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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Uruguay

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation service.



1. The Eastern Republic of Uruguay is pleased to present to the Office of the United Nations High Commissioner for Human Rights its position on the 226 recommendations received during its review on the occasion of the third cycle of the universal periodic review. In keeping with Uruguay's commitment to human rights and as we have done in previous exercises, we herewith accept all the recommendations made.

2. Some clarifications concerning specific recommendations and information regarding others are provided below.

118.1, 118.2, 118.3, 118.4, 118.5, 118.6, 118.7

3. In keeping with the undertaking given during the previous cycle of the universal periodic review, Uruguay pursued its examination of the conditions for implementing ILO Convention 169 at the national level. The definition in article 1 of indigenous peoples makes it difficult to see how it could be implemented in present-day Uruguay. However, the Ministry of Foreign Affairs and its Ethnicity and Race Unit are looking at ways of working with the relevant bodies to apply provisions of the Convention to members of the population who self-identify as being of indigenous descent.

4. It must be emphasized that organizations that bring together persons who self-identify as being of indigenous origin are consulted at various levels and participate in the programmes on subjects such as biodiversity and rural productive development being run by government departments with the support of the Inter-American Development Bank and the World Bank.

118.8, 118.9

5. In the course of being implemented.

118.10, 118.11

6. The National Human Rights Institution and Ombudsman's Office (INDDHH) was accredited with A status in May 2016, as it fully complies with the Paris Principles.

118.12, 118.96, 118.97

7. Being implemented.

8. Since 2016, Uruguay has had a national mechanism for drawing up reports and following up recommendations. The national mechanism, which is coordinated by the Ministry of Foreign Affairs, comprises 32 national and municipal institutions. The National Human Rights Institution is a permanent observer. The mechanism has a dialogue and consultation channel with civil society organizations on which it regularly calls before the submission of national reports.

118.13, 118.14, 118.15, 118.16, 118.17, 118.18, 118.19, 118.20, 118.21, 118.22, 118.198, 118.199, 118.200, 118.201, 118.202, 118.203, 118.204, 118.205, 118.206, 118.207, 118.208, 118.209, 118.210

9. Being implemented.

10. Since 1942, under Act No. 10.279, anyone who promotes, sets up, organizes, leads or participates in associations, bodies, institutes or departments prompting or perpetrating racial strife or hatred is punished.

11. Incitement to hatred or contempt of, or violence against one or more persons on account of their skin colour, race, religion, national or ethnic origin, sexual orientation or sexual identity is punishable under article 149 of the current Criminal Code. The commission of acts of hatred or contempt of, or violence against the same group of persons is punishable under article 149. Article 312 (7) of the Criminal Code makes them a very special aggravating circumstance of homicide and bodily harm. Under articles 310 and 320 of the same Code acts of discrimination on grounds of sexual orientation, gender identity, race or ethnic origin, religion or disability constitute aggravating circumstances. Paragraph

8 of that article deals with the commission of an offence against a woman on grounds of hatred, contempt or disrespect because she is a woman.

12. These provisions have been applied in Uruguayan courts' decisions.

13. Act No. 19.222 concerning affirmative action in favour of persons of African descent was approved as part of the process of modifying the legal framework of our country. An account of it is provided in the national report. Last year, in an effort to consolidate this normative and institutional process, the Department of Persons of African Descent was set up in the Human Rights Department of the National Directorate for Sociocultural Promotion at the Ministry of Social Development and the National Racial Equality Council was set up under Act No. 19.670 (October 2018).

14. The country-wide process of drawing up and discussing what became the National Racial Equality Plan, presented on 21 March of this year, was coordinated with this Council, drawing on the National Strategy of public policies for people of African descent. This plan has the following aims:

- Identify, arrange and guide public policies aimed at promoting the economic, social and political inclusion of persons of African descent at the national level, by allocating resources and priority to the management of the relevant organizations and institutions;
- Promote the social participation of persons of African descent in the country in dialogue with representatives of government bodies in general and with the National Racial Equality Council in particular, thereby giving rise to institutional interlinkage, with the aim of designing, implementing, assessing and monitoring public policy reflecting an ethno-racial perspective;
- Incorporate an ethno-racial perspective in policies, programmes and projects in order to remove the persistent inequality gap by setting management and process targets and indicators for measuring their actual applicability over time.

118.23, 118.24, 118.25, 118.26

15. Being implemented.

118.27, 118.28, 118.29

16. Being implemented.

17. Attention is drawn to the approval of Act No. 19.670 setting up the National Sexual Diversity Council, a body which follows up and monitors the National Sexual Diversity Plan and the implementation of legislation promoting the protection of lesbian, gay, bisexual, transgender and intersex persons.

118.30

18. Being implemented.

118.31, 118.32, 118.33, 118.34, 118.35, 118.36, 118.37, 118.38, 118.39, 118.40, 118.41, 118.42, 118.43, 118.44, 118.45, 118.46, 118.47

19. Uruguay accepts the recommendations concerning the penitentiary system, as they are in line with its ongoing policies undertaken with a view to expanding, deepening and consolidating prison reform as human rights-based public policy which gives particular priority to widening public health coverage in prisons, mental health care, treatment of addiction, suitable formal or informal education programmes for inmates, vocational training programmes and reintegration measures for released prisoners, all of which form part of rehabilitation schemes based on the Nelson Mandela Rules.

118.47, 118.48, 118.49, 118.50, 118.51, 118.66, 118.67, 118.68, 118.69

20. Since 2015 Uruguay has been engaged in a process of continuously improving youth detention conditions in order to comply with the rules on the protection of human rights.

21. With reference to overcrowding in the juvenile detention system, it must be emphasized that Uruguay overcame overcrowding in 2016.

22. The Childhood and Adolescence Code incorporates articles 37 (b) and 40 (4) of the Convention on the Rights of the Child. This means young people are deprived of their liberty only as a measure of last resort and for the shortest possible time. In addition, in 2018, a new model of non-custodial measures went into operation, thus giving effect to each of the measures laid down in the aforementioned Code.

23. Action protocols have been updated. Zero tolerance for any form of physical or emotional abuse is a principle governing management and the new institutional approach. Independent complaint mechanisms also exist for young people in detention or subject to non-custodial measures.

24. Education is guaranteed for all young people in detention through access to primary and secondary schooling and vocational training.

118.52, 118.53, 118.54, 118.55

25. Uruguay will continue to strengthen the National Mechanism for the Prevention of Torture which operates under the auspices of the National Human Rights Institution and will pursue the institutional strengthening of the work of the Office of the Parliamentary Commissioner, the independent parliamentary body overseeing the prison system.

118.56

26. With reference to the recommendation to qualify torture as a separate offence by March 2020, Uruguay notes that this presupposes a consensus among politicians, scholars and judicial officials which would be impossible to achieve within this time frame

27. However, it must be stressed that, although Uruguay has not qualified torture as a separate offence in the Criminal Code, using the definition contained in the United Nations Convention against Torture, the crime of torture was incorporated into national legislation through the approval of Act No. 18.026 on cooperation with the International Court of Justice to combat genocide, war crimes and crimes against humanity.

118.58, 118.59, 118.60, 118.61, 118.62, 118.63, 118.64, 118.65

28. Being implemented.

118.70, 118.71, 118.72, 118.73, 118.74, 118.75, 118.76, 118.77, 118.78, 118.79, 118.80, 118.81, 118.82

29. Being implemented.

30. The National Council to Prevent and Combat Trafficking in and Exploitation of Persons has been set up to guide and coordinate policies on human trafficking, alongside the inter-agency system for responding to human trafficking and exploitation.

118.83

31. Implemented.

32. Uruguay fully agrees that the family, whatever its make-up, is of significance when seeking to ensure the well-being of all its members. However, it must be made clear that, in accordance with international law, it is human beings, the family members, who hold rights. The family as a whole, as a group, is not a subject of rights. Viewing the family from a multidimensional perspective means that the State supports all families, irrespective of their composition, including families formed by persons of the same sex, and that the State must formulate public policies consonant with existing family arrangements.

118.84, 118.85, 118.86

33. Being implemented.

118.87

34. Being implemented.

118.84

35. Accepted.

118.89, 118.90, 118.91, 118.92, 118.93, 118.94, 118.95

36. Being implemented.

37. Since 2005 a series of measures have been adopted to address poverty and adjust State welfare provision. They ushered in a large number of institutional innovations, including the establishment of the Ministry of Social Development. This new institutional set-up gave social policies a key role, increased public social expenditure and initiated wide-ranging strategic planning on the subject.

38. All these measures have resulted in a sustained reduction of poverty which has dropped to historically low levels, as can be seen from our national report: in 2017, the poverty rate in Uruguay fell to 7.9 per cent, while extreme poverty fell to 0.1 per cent and inequality measured on the GINI index to 0.38 per cent. According to the most recent report of the Economic Commission for Latin America and the Caribbean, Uruguay is the only country in the region which has met the United Nations goal of halving poverty and reducing extreme poverty to less than 3 per cent.

39. Uruguay reaffirms its commitment to the universal right of access to potable water, as is evidenced by the fact that 99 per cent of the population throughout the country enjoy this right.

118.98, 118.99, 118.100, 118.101, 118.102, 118.103, 118.104, 118.105, 118.106, 118.107, 118.108, 118.109, 118.110

40. Being implemented.

118.111, 118.112, 118.113, 118.114, 118.115, 118.116, 118.117, 118.118, 118.119, 118.120, 118.121, 118.122, 118.123., 118.125

41. Article 15 of the General Education Act lays down the principles of free, secular education offering equal opportunities, which govern the education system in Uruguay. In pursuance of this provision, Uruguay provides access to education throughout the national territory. The network of primary schools covers all children in both urban and rural areas, as does basic secondary education which offers places to all children who have completed primary education.

42. The school access and retention rate of girls and young women is higher than that of boys and by the time they reach 17, the age at which compulsory schooling ends, it works out at 84 per cent of women as against 76 per cent of boys.

118.124

43. Implemented.

44. It must be made clear that in all matters related to the rights of the child in Uruguay, legislation and measures are adopted in line with the obligations and commitments undertaken under the international human rights instruments which it has ratified, in particular the Convention on the Rights of the Child and the Optional Protocols thereto, and they take account of the concluding observations of the Committee on the Rights of the Child. The Convention recognizes the rights and responsibilities of parents or guardians, but it emphasizes that their purpose is to enable children to exercise their rights. In the Committee's view, article 5 of the Convention confirms that parental authority is never unlimited and article 18 underscores the fact that parents' rights and duties stem from their responsibility to ensure the child's well-being, in other words to act in his or her best interests.

45. The wording of the Convention emphasizes that the subject of the rights which it recognizes is “the child” because it is he or she who must exercise these rights. Hence, the Committee on the Rights of the Child itself understands the Convention to mean that parents may not be granted absolute rights over their children. This body has stressed the importance of creating an awareness that the child is a subject of rights and does not just receive protection.

118.126, 118.127, 118.128, 118.129, 118.130, 118.131, 118.132, 118.133, 118.134, 118.135, 118.136, 118.137, 118.138, 118.139, 118.140, 118.141, 118.142, 118.143, 118.144, 118.145, 118.146, 118.147, 118.148, 118.149, 118.150

46. Being implemented.

118.151, 118.152, 118.153, 118.154, 118.155, 118.156, 118.157, 118.158, 118.159, 118.160, 118.161, 118.162, 118.163, 118.164, 118.165, 118.166, 118.167, 118.168, 118.169

47. Being implemented.

118.170, 118.171, 118.172, 118.173, 118.174, 118.175, 118.176, 118.177, 118.178, 118.179, 118.180, 118.181, 118.182, 118.183, 118.184, 118.185, 118.186, 118.187, 118.188, 118.189, 118.190, 118.191, 118.192, 118.193, 118.194, 118.196, 118.197

48. Being implemented.

118.195

49. Implemented.

50. The last time that the Eastern Republic of Uruguay declared war was in 1945 during the Second World War, although it did not participate in hostilities by sending troops. No armed conflicts have taken place in the territory of the Uruguayan State, nor has the latter taken part in any international conflicts. Furthermore, no armed groups operate or have taken refuge in our country. Our armed forces participate in United Nations peacekeeping missions, on which it does not send personnel under 18 years of age.

51. When it deposited its instrument of ratification of the Convention on the Rights of the Child, Uruguay declared that “in regard to the provisions of article 38, paragraphs 2 and 3, 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”. This position is supported by Act No. 17823 enacting the Childhood and Adolescence Code of 7 September 2004, which provides that children and adolescents may not take part in hostilities in armed conflicts or be trained to do so.

118.211, 118.212, 118.213, 118.214, 118.215, 118.216, 118.217, 118.218

52. Being implemented.

118.219

53. Will be implemented in accordance with article 12 of the Convention on the Rights of Persons with Disabilities.

118.220, 118.221, 118.222, 118.223, 118.224

54. Being implemented.

118.225, 118.226

55. Being implemented.
