



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Eastern Republic of Uruguay and welcome the constructive engagement of your Government during the 32nd session of the UPR Working Group in January 2019.

As the final outcome report on the review of Uruguay has been recently adopted by the Human Rights Council at its 41st session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Uruguay – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 89 delegations and the presentation made and responses provided by the delegation of Uruguay. I have also considered the actions taken by the Government to implement the 187 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I am particularly encouraged by the fact that Uruguay accepted all 226 recommendations it received during the third cycle, which demonstrates the country's commitment to the UPR process and augurs well for the further protection and promotion of human rights. I also welcome legislative developments, such as the adoption of laws on gender-based violence against women, and creating the integrated National Care System. The National Plan for Sexual Diversity, aimed at strengthening the national frameworks for equality and non-discrimination is also another important step forward.

I encourage Uruguay to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Uruguay's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Mr. Rodolfo Nin Novoa
Minister for Foreign Affairs
Eastern Republic of Uruguay



I also encourage Uruguay to continue strengthening its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Uruguay to submit mid-term reports and encourage the Government to do so again on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may continue assisting Uruguay in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Ariel Bergamino
Under-Secretary for Foreign Affairs
Eastern Republic of Uruguay



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.

National human rights framework

- Ensuring effective functioning of the national mechanism for the prevention of torture and extending its coverage and visibility throughout the country.
- Effectively implementing laws and policies on human rights and addressing gaps in the legislative framework.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adopting laws that explicitly prohibit racial discrimination and taking measures to fight discrimination against and social exclusion of people of African-descent.
- Taking measures to combat discrimination against lesbian, gay, bisexual, transgender and intersex persons, investigating all acts of violence motivated by the sexual orientation or gender identity of the victim and bringing the perpetrators to justice.

Development, the environment, and business and human rights

- Incorporating a rights-based approach in all efforts aimed at the protection of the environment, including in its plans and programs with prior consultation with indigenous peoples.

B. Civil and political rights

Right to life, liberty and security of person

- Undertaking a comprehensive reform of the penitentiary system, including through reducing overcrowding in prisons and improving the detention conditions, with a particular focus on juvenile detention centres.
- Aligning the definition of torture in its legislation with the definition provided by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Administration of justice, including impunity, and the rule of law

- Continuously implementing the policy on truth, justice, reparations and guarantees of non-recurrence, in relation to human rights violations committed under the dictatorship, including through abolition of the Amnesty Law of 1986, and ensuring that crimes against humanity, including acts of torture and enforced disappearances, and human



rights violations committed between 1973 and 1985 are not subject to statutes of limitation, amnesty, immunities or other similar measures.

- Reviewing the country's juvenile justice system, with a focus on non-custodial measures and access to education.

Prohibition of all forms of slavery

- Adopting a comprehensive law to combat trafficking in human beings, in particular in women and girls for sexual and labour exploitation, and providing for the protection and rehabilitation of trafficking victims.
- Establishing mechanisms and standard operating procedures for the identification of victims of trafficking and those who might be in need of international protection.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Taking measures to reduce unemployment rates among young people and persons in disadvantaged and marginalized situations, and strengthening the country's employment policies.
- Improving the working conditions of women, including by addressing the gender wage gap, higher unemployment and self-employment rates among women, the disproportionate number of women employed in the informal economy and the obstacles faced by women in gaining access to career opportunities on an equal footing with men.

Right to an adequate standard of living

- Extending its programmes to fight poverty to persons of African-descent, persons living in rural areas and persons with disabilities, among others, so that they can benefit from such programmes in an equal manner.
- Providing access to water and sanitation services to persons in disadvantaged and marginalized situations and effectively implementing the National Drinking Water and Sanitation Plan.

Right to health

- Providing age-appropriate education on sexual and reproductive health to prevent early pregnancies and sexually transmitted infections.
- Ensuring that women can exercise their right to access abortion and post-abortion services in all regions of the country.
- Providing access to quality mental health services throughout the country.

Right to education

- Providing equal access to quality education for all children, including children in disadvantaged and marginalized situations, and addressing their low enrolment and high dropout rates among such children, especially girls.



D. Rights of specific persons or groups

Women

- Effectively implementing the Act to Guarantee Women a Life Free of Gender-based Violence, approved in 2017, and taking measures to prevent and combat violence against women, including femicide and marital rape.
- Continuously promoting the full and equal participation of women in politics and in decision making positions both in public and private spheres.

Children

- Raising the minimum age for marriage to 18 years for all.
- Continuously implementing the National Early Childhood, Childhood and Adolescence Plan 2015–2020, through allocation of sufficient budgetary resources.
- Eradicating economic exploitation of children, by enforcing relevant labour regulations, particularly in the informal economy, through increasing inspections and strengthening support to families in need.
- Ensuring the compliance of its criminal legislation with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and ensuring its effective implementation.

Persons with disabilities

- Promoting the rights of persons with disabilities as fully fledged rights holders and adopting a human rights model of disability.
- Ending the practice of forced institutionalization on the grounds of disability and abolishing non-consensual internment or hospitalization
- Providing for inclusive education and participation in society of children with disabilities.

Minorities and indigenous peoples

- Implementing the National Plan on Racial Equality and African Descent and promoting greater respect for cultural diversity, enabling the African-descent and indigenous populations to preserve their identity, culture and traditions.
- Promoting the full and meaningful participation of Afro-Uruguayans in public affairs, both in decision-making positions and in representative institutions, at all levels of government.

Migrants, refugees and asylum seekers

- Providing Uruguayans living abroad with possibilities to exercise their right to vote.
- Allocating sufficient resources to the refugee status determination procedures in order to reduce the backlog of cases.



- Applying an adequate gender and child-sensitive approach in refugee determination procedures with special attention to unaccompanied and separated children.