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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Uruguay

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

* Late submission.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	30 August 1968	No	Individual complaints (article 14): Yes
ICESCR	1 April 1970	No	-
ICCPR	1 April 1970	No	Inter-State complaints (article 41): No
ICCPR-OP 1	1 April 1970	No	-
ICCPR-OP 2	21 January 1993	No	-
CEDAW	9 October 1981	No	-
OP-CEDAW	26 July 2001	No	Inquiry procedure (articles 8 and 9): Yes
CAT	24 October 1986	No	Inter-State complaints (article 21): Yes Individual complaints (article 22): Yes Inquiry procedure (article 20): Yes
OP-CAT	8 December 2005	No	-
CRC	20 November 1990	Yes ³	-
OP-CRC-AC	9 September 2003	Binding declaration under art. 3: 18 years ⁴	-
OP-CRC-SC	3 July 2003	No	-
ICRMW	15 February 2001	No	Inter-State complaints (article 76): No Individual complaints (article 77): No
<i>Core treaties to which Uruguay is not a party: OP-ICESCR,⁵ CRPD (signature, 2007), and OP-CRPD, CED (signature, 2007)</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol ⁶		Yes	
Refugees and stateless persons ⁷		Yes (1951 C. on refugees and its 1967 protocol), No (stateless persons), Yes (reduction of statelessness)	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁸		Yes, except for AP III	
ILO fundamental conventions ⁹		Yes	
UNESCO Convention against Discrimination in Education		No	

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Uruguay to ratify CRPD and CED,¹⁰ and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.¹¹ The Committee on the Rights of the Child (CRC) recommended that Uruguay ratify CRPD and its Optional Protocol.¹²

B. Constitutional and legislative framework

2. While noting that the Constitution of Uruguay enshrines the principle of equality between men and women, CEDAW, in 2008, called on Uruguay to take urgent steps to fully incorporate the Convention and the definition of discrimination against women as contained in article 1 of the Convention into domestic legislation.¹³

3. In 2007, CRC noted with appreciation the adoption, in 2004, of both the National Code on Childhood and Adolescence and the Sexual Exploitation Act.¹⁴ However, CRC noted that the practical application of the Code of Childhood and Adolescence remained a significant challenge, that several legislative reform proposals were pending and that further efforts were required to harmonize different branches of legislation.¹⁵ UNICEF considered that the Code still contained provisions and regulations that were in contradiction with the Convention on the Rights of the Child.¹⁶

4. In 1996, the Committee Against Torture (CAT) noted with concern the continuing gaps in Uruguayan legislation which were impeding full implementation of the provisions of the Convention, the lack of a provision introducing a definition of the crime of torture into domestic law in terms compatible with article 1, paragraph 1, of the Convention, and the persistence in Uruguayan law of provisions concerning obedience to a superior.¹⁷

C. Institutional and human rights infrastructure

5. Uruguay does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions (ICC).¹⁸ CRC recommended that Uruguay establish an independent national human rights institution in accordance with the Paris Principles.¹⁹

6. While noting the important role played by the National Women's Institute (INAMU) in advancing gender equality and women's rights and welcoming the increase in human and financial resources assigned to the Institute, CEDAW remained concerned that INAMU's capacity to carry out its mandate effectively was limited by the fact that it was not institutionally autonomous, that the state contribution to its budget was insufficient and that it had limited territorial coverage.²⁰ While commending the establishment of a Tripartite Commission of equal opportunities to deal with complaints of sexual harassment at work, CEDAW regretted the poor knowledge of the Convention and the Optional Protocol and the general absence of information on existing judicial remedies for the protection of women's rights and on the use of such remedies.²¹

7. While recognizing the establishment in 2007 of the Consultative Honorary Council for Children, CRC recommended that Uruguay ensure that this Council be assigned stable and adequate resources to fulfil its mandate and that efforts be undertaken to decentralize the Institute of the Child and Adolescent to provide services throughout the country and that it also be assigned stable and adequate resources. CRC further recommended that measures be undertaken to ensure adequate coordination between policy entities and service providers.²²

D. Policy measures

8. CEDAW welcomed the adoption of the First National Plan for Equality of Opportunities and Rights (2007-2011) and the National Plan to combat domestic violence (2004-2010).²³ CRC welcomed the establishment of the programmes Infamilia and PANES (Programa de Atención a la Emergencia Social).²⁴ While noting the existence of sector-specific plans, CRC encouraged Uruguay to elaborate and assign adequate budget allocations to a comprehensive national plan of action for children in consultation with civil society, non-governmental organizations (NGOs), children and all sectors involved in the promotion and protection of children's rights.²⁵

9. In 2005, Uruguay adopted the United Nations Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.²⁶ CRC recommended that Uruguay invest further resources in incorporating human rights education at all levels in the school curricula.²⁷

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁸</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1999	April 2001	-	Sixteenth report overdue since January 2000
CESCR	1996	December 1997	-	Combined third and fourth report to be considered in November 2010
HR Committee	1997	April 1998	-	Fifth report overdue since March 2001
CEDAW	2007	October 2008	-	Combined eighth and ninth report due in November 2014
CAT	1996	November 1996	-	Third report overdue since 1996
CRC	2006	July 2007	-	Consolidated third, fourth and fifth report due in June 2011
OP-CRC- AC	-	-	-	Initial report overdue since 2005
OP-CRC- SC	-	-	-	Initial report overdue since 2005
CMW	-	-	-	Initial report overdue since 2004

10. A 2005 UNFPA report noted that in Uruguay parliamentary sessions are devoted to reviewing progress on the Convention on the Elimination of All Forms of Discrimination against Women and charting follow-up action on the convention's implementation.²⁹ Both CEDAW and CRC regretted late submission of Uruguay's reports.³⁰

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	None
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	A total of 2 communications were sent during the period under review. In addition to communications sent for particular groups, 1 male journalist was covered by these communications. During the period under review, the Government replied to all the communications.
<i>Responses to questionnaires on thematic issues³¹</i>	Uruguay responded to 1 of the 13 questionnaires sent by special procedures mandate-holders during the period under review, ³² within the deadlines. ³³

11. The Working Group on Enforced or Involuntary Disappearances³⁴ has transmitted 31 cases to Uruguay; of those, 1 case has been clarified on the basis of information provided by the

source, 8 cases have been clarified on the basis of information provided by Uruguay and 22 cases remain outstanding.

3. Cooperation with the Office of the High Commissioner for Human Rights

12. In 2005 and 2006, OHCHR provided support to a working group of government, parliamentary, academic and civil society representatives in Uruguay, in the preparation of a draft law to establish a National Human Rights Institution (NHRI) for the country, in compliance with the Paris Principles.³⁵ In September 2008, UNDP and OHCHR organized a workshop on the establishment of a NHRI, which highlighted the importance of ensuring that the draft law is kept in accordance with the Paris Principles during deliberations in the Congress and Senate.³⁶ OHCHR also supported Uruguay in the development of its national action plan to combat discrimination;³⁷ reporting to treaty bodies and following up on their recommendations;³⁸ strengthening the role of Parliament as part of the national human rights protection system;³⁹ and mainstreaming human rights into Government and United Nations Country Team programmes.⁴⁰ Uruguay has contributed as a donor to OHCHR's work in 2007 and 2008.⁴¹

B. Implementation of international human rights obligations

1. Equality and non discrimination

13. CEDAW was seriously concerned that the Civil Code continued to contain provisions that discriminated against women with regard to family and marriage, particularly those establishing the minimum age for marriage, which continues to be set at 12 for girls and 14 for boys, the prohibition of widowed or divorced women from remarrying for a period of 300 days from the death of the husband or the date of the divorce, and the withholding of alimony from women who lead a "disorderly life". CEDAW called upon Uruguay to eliminate discriminatory legal provisions in matters relating to family and marriage in order to bring its legislation into line with the Convention and, in particular, to raise the minimum age of marriage for both men and women to 18 years.⁴² CRC raised similar concerns regarding the minimum age for marriage.⁴³

14. CEDAW was concerned that certain provisions of the Penal Code, particularly those contained in Title X, entitled "Crimes against decency and the family order", discriminated against women by retaining concepts such as modesty, virtue and public scandal in the characterization of sexual offences. CEDAW urged Uruguay to speed up the process of adoption of the draft reform of the Penal Code, submitted to the Senate in 2005, and to repeal these articles of the Penal Code without delay so as to bring the Code into line with the Convention.⁴⁴

15. CEDAW noted with regret that no temporary special measures were in place to accelerate de facto equality between men and women and to improve the situation of women's rights in Uruguay, in particular with regard to women in the workplace and the participation of women in politics.⁴⁵ CEDAW remained concerned at the persistence of stereotypes relating to the role of women in the family and society and at deep-rooted attitudes and conducts based on the assumed superiority of men in the public and private spheres.⁴⁶ CEDAW recommended that Uruguay adopt urgent measures to eliminate social stereotypes, particularly by strengthening its awareness-raising programmes.⁴⁷ In 2007, an ILO Committee of Experts referred to section 3, paragraph 1, of Act No. 16045, which prohibits all forms of discrimination that violate the principle of equality of treatment and opportunity for both sexes, with the exception of cases in which being of a particular sex is an inherent requirement for carrying out the activities involved

in a certain job. The Committee requested Uruguay to consider the possibility of repealing the above-mentioned exception.⁴⁸

16. While recognizing anti-discrimination provisions in the Code on Childhood and Adolescence, both CEDAW and CRC remained concerned that children born out of wedlock continued to be stigmatized and discriminated against.⁴⁹ Furthermore, CRC was concerned that children were discriminated against because of their appearance (including their way of dressing) and that Afro-descendant children also suffered discrimination.⁵⁰ CRC recommended that Uruguay increase its efforts to monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on gender, ethnic, appearance or any grounds and against all vulnerable groups throughout the country with particular attention to Afro-descendants and children born out of wedlock.⁵¹

17. CRC recommended, *inter alia*, that Uruguay ensure implementation of the United Nations Standard Rules for Equalizing the Possibilities for Persons with Disabilities; pursue efforts to ensure that children with disabilities may exercise their right to education, health, recreation and cultural development to the maximum extent possible; take measures to ensure practical access to buildings and installations; and undertake greater efforts to make available the necessary professional and financial resources.⁵²

2. Right to life, liberty and security of the person

18. While noting with appreciation that Law 17938, of 2006, abolished articles 116 of the Criminal Code and 23 of the Code of Criminal Procedure, which provided that charges for a crime of rape be withdrawn if the perpetrator married the victim, CEDAW recommended that Uruguay criminalize marital rape, defined on the basis of lack of consent of the wife.⁵³

19. UNICEF noted that violence remains a challenge, as some 33 per cent of girls and 43 per cent of boys report that they had been victims of physical and/or psychological abuse.⁵⁴ While commending the various legislative and policy measures taken to address domestic violence, including the law 17514 on the prevention, early detection and eradication of domestic violence, CEDAW encouraged Uruguay to establish a system for the regular collection of statistical data on domestic violence. It further encouraged Uruguay to establish accessible shelters and crisis centres for victims of violence and ensure that if a victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the victims and the situation is monitored to prevent further abuse; and to offer training and awareness-raising programmes to judicial personnel, law enforcement officials and members of the legal and health professions.⁵⁵

20. CRC was concerned that sexual exploitation and the sale of children were growing problems in Uruguay, especially in tourist areas and along the borders, and recommended, *inter alia*, that Uruguay bring legislation fully into compliance with the Convention and OP-CRC-SC; ensure enforcement of the law to avoid impunity, by assigning further financial and human resources to carry out investigations; train law-enforcement officials, social workers and prosecutors on how to receive, monitor and investigate cases, as well as prosecute and punish those responsible; and implement the National Plan of Action against Sexual Exploitation of children.⁵⁶ An ILO Committee of Experts noted in 2008 that draft amendments to the Children and Young Persons' Code concerning the sexual exploitation of children for commercial purposes and the economic exploitation of children are under consideration. It asked Uruguay to supply information on the progress made on the proposed amendments.⁵⁷

21. While welcoming the 2007 National Plan for the Eradication of Commercial and Non-commercial sexual exploitation, CEDAW was deeply concerned about the persistence of trafficking in women and girls from and into Uruguay for the purposes of sexual exploitation. It regretted the lack of sufficient and effective measures to address trafficking in human beings.⁵⁸ CEDAW urged Uruguay to intensify its efforts to combat trafficking in women and girls and study its scope, causes, consequences and purposes, and systematically compile information to formulate a comprehensive strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to protect and rehabilitate victims and reintegrate them into society.⁵⁹

22. CRC was very concerned at the high number of children living or working on the street, the lack of social services and reintegration measures available and the stigma they continued to suffer.⁶⁰ CRC recommended that Uruguay, inter alia, assess the scope, nature and root causes of the presence of children living or working on the street, in order to develop a policy for prevention and assistance; provide those children with adequate nutrition, housing, necessary health-care, educational opportunities, recovery and social reintegration services; and develop a policy for family reunification where possible and when in the best interests of the child.⁶¹

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

23. In 1998, the Human Rights Committee (HR Committee) expressed once again its deep concern about the “Expiry Law of the Punitive Powers of the State” and its profound anxiety about the implications of the Law with regard to compliance with ICCPR. It noted with deep concern that in a number of cases the maintenance of the law effectively excluded the possibility of investigation into past human rights abuses and thereby prevented Uruguay from discharging its responsibility to provide effective remedies to the victims of those abuses. It also considered that the law violated article 16 of ICCPR in respect of the disappeared persons and article 7 in respect of their family members.⁶²

24. While noting the creation of four specialized family courts in the department of Montevideo, CEDAW recommended that sufficient financial and human resources be allocated to these courts to ensure their proper functioning. CEDAW also encouraged Uruguay to increase the number of family courts, especially outside the capital, to afford full judicial coverage throughout the State territory.⁶³

25. CRC reiterated its previous recommendation that Uruguay inter alia: develop and implement a specialized system of juvenile justice with adequately trained professionals; ensure that deprivation of liberty is used only as a measure of last resort and that the use of pre-trial detention is minimized; take all necessary measures to ensure that every person below 18 deprived of his/her liberty be separated from adults; ensure that parents or close relatives are informed when the child is detained; provide the child with free legal assistance; establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate alleged violations committed by law enforcement personnel and prisons guards, and prosecute and punish those responsible; ensure that children deprived of their liberty remain in contact with the wider community, in particular with their families, and are given the opportunity to visit their home and family.⁶⁴ UNICEF noted that regarding juvenile justice, inconsistencies persist between legislation and application in practise. The Judicial Observatory, developed with UNICEF support, showed a significant number of proceedings not being carried out as per provisions by the Child and Adolescent Code.⁶⁵

26. While taking note of the information on the existing legal mechanisms (habeas corpus and *amparo*), CERD in 2001 recommended that Uruguay make additional efforts to facilitate equal access to the courts and administrative bodies for persons belonging to the Afro-Uruguayan and indigenous communities, in order to ensure equality of all persons.⁶⁶

4. Right to privacy, marriage and family life

27. CRC recommended that Uruguay regulate the system for alternative care, seek to de-institutionalize children, continue to promote foster care as a form of alternative care and suggest that institutionalization be used only as a measure of last resort. CRC also recommended adequate resource allocation, functioning and monitoring of the care institutions, as well as a periodic review of placement.⁶⁷ CRC recommended that Uruguay approve legislation discontinuing the practice of “simple adoption” and take all legislative and administrative measures to ensure that domestic and intercountry adoptions comply with article 21 of the Convention, article 3 of OP-CRC-SC and the provisions of the 1993 Hague Convention.⁶⁸

5. Right to participate in public and political life

28. While noting Uruguay’s initiatives to promote participation of women in public life, CEDAW urged Uruguay to take appropriate action and implement broad strategies, including temporary special measures, with a view to promoting greater participation by women in public life, particularly in decision-making and promoting changes in attitudes and perceptions, held by both women and men, as regards their respective roles in the household, the family, at work and in society as a whole. CEDAW called on Uruguay to speed up adoption of draft laws on quotas and on political parties and encouraged it to provide training programmes for women, including indigenous and Afro-descendant women, to strengthen their roles in leadership and decision-making positions in society.⁶⁹ A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament, in 2008 was 12.1 per cent.⁷⁰

6. Right to work and to just and favourable conditions of work

29. CEDAW noted with concern that Uruguayan women continued to suffer from higher rates of underemployment and unemployment, including in rural areas, and that women were segregated in employment sectors with low wages. CEDAW was further concerned at the persistence of a significant salary gap in the private sector and at insufficient understanding of the principle of equal pay for work of equal value and regretted Uruguay’s statement that no national programmes were in place to prevent discrimination against women in the workplace and that it was therefore not possible to assess the impact on specific unemployment indicators, pay levels or pay gaps between men and women.⁷¹ CESCR in 1997 raised similar concerns.⁷² CEDAW recommended that Uruguay take proactive measures to eliminate discrimination in employment and occupational segregation and to enact appropriate legislation that guarantees the principle of “equal pay for work of equal value”.⁷³

30. While welcoming the fact that the minimum age for admission to employment or work had been raised to 15 years, CRC expressed concern over the number of children who were still victims of economic exploitation and recommended that efforts be undertaken, including an assessment of the scope, nature and root causes of economic exploitation and by ensuring provision of adequate budget allocations in order to prevent and combat economic exploitation.⁷⁴

7. Right to social security and to an adequate standard of living

31. While recognizing the affirmative measures undertaken since 2005, CRC remained concerned that allocations for social expenditure still did not sufficiently benefit children, in particular, the poor and vulnerable sections of society, such as children of female-headed households and Afro-descendants. CRC strongly recommended that Uruguay further increase budget allocations for the implementation of the rights recognized in the Convention, ensure a more balanced distribution of resources and prioritize and target budgetary allocations to alleviate disparities and ensure implementation of the economic, social and cultural rights of all children, particularly the most vulnerable.⁷⁵

32. CRC was concerned over disparities in the standard of living and the number of children living in poverty or extreme poverty and noted that poverty levels were disproportionately high among female-headed households. It recommended that Uruguay prioritize and allocate more funds to reduce disparities among the various income groups giving priority to families with children and those headed by females, and that it design a poverty reduction strategy and provide it with adequate resources.⁷⁶

33. CEDAW was also concerned about the situation of rural women, who suffer from higher levels of poverty, lower wages, higher unemployment and underemployment rates and higher drop-out rates than the urban population. CEDAW was particularly concerned about the absence of any public institution or policy for rural women.⁷⁷

34. While welcoming the provision of free anti-retroviral treatment, CRC noted that prevention and awareness measures were insufficient for adolescents and recommended that Uruguay conduct awareness-raising campaigns, particularly among those belonging to vulnerable groups, such as children living or working in the street, about measures to protect themselves from contracting HIV/AIDS; and provide adequate financial and human resources for prevention measures and information campaigns to combat discrimination against infected children.⁷⁸ CEDAW was also concerned about the recent increase in the prevalence of HIV/AIDS in Uruguayan women and recommended it to take comprehensive measures to combat this pandemic.⁷⁹

35. CEDAW remained concerned at the high pregnancy rates among teenage and young women and at the high incidence of high maternal mortality, the leading cause of it being the practice of unsafe abortion. It regretted that no strategies for the reduction of maternal mortality had been developed and that maternal health policies did not include attention to complications arising from unsafe abortion.⁸⁰ CRC expressed similar concerns.⁸¹ CEDAW recommended that Uruguay adopt and implement effective measures to prevent unsafe abortion and its impact on women's health.⁸²

36. While referring to positive developments in the reform of the health care system, UNICEF noted that half of the country's children still spend their infancy under adverse health conditions. This is reflected by a worrying nutritional status, with undernutrition standing at 11.3 per cent and obesity at 8.5 per cent.⁸³

8. Right to education

37. While welcoming the nearly universal enrolment rates in primary school and programmes such as *maestros comunitarios*, CRC was concerned at the relatively high repetition and dropout

rates, particularly among children living in poverty, boys and Afro-descendants.⁸⁴ CRC recommended that Uruguay, inter alia, focus on an overall improvement in the quality of education, including by providing increased budget allocations for the educational sector; strengthen measures to reduce repetition and dropout rates; undertake affirmative action to improve equal access to education, particularly for children living in poverty, boys, Afro-descendants and children in rural areas; monitor repetition and dropout rates and the impact of the measures undertaken to combat these problems; effectively monitor discrimination against female students who are expelled due to pregnancy and sanction those responsible within the educational system.⁸⁵ CEDAW was concerned about the high repetition rate of girls in primary school and high drop-out rates in secondary school, especially among rural and Afro-descendant women and encouraged Uruguay to introduce temporary special measures to reduce and eliminate high drop-out and repetition rates of girls and include incentives for parents to send girls to school.⁸⁶

38. UNICEF reported that, while access to primary education has become almost universal, the situation in secondary education indicates serious problems. According to a study based on a group of students from public high schools, only 40 per cent of students enrolled in the first year finish the basic cycle on time, while many do not finish secondary school. As a result, only one in every three 20-year-old Uruguayans has graduated from high school.⁸⁷

39. A 2006 UNESCO report noted that Uruguay has created an Inclusive Education Fund, which promotes inclusive practices in regular schools to help them to integrate children with disabilities.⁸⁸ A 2005 World Bank report noted that in Uruguay, grants are awarded for schools that put forward proposals for reaching disabled children.⁸⁹

9. Minorities and indigenous peoples

40. CERD remained concerned about insufficient information on the situation of ethnic groups and requested that Uruguay establish specific protection measures, such as affirmative action programmes, for members of the Afro-Uruguayan and indigenous communities, to guarantee their enjoyment of all the rights enumerated in the ICERD and that it take all appropriate legislative measures to ensure that article 4 of ICERD is fully reflected in domestic law. CEDAW also regretted that insufficient information had been provided on the situation of indigenous and Afro-descendant women, who were disproportionately affected by poverty and suffered from multiple discrimination based on gender and ethnic origin, and urged Uruguay to take effective measures, including temporary special measures, to eliminate discrimination against minority women. It also called on Uruguay to recognize minority women's contributions to the economy by collecting sex-disaggregated data on rural production and to ensure the incorporation of a gender perspective in all development programmes.⁹⁰

10. Migrants, refugees and asylum-seekers

41. UNHCR noted that the domestic legal framework dealing with refugees is basically established in the 2006 refugee law 18076 that established a Refugee Commission in charge of adjudicating the asylum claims and finding durable solutions for refugees. The legislation deals with different issues such as residence permits, documentation and extradition which are in line with the minimum international protection standards. UNHCR considered that this law enshrines important provisions, ranging from those related to the refugee status determination procedure to those referred to local integration and search of durable solutions for refugees such as resettlement. UNHCR reported that the national and local protection networks are being

consolidated in the country. UNHCR also noted that turning the rights of refugees into reality remains a main challenge in Uruguay.⁹¹

42. While welcoming the national refugee law in 2006, CRC recommended that Uruguay ensure prompt implementation of legislation in accordance with international obligations for refugee protection; ensure that refugee, asylum-seeking and migrant children are guaranteed speedy processing of their registration and identity documents and that they be guaranteed access to health services and education; and take all measures to guarantee protection of refugee children in line with international human rights and refugee law.⁹²

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

43. A 2007 ILO report indicated that progress is beginning to be seen with clauses on work-family reconciliation measures in collective agreements, including a guarantee of full wages during maternity leave, extension of daily breaks for breastfeeding, extension of the period during which daily breastfeeding breaks are allowed and the introduction of paternity leave.⁹³

44. UNHCR noted that with the adoption of the new migration law 18250, in December 2007, Uruguay recognized the right to migrate and guarantees equal access to public health and education system to all migrants with independence of their migratory status.⁹⁴

45. UNICEF also noted that children and adolescents have been historically the worst affected by poverty. Although rates have decreased in the last years, this reduction was higher among adults than among children and adolescents. In 2008, 46.4 per cent of children under 6 years of age were living under the poverty line. It was of concern that almost half of the children and adolescents of the country live in households that cannot meet their basic needs.⁹⁵

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

46. In 2006 Uruguay pledged to, inter alia: ratify and accede to those international instruments to which it had not yet ratified or acceded to; submit to the universal periodic review; cooperate fully with the special procedures and mechanisms and always be open to international scrutiny; continue cooperating with OHCHR; and to ensure the effective participation of civil society in the Human Rights Council.⁹⁶

B. Specific recommendations for follow-up

47. CEDAW requested Uruguay to provide, within two years, written information on the steps undertaken to implement the recommendations regarding temporary special measures to accelerate de facto equality between men and women and regarding trafficking in women and girls.⁹⁷

48. UNHCR recommended that Uruguay adopt necessary internal regulations to facilitate the effective implementation of the new refugee and migration laws and continue providing training on refugee protection to relevant governmental officials/agencies, especially those working at border areas.⁹⁸

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

49. The 2007-2010 United Nations Development Assistance Framework report reflected areas of assistance including in order to reduce the significant levels of poverty, with emphasis on the eradication of extreme poverty, and to promote the exercise of all human rights.⁹⁹

50. CRC encouraged Uruguay to introduce budget tracking from a child rights-based perspective to monitoring budget allocations for children and to seek technical assistance for this purpose.¹⁰⁰ CRC noted that the right to legal assistance should not deprive the child of his or her right to be heard and encouraged Uruguay to seek further cooperation in this regard.¹⁰¹ CRC recommended that Uruguay seek further technical assistance with regard to: sexual and economic exploitation of children;¹⁰² children living and working in the street;¹⁰³ to combat HIV/AIDS;¹⁰⁴ the issue of refugee, asylum-seeking and migrant children,¹⁰⁵ and in the area of juvenile justice and police training.¹⁰⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to ICCPR
ICCPR-OP2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ “The Government of the Eastern Republic of Uruguay affirms, in regard to the provisions of article 38, paragraphs 2 and 3, that in accordance with Uruguayan law it would have been desirable for the lower age limit for taking a direct part in hostilities in the event of an armed conflict to be set at 18 years instead of 15 years as provided in the Convention. Furthermore, the Government of Uruguay declares that, in the exercise of its sovereign will, it will not authorize any persons under its jurisdiction who have not attained the age of 18 years to take a direct part in hostilities and will not under any circumstances recruit persons who have not attained the age of 18 years.”

⁴ “In fulfilment of the obligation laid down in article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of the Eastern Republic of

Uruguay, in line with the reservation made at the time of depositing the instrument of ratification of the Convention on the Rights of the Child, declares: That in exercise of its sovereignty and in accordance with domestic law, it does not under any circumstances permit voluntary recruitment into the armed forces of persons under 18 years of age.”

⁵ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, para. 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.”

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

¹⁰ CEDAW/C/URY/CO/7, para.55.

¹¹ Ibid., para.56.

¹² CRC/C/URY/CO/2, para. 48 (b)

¹³ CEDAW/C/URY/CO/7, paras. 10 and 11.

¹⁴ CRC/C/URY/CO/2, para. 3.

¹⁵ Ibid., para. 7.

¹⁶ UNICEF submission to the UPR on Uruguay, p. 1; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

¹⁷ A/52/44, para. 91.

¹⁸ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

¹⁹ CRC/C/URY/CO/2, paras. 14 and 15.

²⁰ CEDAW/C/URY/CO/7, para.16.

²¹ Ibid., paras. 12 and 13.

²² CRC/C/URY/CO/2, paras. 12 and 13.

²³ CEDAW/C/URY/CO/7, para. 6.

²⁴ CRC/C/URY/CO/2, para. 3 (e).

²⁵ Ibid., paras. 10 and 11.

²⁶ See General Assembly resolution 59/113 B, of 14 July 2005 and Human Rights Council resolution 6/24, of 28 September 2007. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007; accessible at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

²⁷ CRC/C/URY/CO/2, para. 58 (f).

²⁸ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Their Families

²⁹ UNFPA, State of the World Population 2005, New York, 2005, p. 24, available at http://www.unfpa.org/upload/lib_pub_file/493_filename_en_swp05.pdf.

³⁰ CEDAW/C/URY/CO/7, para.2 and CRC/C/URY/CO/2, para. 2.

³¹ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

³² See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007.

³³ E/CN.4/2006/45, para. 89.

³⁴ A/HRC/4/41, para 463

³⁵ OHCHR Annual Report 2006, p.17; OHCHR Annual Report 2005, p.186.

³⁶ A/HRC/10/54.

³⁷ OHCHR Annual Report 2007, p. 35.

³⁸ Ibid., p. 117.

³⁹ OHCHR Annual Report 2005, pp.138,143-145; OHCHR Annual Report 2004, pp. 121, 134-135.

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- ⁴⁰ OHCHR Annual Report 2004, p.120; Uruguay United Nations Country Team Monthly Newsletters “Reform Times in Uruguay” Issues 2 and 3: <http://www.undg.org/docs/9171/3rd-issue---June---ONE-UN-in-Uruguay-newsletter.pdf>; <http://www.undg.org/docs/8989/1st-issue---April---ONE-UN-in-Uruguay-newsletter.pdf>.
- ⁴¹ OHCHR Annual Report 2007, p. 173; see also OHCHR Annual Report 2008 (forthcoming).
- ⁴² CEDAW/C/URY/CO/7, paras. 46 and 47.
- ⁴³ CRC/C/URY/CO/2, para. 26.
- ⁴⁴ CEDAW/C/URY/CO/7, paras.18 and 19.
- ⁴⁵ Ibid., para.14.
- ⁴⁶ Ibid., para. 20.
- ⁴⁷ Ibid., para. 21.
- ⁴⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092007URY111, para. 1.
- ⁴⁹ CEDAW/C/URY/CO/7, para. 48; CRC/C/URY/CO/2, para. 27.
- ⁵⁰ CRC/C/URY/CO/2, para.27.
- ⁵¹ Ibid., para.28.
- ⁵² Ibid., para.48.
- ⁵³ CEDAW/C/URY/CO/7, paras. 24 and 25.
- ⁵⁴ UNICEF submission to the UPR on Uruguay, p. 2; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.
- ⁵⁵ CEDAW/C/URY/CO/7, paras. 22 and 23.
- ⁵⁶ CRC/C/URY/CO/2, paras. 65 and 66.
- ⁵⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008URY182.
- ⁵⁸ CEDAW/C/URY/CO/7, para. 28.
- ⁵⁹ Ibid., para.29.
- ⁶⁰ CRC/C/URY/CO/2, para. 63.
- ⁶¹ Ibid., para.64.
- ⁶² CCPR/C/79/Add.90, para.7.
- ⁶³ CEDAW/C/URY/CO/7, paras.26 and 27.
- ⁶⁴ CRC/C/URY/CO/2, para. 68.
- ⁶⁵ UNICEF submission to the UPR on Uruguay, p. 2; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.
- ⁶⁶ CERD/C/304/Add.78, paras.11 and 17.
- ⁶⁷ CRC/C/URY/CO/2, para. 41.
- ⁶⁸ Ibid., paras. 42 and 43.
- ⁶⁹ CEDAW/C/URY/CO/7, paras.30 and 31, see also CEDAW’s previous recommendations to Uruguay in A/57/38, para. 201.
- ⁷⁰ United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg> or <http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=557&crd=858>.
- ⁷¹ CEDAW/C/URY/CO/7, para. 34.
- ⁷² E/C.12/1/Add.18, para. 14.

⁷³ CEDAW/C/URY/CO/7, para. 35.

⁷⁴ CRC/C/URY/CO/2, paras. 61 and 62.

⁷⁵ Ibid., paras. 16 and 17.

⁷⁶ Ibid., paras. 55 and 56.

⁷⁷ CEDAW/C/URY/CO/7, para. 42.

⁷⁸ CRC/C/URY/CO/2, paras. 53 and 54.

⁷⁹ CEDAW/C/URY/CO/7, para. 40.

⁸⁰ Ibid., para.38.

⁸¹ CRC/C/URY/CO/2, para. 51.

⁸² CEDAW/C/URY/CO/7, para.39.

⁸³ UNICEF submission to the UPR on Uruguay, p. 2; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

⁸⁴ CRC/C/URY/CO/2, para. 57.

⁸⁵ Ibid., para. 58.

⁸⁶ CEDAW/C/URY/CO/7, paras.32 and 33.

⁸⁷ UNICEF submission to the UPR on Uruguay, p. 2; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

⁸⁸ UNESCO, EFA Global Monitoring Report 2007, Paris, 2006, p. 76, available at <http://unesdoc.unesco.org/images/0014/001477/147794E.pdf>.

⁸⁹ World Bank, World Development Report 2006, Washington DC, 2005, p. 138, available at http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2005/09/20/000112742_20050920110826/Rendered/PDF/322040World0Development0Report02006.pdf.

⁹⁰ CEDAW/C/URY/CO/7, paras. 44 and 45.

⁹¹ UNHCR submission to the UPR on Uruguay, p. 2; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

⁹² CRC/C/URY/CO/2, paras. 59 and 60.

⁹³ ILO, Report of the Director General- General Equality at work: tackling the challenges, Geneva, 2007, pp. 88-89, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf.

⁹⁴ UNHCR submission to the UPR on Uruguay, p. 3; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

⁹⁵ Ibid., p. 1; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

⁹⁶ Pledges and Commitments undertaken by Uruguay before the Human Rights Council, as contained in the letter dated April 6, 2006 sent by the Permanent Mission of Uruguay to the United Nations addressed to the Secretary-General, available at <http://www.un.org/ga/60/elect/hrc/uruguay.pdf>.

⁹⁷ CEDAW/C/URY/CO/7, para. 57

⁹⁸ UNHCR submission to the UPR on Uruguay, pp. 2-3; available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

⁹⁹ See 2007-2010 UNDAF for Uruguay, Montevideo, 2006, p.3, available at http://www.undg.org/archive_docs/9197-Uruguay_UNDAF_2007_-_2010.doc. UNICEF and UNHCR submitted information on their activities on capacity-building and technical assistance. See these submissions to the UPR on Uruguay at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUYUNContributionsS5.aspx>.

¹⁰⁰ CRC/C/URY/CO/2, para. 17.

¹⁰¹Ibid., para. 33.

¹⁰²Ibid., paras. 62 and 65.

¹⁰³Ibid., para. 64

¹⁰⁴Ibid., para. 54.

¹⁰⁵Ibid., para. 60.

¹⁰⁶Ibid., para.68.
