural women, groups that are particularly likely to suffer from inequality.

134. Act No. 19.580 on gender-based violence against women, which plays a strategically significant role in addressing gender-based violence, has been adopted with a view to ensuring women's right to a life free from violence. Article 6 of the Act includes the following specific definition of ethno-racial violence: "any physical, moral, verbal or psychological attack, or any humiliating or offensive treatment, that targets a woman because of or in connection with her ethnic background and causes the victim to feel intimidated, ashamed, disrespected or denigrated, whether this type of violence is perpetrated in public, in private or in any other setting". The decision to include this article was taken in consultation with representatives of civil society organizations of feminist women of African descent.

135. In 2019, the process of implementing the second national survey on gender-based and generational violence began under the direction of the Observatory on Gender-based Violence, with technical coordination provided by the National Women's Institute and the National Institute of Statistics, in coordination with the National Consultative Council. This second survey will focus on issues such as childhood, racial and ethnic origin, gender identity, age, place of residence and disability.

136. When responding to complaints of racism, the Department for Women of African Descent of the National Women's Institute acts in coordination with the National Human Rights Institution and Office of the Ombudsperson and the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination to ensure that the best advice is provided. It also follows up on complaints. However, the ethno-racial variable is not included in detention records.

137. In 2018, the National Women's Institute, with the support of the Spanish Agency for International Development Cooperation, conducted a survey of the situation of Afro-Uruguayan women entrepreneurs, the programmes that support their productive enterprises, the level of development and viability of those enterprises, and the women's socioeconomic inclusion and levels of social integration in the Departments of Artigas, Rivera, Tacuarembó, Cerro Largo and Montevideo. It also systematized information on the characteristics of the State programmes that promote and support entrepreneurship, including their beneficiaries, the requirements for inclusion in them and the existence of affirmative action measures. In 2019, the women entrepreneurs of African descent who had been identified in the survey were invited to participate in a national meeting to strengthen their citizenship and ethno-racial identity and to recognize their entrepreneurial capacity as women of African descent.

138. The Institute is currently continuing to support women of African descent whose enterprises form part of the programme run by the National Directorate for the Social Economy and Social Integration of the Ministry of Social Development. This support takes the form of a series of workshops on gender, Afrodescendent affairs and identity and is aimed at promoting such women's empowerment and strengthening their self-identification as women of African descent, rights holders and full citizens and enhancing their entrepreneurial ability to develop their productive enterprises successfully.

139. A document containing strategic recommendations on the incorporation of the ethno-racial perspective in the gender policies of the Southern Common Market (MERCOSUR) has been drawn up within the framework of a project entitled "Proposed regional sustainable development strategy for women of African descent and indigenous women of MERCOSUR", run by the Meeting of Ministers and High-level Authorities on Women's Affairs of MERCOSUR and the Spanish Agency for International Development Cooperation. The process of drafting the document mainly involved organizations of women of African descent and indigenous women in the region and was aimed at promoting the development of a regional policy to enhance such women's access to full citizenship through the effective realization of their civil, political, economic, social and cultural rights. The document is intended to guide the measures taken by the Meeting of

Ministers and High-level Authorities on Women's Affairs of MERCOSUR and the regional bloc as a whole.

140. A capacity-building workshop for representatives of organizations of women of African descent and indigenous women of MERCOSUR was held, as was a regional meeting between representatives of such organizations, the Meeting of Ministers and High-level Authorities on Women's Affairs of MERCOSUR, the Meeting of Authorities on Indigenous Peoples of MERCOSUR and the Meeting of Authorities on the Rights of Persons of African Descent. This event served to train and empower women of African descent and indigenous women in the region, who were equipped with tools for defending and promoting their human rights. Within this framework, the social media campaign "Listen to Our Voices" used audiovisual and graphic materials to convey the testimonies of women of African descent and indigenous women of MERCOSUR and highlight their political, social and cultural contributions. In July 2019, the campaign and the recommendations were rolled out at the national level with the support of the Spanish Agency for International Development Cooperation.

141. Since 2016, the National Women's Institute has been offering an annual online course on education and the Afrodescendent community to educators, teachers, trainee teachers and other professionals working in formal and/or non-formal education.

142. In 2017, the Institute's Department for Women of African Descent held a course on Afrodescendent affairs and feminist movements for representatives of civil society. In the same year, the Institute held a training course for Afro-Uruguayan women in response to the Political Dialogue for Women of African Descent organized by civil society. The objective of the course was to provide conceptual tools that incorporate a gender and ethno-racial perspective. The diverse group of participants was made up of women from various areas who were involved to varying degrees in organized community-based social action and individual action, and who shared an interest in the subject matter. Representatives of civil society organizations also participated.

143. In 2019, the National Women's Institute, in conjunction with the Afrodescendent Affairs Department of the Human Rights Division of the National Directorate for Sociocultural Promotion of the Ministry of Social Development, conducted three awareness-raising events on gender and Afrodescendent affairs for staff of the Ministry of Social Development.

144. The Institute's Department for Women of African Descent also disseminates information and provides advice and ongoing training.

145. The Gender Unit of the Attorney General's Office organized the photo exhibition "Do You See Me? Afro-Uruguayan Women Citizens", which took place in March 2018. This exhibition was produced in conjunction with the Department for Women of African Descent of the National Women's Institute (Ministry of Social Development) and the photographers Alex Espinosa and Carlos Stuart. It forms part of a policy of recognizing multiculturalism and the diverse people who make up society by raising the profile of Afro-Uruguayan women and breaking down demeaning stereotypes that perpetuate racial discrimination and racism.<sup>45</sup>

146. The Human Rights Secretariat of the Office of the President, in coordination with the National Women's Institute and the Ministry of Housing, Land Management and the Environment, held a workshop on human rights, public policy, gender, housing and habitat that addressed the ethno-racial aspects of gender and intersectionality and the ways in which discrimination hinders the effective exercise of rights. It also organized the campaign "We Are All Uruguay – We Are All Migrants", which consisted of a photographic exhibition depicting family stories that reflect the ethnic diversity of modern-day Uruguayan society. The design of the exhibition, which addressed the issues of ethnicity and race, took into account the gender perspective and the intersectional approach.

<sup>45</sup> <http://www.fiscalia.gub.uy/innovaportal/v/5551/1/innova.front/exposicion-sobre-mujeres-afrodescendientes-en-nuestra-sede-central.html>.

*Protection of domestic workers*

147. Act No. 18.065 of 2006 on the regulation of domestic work provided for the incorporation of domestic workers into wage councils. This measure improved their labour rights and access to social security, as it brought their sector into line with other sectors and enhanced their ability to exercise citizenship by joining trade unions to engage in collective bargaining.

148. The Uruguayan social security system favours formalization, since contributions to the system grant the participant full rights both to a pension and to protection against contingencies in working life. The proportion of unregistered domestic workers has been declining, standing at 34.42 per cent in 2018 (33 per cent less than in 2012).

149. The domestic work regime requires workers to be registered by their employers. The Social Security Bank audits companies, including the employers of domestic workers. Its objectives are to carry out risk analysis by applying fiscal intelligence, to promote inclusion, to combat informality by conducting internal analysis and deploying auditors to the field, and to protect workers by responding in a timely manner to complaints. The Bank has a specialized inspection body. In 2018, 10,794 actions were carried out, 8 per cent of which concerned domestic work.

150. All migrant and Uruguayan workers, including domestic workers, have the right to inform the Social Security Bank of any irregularities that they detect in connection with missing contributions, underreporting, missing payslips, discrepancies in start dates or end dates, errors in the declaration of wages, etc. The body carries out inspections in order to determine whether or not employers are responsible for any irregularities. If complainants so wish, their complaints may be treated as confidential. In 2018, workers submitted 378 complaints, 86 per cent of which were substantiated by inspections.

151. Over the years, the Social Security Bank has conducted a series of campaigns to raise both employers' and workers' awareness of their rights and obligations. For example, a campaign was conducted in 2013 to promote the formalization of domestic work, alongside the publication of a manual of good practice. A further campaign was conducted in 2018 to raise domestic workers' awareness of their rights and of employers' obligations.

152. In recent years, the Social Security Bank has worked hard to reach out to citizens by prominently displaying information on domestic work on its website, establishing a number of different support channels (face-to-face, telephone, email, virtual assistance), simplifying its procedures through the use of online platforms, hotlines or mobile applications and using authenticated online services to provide employees with information that they can use to check whether companies are reporting their wages accurately and paying the corresponding contributions.

153. The General Inspectorate of Labour and Social Security of the Ministry of Labour and Social Security handles all complaints received. In cases where a worker requires another type of service, the Inspectorate acts in coordination with the institutions that make up the Inter-Agency Bureau on Trafficking. For example, it has coordinated with the National Food Institute and the Support Service for Victims of Trafficking, mainly in relation to accommodation. The Inspectorate continuously carries out different kinds of operations related to domestic work and follows up on individual complaints and complaints submitted by the domestic workers' union (Sindicato Único de Trabajadoras Domésticas). In 2018, an operation was carried out on the Montevideo coastline and in private neighbourhoods.

154. Staff members also receive internal training. The Inspectorate's labour inspectors and lawyers have been trained in labour migration, the detection and prevention of this type of exploitation (a course given by the International Labour Organization that also covered labour trafficking) and a course offered and funded by the International Organization for Migration, the United Nations Development Programme and the United States Embassy under the project "Borders in Action: regional strategies against trafficking in persons" carried out by the non-governmental organization Casa Abierta.



## J. Other forms of multiple discrimination

### Follow-up to paragraph 28 of the concluding observations

155. In the area of sexual diversity, progress has been made in protecting diversity and implementing a large body of rights-based laws, including Act No. 18.246 on non-marital unions (2007); Act No. 18.260 on the right to gender identity and to a change of name and sex in identification documents (2009); Act No. 18.590 amending provisions of the Code on Children and Adolescents relating to adoption (2009); Act No. 19.075 on marriage equality (2013); Act No. 19.167 on assisted human reproduction (2013); Act No. 19.684, the comprehensive law protecting transgender persons (2018);<sup>46</sup> and Act No. 19.670, which established the National Council on Sexual Diversity and the stewardship of the Ministry of Social Development in this area (2019).

156. In 2018, the Council on Sexual Diversity presented the first National Sexual Diversity Plan, for the period 2018–2020,<sup>47</sup> which is designed to serve as a medium- and long-term road map for cementing the process of recognition of the rights of lesbian, gay, bisexual, transgender, intersex and queer persons.

157. The principle of the Plan is to promote, from a human rights perspective, the full citizenship of members of this group, guaranteeing them equal enjoyment of rights and opportunities and social, political, labour, economic and cultural participation and inclusion, free from any form of stigma, discrimination or violence. Its goal is to strengthen the incorporation of sexual diversity, equality and non-discrimination perspectives in public policies and institutional practices.

158. Efforts are being made to promote round-table discussions on human rights at the local level in all the country's departments. A tribute was paid to Carlos "Pirulo" Albín, a key figure of the Uruguayan carnival, and the report *Comparsas y diversidad sexual*, which addresses intersectionality, was published. This year, a study aimed at analysing coexistence, and in particular discrimination, in Uruguay's secondary schools was carried out.

159. In August 2016, the Ministry of the Interior approved a practical guide for police training entitled "Why the gender and sexual diversity approach in security policies?" This guide promotes officers' professional development by providing them with synthetic, accessible and rigorous conceptual and practical tools to address the different situations that arise in their daily work and thereby prevent violations of the rights of lesbian, gay, bisexual, transgender, intersex and queer persons. It was accompanied by a poster and leaflet campaign, supported by the United Nations Population Fund, that depicted the promotion of human rights, equal treatment and non-discrimination. In addition, a specific module on human rights, gender and diversity was incorporated into the course on gender-based violence that is taught at all levels of the National Directorate of Police Education, including for new recruits and candidates for promotion.

## K. Refugees and asylum seekers

### Follow-up to paragraph 30 of the concluding observations

160. The State has taken steps to promote the social integration of refugees and asylum seekers by seeking to guarantee their access to education, employment and health services without discrimination and under the same conditions as Uruguayan citizens, as provided for in national legislation.

161. Act No. 18.076 of 2006 on the right to asylum and refugees sets out the principles and rights that apply in this field. The Act provides for the establishment of the Refugee Commission and its permanent secretariat, which rule on applications for recognition of refugee status, and sets out the composition and other powers of these bodies. The Act is in line with the main international and regional instruments on asylum that Uruguay has

<sup>46</sup> <https://www.impo.com.uy/bases/Leyes/19684-2018>.

<sup>47</sup> See annex 2: *Plan Nacional de Diversidad Sexual*.



ratified and acceded to, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 1984 Cartagena Declaration on Refugees.

162. In accordance with the above-mentioned legislation, refugees and asylum seekers in Uruguay are entitled to enjoy and exercise civil, economic, social, cultural and all other rights inherent in the human person under the same conditions as other residents of the Republic. They are also subject to the same obligations.

163. In recent years, since the establishment of the Refugee Commission, there has been an unprecedented rise in applications for asylum in Uruguay. In December 2014, the permanent secretariat of the Commission was considering 59 applications for asylum. By the end of 2019, however, the number of pending cases is expected to have exceeded 10,000. This increase is mainly due to the arrival of Cuban nationals, who have accounted for more than 95 per cent of the applications for asylum filed in Uruguay since 2016.

164. Since 2017, the Commission has been implementing a programme to strengthen its operations. This initiative, which has received support from the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees (UNHCR), is aimed at speeding up the processing of manifestly unfounded applications for asylum, prioritizing and processing all other applications in the shortest possible time, and establishing inter-institutional agreements to guarantee refugees and asylum seekers the rights provided for in law and contribute to the implementation of public policy on migration in Uruguay. As a result, the three agencies that make up the Commission's permanent secretariat have increased their human resources and agreed on protocols of action with the Ministry of Social Development, the Faculty of Psychology, the judiciary, the Uruguayan Institute for Children and Adolescents and the Ministry of Labour and Social Security.

*Act on the recognition and protection of stateless persons*

165. In October 2018, Act No. 19.682 on the recognition and protection of stateless persons was promulgated. The aim of the Act is to establish a framework of legal protection to ensure that stateless persons and persons applying to be recognized as stateless can effectively exercise their fundamental human rights and have access to the process of naturalization enabling them to become legal citizens of Uruguay.

## L. Migrants

### **Follow-up to paragraph 32 of the concluding observations**

166. Uruguay has ratified and signed the most important international agreements, conventions and treaties on migration and human rights and has developed a national regulatory framework based on recognition and full respect for the rights of migrants. Together with the precepts set out in the Constitution, this framework determines the foundations and principles of national migration policy.

167. Executive Decision No. 576 of 2016 adopted the framework document on migration policy in Uruguay,<sup>48</sup> which was approved by the National Migration Board. The framework document sets forth the objectives, principles and general strategic guidelines of the short-, medium- and long-term national migration policy, as well as the most important achievements in this area.

168. National migration policy is based on the following principles: recognition and full respect for the rights of all migrants; equal treatment and equal enjoyment of rights for nationals of Uruguay and foreign nationals; non-discrimination; social and cultural integration; respect for cultural diversity and identity; gender equality; and comprehensive protection for the most vulnerable groups of migrants.

169. In accordance with this policy, processes have been implemented to facilitate access to documentation and the regularization of immigration status, enabling migrants who have filed a residency application to obtain an identity card quickly, which facilitates their access

<sup>48</sup> See annex 3: *Documento Marco sobre Política Migratoria en Uruguay*.

to rights, including access to work and to justice on an equal footing with Uruguayan nationals. Since 2012, a “rapid response” plan has been in place to ensure expedited processing of residency applications made by foreign nationals. Once the process has begun, applicants are given a certificate enabling them to apply for an identity card which is valid for two years. Since 2016, residency applications can be submitted online, making it possible to begin the process from outside the country. However, a non-web-based priority procedure can be used for applications by vulnerable persons.

170. Training sessions, including on the subject of discrimination, have been held for the staff of the Ministry of Foreign Affairs and the National Migration Directorate, particularly staff who work with migrants.

171. The Human Rights Secretariat of the Office of the President is conducting the campaign “We Are All Uruguay – We Are All Migrants”, which highlights the ethnic diversity of Uruguayan society today and the value of diversity in itself. On eight occasions, the Secretariat has delivered a course to civil servants on the human rights perspective in public policy that includes a module on equality and non-discrimination. In 2018, it organized an international seminar entitled “Human Rights and New Challenges: Migration, Diasporas and Democracy from a Comparative Perspective”.

172. In order to guarantee access to education for all migrants irrespective of their immigration status, as well as to prevent discrimination, the Working Group on Education and Migrants coordinates training events for education sector employees, including those who have contact with the public, those with management responsibilities and teachers, on the migration situation and the current regulations guaranteeing access to education. These workshops have been organized in partnership with a number of State entities, the International Organization for Migration and civil society.

173. In May 2018, a unit was set up to provide help and support to migrants on education matters. The unit offers advice and guidance to migrants on access to education and disseminates the regulations guaranteeing the right to education irrespective of immigration status.

174. The National Employment Directorate, in coordination with the Migration Unit of the Ministry of Labour and Social Security and the technical team of the “Uruguay Studies” programme (2018), has played an active role in selecting an educational adviser specializing in migrants so as to ensure that the educational support team includes technical staff with expertise in this field.

175. Since 2016, the National Institute of Employment and Vocational Training has had an agreement with the Ecumenical Service for Human Dignity on providing career guidance to migrants and refugees. It also has an agreement with the Faculty of Humanities on teaching Spanish to refugees and migrants.

176. In 2019, the National Commission for Human Rights Education, the Human Rights Secretariat of the Office of the President, the CEIBAL Plan, the National Reading Plan (Directorate of Education, Ministry of Education and Culture), and the Secretariat for Ethnic and Racial Equity and Migrants of the Montevideo city council presented a book of short stories selected from among the submissions to the “Migrants and Human Rights” short story competition held in 2018. Plans are in place to disseminate the book and, in conjunction with the CEIBAL Plan, build open educational resources to promote the use of the book for educational purposes.<sup>49</sup>

177. In 2018 and 2019, workshops on experiences of intercultural education were held in which various State agencies and civil society organizations shared good practices and experiences of working with migrants in order to promote an intercultural approach in the various parts of the education system and thereby combat discrimination and encourage migrants to enrol in formal education.<sup>50</sup>

178. The objectives of the Department of Migrants of the National Directorate for Sociocultural Policy (Ministry of Social Development) include promoting the exercise of migrants’ rights, consolidating inter-institutional coordination and promoting and

<sup>49</sup> For more information, see <http://snepep.edu.uy/noticias/espacio-de-expresion-y-encuentro/>.

<sup>50</sup> <https://educacion.mec.gub.uy/innovaportal/v/118859/5/mec/educacion-intercultural?parentid=111664>.

strengthening decentralization. The Department's responsibilities include holding workshops for stakeholders who work directly with migrants in order to familiarize those stakeholders with key concepts and the current state of migration affairs and to provide them with tools for dealing with specific situations. From 2015 to 2019, a total of 695 participants took part in 31 workshops around the country.

179. In the area of employment, professionals from the consultation division of the Ministry of Labour and Social Security actively participate in workshops for migrant workers, providing them with advice on employment. This activity is organized in conjunction with other organizations and social stakeholders. The Ministry of Labour and Social Security has also worked with the Ministry of Foreign Affairs and the Ministry of the Interior to prepare a document on the formalities required in order to hire migrants, with a view to protecting migrants' rights. In April 2019, the Ministry of Labour and Social Security issued a statement explaining that, although migrants have the same legal rights and obligations as nationals under current regulations, they may be hired even when they do not hold an identity card at the time of their recruitment (a mandatory requirement) if they can prove that they are in the process of applying for temporary or permanent residence.

180. The Ministry of Labour and Social Security participates in the meetings held by the National Migration Board. In this context, a document on national migration policy was prepared in 2016. In May 2017, Ministerial Decision No. 6 provided for the establishment of the Migration Unit within the Ministry of Labour and Social Security. This Unit has conducted training activities for State officials who work with the public and has also collaborated with other institutions to deliver talks on labour rights.

181. The Unit's responsibilities include incorporating variables related to migrants in administrative records on employment, providing advice on labour regulations and receiving complaints related to fundamental rights. All these services are universally accessible, public and provided free of charge by the Ministry. Given the importance of such services in the search for decent work, information on migrants' access to them needs to be collected.

182. In accordance with its workplan for 2017–2019, the Unit has conducted training activities on migration regulations and documentation for the staff of the Ministry of Labour and Social Security. The second part of an activity on human trafficking, aimed at officials who deal with the public, is currently in the planning stage. Experts at the Ministry of Labour and Social Security are continuing to give talks on labour rights for migrants, and efforts are being made to incorporate variables that identify migrants in administrative records and to standardize variables related to migration.

183. Since 2017, the Migration Unit has joined forces with sector experts to deliver talks on labour rights and share information on employment-related services for migrant women victims of trafficking. These talks are part of a drive to support these women that also includes maternal and child health care, psychosocial support and legal advice.

184. In accordance with the document on migration policy in Uruguay, the Migration Unit of the Ministry of Labour and Social Security has included the goal of improving participation in the labour market in its workplan. In this connection, talks have been held on labour rights, officials have received training, contact has been established with the Chamber of Industries, the Inter-Union Assembly of Workers – National Convention of Workers and civil society organizations, and agreements have been established on adapting administrative records to include information on access to services. Among other actions, the Unit plans to design a support pathway for employment and vocational training.

185. The National Institute of Employment and Vocational Training has held career guidance workshops and vocational training activities for asylum seekers and refugees. The majority of the people who participate in these activities do so in the first three months of their stay in the country. In 2018, representatives of the International Organization for Migration, UNHCR and the latter's implementing agency in Uruguay (the Ecumenical Service for Human Dignity) participated in a training activity for staff of the Ministry of Labour and Social Security. In 2019, the Migration Unit re-established contact with the Ecumenical Service for Human Dignity with a view to taking coordinated measures in the areas relevant to each institution in order to promote the well-being of migrants.

186. Between December 2018 and May 2019, meetings were held with representatives of civil society organizations and State agencies, including the departmental government of Montevideo, the National Institute of Employment and Vocational Training, and the Ministry of Education and Culture, in order to coordinate actions for the development of a future employment and vocational training pathway. Women victims of trafficking for the purposes of sexual exploitation continued to benefit from talks on labour rights.

187. The Inspectorate General of Labour and Social Security receives and processes all complaints made about violations in the area of employment, including all forms of harassment and discrimination in the workplace. Such complaints accounted for 10 per cent of the total number of complaints received in 2018.

188. When a migrant worker arrives at the Advice and Complaints Office and reports a situation that warrants an individual consultation with the National Labour Directorate, the person is seen immediately, if possible. If necessary, further measures are coordinated with the Migration Unit and/or the relevant institutions to ensure that the worker in question receives support tailored to his or her situation.

189. In order to facilitate safe, orderly and regular migration, Decree No. 356/18 was adopted in 2018 to provide for a range of visa types, including work, study, humanitarian, emergency, family reunification, tourism and business visas, as well as visas for attending conferences and seminars.

## M. Access to justice

### Follow-up to paragraph 34 of the concluding observations

#### *Guarantees that complaints will be investigated*

190. As mentioned in paragraph 16 of the present report, the conviction handed down in summary proceedings on 21 June 2018, which cites the offence established in article 149 ter of the Criminal Code (commission of acts of hatred, contempt or violence against certain persons), attests to the guarantee that complaints will be investigated.<sup>51</sup>

#### *Training of civil servants*

191. The National School of Public Administration has been training officials in human rights topics, including non-discrimination. This training is aimed at civil servants, mainly in the executive branch; police and military personnel receive instruction at their own training centres.

192. The subject of inclusion of persons of African descent in the civil service and compliance with the quota established in article 4 of Act No. 19.122 is covered in the curriculum of the technical degree programme in public management offered by the National School of Public Administration. This programme is being delivered online to more than 400 officials throughout the country, including staff of the Ministry of the Interior.

193. In the period 2016–2018, 1,551 public officials received training on human rights topics.

194. The Human Rights Secretariat, in coordination with the National School of Public Administration of the National Civil Service Office, has developed eight courses on the human rights approach in public policies. The courses are designed for the civil service and include a module on equality and non-discrimination. In addition, a module on anti-discrimination law has been taught in different areas of the country as part of the course offered by the Ministry of the Interior on racial equity and its relationship to police action.

195. In 2017, the basic course offered by the Artigas Foreign Service Institute of the Ministry of Foreign Affairs included modules on Act No. 19.122 and case studies related to ethnic or racial discrimination.

<sup>51</sup> <http://www.fiscalia.gub.uy/innovaportal/v/6116/1/innova.front/fiscal-mirta-morales-solicito-la-condena-de-cuatro-hombres-por-violencia-privada-y-delitos-de-odio.html>.

*Ministry of the Interior*

196. Human rights education is a cross-cutting element of the curricula for both introductory and specialized training. It is part of the curriculum for all personnel.

197. The National Directorate of Police Education established a working group to develop academic material for personnel training and for the review of police protocols and procedures involving issues of ethnicity. The University Institute of Police Studies organizes extracurricular student activities with the participation of organizations that promote non-discrimination. The National Directorate of Police Education received the Nelson Mandela Award from the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination. This award is given in public recognition of the inclusive spirit shown by all institutions that promote solidarity and work to overcome gender-based discrimination and religious intolerance.

198. At present, more than 4,800 police officers all over the country have been trained, with emphasis on the concepts of racism, racial discrimination and better treatment of victims. Focal points have been established in each department, and coordination with the National Human Rights Institution and Office of the Ombudsperson has been promoted at the State level. An inter-institutional committee on this subject is working on a protocol for victims of discrimination and racism.

199. Joint action by the bodies responsible for investigating each complaint, and the exchange of information between them with respect to procedure and monitoring, are of great importance. Accordingly, it is of vital importance to make further headway on the draft protocol for victims of discrimination and racism. As to the inclusion, in prison registers, of an ethno-racial variable based on self-identification, a question to this effect has been incorporated but is not yet applied to the prison population as a whole.

200. The Prison Training Centre has been developing training policies since its inception. The pedagogical, theoretical and methodological principles of its curricula, and their content, cover subjects linked directly and indirectly to human rights, encompassing the legal, professional ethics and social dimensions. This content addresses human rights, including the ethnic and racial dimension; the guarantees that all officials must promote, uphold and protect; and the sanctions imposed on those who fail to do so.

201. A new curriculum has been developed with a view to providing comprehensive training, incorporating specialized civilian staff in prisons. This training covers treatment programmes, security, administration and management, gender, human rights, information technology, preventive health care and physical education, among other subjects.

202. The training was also extended to the National Police and Republican Guard Academy, the first initiative of its kind in Latin America, and includes role-playing workshops, which contribute to institutional strengthening by addressing the psychosocial needs of staff, an essential institutional building block. It also allows for the coaching of officials, increasing their motivation at work and their understanding of the vocation, strengthening their work identity and improving working relationships, teamwork and a sense of belonging to the national prison system.

203. The Race and Ethnicity Unit of the Ministry of the Interior, in coordination with the National Directorate of Police Education, has launched the twelfth cycle of training (since 2008) for the police force by holding events in Montevideo and in the country's interior on equity policies and their relationship to police action. These activities include training on Act No. 19.122, the National Plan for Racial Equity and People of African Descent, and the protocol on complaints and petitions that was concluded with the National Human Rights Institution and Office of the Ombudsperson. The participants include representatives of the judiciary, the National Human Rights Institution and Office of the Ombudsperson, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination and the Racial Equity Policy Group.

204. Since March 2018, the National Rehabilitation Institute has included a question on racial and ethnic self-identification in the intake interviews it conducts with persons entering the prison system, including all categories of prisoners. This is done on the form for the intake assessment protocol (OASys 2.0 v. 1). The question is similar to the one included in the National Institute of Statistics population survey. For people who entered the system prior to March 2018, this information was first collected in the April 2018

survey on educational attainment; it has been collected every six months since then. The specific question has been included in the intake interview as part of the prison management system and is recorded in the personal identification module. With regard to detention records, progress is being made in incorporating the number of persons belonging to each ethnic group into the system through a joint initiative by the National Rehabilitation Institute and the Race and Ethnicity Unit of the Ministry of the Interior. In addition, there has been coordination with the National Rehabilitation Institute's Foreign Nationals Service Office to address various situations involving prisoners and to move forward with the prison census. Progress is being made towards the adoption of an inter-agency agreement between the Race and Ethnicity Unit of the Ministry of the Interior, the National Rehabilitation Institute, the National Human Rights Institution and Office of the Ombudsperson and the Ministry of Social Development, with a view to joint intervention in cases involving persons of African descent in detention.

#### *Ministry of Social Development*

205. As mentioned above, in 2017 the National Women's Institute, through the Department for Women of African Descent, held a course on Afrodescendent affairs and feminist movements for representatives of civil society. Since 2016, it has been offering an annual online course on education and the Afrodescendent community to educators, teachers, trainee teachers and other professionals working in formal and/or non-formal education. In 2019, the National Women's Institute, in conjunction with the Afrodescendent Affairs Department of the Human Rights Division of the National Directorate for Sociocultural Promotion (Ministry of Social Development) conducted three awareness-raising events on gender and Afrodescendent affairs for staff of the Ministry of Social Development.

#### *Judiciary*

206. The training bodies of the Supreme Court have given courses on human rights-related subjects as part of the training programmes for judges, court clerks and judicial officers. The Centre for Judicial Studies of Uruguay provides training courses for aspiring and serving judges, public defenders and attorneys.

207. These courses form part of serving judges' compulsory training and may involve an assessment that counts towards their qualification.

208. The initial training course for aspiring judges includes a specific module on human rights. Courses on human rights are also given as part of the programme of mandatory continuous training for judges. These courses cover international human rights instruments.

#### *Office of the Attorney General of the Nation*

209. Since the Inter-American Court of Human Rights issued its judgment in the case of *Gelman v. Uruguay*, the Attorney General's Office has provided ongoing annual training on human rights for its prosecutors. The most recent training session, a human rights refresher seminar, took place from 15 to 30 November 2018 and was led by qualified experts.

210. In the period 2016–2018, the training centre of the Attorney General's Office held annual human rights refresher courses for all prosecutors throughout the country. All the seminars deal with the universal and regional protection systems; the major human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination; and the principle of non-discrimination in all its dimensions.

211. In November 2018, an international seminar on the protection of human rights in national and international justice systems was organized by the United Nations office in Uruguay, the Centre for Judicial Studies of Uruguay and the training centre of the Attorney General's Office.

## N. Racial stereotypes

### Follow-up to paragraph 36 of the concluding observations

212. As mentioned above, the Human Rights Secretariat is conducting a campaign called “We Are All Uruguay – We Are All Migrants”. Actions are also being taken to combat the stigmatization of certain population groups. Examples include public art projects in urban areas, the international seminar “Human Rights and New Challenges: Migration, Diasporas and Democracy from a Comparative Perspective” and a publication on human mobility. The relevant bodies have also made online videos (such as “Voices in Democracy”) and have posted regularly on social networks to raise public awareness and combat stereotypes and prejudices. The Human Rights Secretariat participates in the design and implementation of the National Human Rights Education Plan.

213. The tasks of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination include planning and promoting education campaigns intended to preserve social, cultural and religious pluralism, to eliminate discriminatory, xenophobic and racist attitudes, and to promote respect for diversity. The mobile educational stand “Equals in Difference” displays educational and informational materials that convey the key message of these activities. Its content was designed by the Commission and approved by the National Public Education Administration. The topics covered include issues of racism and people of African descent, disability, gender equality, sexual diversity, religious diversity and migration.

214. As noted above, the Gender Unit of the Attorney General’s Office organized the photo exhibition “Do You See Me? Afro-Uruguayan Women Citizens”, which took place in March 2018. This exhibition was produced in conjunction with the Department for Women of African Descent of the National Women’s Institute (Ministry of Social Development) and the photographers Alex Espinosa and Carlos Stuart. It forms part of a policy of recognizing multiculturalism and the diverse people who make up society by raising the profile of Afro-Uruguayan women and breaking down demeaning stereotypes that perpetuate racial discrimination and racism.<sup>52</sup>

215. In 2019, in the framework of International Afro-Latin American, Afro-Caribbean and Diaspora Women’s Day, the Department for Women of African Descent of the National Women’s Institute took a number of actions to raise the profile of women of African descent in the public sphere, including the thirteenth edition of the Amanda Rorra Award ceremony and the presentation of the book on the photo exhibition “Do You See Me? Afro-Uruguayan Women Citizens”. The nationwide exhibition of these photos, which began in 2014, is intended to help eradicate ethnic, racial and gender stereotypes.

## O. Amendment to article 8 of the Convention

### Follow-up to paragraph 37 of the concluding observations

216. In May 2019, Act No. 19.755<sup>53</sup> was adopted, whereby the legislature approved the ratification of the amendments to article 8 of the Convention.

## P. Durban Declaration and Programme of Action

### Follow-up to paragraph 38 of the concluding observations

217. In designing, drafting and implementing the National Plan for Racial Equity and People of African Descent, Uruguay has given effect to the provisions of the Durban Declaration and Programme of Action, as described in paragraphs 24–37 of the present report.

<sup>52</sup> <http://www.fiscalia.gub.uy/innovaportal/v/5551/1/innova.front/exposicion-sobre-mujeres-afrodescendientes-en-nuestra-sede-central.html>.

<sup>53</sup> <https://parlamento.gub.uy/documentosyLeyes/ficha-asunto/141625>.



## **Q. International Decade for People of African Descent**

### **Follow-up to paragraph 39 of the concluding observations**

218. In connection with the International Decade for People of African Descent, Uruguay has set out three specific objectives:<sup>54</sup> (a) to strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent and their full and equal participation in all aspects of society; (b) to promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies; and (c) to adopt and strengthen national, regional and international legal frameworks in accordance with the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination, and to ensure their full and effective implementation.

219. Five years into the International Decade for People of African Descent, the progress and challenges of public policy with an ethno-racial perspective can be described as follows. In line with the theme “recognition, justice and development”, recent public policy advances and issues relating to people of African descent are outlined below, grouped under these three categories.

220. In the area of recognition, links have been forged with academic institutions in Uruguay in relation to people of African descent. Particularly worthy of note is the ongoing work of the Faculty of Humanities and Education Sciences in preparing a publication on the contribution of people of African descent in constructing the nation’s history.

221. In the area of justice, the history of the building of racial equity in Uruguay will be traced up to the present day with a focus on the interrelationship between civil society advocacy and State institutionalization, using the timeline on people of African descent drawn up in collaboration with the United Nations Population Fund. The implementation of Act No. 19.122 by the National Civil Service Office and the Ministry of Social Development will be reviewed as a contemporary milestone in this regard.

222. Concerning the strategies deployed by the State in the area of development, the current strategy of the National Public Education Administration and the Ministry of Social Development for mainstreaming the ethno-racial perspective in education will be presented, while forward-looking planning for the period 2019–2022 will be introduced in the framework of the National Plan for Racial Equity and People of African Descent and the National Council for Ethnic and Racial Equity and People of African Descent.

## **R. Dissemination of reports and concluding observations**

### **Follow-up to paragraph 40 of the concluding observations**

223. The 2016 recommendations of the Committee on the Elimination of Racial Discrimination were presented to the public on 21 March 2017, to mark the International Day for the Elimination of Racial Discrimination. The 2016 report and the 2017 action plan of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination were presented at a later date.

## **S. Consultations with civil society organizations**

### **Follow-up to paragraph 41 of the concluding observations**

224. The National Mechanism for Reporting and Follow-up on Recommendations uses the dialogue and consultation system of the Ministry of Foreign Affairs as a formal channel of communication with civil society organizations. Pursuant to Decree No. 89/2018, adopted in April 2018, civil society organizations working in the areas covered by the reports to be submitted to the treaty bodies and under the universal periodic review are

<sup>54</sup> <https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/decenio-internacional-de-las-personas-afrodescendientes.pdf>.

convened by the Ministry of Foreign Affairs, either on its own initiative or at the request of the inter-institutional committees that make up the Mechanism, to participate in public consultations prior to the reports' submission. This creates a forum for dialogue between the State and civil society on the report in question.

225. In its role as chair of the implementation committee for Act No. 19.122, the Ministry of Social Development continues to convene bimonthly coordination meetings between the implementation committee and the Advisory Council consisting of five civil society organizations of people of African descent. In the framework of this coordination, the participants agreed to set up a non-reimbursable fund called "New Directions" to contribute to the organization of actions and activities during the second edition of National Afrodescendants' Month.

226. The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination includes three representatives of civil society nominated by non-governmental organizations and appointed by the President of the Republic. In 2018, three new civil society members were appointed: one nominated by Mundo Afro, one by Idas y Vueltas and one by the Comité Israelita.

227. Under the National Plan for Racial Equity and People of African Descent, efforts have been made to strengthen opportunities for citizen participation, with emphasis on the social participation of existing national, regional and local organizations of people of African descent and on the strengthening of such organizations. Regional assemblies were designed as the primary forum for broad and active participation by citizens of African descent and by various State institutions and subnational governments.

## **T. Follow-up to concluding observations**

### **Follow-up to paragraph 42 of the concluding observations**

228. Specific information<sup>55</sup> on the follow-up given to the recommendations contained in paragraphs 19 and 21 of the concluding observations (CERD/C/URY/CO/21-23) was sent to the Committee on 12 February 2018.

---

<sup>55</sup> CERD/C/URY/CO/21-23/Add.1.