



Input provided by the United Nations High Commissioner for Refugees

into the

**Office of the High Commissioner for Human Rights’
Compilation Report**

for the Universal Periodic Review of

URUGUAY

I. Background and Current Conditions

Although the absence of a major regional humanitarian situation other than Colombia meant that refugee issues were preceded on the political agenda by a host of national priorities, the socio-political context has been generally conducive to UNHCR’s work in the countries of region, including Uruguay.

Coupled with persistent efforts by UNHCR and its partners, the operational environment has permitted the achievement of key strategic objectives in relation to UNHCR’s core mandate and to the Mexico Plan of Action (MPA).

Uruguay is a State Party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The country has ratified the most relevant universal and regional instruments on human rights.

The domestic legal framework dealing with refugees is basically established in the new refugee **law 18.076** (2006) that establishes a Refugee Commission (CORE) in charge of adjudicating the asylum claims and finding durable solutions for refugees. The legislation deals with different legal issues such as residence permits, documentation and extradition which are in line with the minimum international protection standards.

According to Section 1, “all persons have the right to apply for and be granted refuge within the national territory for the purpose of safeguarding their lives, their personal, moral and intellectual safety, freedom and security”. Moreover, Section 20 set forth that

“the government shall ensure for refugees and refuge applicants the enjoyment and exercise of their civil, economic, social, cultural and any other rights inherent to human beings, acknowledged to all inhabitants of the Republic, in international human rights instruments of which the country is a signatory, as well as in national laws and regulations”.

The new refugee law enshrines important provisions, ranging from those related to the RSD procedure to those referred to local integration and search of durable solutions for refugees such as resettlement. The regional refugee definition (Cartagena Declaration) is also foreseen in the law (Section 2). As a consequence, most persons in need of international protection may find and obtain protection under the classic or broader definition of refugee in Uruguay.

With regard to the application of international law, Section 47 foresees that all matters contemplated in the act “shall be governed by International Law, especially in as much as it relates to the Human Rights International Law, the Humanitarian International Law and the Refugees International Law, contained in Rules, Treaties and Conventions ratified by Uruguay (Section 168, paragraph 20 and Section 85, paragraph 7 of the Constitution of the Republic) or Declarations of international organizations to which the country is a party and to which it has acceded”.

According to UNHCR’s figures (September 2008) 142 refugees and 37 asylum-seekers from more than 20 different countries reside in Uruguay, which totalize 179 persons of concern to UNHCR. The great majority of them come from Latin-American countries, mainly Colombia and Peru, and from African countries such as Nigeria.

II. Achievements and Best Practices

(1) Major political commitment, efforts made and concrete results achieved by Uruguay in the implementation of the Mexico Plan of Action (2004).

From UNHCR’s point of view, Uruguay is one of the Latin-American countries that more concrete results and impact have achieved in terms of refugee protection since the adoption of the Plan of Mexico in 2004. Among other efforts, the country adopted a refugee law, joined UNHCR Regional Resettlement Programme, and further developed the existing RSD Procedure. Furthermore, in the context of the strategic use of the resettlement programme, the national and local protection networks are being consolidated in the country..

(2) The enactment of a refugee law in 2006 as well as the participation of the country in UNHCR Regional Solidarity Resettlement Programme.

The new refugee law enshrines important provisions, ranging from those related to the RSD procedure to those referred to local integration and search of durable solutions for refugees such as resettlement.

The law guarantees important protection principles such as non-refoulement, no sanction for illegal entry into the country, confidentiality, family union and non discrimination, amongst other principles.

The law also establishes the Refugee Commission (Comisión de Refugiados – CORE-) which is composed by (A) a representative of the Ministry of Foreign Affairs designated by its minister; (B) a representative of the National Department for Migration, designated by the Minister of the Interior; (C) a representative of the University of the Republic, designated by the School of Law Board from among the teaching staff of the Human Rights Course or specific subjects; (D) a representative of the Congress who must be the President of the Human Rights Commission of the House of Representatives or the person designated by the said Commission from among its members; a representative of a non-profit non-governmental organization, designated by the Regional or National Representative of the United Nations High Commissioner for Refugees; (F) a representative of a non-profit NGO, dealing with human rights issues, designated by the National Board of Non-Governmental Organizations, or any agency in that capacity.

UNHCR is regularly invited to attend Commission's meetings and is able to participate (with voice but without voting rights) as well as exercise its supervisory role.

According to the law, the Commission has different competencies. It is not only involved in refugee status determination procedures but also in the design of public policies concerning asylum-seekers and refugees.

Concerning **resettlement**, thanks to the signature of Framework Agreement between UNHCR and Uruguay (2007) and the design and ongoing implementation of the resettlement programme, some resettled refugees will soon arrive to the country. Refugees from outside the region might also be benefited from this agreement.

Recently the Framework Agreement was endorsed by the Parliament of Uruguay through **Law 18.382**, passed on 8th October 2008.

(3) The adoption of a migration law (2007) incorporating safeguard for refugee protection

In regard to migration policies and regulations, they generally accommodate refugee concerns. Uruguay has also been supportive to UNHCR in regional migration fora (e.g. MERCOSUR, South-American Conference on Migration, etc.).

It should be noted that with the adoption of the new **migration law 18.250**, passed on 27th December 2007, Uruguay recognizes the right to migrate and guarantees equal access to public health and education system to all migrants with independence of their migratory status.

The new law recognizes rights of migrants and their families regardless of their legal status in the country. The standard of treatment of migrants is the one recognized to nationals, without any kind of discrimination.

Additionally, Section 83 of the law set forth that its provisions on admission, entry and permanence of foreigners must be interpreted and applied in line with the relevant provisions of the international humanitarian law, the human rights international law and the international refugee law, as well as the la 18.076.

III. Challenges and Constraints

(1) Local integration of refugees

Despite the political commitment of countries of the region, including Uruguay, the difficult socioeconomic context in most of the Latin-American countries represents a serious obstacle to a successful local integration of refugees.

The provision of humanitarian assistance to new asylum-seekers and the development of programs for the local integration of refugees remain a main challenge for UNHCR, civil society and Governments.

Unfortunately, the difficult economic situation in the countries of the region has not helped to commit the governments to provide an adequate level of assistance to all refugees. This means that UNHCR remains engaged in implementing assistance programs through implementing partners. These programs and its funding should progressively being assumed by host countries.

(2) Implementation of protection frameworks

Even though national legislation fully complies with refugee protection and human rights standards, in practice UNHCR must continue carrying out a number of protection activities to ensure asylum-seekers have effective access to a fair and efficient RSD procedure and full enjoyment of their human rights.

Turning refugee's rights into reality remains a main challenge. To this end, UNHCR is supporting governments in implementing adequate asylum systems with all their essential components, ranging from registration, documentation procedures and reception facilities to RSD process and local integration.

IV. Recommendations

Adopt the necessary internal regulations to facilitate the effective implementation of the new refugee and migration laws and, with UNHCR's

support, continue providing training on refugee protection to relevant governmental officials/agencies, especially those working at border areas.

It is necessary for Uruguay to enact the necessary internal regulations to give full effect to some of the provisions of the new refugee law and, as a consequence, facilitate its full and effective implementation. To this end, Uruguay could continue seeking UNHCR's support and assistance.

With UNHCR's support, design a comprehensive public programme in order to ensure the material assistance of new asylum-seekers and the attainment of durable solutions for recognized refugees.

Upon the adoption of the refugee law, with UNHCR's support, Uruguay should design a *comprehensive public programme* to ensure the social and material assistance of new asylum-seekers and the attainment of durable solutions for those persons recognized as refugees.

The new role/competencies assigned to the CORE constitutes a proper framework in which the country may progressively assume a major role in the field of assistance of refugees and asylum-seekers.

All necessary efforts should be done to multiply the local integration prospects of asylum-seekers and refugees.

V. Capacity Building and Technical Assistance

Although in recent years Uruguay made several and significant progresses towards the implementation of the goals set up in the *Agenda for Protection (AFP)* and in the *Mexico Plan of Action (MPA)*, the country must continue doing all the necessary efforts to strengthen the protection of refugees and in regard to searching for durable solutions.

Over the last years, UNHCR has constantly supported Uruguay to this end. Particularly, in the field of the consolidation of the legal protection framework, the refugee status determination procedures and the development of protection/assistance programs (e.g. resettlement program). With UNHCR support, Uruguay should continue working and adopting all the necessary measures and actions to ensure asylum-seekers and refugee's effective access to protection and durable solutions.

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