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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review \***

**Uruguay**

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## **Introduction**

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of Uruguay was held at the 11th meeting, on 11 May 2009. The delegation of Uruguay was headed by H.E. Dr. Gonzalo Fernández, Minister for Foreign Affairs. At its 15<sup>th</sup> meeting, on 13 May 2009, the Working Group adopted the present report on Uruguay.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Uruguay: Nigeria, Jordan and Argentina.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Uruguay:
  - (a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/5/URY/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/5/URY/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/URY/3).
4. A list of questions prepared in advance by the Czech Republic, Germany, Sweden, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Denmark and Hungary was transmitted to Uruguay through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 11th meeting, on 11 May 2009, Gonzalo Fernández, Minister of Foreign Affairs, presented the national report and made an opening statement, reiterating Uruguay's commitment to human rights.
6. Uruguay highlighted the value of the universal periodic review process, noting that it allowed for holding consultations and assessing challenges with civil society organizations and State actors and indicating that consultations will continue in the follow-up phase on the recommendations emanating from the process. Uruguay had in March 2009 ratified the Convention for the Protection of All Persons from Enforced Disappearance, recognizing the competence of the Committee. In February 2009, Uruguay also ratified the Convention on the Rights of Persons with Disabilities. In January 2009, Uruguay also began to work on the elaboration of reports for the United Nations treaty monitoring bodies with a view to submitting most of them before the end of the year.
7. Uruguay reported that it had promulgated a large number of laws, including one on cooperation with the International Criminal Court, an act establishing a national human rights institution, a statute on refugees, a law on migrants and laws on domestic labour, rural labour and freedom of expression. It is also adopting a new press law.

8. Uruguay also adopted a law prohibiting corporal punishment or any type of humiliating treatment of children and adolescents. In April 2009, Uruguay enacted Law No. 18.476 promoting increased participation of women in political life. Moreover, gender was set as a cross-cutting theme in the Plan for Equal Rights and Opportunities.

9. The Government prioritizes social policies, such as the equity plan, the national integrated health system providing universal coverage, the plan to give Internet access to all children in schools and a new tax system. As of 2004, access to water and sanitation by the entire population is guaranteed in the Constitution. Public investment in education and health has increased. Pre-school public education, from the age of four, has been universalized. A general education law has established human rights education as a cross-cutting subject at all levels, including police and military training.

10. With regard to human rights violations during the former military dictatorship, the Government adopted a restrictive interpretation of the Law on the Expiry of the Punitive Claims of the State (15848), enabling the re-opening of cases. Legislation on archiving of memory and on historical investigation of human rights violations has been also adopted. On 4 May 2009, a draft bill on integral reparation for victims of State terrorism was presented to the Parliament.

11. Uruguay indicated that one of the remaining challenges is the prison system. In March 2005, a parliamentary commissioner for prison systems was appointed. A law on prison humanization was promulgated. Recently the Special Rapporteur on torture (who did not find any allegations of torture) and the Rapporteur of the Inter-American Commission on Human Rights on the rights of persons deprived of liberty visited Uruguay at the invitation of the Government.

12. Regarding the definition of discrimination against women of the Committee on the Elimination of Discrimination against Women, Uruguay indicated that there are nine laws which clearly define in various articles the principle of non-discrimination.

13. The reform of the language and concept of family law in the Civil Code is expected to be completed during this legislative session. According to the Children and Adolescents Code, adolescents can register their children even if not married.

14. Uruguay reported on a draft bill to amend the definition of sexual crimes and child pornography in the Criminal Code, whose approval was expected before the end of the current legislative session.

15. On the increase of cases of violence against women, Uruguay made reference to the preventive law and also indicated that since 1985, women's organizations have been working to raise awareness of the problem of domestic violence. Women, neighbours, teachers, health-care providers now denounce cases of domestic violence. Uruguay also reported on the establishment of a National Consultative Council for the Prevention of Domestic Violence and a plan of action, as well as the involvement of civil society in this regard. It also made reference to statistics being gathered by the Ministry of the Interior and training provided to police and health officials.

16. With regard to situations of violence, ill-treatment and abuse of children and adolescents, Uruguay noted that children are now more aware of their rights and have several places where they can lodge complaints. The Integrated System of Protection of Children and Adolescents from Violence has issued its first report.

17. Pending challenges to address domestic violence include changes to the Code of Children and Adolescents, as well as the establishment of new specialized courts and the training of officials of the justice system on issues relating to the ill-treatment and abuse of children and adolescents.

18. Uruguay referred to the creation of the national human rights institution, highlighting the technical support of the international community, in particular OHCHR. The consultation process for the drafting of a bill based on the Paris Principles was very broad. The law was adopted on 24 December 2008 and the institution is to be established in 2010. It is linked to the legislative body but with the necessary technical and financial autonomy. A five-member Board will be appointed through a process based on established criteria and procedures.

19. Uruguay has adopted several measures to advance the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, highlighting three preventive mechanisms: the parliamentary commissioner for the penitentiary system, the committee of observers for adolescents deprived of their liberty and an inspector for persons with psychiatric problems. These mechanisms are to be coordinated with the newly created national human rights institution.

20. Uruguay also made reference to provisions in Law 18026 which define torture as a crime, as well as revisions that were made to the police procedures and penitentiary regulations to bring them into line with international human rights standards. The Directorate of Internal Affairs within the Ministry of the Interior is a mechanism to receive complaints and investigate torture or ill-treatment committed by law enforcement agents. Information on specific efforts and budget allocations to address the problem of overcrowding in the prisons was also provided.

## **B. Interactive dialogue and responses by the State under review**

21. During the interactive dialogue, statements were made by 46 delegations. A number of delegations thanked the Government for the comprehensive national report and its presentation and for the responses provided to advance questions. Statements were made welcoming Uruguay's commitment to the universal periodic review process and the consultations with stakeholders that took place in the preparation of the national report. Delegations also praised Uruguay for its engagement with the Human Rights Council, its ratification of the core international human rights instruments and its constructive engagement with the United Nations system, including OHCHR, attesting to its level of commitment to the promotion and protection of human rights. A number of delegations welcomed Uruguay's positive steps since restoration of democracy in 1985, the adoption of legislation for the creation of a national human rights institution and efforts towards the elimination of poverty.

22. Algeria recommended that Uruguay (a) study measures that it judges appropriate to implement the recommendation of the Committee on the Elimination of Discrimination against Women to eliminate discrimination between men and women in the area of employment and to enshrine the principle of an equal salary for equal work of equal value; (b) examine the measures needed to expedite trials and judgments, notably in the criminal area, and examine the possible modification of the criminal system in order to make it possible for victims to participate in trials; (c) study the possibility of designing and implementing a national plan to combat discrimination against persons of African descent and indigenous peoples; (d) begin as soon as possible to implement procedures to have the national human rights institution accredited by

the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

23. Brazil appreciated the cooperation with Uruguay since 2006, through an agreement to combat trafficking and sexual exploitation of children and adolescents. Brazil asked Uruguay about its experience with the right to truth and memory. Brazil recommended that Uruguay: (a) consider ratifying the UNESCO Convention against Discrimination in Education, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance; (b) continue its efforts to combat impunity and human rights violations with particular focus on the rights of women and children; (c) attain the voluntary human rights goals approved by the Human Rights Council.

24. The United Kingdom noted that the principle of co-operation with the international system was a mainstay of Uruguay's foreign policy and that Uruguay was an important partner on human rights issues. It noted that the practical application of the National Code on Childhood, and the Adolescence and the Sexual Exploitation Act remained a challenge. It referred to the Committee on the Elimination of Discrimination against Women concern at the inequality between men and women, the persistence of stereotypes and the minimum age for marriage. The United Kingdom recommended that Uruguay: (a) establish a national human rights institution accredited by the International Coordinating Committee of National Institutions in accordance with the Paris Principles; (b) ensure that its national preventive mechanism is compliant with the Optional Protocol to the Convention against Torture and that sufficient human, financial and logistical resources are granted to it; (c) involve non-governmental organizations fully at the national level in the follow-up of this review.

25. France asked questions about the Law on the Expiry of the Punitive Claims of the State and detention conditions in prisons. It recommended that Uruguay (a) create a national human rights institution that is independent and in accordance with the Paris Principles; (b) amend discriminatory provisions vis-à-vis women contained in the Civil and Penal Code in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and more generally take necessary measures to promote equality of women and men in the realms of family, economy and policy; and (c) elaborate and put in place a judicial system that is specialized for minors.

26. While noting Government efforts in the prisons, Canada recommended that Uruguay: (a) develop a long term plan to address challenges in the area of incarceration and continue to give priority attention to prison conditions; (b) make the necessary regulatory adjustments to guarantee that non-convicted prison inmates are separated from convicted ones; (c) establish its planned national human rights institution in conformity with the Paris Principles.

27. Cuba welcomed Uruguay's commitment in the areas of health, education, food, work, culture and adequate housing. Cuba highlighted Uruguay's increased public expenditures for education, its special emphasis on social inclusion and its commitment to extend the coverage and quality of education at all levels. Cuba also referred to the implementation, beginning in 2008, of a national integrated health system which recognizes health as an essential human right. Cuba recommended that Uruguay: (a) continue to deepen measures under way to guarantee greater social inclusion in the national education system; and (b) continue with current efforts to eradicate poverty, indigence and social exclusion.

28. Pakistan commended steps taken by Uruguay to improve the status of women and children and other vulnerable groups. Pakistan recommended that Uruguay (a) expedite the legislative process to create the national human rights institution, in accordance with the Paris Principles; and (b) prioritize action on the recommendations of different treaty bodies, in particular the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture.
29. Azerbaijan commended the Government for its achievements and encouraged it to increase efforts to eliminate extreme poverty and reverse underrepresentation of women and domestic violence. It raised questions about the minimum age of marriage and measures to combat human trafficking. It recommended that Uruguay (a) establish a national human rights institution in accordance with the Paris Principles; (b) take practical steps to address the serious problems of street children and sexual exploitation of children; and (c) improve prison conditions, including the problem of overcrowding in prisons.
30. Malaysia commended Uruguay for the measures taken to address extreme poverty and destitution in the country and asked about measures to ensure a balanced distribution of resources among different groups in the country. Malaysia recommended that Uruguay: (a) step up efforts to improve the overall quality of education for children, including by providing increased budget allocations for the education sector; (b) provide more allocations for social expenditures that could sufficiently benefit women and children, in particular those from the poor, rural and vulnerable sections of society; (c) conduct more public prevention and awareness-raising campaigns on protection measures against HIV/AIDS, in particular for poor adolescents and people from vulnerable groups.
31. Sweden referred to the concerns expressed by the Committee on the Elimination of Discrimination against Women over several discriminatory legal provisions in matters relating to family and marriage. It also noted the concerns expressed by the Committee on the Rights of the Child about sexual exploitation and the sale of children being growing problems in Uruguay and welcomed the information that a new bill is being discussed in this area. Sweden recommended that Uruguay (a) strengthen its efforts to ensure full equality between men and women and bring its legislation into line with the recommendations of the Committee on the Elimination of Discrimination against Women, as well as human rights obligations and other international standards; (b) continue taking strong measures with a view to fully combating sexual exploitation and sale of children; (c) ensure that the law is strengthened to tackle impunity for crimes of sexual exploitation and sale of children.
32. Uruguay addressed the questions regarding impunity, memory and application of Law No. 15848. Uruguay produced an eight-volume report which serves as a register of the violations committed during the dictatorship. Since the current Government took over, Law No. 15848 has been so restrictively interpreted that all cases raised, without exception, have been dealt with and shown not to be covered by the statute of limitations. This has led to prosecution of the past two dictators, as well as civilians and members of the police and the military who were involved in serious human rights violations. The first two instance sentences were handed down on 26 March 2009. In addition, a public prosecutor has argued in one case before the Supreme Court of justice that this law is unconstitutional and the executive and legislative bodies accepted this. Besides, signatures are currently being collected in order to convene a referendum that will seek to eliminate the law. A draft Criminal Procedure Code, which will substantially increase the role of victims in criminal proceedings, will be submitted.

33. In response to questions concerning street-children, the delegation stated that efforts by the Child and Adolescent Institute of Uruguay to provide support for children living in the street have been underway for years and provided information about specific programmes. In the south, where the needs are greater and populations with scarce resources are concentrated, 21 primary attention centres were created. A mobile unit was also created for emergencies and homes have been established for children in transit in 17 departments of the country. However, 500 children still live on the streets, especially due to mistreatment and abuse in their families.

34. The Ministry of Social Development developed social indicators on the Millennium Development Goals established at the national level. While extreme poverty was reduced by 50 per cent between 2005 and 2006, the reduction of poverty has been less dramatic. Since 2008, an equity plan was established in order to reduce poverty and social inequality. In terms of education, the main challenge has been to reduce the dropout rate among adolescents. The delegation provided information about programmes addressing this phenomenon and mentioned that the percentage of the national budget dedicated to education has increased and is projected to reach 4.5 per cent by the end of 2009.

35. Uruguay said that child mortality has been reduced as well as maternal mortality, including a reduction in high-risk pregnancy and teen pregnancy. Uruguay has complied with international standards concerning access to drinking water and sanitation, which is enjoyed by more than 98 per cent of the population.

36. Uruguay has been conducting a survey on child labour and will prohibit by decree the worst types of child labour in compliance with the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182). Uruguay has criminalized human trafficking (Law No. 18250 of 2008) as well as pornography, prostitution and trafficking related to sexual exploitation (Law No. 17815 of 2004). Among training initiatives a protocol for consulates and embassies is under consideration; efforts are also being made to develop various local and national initiatives to address this phenomenon. At the level of MERCOSUR there have been coordinated efforts to monitor the situation in some border areas.

37. Turkey noted that prison conditions remain a problem. Turkey recommended that Uruguay (a) continue to allocate sufficient resources to address the challenges of overcrowding and inadequate health and other services in the prisons and to bring prison conditions into line with international standards; (b) strengthen its efforts to draw up comprehensive strategies and action plans to eradicate the scourge of trafficking in persons; (c) implement effectively the action plan launched by the Committee to Eradicate Sexual Exploitation of Children and Adolescents in 2007; (d) step up efforts to address the problem of high dropout rates, particularly in the secondary schools, and continue to invest in education.

38. India commended the launching of the National Plan for Equality of Opportunity and Rights, the establishment of a committee to eradicate commercial and non-commercial sexual exploitation of children and adolescents and the adoption of the Migration Act, the issuance of identity cards for all citizens and the introduction of the electronic live births certification scheme in 2008. India asked questions about the Law on the Expiry of the Punitive Claims of the State, minimum age of marriage and ratification of the Convention on the Rights of Persons with Disabilities. India urged Uruguay to maintain its high standards with respect to retention rates and secondary education and to expedite the process of setting up an independent and effective national human rights institution in accordance with the Paris Principles.

39. Japan supported the recommendations of the Committee on the Rights of the Child regarding the allocation of further financial resources to address the issue of children living in poverty. Regarding detention facilities, Japan hoped that Uruguay would further strengthen efforts to create a system that focuses on preventing repeat offenses and accelerating criminal trials. Japan recommended that Uruguay set up a national action plan with policy focusing on making the family the fundamental base for childcare, reducing the number of street children and child labour and ensuring the right of the child to education.

40. Colombia congratulated Uruguay for creating a national institute for human rights. Colombia commended the advances in the area of education, especially the Ceibal Plan, and invited Uruguay to share this important experience. Colombia recommended that Uruguay: (a) continue searching for a way to adopt a legal framework to enable Uruguayan citizens resident abroad to exercise their right to vote; (b) continue with all necessary efforts for the swift adoption and implementation of laws and programmes for the defence and promotion of human rights; (c) ensure that the Executive continues providing all the necessary support to the judiciary to make progress in the investigation of cases of human rights violations which took place during the dictatorship, and that it further continues providing all the necessary support to the work of the *Comisión de Seguimiento de la Comisión para la Paz*.

41. Mexico recognized advances regarding human rights for migrants, asylum-seekers and refugees. Mexico recommended that Uruguay (a) put in place the national institute of human rights that was recently provided for under law, and provide it with the necessary technical and financial resources, requesting cooperation from OHCHR; (b) adopt the necessary legislative and administrative measures to guarantee the security and safety of victims of domestic violence and facilitate their access to justice, legal assistance and medical and physiological care; (c) establish an inter-ministerial mechanism with the participation of civil society to discuss and implement international commitments in the area of human rights, including the recommendations emanating from the universal periodic review.

42. Paraguay noted that both countries share the goal of moving forward with the integration process in MERCOSUR, including the Asuncion Protocol of 2005. In this context, Paraguay recommended (a) that Uruguay put emphasis on this regional task because it will be beneficial for its own process and will be also a worthwhile contribution to other member States and will provide a model which other groups of countries can follow, since it is not common for States to work together in an integration model in order to promote human rights. It also recommended that the Government ((b) take on with determination the pending challenges with regard to children and women as a way to continue giving a good example to the region and the rest of the world in the promotion and protection of human rights.

43. Chile welcomed Uruguay's achievements in terms of the fight against extreme poverty as well as education, health, women's rights, freedom of expression, combating discrimination and recognizing the contribution of indigenous peoples to Uruguayan society. Chile recommended that Uruguay (a) continue strengthening the implementation of those measures already adopted and adopt new measures, whenever necessary, to ensure the enjoyment of human rights for its population, according particular importance to eradicating violence against women and ensuring the rights of the child; and (b) implement alternative measures to the deprivation of liberty, especially with regard to minors.

44. The Republic of Korea commended the Government for having refined the legal and institutional framework for the participation of citizens in politics and strengthened the social

security system for vulnerable groups. The Republic of Korea recommended that Uruguay: (a) take concrete measures to comply with its reporting obligations under the relevant human rights treaties in a timely manner; (b) establish an independent national human rights institution in accordance with the Paris Principles; and (c) consider rising the minimum age for marriage to 18 years for both women and men.

45. The Holy See noted that despite the fact that virtually all Uruguayans attend primary school the percentage of youth attending school diminishes dramatically at the level of secondary school. The Holy See asked about initiatives to encourage young people to continue education.

46. The Netherlands welcomed the establishment of a Committee of Observers by the National Advisory Board on the Rights of Children and Adolescents. The Netherlands recommended that Uruguay (a) take further structural measures and provide adequate resources to protect women and children from domestic violence; (b) take further measures to improve the conditions of the juvenile detentions centres and structural measures aimed at promoting rehabilitation of minors in conflict with the law and preparing them for their integration into society; (c) continue to reform the prison system and look further into ways to reform the Penal Code to ensure adequate prison conditions and treatment of prisoners according to international standards; and (d) amend the Civil Code to raise the minimum age for marriage for both women and men to 18 years according to international standards.

47. Djibouti welcomed efforts to address all forms of discrimination and made reference to the 2006 National Plan for Equality of Opportunities and Rights and the 2004 National Plan to Combat Domestic Violence. It also welcomed efforts in the areas of education and health. Djibouti recommended that Uruguay (a) pursue its efforts for the creation of a national human rights institution in conformity with the Paris Principles, so as to facilitate the application of the main international instruments for the promotion and protection of human rights; (b) continue paying particular attention to the conditions of vulnerable groups such as persons with disabilities and indigenous peoples.

48. Venezuela commended the efforts undertaken by Uruguay to eradicate poverty. It stated that the great attention attached by the Government to street children is noteworthy and welcomed the support provided to the Centres for Comprehensive Attention to Children and Families. Venezuela recommended that Uruguay (a) continue with its sound social programmes and plans undertaken to satisfy the most basic needs of people living in extreme poverty, including food, education, housing, health and work ; (b) continue the consolidation of effective policies in the framework of the National Strategy for Childhood and Adolescence (2010-2030), enabling the participation of the whole society in the fight for the recognition of the rights of boys, girls and adolescents who find themselves in a situation of extreme vulnerability.

49. Noting that poverty affects almost every second child, Finland asked Uruguay to share examples of actions to prevent social exclusion. Finland recommended that Uruguay (a) take measures to address the high repetition rates and the high dropout levels in schools, especially among girls in vulnerable situations or facing multiple forms of discrimination. These should include incentives for parents to send girls to school; (b) continue developing its juvenile justice system in terms of both legislation and practice, ensuring in particular that there are adequately trained professionals and adequate infrastructure and that deprivation of liberty only is used as a measure of last resort in the case of under-aged persons.

50. Guatemala made reference to the conclusions of the Commission on Racism and the concerns expressed by Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women at the lack of information on ethnic groups and indigenous women, and the recommendation to adopt measures for their protection and asked about measures taken in this regard. Guatemala also referred to the designation of a Parliamentary Commission for the Prison System, asking for more information on this experience.

51. Nicaragua noted the positive transformations in Uruguay's internal legislation and institutional framework. Nicaragua recommended that Uruguay (a) continue to work on its national plans for social inclusion and poverty alleviation; (b) continue to promote gender equity and the empowerment of women in all decision-making processes and in the design of public policies.

52. Italy shared concerns expressed by the Committee on the Elimination of Discrimination against Women in regard to the persistence of discriminatory norms relating to marriage and sex crimes. It noted that several stakeholders expressed concerns regarding detention conditions in prisons. Italy recommended that Uruguay: (a) eliminate any forms of discriminatory norms against women from its legislation ; (b) accelerate efforts to combat human trafficking through integrated measures for prevention, prosecution and punishment of those responsible, as well as measures for the protection, rehabilitation and social reintegration of the victims; (c) take effective measures to improve the general situation in prisons and particularly the conditions under which women and children are detained.

53. Ukraine noted the achievements of Uruguay with regard to ensuring the rights of vulnerable groups, such as women, children, elderly persons, persons with disabilities, indigenous peoples, and persons of Africa descent. Ukraine recommended to the Government to (a) continue and strengthen its efforts directed to the further promotion and protection of the human rights; (b) continue to combat discrimination and violence against women; and (c) ensure their adequate representation in the high-level policy and decision-making institutions.

54. Nigeria commended Uruguay for the administrative and judicial reforms for the promotion and protection of human rights. Nigeria also made reference to challenges faced by Uruguay in the areas of poverty, sexual exploitation, marital rape and the sale of children, as described in its national report. Nigeria recommended that Uruguay: (a) establish a national human rights institution in line with the Paris Principles; and (b) ratify the Convention on the Rights of Persons with Disabilities as recommended by the Committee on the Elimination of Discrimination against Women.

55. The Uruguayan delegation said that the penitentiary situation is a matter of serious concern, and has been since the President declared a state of emergency at all prison centres. Uruguay made reference to measures adopted to humanize the conditions in the prisons, bringing them into line with international standards, as well as the investments in recent years in prison infrastructure which, despite the increase in inmates, have decreased overcrowding. The salary and numbers of prison staff has been increased. Despite continued overcrowding, 45 per cent of prisoners are now involved in education or employment programmes and food and medicine programmes are also available. Women detainees are given special attention and a maternal facility has been created. There is an alternative penalties bill which will allow greater application of house arrest and community work solutions. Uruguay further gave information and shared data on prisons in Uruguay, including on investments to improve the infrastructure.

56. Regarding the situation of adolescents in conflict with the law, the major obstacle has been the failure to appear before a court. As a result, a programme works with children and family members to ensure that non-custodial measures can be applied. The National Advisory Board on the Rights of Children and Adolescents recently set up a Committee of Observers responsible for seeing that all international standards are complied with and conducting visits to detention centres on a regular basis. The Child and Adolescent Institute of Uruguay designated a mechanism to investigate human rights complaints. A number of officials have been dismissed. There is also a programme aimed at helping children and adolescents in situations of vulnerability not to lose contact with their families and society. Training in practical areas such as computer services, carpentry and other areas is provided. Information on other health programmes and budgetary provisions for child and adolescents programmes was also provided.

57. Measures to address school dropout rates include the emergency plan and the plan on equity. These measures, which include family benefits for children of school age as well as health and other support services, have given good results. In 2008, about 60 per cent of adolescents were reincorporated in intermediate education.

58. China stressed that within a period of 20 years the country has established a relatively developed civil rights protection system and has always regarded human rights protection as an important national task. China noted that a human rights department was established within the Ministry of Education and culture and referred to the national social emergency plan, including its composite specialized plans.

59. Peru asked about measures that Uruguay intends to take to ensure better conditions of equality between men and women, particularly in the field of employment. Peru recommended that Uruguay: (a) implement promptly the law setting up a national human rights institution in accordance with the Paris Principles; and (b) ratify the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169).

60. Bangladesh commended Uruguay for the legal and policy framework adopted. It noted with concern the high dropout and repetition rates among school children, particularly from certain socio-economic and ethnic segments of society. Bangladesh recommended that Uruguay (a) continue to scale up national efforts to eliminate poverty particularly targeting disadvantaged groups, with the support of the international community; (b) continue to promote gender equality and combat all forms of discriminatory practices against women; and (c) further strengthen its efforts to protect the rights of children, with particular emphasis on preventing school dropouts and eliminating child labour and sexual exploitation of children.

61. Portugal asked questions about the impact of the 2004 National Plan to Combat Domestic Violence and the measures to address the problem of overcrowding in the prisons, beyond public investment in expanding and building prisons. Portugal recommended that Uruguay (a) eliminate discriminatory legal provisions in matters relating to family and marriage, such as raising the minimum age of marriage for both men and women to 18 years, eliminating the concepts of “modesty”, “virtue” and “public scandal” from the characterization of sexual offences and making marital rape an offence under the Penal Code, as recommended by the Committee on the Elimination of Discrimination against Women; (b) implement reforms to improve the situation of overcrowding in prisons, with special attention being paid to the strengthening of the specialized system of juvenile justice and the recommendations of the Committee on the Rights of the Child; and (c) consider signing the Optional Protocol to the

International Covenant on Economic, Social and Cultural Rights at the opening-for-signature ceremony of 24 September, during the treaty event in New York.

62. The Philippines congratulated Uruguay for the enactment of the 2008 law that criminalizes human trafficking, and the formulation of the 2007 National Plan to Eradicate Commercial Sexual Exploitation. However, it stressed that efforts to combat trafficking in persons need to be further strengthened. The Philippines also asked about measures taken to address the issue of domestic violence and recommended that Uruguay: (a) consider the formulation of a national action plan or inter-agency mechanism to combat trafficking in persons and provide assistance to victims, bearing in mind the need to bring a human rights-based approach to the issue; (b) continue its efforts to promote gender equality and greater participation of women in the public and private sectors.

63. The United States of America asked about measures taken to identify and assist trafficking victims. Stating that trafficking often occurs with corruption of law enforcement agents, it asked what Uruguay is doing to prevent corrupt behaviour. The United States recommended that Uruguay increase law enforcement efforts to stop trafficking offenders, including law enforcement and border security; as appropriate, take measures to investigate, prosecute and penalize those agents who accept bribes or otherwise facilitate trafficking; increase efforts to implement the new anti-trafficking law; expand anti-trafficking training for judges and law enforcement personnel; and increase victim services and protection efforts.

64. Germany stated that it shares concerns with regard to high child poverty, economic exploitation and homelessness of children, as well as trafficking in children for the purpose of sexual exploitation and sale. It recommended that the Government (a) abolish the Law on the Expiry of the Punitive Claims of the State to allow for thorough and all-encompassing investigation and prosecution of all human rights violations in the past; (b) establish, at the earliest possible date, an independent human rights institution in compliance with the Paris Principles; (c) promote equality between women and men, in particular concerning the level of participation of women in public life and in the employment sector; (d) take adequate measures to fight trafficking in women and girls for the purpose of sexual exploitation as well as domestic violence against women; and (e) abolish all discriminatory laws against women with regard to family and marriage.

65. Spain made reference to the cooperation of Uruguay with the international human rights mechanisms. Spain recommended that Uruguay (a) incorporate the definition of discrimination contained in CEDAW in its domestic legislation; (b) reform provisions of the civil code that discriminate against women, such as those that set a minimum age of 12 for marriage, prohibit widows and divorced women from getting married again before 300 days, or provide a food pension for women who lead a “disorganized life”; and (c) undertake a reform and an investment plan to improve conditions in the penitentiary system.

66. The Syrian Arab Republic referred to progress made in the field of family work conditions as reported in an ILO report, and commended Uruguay for the specific attention it attributes to the participation of trade unions in decision-making processes. The Syrian Arab Republic recommended that Uruguay speed up its prospective plan to address the legal gap in its criminal law system according to which the victims are not given the right to participate in the proceedings.

67. The Dominican Republic asked if there is a system for training of staff responsible for attending to adults and children deprived of liberty and if authorities provide free legal assistance for those of low economic resources.

68. Slovenia asked what measures have been taken to accelerate de facto equality between men and women, especially in the workplace and politics, and to diminish trafficking in women and girls. It expressed concern with regard to the high number of children living or working on the street. Slovenia recommended that Uruguay take steps to fully incorporate the core treaties it has ratified, namely CEDAW and the Convention on the Rights of the Child (CRC), into domestic legislation.

69. Bolivia praised Uruguay for having been the first country to incorporate the right to access to water and sanitation as a fundamental human right in the Constitution and invited Uruguay to share its experience in that regard. Bolivia also commended Uruguay for having included representatives of indigenous communities in the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination. Bolivia recommended that Uruguay consider the prompt ratification of the ILO Convention No. 169 as a mean of completing the recognition of the rights of indigenous peoples.

70. South Africa commended the Government for taking steps to combat trafficking in persons, with due attention to the health or physical integrity of migrants, especially children and persons with disabilities. The steps undertaken to establish various mechanisms to combat racism, especially in the case of persons of African descent, were mentioned as a noteworthy achievements. However, South Africa remained concerned about the continued existence of poverty and high levels of destitution and social exclusion despite the Government's efforts. South Africa recommended that Uruguay expedite the process of eradicating poverty through targeted programmes and social inclusion policies.

71. Belgium noted that the main human rights challenges in Uruguay are related to detention conditions. Many problems are due to overpopulation, which seems to result from the excessive use of preventative detention. Belgium recommended that Uruguay (a) emphasize prevention over detention, especially with regard to minors in conflict with the law; (b) make available complaint mechanisms for detainees in case of mistreatment; (c) ensure that measures be taken to put an end to impunity in prisons.

72. The Czech Republic stressed the importance of access to justice through adherence to principles of due process and the rule of law and asked about the status of the process for the establishment of the national preventive mechanism for the protection of persons against torture. The Czech Republic recommended that Uruguay (a) review and where necessary abolish the laws resulting in impunity of those who committed crimes during the dictatorships, in particular the Law on the Expiry of the Punitive Claims of the State, and remove all obstacles to finding the truth about the past, in particular with regard to families of victims of enforced disappearance; (b) criminalize marital rape and adopt further measures to ensure wide accessibility and public knowledge of support available to victims of domestic violence so that they are able to protect themselves and initiate effective and fast investigations leading to punishment of perpetrators; (c) further strengthen the institutional anti-discrimination framework by providing awareness-raising campaigns and promoting tolerance and equality based on sex, gender and race. The Czech Republic thanked Uruguay for their admirable role in the fight against discrimination.

73. Sri Lanka commended the existence of the commission against racism, xenophobia and other forms of discriminations, as well as the first national plan to combat domestic violence. Sri Lanka recommended that Uruguay continue with its excellent national plan to combat all forms of discrimination and make the results available in English so that countries like Sri Lanka can absorb them as best practices.

74. Ecuador noted that the ratification of several new human rights instruments will strengthen investigation of cases of enforced disappearance. Ecuador underscored Uruguay's efforts to promote practices for the integration of children with disabilities.

75. The Russian Federation noted the contribution of Uruguay to the process of the Durban Review Conference and in this regard recommended that the Government (a) continue efforts to implement the outcome document of the Durban Review Conference at both the national and international levels. The Russian Federation commended the Government for its initiatives and results in addressing poverty and recommended that it (b) continue efforts to fight poverty.

76. Regarding women's health programmes, Uruguay stated that the new national comprehensive health-care system has women among its priority areas (women's mental health, sexual reproductive health, adolescent care, child birth and post-natal care). The Ministry of Public Health has elaborated a specific programme on women and gender and guidelines for action for health-care teams relating to domestic violence.

77. Uruguay thanked for the comments and recommendations noting that they will help the country to go ahead with the re-assertion and affirmation of human rights. The delegation noted that human rights are the very axes that cut across and run through the entire public policy ranging from legislative actions to administrative, social and economic measures. Uruguay appreciated the support of the civil society. It noted that active guardianship of human rights is a process that needs constant adjustment and monitoring.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

78. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Uruguay:

1. Consider ratifying the UNESCO Convention against Discrimination in Education (Brazil);
2. Consider signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights at the opening-for-signature ceremony on 24 September, during the treaty event in New York (Portugal);
3. Ratify ILO Convention No. 169 (Peru);
4. Consider the prompt ratification of ILO Convention No. 169 as a means of completing the recognition of the rights of indigenous peoples (Bolivia);
5. Attain the voluntary human rights goals approved by the Human Rights Council (Brazil);
6. Take steps to fully incorporate the core treaties ratified by Uruguay, namely CEDAW and CRC, into domestic legislation (Slovenia);

7. Speed up its prospective plan to address the legal gap in its criminal law system so that victims can better exercise the right to participate in the proceedings (Syrian Arab Republic);
8. Establish promptly (Peru; Germany) its planned (Canada) national human rights institution in accordance with the Paris Principles (Peru; Germany; Canada; France; United Kingdom; Nigeria; Pakistan; Azerbaijan; Republic of Korea; Djibouti) and begin procedures as soon as possible to have it accredited it by the International Coordinating Committee of National Institutions (United Kingdom; Algeria) so as to facilitate the application of the main international human rights instruments (Djibouti);
9. Put in place the national institute of human rights that was recently provided for under law, and provide it with the technical and financial resources necessary, requesting cooperation from OHCHR (Mexico);
10. Fully involve non-governmental organizations at the national level in the follow-up of this review (United Kingdom);
11. Establish an inter-ministerial mechanism with the participation of civil society to discuss and implement international commitments in the area of human rights, including the recommendations emanating from the universal periodic review (Mexico).
12. Continue and strengthen its efforts directed to the further promotion and protection of human rights (Ukraine);
13. Continue with all necessary efforts for the swift adoption and implementation of laws and programmes for the defence and promotion of human rights (Colombia);
14. Set up a national action plan with policies focusing on making the family the fundamental base for childcare, reducing the number of street children and child labor and ensuring the right of the child to education (Japan);
15. Continue the consolidation of effective policies in the framework of the National Strategy for Childhood and Adolescence (2010-2030), enabling the participation of the whole society in the fight for recognition of the rights of boys, girls and adolescents who find themselves in a situation of extreme vulnerability (Venezuela);
16. Further strengthen the Government's efforts to protect the rights of children, with particular emphasis on preventing school dropouts and eliminating child labour and sexual exploitation of children (Bangladesh);
17. Put emphasis on this regional task (Asuncion Protocol of 2005 on MERCOSUR) because it will be beneficial for its own process and will also be a worthwhile contribution to other member States and will provide a model which other groups of countries can follow, since it is not common for States to work together in an integration model in order to promote human rights (Paraguay);

18. Take on with determination the pending challenges with regard to children and women as a way to continue giving a good example to the region and the rest of the world in the promotion and protection of human rights (Paraguay);
19. Continue strengthening the implementation of those measures already adopted and adopt new measures, whenever necessary, to ensure the enjoyment of human rights for its population, according particular importance to eradicating violence against women and ensuring the rights of the child (Chile);
20. Take concrete measures to comply with its reporting obligations under the relevant human rights treaties in a timely manner (Republic of Korea);
21. Prioritize action on the recommendations of different treaty bodies, in particular the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture (Pakistan);
22. Further strengthen the institutional anti-discrimination framework by providing awareness-raising campaigns and promoting tolerance and equality based on sex, gender and race (Czech Republic);
23. Continue with its excellent national plan to combat all forms of discrimination and make the results available in English so that countries like Sri Lanka can absorb them as best practices (Sri Lanka);
24. Continue efforts to implement the outcome document of the Durban Review Conference at the national and international levels (Russian Federation);
25. Study measures that it judges appropriate to implementing the recommendation of the Committee on the Elimination of Discrimination against Women to eliminate discrimination between men and women in the area of employment and to enshrine the principle of an equal salary for equal work of equal value (Algeria);
26. Eliminate any discriminatory norms against women from its legislation (Italy);
27. Continue to promote gender equality and combat all forms of discriminatory practices against women (Bangladesh);
28. Eliminate discriminatory legal provisions in matters relating to family and marriage, for example by raising the minimum age of marriage for both men and women to 18 years, eliminating the concepts of “modesty”, “virtue” and “public scandal” from the characterization of sexual offences and making marital rape an offence under the Penal Code, as recommended by the Committee on the Elimination of Discrimination against Women (Portugal);
29. Criminalize marital rape and adopt further measures to ensure wide accessibility and public knowledge of support available to victims of domestic violence so that they are able to protect themselves; initiate effective and fast investigations leading to punishment of perpetrators (Czech Republic);

30. Abolish all discriminatory laws against women with regard to family and marriage (Germany);
31. Incorporate the definition of discrimination contained in CEDAW in its domestic legislation (Spain);
32. Reform provisions of the civil code that discriminate against women, such as those that set a minimum age of 12 for marriage, prohibit widows and divorced women from getting married again before 300 days, or provide a food pension for women who lead a “disorganized life” (Spain);
33. Continue to combat discrimination and violence against women (Ukraine);
34. Consider raising the minimum age for marriage to 18 years for both women and men (Republic of Korea);
35. Amend the Civil Code to raise the minimum age for marriage for both women and men to 18 years according to international standards (Netherlands);
36. Study the possibility of designing and implementing a national plan to combat discrimination against persons of African descent and indigenous peoples (Algeria);
37. Amend, in accordance with CEDAW, discriminatory provisions vis-à-vis women contained in the Civil and Penal Code, and more generally take necessary measures to promote equality of women and men in the realms of family, economy and policy (France);
38. Strengthen its efforts to ensure full equality between men and women and bring legislation in line with the recommendations of the Committee on the Elimination of Discrimination against Women, as well as human rights obligations and other international standards (Sweden);
39. Ensure that its national preventive mechanism complies with the Optional Protocol to CAT and sufficient human, financial and logistical resources are granted to it (United Kingdom);
40. Improve and ensure access to complaint mechanisms for detainees in case of mistreatment (Belgium);
41. Adopt necessary legislative and administrative measures to guarantee the security and safety of victims of domestic violence and facilitate their access to justice, legal assistance and medical and physiological care (Mexico);
42. Take further structural measures and provide adequate resources to protect women and children from domestic violence (Netherlands);
43. Strengthen its efforts to draw up comprehensive strategies and action plans to eradicate trafficking in persons (Turkey);

44. Take practical steps to address the serious problems of street children and sexual exploitation of children (Azerbaijan);
45. Continue taking strong measures with a view to fully combating sexual exploitation and sale of children (Sweden);
46. Ensure that the law is strengthened to also tackle impunity for crimes of sexual exploitation and sale of children (Sweden);
47. Implement effectively the action plan launched by the Committee to Eradicate Sexual Exploitation of Children and Adolescents in 2007 (Turkey);
48. Accelerate efforts to combat human trafficking through integrated measures for prevention, prosecution and punishment of those responsible and for the protection, rehabilitation and social reintegration of the victims (Italy);
49. Consider the formulation of a national action plan or inter-agency mechanism to combat trafficking in persons and provide assistance to victims, bearing in mind the need to integrate a human rights-based approach (Philippines);
50. Take adequate measures to fight trafficking in women and girls for the purpose of sexual exploitation as well as domestic violence against women (Germany);
51. Increase efforts to stop traffickers, including law enforcement measure and border security; as appropriate, take measures to investigate, prosecute and penalize those agents who accept bribes or otherwise facilitate trafficking; increase efforts to implement the new anti-trafficking law; expand anti-trafficking training for judges and law enforcement personnel and increase victim services and protection efforts (United States);
52. Develop a long-term plan to address challenges in the area of incarceration and continue to give priority attention to improving prison conditions (Canada);
53. Make the necessary regulatory adjustments to guarantee that non-convicted prison inmates are separated from convicted ones (Canada);
54. Improve prison conditions, including by relieving overcrowding in prisons (Azerbaijan);
55. Implement reforms to improve the situation of overcrowding in prisons, with special attention being paid to the strengthening of the specialized system of juvenile justice and the recommendations of the Committee on the Rights of the Child (Portugal);
56. Undertake reform and an investment plan to improve conditions in the penitentiary system (Spain);
57. Take effective measures to improve the general situation in prisons and particularly the conditions under which women and children are detained (Italy);

58. Continue to allocate sufficient resources to address the challenge of overcrowding, inadequate health and other services in the prisons, and to bring the prison conditions into line with international standards (Turkey);
59. Take further measures to improve conditions in the juvenile detention centres and further structural measures to promote rehabilitation of minors in conflict with the law and prepare them for integration into the society (Netherlands);
60. Continue to reform the prison system and look further into ways of reforming the Penal Code to ensure adequate prison conditions and treatment of prisoners according to international standards (Netherlands);
61. Examine the measures needed to expedite trials and judgments, notably in the criminal area, and examine the possible modification of the criminal system to make it possible for victims to participate in trials (Algeria);
62. Continue its efforts to combat impunity and human rights violations with particular focus on the rights of women and children (Brazil);
63. Take measures to continue to fight impunity in prisons (Belgium);
64. Review and where necessary abolish the laws resulting in impunity for those who committed crimes during the dictatorships, in particular the Law on the Expiry of the Punitive Claims of the State, No. 15848, and remove all obstacles to finding the truth about the past, in particular with regard to families of victims of enforced disappearance (Czech Republic);
65. Ensure that the Executive continues providing all necessary support to the judiciary to make progress in the investigation of cases of human rights violations which took place during the dictatorship, and that it further continues providing all necessary support to the work of the *Comisión de Seguimiento de la Comisión para la Paz* (Colombia);
66. Abolish the Law on the Expiry of the Punitive Claims of the State to allow for thorough and all-encompassing investigation and prosecution of all human rights violations in the past (Germany);
67. Improve the judicial system that is specialized for minors (France);
68. Implement alternative measures to the deprivation of liberty, especially with regard to minors (Chile);
69. Continue developing its juvenile justice system in terms of both legislation and practice. In particular, ensure that there are adequately trained professionals and adequate infrastructure and that deprivation of liberty is only used as a measure of last resort in the case of under-aged persons (Finland);
70. Emphasize prevention over detention, especially regarding minors in conflict with the law (Belgium);

71. Continue searching for a way to adopt a legal framework which will enable its citizens resident abroad to exercise their right to vote (Colombia);
72. Continue to promote gender equity and the empowerment of women in all decision-making processes and in the design of public policies (Nicaragua);
73. Ensure women's adequate representation in high-level policy and decision-making institutions (Ukraine);
74. Continue its efforts to promote gender equality, and greater participation of women in the public and private sectors (Philippines);
75. Promote equality between women and men, in particular concerning the level of participation of women in public life and in the employment sector (Germany);
76. Continue with current efforts to eradicate poverty, indigence and social exclusion (Cuba);
77. Continue efforts to fight poverty (Russian Federation);
78. Expedite the process of eradicating poverty through targeted programmes and social inclusion policies (South Africa);
79. Continue to work on its national plans for social inclusion and poverty alleviation (Nicaragua);
80. Continue to scale up national efforts to eliminate poverty particularly targeting disadvantaged groups, with the support of the international community (Bangladesh);
81. Provide more allocations for social expenditures that could sufficiently benefit women and children, in particular, from the poor, rural and vulnerable sections of society (Malaysia);
82. Continue paying particular attention to the conditions of vulnerable groups such as persons with disabilities and indigenous peoples (Djibouti);
83. Continue with its sound social programmes and plans undertaken to satisfy the most basic needs of people living in extreme poverty, including food, education, housing, health and work (Venezuela);
84. Conduct more public prevention and awareness-raising campaigns on protection measures against HIV/AIDS, in particular for poor adolescent and people from the vulnerable group (Malaysia);
85. Continue to deepen measures underway to guarantee greater social inclusion in the national education system (Cuba);

86. Step up efforts to improve the overall quality of education for the children including by providing increased budget allocations for the education sector (Malaysia);
  87. Step up efforts to address the problem of high school dropout rates particularly in the secondary schools and continue to invest in education (Turkey);
  88. Take measures to address the high repetition rates and the high dropout levels in schools, especially of girls in vulnerable situations or facing multiple forms of discrimination, as recommended by the Committee on the Elimination of Discrimination against Women, including further incentives for parents to send their children, boys and girls, to school (Finland).
79. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Uruguay was headed by H.E. Dr. Gonzalo Fernández, Minister of Foreign Affairs and composed of 12 members:

Sr. Representante Permanente ante las Naciones Unidas y los Organismos Internacionales con sede en Ginebra, Embajador Alejandro Artucio;

Sra. Representante del Poder Legislativo, Senador Margarita Percovich;

Sra. Directora de Derechos Humanos del Ministerio de Educación y Cultural, Dra. María Elena Martínez;

Sra. Directora de Derechos Humanos y Derecho Humanitario del Ministerio de Relaciones Exteriores, Ministra Laura Dupuy;

Sr. César Rodríguez, Jefe de Gabinete del Sr. Ministro de Relaciones Exteriores;

Ministra Lucía Trucillo, Representante Alternativa ante las Naciones Unidas y los Organismos Internacionales con sede en Ginebra;

Sra. Asesora en Sistema Penitenciario de la Ministra del Interior, Dra. María Noel Rodríguez;

Sr. Representante de la Dirección General de Secretaría del Ministerio de Economía y Finanzas, Dr. Marcos Álvarez;

Consejero Gabriel Winter, Representación Permanente ante las Naciones Unidas y los Organismos Internacionales con sede en Ginebra;

Sec. Pauline Davies, Representación Permanente ante las Naciones Unidas y los Organismos Internacionales con sede en Ginebra;

Sec- Lourdes Bone, Representación Permanente ante las Naciones Unidas y los Organismos Internacionales con sede en Ginebra.

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