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## Human Rights Council

Working Group on the Universal Periodic Review

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### **Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Uruguay\***

The present report is a summary of 20 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## Information provided by stakeholders

### A. Background and framework

#### 1. Scope of international obligations

1. The Human Rights Public Policy Monitoring Centre in MERCOSUR (OPPDHM) and the National Council of the Charrúa Nation (CONACHA) also recommended the ratification of the ILO Indigenous Peoples' Convention, 1989 (No. 169).<sup>2</sup>

#### 2. Constitutional and legislative framework

2. OPPDHM recommended adapting national legislation to prevent, prosecute and provide redress for racism and other forms of discrimination and promoting alternative solutions capable of bringing about cultural changes.<sup>3</sup>

3. The Working Group on Follow-up of the Recommendations of UPR in respect of the Human Rights of Women (GTEPUDHM) pointed out that the efforts made in the legislative sphere results in disparate legislation. National legislation preserves gender stereotypes and lacks a definition of discrimination against women. GTEPUDHM recommended the promulgation of a comprehensive law against violence affecting women which establishes the right of women to live free from violence and discrimination in every sphere of public and private life.<sup>4</sup>

4. GTEPUDHM pointed out that Uruguay has received repeated recommendations from international organizations in respect of violence against women. GTEPUDHM recommended the amendment of the Criminal Code so as to eliminate gender stereotypes that discriminate against women, in particular in respect of sexual offences, and the adoption of definitions of offences which emphasize the violence affecting women, in particular femicide.<sup>5</sup>

5. The National Human Rights Institution and Ombudsman's Office (INDDHH) reported that during 2011 reforms were made to the Children and Adolescents Code (CNA) that were regressive in nature (criminalization of attempted theft and of acting as an accomplice to theft, extension from 60 to 90 days of the period during which judges are allowed to hand down a final sentence in cases in which adolescents are detained as a temporary preventive measure) and which in practice have increased the number of adolescents deprived of their liberty.<sup>6</sup> Both IELSUR<sup>7</sup> and the Committee on the Rights of the Child, Uruguay (CDN-U) expressed concern about this regressive trend and drew attention to the debate on the lowering of the age of criminal responsibility to 16 years, on which a referendum on a reform of the Constitution would be held during the national elections in 2014.<sup>8</sup>

#### 3. Institutional and human rights infrastructure and policy measures

6. In respect of recommendations 78.39, 78.8 and 78.9 made in the 2009 UPR, INDDHH said that it had been set up by Act 18.446 (2008), as amended by Act 18.806 (2011), and had come into operation in 2012 when its Board had taken office. INDDHH drew attention to vagueness in the Act with regard to its legal status and position in the institutional hierarchy and suggested that those difficulties would need to be resolved by a new act in order effectively to ensure it was both independent and operational.<sup>9</sup> INDDHH submitted its first annual report in 2013 and began to perform its tasks as the national preventive mechanism (NPM) for torture.<sup>10</sup>

7. INDDHH also reported that it had participated as an invitee institution in the 11th International Conference of the International Coordinating Committee (ICC) of National Institutions for the Protection and Promotion of Human Rights and that at the end of its first year of operation it would submit a formal application for accreditation to ICC.<sup>11</sup>
8. Joint Submission 5 (JS5) emphasized the willingness of the executive board to engage in a dialogue with civil society organizations.<sup>12</sup>
9. The Association of Former Political Prisoners in Uruguay (CRYSOL) said that it was a source of concern that several high-ranking government officials and parliamentarians had claimed that the resolutions adopted by INDDHH were not binding and had minimized their importance.<sup>13</sup>
10. The Ovejas Negras (Black Sheep) Collective and the Iniciativa por los Derechos Sexuales (Action for Sexual Rights) (JS1) reported that the Honorary Commission against Racism, Xenophobia and All other Forms of Discrimination (CHRXD) was the only body within the executive branch responsible for drawing up policies to combat discrimination and receiving complaints about discrimination.<sup>14</sup> JS1 recommended amending Act 17.817 to give CHRXD the authority to impose penalties and attempt to achieve conciliation, as well as its own budget.<sup>15</sup> GTEPUDHM recommended that CHRXD should systematically compile and publish disaggregated data on the complaints and requests it received concerning acts of racial discrimination.<sup>16</sup>
11. JS1, together with OPPDHM, recommended that the process of drawing up the national plan to combat racism and all forms of discrimination should be continued and that a comprehensive policy to combat all forms of discrimination should be developed.<sup>17</sup> CONACHA recommended that there should be broad participation by indigenous organizations in drafting, implementing and evaluating the plan.<sup>18</sup>
12. GTEPUDHM reported that the National Consultative Council on Domestic Violence (CNCLVD), which had been established by Act 17.514 (2002), had set up 19 departmental commissions and drawn up the first National Plan to Combat Domestic Violence 2004–2010. GTEPUDHM recommended that a new plan should be adopted with special emphasis on linkage between the different sectors and that mechanisms should be introduced to ensure that those responsible for implementing the protocols for action comply with them.<sup>19</sup>
13. OPPDHM recommended that a forum should be set up for dialogue with organizations for the rights of people of African descent to discuss statistical issues.<sup>20</sup>
14. The Association of Friends of the Museum of Memory (AAAMUME) pointed out that Uruguay had not yet succeeded in implementing a national plan of action for human rights, as recommended by the Vienna Declaration of 1993.<sup>21</sup> AAAMUME recommended, inter alia, that a new impetus be given to the discussion and examination of human rights and their violation during the civil and military dictatorship, that a policy on memory and youth be developed and that the body responsible for implementing the principles approved should be designated, with a view to developing a public policy on memorial sites, in coordination with MERCOSUR.<sup>22</sup>
15. The Movimiento de Educadores Por la Paz (Movement of Educators for Peace) (MEPP) drew attention to the need to develop a public policy to ensure respect for, compliance with and the promotion of human rights as part of a culture of peace, and to strengthen the human rights directorates of state entities.<sup>23</sup>
16. GTEPUDHM recommended that a human rights and gender perspective be incorporated into social policies and in particular into programmes assigning benefits to specific groups.<sup>24</sup>

17. CDN-U said that in accordance with the Children and Adolescents Code (CNA) the National Honorary and Consultative Council on Children and Adolescents, which had been set up by CNA should have its own budget and a workplan.<sup>25</sup> CDN-U said that it was still necessary for participation by children to be included as a key element of public policy management.<sup>26</sup>

18. The Coordinadora por el Retiro de Tropas de Haití (Coordinating Agency for the Withdrawal of Troops from Haiti) (CRTH), referred to the participation of a military contingent from Uruguay in the United Nations Stabilization Mission in Haiti (MINUSTAH).<sup>27</sup>

## **B. Cooperation with human rights mechanisms**

### **Cooperation with treaty bodies**

19. OPPDHM noted with satisfaction that Uruguay had made an effort to update its reports to the different Committees, thereby making possible the dialogue with local civil society organizations and paving the way towards the development of a common agenda and the achievement of progress.<sup>28</sup>

## **C. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

20. INDDHH said that Uruguay needed further to develop affirmative action on behalf of groups of people with disabilities. INDDHH expressed its concern about the lack of protection afforded to people with mental disabilities.<sup>29</sup>

21. JS1 recommended that mechanisms and procedures be introduced to provide access to the courts for members of the LGBTI community and for other groups that are the victims of violence and that investigations into and the punishment of such acts be guaranteed together with the conviction of those responsible and fair redress for the victims.<sup>30</sup>

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

22. JS1 referred to hate crimes committed in recent years against transgender persons.<sup>31</sup> JS1 also referred to the violence and discrimination affecting transvestites and homosexuals in the prison system.<sup>32</sup> JS1 recommended activating the system of indicators of the Ministry of the Interior's Violence and Crime Observatory so as reveal crimes linked with sexual violence and/or those based on the victims' sexual orientation or gender identity; it also recommended incorporating the human rights perspective, especially that of members of the LGBTI community, into the new protocols for action and investigation by the police.<sup>33</sup>

23. The Institute for Legal and Social Studies (IELSUR) expressed concern about the arbitrary way in which police officers carried out mass searches and arrests on the basis of Police Procedure Act 18.315 which authorizes arrests for identity checks. IELSUR also drew attention to the sluggishness and rarity of successful investigations by the administration and the courts into ill-treatment and arbitrary treatment by the police.<sup>34</sup>

24. CDN-U said that it was concerned about the large number of detentions of children by the police and that it had reliable reports that adolescents suspected of having committed crimes, and more recently street children had been tortured in police stations. It highlighted the scant attention given to cases of torture and ill-treatment and said that Act 18.315

(Police Procedure) made derogations from the system of guarantees provided for by the Children and Adolescents Code (CAN).<sup>35</sup>

25. Amnesty International (AI) reported that authorities have taken some positive measures to tackle poor prison conditions. However, AI called on Uruguay to fully comply with the recommendations made by national and international bodies to address the problem of overcrowding in the prison system and the poor living conditions for inmates; to develop specific plans to support women prisoners to make them isolated and vulnerable and; and to fully implement the National Mechanism for the Prevention of Torture, including by ensuring sufficient funds, autonomy and resources to the mechanism and developing a detailed plan for its effective implementation.<sup>36</sup>

26. INDDHH reported that during its visit to the SER detention centre at Colonia Berro it had found that minors were kept locked up for 20 to 23 hours a day and had no access to any kind of activity. They are able to attend classes only occasionally, discontinuously and exceptionally. A high proportion of the adolescents in the Centre take medically prescribed drugs and there are no frequent medical check-ups. There is no information on the current internal regulations and consequently punishments are arbitrarily imposed without justification.<sup>37</sup> CDN-U also drew attention to the absence of any individualized plans and programmes for adolescents in each centre.<sup>38</sup>

27. INDDHH reported that there are persistent difficulties in the response to situations involving violence against women, in particular in the hinterland, as well as institutional practices that conceal the problem and compound violence against women.<sup>39</sup>

28. GTEPUDHM said that in 2012, complaints of domestic violence increased in comparison with 2011. However, it also reported that the increase in the number of complaints and the introduction of new state programmes had not succeeded in reducing the number of deaths of women affected by violence or in improving the living conditions of survivors. GTEPUDHM indicated that although many public agencies have adopted protocols for action, they are not properly implemented. GTEPUDHM cited as a sign of progress the creation by the National Institute of Women of the Gender Information System (SIG), although it pointed out that the information does not make it possible to evaluate the response provided by the judicial system to safeguard rights. GTEPUDHM recommended improving the information on the measures of protection adopted and the difficulties encountered in implementing them.<sup>40</sup>

29. JS4 indicated that assistance provided by the Comprehensive System of Protection of Children and Adolescents from Violence (SIPIAV), created in 2007, has remained concentrated in the metropolitan zone.<sup>41</sup> JS4 recommended that Uruguay carry out studies on the prevalence of violence against children and adolescents.<sup>42</sup>

30. JS4 noted that commercial sexual exploitation of children and adolescents has only recently begun to be looked at as a problem in Uruguay.<sup>43</sup> JS4 recommended to prioritize resources to the inter-institutional mechanisms in charge of creating related public policy; promote quantitative and qualitative studies on the situation of commercial sexual exploitation of children and adolescents; implement specialized victims attention services; accelerate the implementation of a specialized police to investigate crimes of trafficking and sexual exploitation of children and adolescents; strengthen the justice system and; criminalize sexual tourism.<sup>44</sup>

31. JS4 reported that human trafficking is still an invisible theme and it is not a priority on the governmental, political or social agendas. There are no official statistics or data documenting the full magnitude of the problem.<sup>45</sup> JS4 recommended that Uruguay approves a comprehensive law on the fight against human trafficking and implements a National Plan, including elements of prevention, protection, reparation, and criminalization of perpetrators and criminal networks, with the participation of civil society and sufficient

funding. It further recommended raising social awareness and strengthening the mandate of the inter-institutional working group on the fight against trafficking of women for sexual exploitation to include all forms of trafficking.<sup>46</sup>

### **3. Administration of justice, including impunity**

32. INDDHH considered that it is essential to seek a consensus in order to modernize the judicial system. Consideration should be given to the establishment of a high council of the judiciary and of a supreme constitutional court. The Public Prosecution Service is also in need of reform and a new code of criminal procedure should be adopted. Appointments, promotion and transfer of judges, the Organic Act on the Judiciary and the Organization of Courts (Act 15.750) should comply with international standards. Sufficient human and material resources should be made available and courses on International human rights law should be provided for judges, prosecutors and other judicial officials.<sup>47</sup>

33. In 2011, the Office of the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights (IACHR) carried out a working visit to Uruguay. It recommended to adopt public policies on the operation of prisons and to make its laws and criminal justice system compatible with personal liberty and the right to a fair trial established in international human rights treaties.<sup>48</sup>

34. AI was concerned about the lack of justice in recent killings of transsexual women in Uruguay.<sup>49</sup> AI called on Uruguay to: carry out independent, impartial and effective investigations; ensure that these crimes are investigated as hate crimes; gather comprehensive data and indicators on acts of violence perpetrated against transsexual women; and guarantee the safety and right to life of all people, regardless of their sexual orientation or identity.<sup>50</sup>

35. JS1 recommended that the human rights perspective — in particular the rights of LGBTI persons — should be incorporated into the new protocols on police action and investigation.<sup>51</sup>

36. INDDHH drew attention to the urgent need to reform the existing investigation stage of criminal proceedings and to replace it with adversarial criminal proceedings that are democratic, transparent, efficient and in line with international standards and which, as well as providing parties with greater guarantees, ensure that victims are able independently to take part in criminal proceedings.<sup>52</sup>

37. With regard to the prison system, IELSUR indicated that Uruguay should promote alternative penalties to prison and draw up public policies to foster the rights of persons deprived of their liberty.<sup>53</sup>

38. INDDHH considered that it is essential to include the gender perspective into judicial reform (women's offices, gender offices), together with training for judges on the gender perspective.<sup>54</sup> GTEPUDHM recommended that a gender office or department be introduced into the organizational structure of the Supreme Court of Justice to help improve the provision of justice for women.<sup>55</sup>

39. Concerning the implementation of Act 17.514 (2002) on domestic violence, GTEPUDHM recommended that the judiciary ensure strict compliance with the law; that the Supreme Court of Justice set up a mechanism to follow up decision 7755 (issued by the Supreme Court of Justice in Circular 158/2012, in response to a petition from 104 social organizations concerning the application of the law on domestic violence) and that it exercise, of its own motion, its disciplinary powers in all cases in which public officials commit unlawful and discriminatory acts that jeopardize the rights of surviving women victims.<sup>56</sup>

40. INDDHH indicated that the institutional reform carried out — involving the creation of the system of criminal liability for adolescents (SIRPA), Act 18.771 — for the application of socio-educational measures for minors in conflict with the law, should be supplemented by a reform of the system of juvenile justice, with a focus on prevention and rehabilitation in which detention was used as a last resort and was replaced by alternative measures.<sup>57</sup> CDN-U pointed out the need to train juvenile and family judges and for juvenile judges in the country's interior to be specialized.<sup>58</sup>

41. INDDHH suggested establishing a specialized unit within the Ministry of the Interior to investigate complaints of human rights violations committed under the dictatorship. The same organization emphasized that the Presidential Secretariat for Follow-up on the Peace Commission had made progress with centralization, the systematization of relevant information, cooperation agreements with inter-state organizations and information requested by the courts.<sup>59</sup>

42. INDDHH indicated that Act 18.831 (2011) fully restored the punitive powers of the State in respect of offences committed by its officials under the dictatorship, which had been declared to be crimes against humanity, and stipulated that the periods of statutory limitation would not apply for the period between 22 December 1986 and 27 October 2011. Subsequently, the Supreme Court of Justice had ruled that the Act was unconstitutional in respect of the periods of statutory limitation and the classification of the offences as crimes against humanity. Although the decision applies only to this particular case, the position marks a trend in judicial policy which contravenes commitments made by the State towards the international community.<sup>60</sup>

43. The Colectivo de Organizaciones de Derechos Humanos (Human Rights Organizations Collective) (JS5) appreciated the fact that, in 2010, the Executive had reached a new agreement with the Universidad de la República authorizing the forensic investigation department to resume excavations to determine the whereabouts of some 200 disappeared persons who had not yet been found. JS5 drew attention to the total lack of any information from the military and the impossibility of consulting certain files, which prevented the search.<sup>61</sup>

44. AI indicated that in recent years Uruguay has taken some steps towards addressing impunity for past crimes, however it still needs to overcome serious obstacles to ensuring justice, truth and reparation for victims of such crimes. AI called on Uruguay to abolish the 1986 Amnesty Law (Act 15.848, on the Expiry of the Punitive Claims of the State) and to ensure that perpetrators of crime under international law are brought to justice; to ensure that amnesties, statute of limitations, non-retroactivity of the criminal law, or other similar measures do not apply to crimes under international law or to human rights violations committed during the past military and civilian regimes (1973–1985) and to fully and promptly comply with the 2011 judgement of the Inter-American Human Rights Court.<sup>62</sup>

45. JS5 highlighted the impact of monitoring conducted by human rights organizations in order to eradicate impunity.<sup>63</sup>

46. Although Acts 18.033 and 18.596 recognized the human rights violations committed by the State under the dictatorship and awarded special compensatory pensions, INDDHH indicated that the State should adopt an overall policy on redress. In 2012, INDDHH recommended to the Executive that it submit to parliament a draft amendment of those standards so that the special compensatory pension is paid to anyone who was detained or tried under the dictatorship, regardless of when they had been released and regardless of their income; such compensation could be paid in addition to other social security benefits.<sup>64</sup> CRY SOL said that as far as former political prisoners are concerned, the shortcomings of Act 18.033 violate the rights of victims. Reparatory measures could not

induce or compel citizens to give up other legitimate rights, such as retirement benefits or pensions.<sup>65</sup>

#### **4. Right to privacy and family life**

47. JS1 informed that the application of Act 18.620 (2009) on the Right to a Gender Identity is slow and insufficient. JS1 recommended decentralizing the management of and revising the procedure for name and sex changes on the civil registry and removing responsibility for it from the judicial authorities.<sup>66</sup>

48. CDN-U indicated that although CNA establishes the right of children to live with their family and the responsibility of the State for guaranteeing that right, it does not determine how it does so and how it ensures that separation of the family is a measure of last resort.<sup>67</sup> It is also concerned about the piecemeal institutional structure of the child-protection system.<sup>68</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

49. INDDHH indicated that the requirements for allocating digital television frequencies make it impossible for community organizations to gain access to them, meaning that the procedure does not treat all applicants equally.<sup>69</sup>

50. JS1 recommended that the Act on Audiovisual Communications Media — which is currently before parliament — should include provisions to guarantee against discrimination on grounds of sexual orientation or gender identity in the media and institute the corresponding penalties and compensatory measures.<sup>70</sup> GTEPUDHM in turn recommended that the regulatory framework should not foster discriminatory treatment.<sup>71</sup>

51. The Centro de Archivos y Acceso a la Información Pública (Centre for Archives and Public Information (CAInfo) recommended that Act 18.381 (2008) on access to public information should be amended as regards which bodies fall within its scope. CAInfo also recommended strengthening the institutional structure and independence of the body responsible for monitoring the Act, by vesting in it supervisory powers and influence over the formulation of public policies on the transparency of and access to information.<sup>72</sup> IELSUR pointed out that although the Act fosters transparency, decrees 5902 to 5909 by the Ministry of the Interior restrict access to information that is important for investigating, preventing or averting human rights violations.<sup>73</sup>

52. With regard to recommendation 71 of the 2009 UPR, the Coalición Ronda Cívica por el Voto en el Exterior-Uruguay (Civic Coalition for the Overseas Vote) (RCVE-Uruguay) indicated that in 2009 a referendum was held on the postal vote by citizens living abroad although it was not approved.<sup>74</sup> En 2013, INDDHH recommended to the State that it foster the consensus that is essential for the adoption of a law to guarantee that all citizens living abroad are able to exercise their voting rights.<sup>75</sup>

53. RCVE-Uruguay recommended encouraging participation by civil society organizations abroad in defining public policies and ensuring follow-up of UPR in all the relevant decision-making and consultative bodies, through the most suitable institutions and in particular within the Consejos Consultivos de Uruguay@s en el exterior (Consultative Councils for Uruguayans living abroad).<sup>76</sup>

54. GTEPUDHM recommended that Uruguay should foster political participation by women in line with international standards by implementing gender parity in political spheres. GTEPUDHM considered that the adoption of Act 18.476 (2009), which would apply to the 2014–2015 round of elections, for one time only, is a timid but timely step forward; the continuity of the Act is subject to its evaluation by parliament.<sup>77</sup> INDDHH



indicated that the Electoral Court should check compliance with the Act in the forthcoming elections.<sup>78</sup>

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

55. JS4 recommended that Uruguay takes additional measures to promote equality of access to employment for persons with disabilities and pays attention to their access to private sector employment and; to legally guarantee that the provision set out in Article 14 of Law 18651 (2010) on “Comprehensive protection of persons with disabilities” also applies to the private sector.<sup>79</sup>

56. GTEPUDHM indicated that although progress has been made towards recognizing the rights of domestic workers, through Act 18.065 and its implementing legislation, there are still situations in which their rights are jeopardized. It also indicated that there is no institutional response to the situation of migrant domestic workers who are the victims of trafficking for exploitation at work. GTEPUDHM recommended that efforts should be made to ensure that domestic workers, and in particular female workers, are able fully to exercise their economic, social and cultural rights, that a “single window” and telephone hotline should be introduced to ensure observance of the rights of female migrant workers and that the efforts currently under way in the ministerial sphere to provide assistance to and deal with complaints from female migrant workers who are the victims of trafficking for sexual exploitation and exploitation at work should be coordinated.<sup>80</sup>

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

57. JS4 noted that in its first UPR cycle, Uruguay accepted a number of recommendations related to efforts to eradicate poverty. JS4 welcomed achievements between 2009 and 2011, with the poverty rate dropping from 20.9% to 13.7%, and called for continued and strengthened resolve in the fight against poverty.<sup>81</sup> JS4 noted that despite these achievements, the statistics also show that in Uruguay poverty has the face of a child: while the general poverty rate in Uruguay is reported at 13.7%, the rate for children under 6 is practically double that at 26.1%.<sup>82</sup>

58. JS4 recommended to ensure political and financial support for the Ministry of Social Development’s program “Uruguay Crece Contigo,” to fulfil its mandate to “guarantee the integral development of children and their families, from a perspective based on rights, equity, gender equality, social justice and integral development”; promote the participation of children living in poverty, with a special focus on education and; prioritize civil society consultations and the statistical analysis of progress in the fight against childhood poverty during the State Review before the Committee on the Rights of the Child in June 2015.<sup>83</sup>

59. The Comisión Nacional en Defensa del Agua y la Vida (National Commission for Water and Life) (CNDAV) referred to the right to water which is enshrined in the Constitution and recommended that the State of Uruguay guarantee the availability of good-quality water through sustainable management with a priority for water for human consumption. CNDAV also recommended that areas from which agribusiness is excluded should be defined, that there should be a ban on toxic agricultural chemicals that are harmful to water quality and human health, that those affected should be able to participate in decisions concerning the management and control of drainage basins and that protection and complaints mechanisms should be developed for the benefit of communities whose human rights are under threat.<sup>84</sup>

60. JS4 indicated that Uruguay is exemplary in its legal norms related to the human right to water. It noted however Uruguay’s serious problem, as a result of the legal framework not being applied to the full extent in practice. It referred to a recent episode, in March 2013, when the tap water in Montevideo and its metropolitan area began to come out a

cloudy brown colour and had a strong and unpleasant smell. JS4 recommended, inter alia, to ensure the citizen participation at all stages of planning, management and control of water resources; prioritize water management in impoverished and marginalized sectors; hire independent scientific studies to analyse the possible effect of the contamination of water resources on health; and adopt sustainable policies in defence of potable water and its sources.<sup>85</sup>

61. FORJAR recommended the prohibition of the use of toxic agricultural chemicals for spraying on the grounds that they are harmful to human, animal and vegetable health and pollute water, soil and the air.<sup>86</sup>

## **8. Right to education**

62. JS1 informed that UNESCO funding for the Sex Education Programme came to an end in 2010 and that students are now deprived of their right to receive comprehensive sex education.<sup>87</sup>

63. JS4 recommended that Uruguay prioritizes inclusive education to guarantee the right of education for all, regardless of their level of ability.<sup>88</sup>

## **9. Persons with disabilities**

64. JS4 referred to data published by UNICEF on the 2011 population census, noting that children and adolescents with disabilities represent 5.6% of the total Uruguayan population between 0 and 17 years old.<sup>89</sup>

65. JS4 reported that in compliance with commitments assumed from ratifying the Convention on the Rights of Persons with Disabilities, Parliament passed Law 18651 (2010) on “Comprehensive protection of persons with disabilities.” However, the regulatory decree needed for the implementation of the Law is still under study by the Executive Branch, a significant obstacle keeping Uruguay from complying more with its obligations under the Convention.<sup>90</sup>

## **10. Indigenous peoples**

66. CONACHA pointed out that the Constitution contains no recognition for the presence of the original ethnic indigenous peoples in the country or for the multi-ethnic composition of the population. The adoption of Act 18.589 declaring 11 April as “Day of the Charrúa Nation and of Indigenous Identity” was a major step forward, as was the inclusion of ethnic and racial identity into the 2011 census. However, there are no public policies or specific institutions for indigenous peoples in Uruguay.<sup>91</sup>

## **11. Migrants, refugees and asylum seekers**

67. INDDHH considers that a participative effort to design and implement public policies on labour migration as an essential tool to ensure full compliance with the country’s national and international human rights obligations.<sup>92</sup>

### *Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

##### *Individual submissions:*

AAAMUME

Asociación de Amigos y Amigas de la Memoria, Montevideo, Uruguay;

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
CAinfo	Centro de Archivos y Acceso a la Información Pública, Montevideo, Uruguay;
CDN-U	Comité de los Derechos del Niño Uruguay, Montevideo, Uruguay;
CONACHA	Consejo de la Nación Charrúa, Montevideo, Uruguay;
CRTH	Coordinadora por el retiro de tropas de Haití, Montevideo, Uruguay;
Crysol	Crysol: Asociación de expres@s polític@s de Uruguay, Montevideo, Uruguay;
FORJAR	FORJAR, Montevideo, Uruguay;
IELSUR	Instituto de Estudios Legales y Sociales del Uruguay, Montevideo, Uruguay;
IS	Iniciativas Sanitarias y la Iniciativa por los Derechos Sexuales, Montevideo, Uruguay;
MEPP	Movimiento de Educadores por la Paz, Montevideo, Uruguay;
OPPDHM	Observatorio de Políticas Públicas de Derechos Humanos en el Mercosur, Montevideo, Uruguay;
RCVE-Uruguay	Ronda Cívica Por el Voto en el Exterior, Paris, France;
<i>Joint submissions:</i>	
JS1 – ColectivoOvejas – SRI	<b>Joint submission 1 by:</b> Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (Action Canada for Population and Development; CREA-India; AKAHATA- Equipo de Trabajo en Sexualidades y Géneros; Polish Federation for Women and Family Planning, y otras);
JS2 – CNDAV	<b>Joint submission 2 by:</b> Comisión Nacional en Defensa del Agua y la Vida: • Asociación de Remitentes • Casa Bertolt Brecht • Centro de Viticultores de Uruguay • Comisión Barrial Zona Oeste • Comisión de Defensa del Agua y Saneamiento de Costa de Oro y Pando • Comisión Nacionalista en Defensa del Agua • Conosur • Convergencia Socialista • Coordinadora del Barrio Sur y Adyacencias • Consumidores del Uruguay Asociados • Docentes de la Facultad de Ciencias y Facultad de Ingeniería • ECOS • Federación de ANCAP • Frente Amplio - Encuentro Progresista - Nueva Mayoría • FENAPES • FEUU • FFOSE • FUCVAM • Liga de Fomento de Manantiales • MADUR • Movimiento por la Utopía • Partido Nacional – Todo por el Pueblo • Partido por la Seguridad Social • Partido Verde Ecologista • PIT-CNT • Proyecto Solidario Cultural Sayago – SODEC • REDES – Amigos de la Tierra • UITA • Unión de Mujeres del Uruguay • Uruguay Sustentable, Montevideo,Uruguay;
JS3 – GTEPUDHM	<b>Joint submission 3 by:</b> Grupo de Trabajo de Seguimiento de las recomendaciones del EPU en relación a los derechos humanos de las mujeres: Cotidiano Mujer Colectiva Mujeres and Mujer Ahora, Montevideo,Uruguay;
JS4	<b>Joint submission 4 by:</b> Franciscans International (FI), Istituto Internazionale Maria Ausiliatrice (IIMA), International Volunteerism Organisation for Women, Development and Education (VIDES International) Office International de l'Enseignement Catholique (OIEC), Geneva, Switzerland;
JS5	<b>Joint submission 5 by:</b> Madres y Familiares de Uruguayos Detenidos Desaparecidos, Hijos Uruguay, Asociación de Ex Presos Políticos Uruguay – CRY SOL, Fundación Mario Benedetti, Fundación Zelmar Michelini, Servicio Paz y Justicia – SERPAJ, Instituto de Estudios Legales y Sociales del Uruguay – IELSUR, Iguales y Punto, Pro Derechos, Mesa Permanente contra la Impunidad, Movimiento de Educadores por la Paz, Secretaría de Derechos Humanos del Plenario Intersindical de Trabajadores – Convención Nacional de Trabajadores PIT – CNT, Montevideo, Uruguay;

*National Human Rights Institution:*

INDDHH                                   Institución Nacional de Derechos Humanos y Defensoría del Pueblo de Uruguay, Montevideo, Uruguay;

*Inter-governmental organization:*

IACHR-OAS                            Inter-American Commission on Human Rights – Organization of American States, Washington, D.C., United States of America.

- 2 OPPDHM, page 3 and CONACHA, page 5.
- 3 OPPDHM, page 3.
- 4 GTEPUDHM, pages 8–9.
- 5 GTEPUDHM, page 9.
- 6 INDDHH, page 4.
- 7 IELSUR, pages 2–3.
- 8 CDN-U, pages 1–3.
- 9 INDDHH, pages 1–2.
- 10 INDDHH, pages 1–2.
- 11 INDDHH, pages 1–2.
- 12 JS5, para. 2. See also AI page 1.
- 13 Crysol, para. 40.
- 14 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 14.
- 15 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 18.
- 16 GTEPUDHM, pages 3–4.
- 17 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para.19 y OPPDHM, page 4.
- 18 CONACHA, page 5.
- 19 GTEPUDHM, pages 5–6.
- 20 OPPDHM, page 2.
- 21 AAAMUME, para. 11.
- 22 AAAMUME, para. 23.
- 23 MEPP, page 2.
- 24 GTEPUDHM, paras. 22–25.
- 25 CDN-U, pages 5–6.
- 26 CDN-U, page 5.
- 27 CRTH, page 2.
- 28 OPPDHM, page 1.
- 29 INDDHH, pages 3–4.
- 30 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 7.
- 31 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 8.
- 32 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 9.
- 33 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), paras. 10–11.
- 34 IELSUR, page 1.
- 35 CDN-U, pages 4–5.
- 36 AI, page 4.
- 37 INDDHH, page 4. See also CDN-U, pages 3–4.
- 38 CDN-U, pages 3–4.
- 39 INDDHH, page 5.
- 40 GTEPUDHM, pages 10–11.
- 41 JS4, paras. 15–21.
- 42 JS4, para.22. See also CDN-U, page 7.
- 43 JS4, paras. 23–28.
- 44 JS4, para. 29.
- 45 JS4, paragraphs 6–7.
- 46 JS4, paragraph 14.
- 47 INDDHH, page 2. See also IELSUR pages 1–2.
- 48 IACHR Recommends Adoption of a Comprehensive Public on Prisons in Uruguay. July 25, 2011 (Available at [http://www.oas.org/en/iachr/media\\_center/PReleases/2011/076.asp](http://www.oas.org/en/iachr/media_center/PReleases/2011/076.asp)).
- 49 AI, page 3.

- 50 AI, page 4.
- 51 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 11.
- 52 INDDHH, page 3.
- 53 IELSUR, page 1.
- 54 INDDHH, page 5.
- 55 GTEPUDHM, page 10.
- 56 GTEPUDHM, pages 7–8.
- 57 INDDHH, page 4. See also CDN-U, page 7.
- 58 CDN-U, page 7.
- 59 INDDHH, page 2.
- 60 INDDHH, page 2. See also submission from Colectivo de Organizaciones de Derechos Humanos (JS5), para 2.
- 61 Colectivo de Organizaciones de Derechos Humanos (JS5) paras. 6–7.
- 62 AI, page 4. See submission for details on case cited. See also submissions from Colectivo de Organizaciones de Derechos Humanos (JS5) and IACHR, Gelman case, case No. 12.607 against Uruguay. January 21<sup>st</sup>, 2010 (Available at <http://www.cidh.oas.org/demandas/12.607%20Gelman%20Uruguay%2021ene10%20ENG.pdf>); I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221; I/A Court H.R. Case Gelman v. Uruguay Order of the President of the Inter-American Court of Human Rights. September 10, 2010.
- 63 Colectivo de Organizaciones de Derechos Humanos (JS5), para. 16.
- 64 INDDHH, page 3. See also submissions from Colectivo de Organizaciones de Derechos Humanos (JS5), paras. 8–9 and Crysol, paras. 22–27.
- 65 Crysol, paras. 22–27.
- 66 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), paras. 21–22.
- 67 CDN-U, page 6.
- 68 CDN-U, page 6.
- 69 INDDHH, pages 3–4.
- 70 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 38.
- 71 GTEPUDHM, para. 22.
- 72 CAInfo, pages 7–9.
- 73 IELSUR, page 3.
- 74 RCVE-URY, page 6.
- 75 INDDHH, pages 3–4.
- 76 RCVE-URY, page 10.
- 77 GTEPUDH, page 2.
- 78 INDDHH, page 5.
- 79 JS4, para. 34.
- 80 GTEPUDHM, page 3.
- 81 JS4, para. 40.
- 82 JS4, para. 41.
- 83 JS4, para. 46.
- 84 CNDAV, page 5. See also recommendations from JS4, page 8.
- 85 JS4, page 8.
- 86 FORJAR, page 1.
- 87 Colectivo Ovejas Negras y la Iniciativa por los Derechos Sexuales (JS1), para. 24
- 88 JS4, para. 39.
- 89 JS4, para. 35.
- 90 JS4, paras. 30–31.
- 91 CONACHA, pages 1–5.
- 92 INDDHH, pages 3–4.