

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

## UNIVERSAL PERIODIC REVIEW, 5<sup>TH</sup> SESSION URUGUAY REVIEWED ON 11 MAY 2009, MORNING

### Overview

On 11 May 2009 the Working Group on the universal periodic review (UPR) considered the human rights situation in Uruguay. Uruguay's delegation was led by the Minister of Foreign Affairs, Dr. Gonzalo Fernandez and comprised of state officials from various ministries.

In its initial presentation, Uruguay highlighted recent achievements and policy measures with regards to the protection of human rights on the national as well the international level. Uruguay noted that the universal period review process allowed holding national consultations and assessing challenges with civil society organisations. The delegation indicated that these consultations would continue in the implementation phase of the recommendations made in the process. The delegation was well prepared to answer both the written questions submitted in advance and the questions posed during the interactive dialogue.

During the interactive dialogue, States congratulated Uruguay for its balanced report, its openness for dialogue and its efforts to improve the protection of human rights since the end of the dictatorship in 1995. France, the UK, Canada and Mexico underscored the active role Uruguay is playing in the international human rights system and the UN Human Rights Council. However, most of the 47 States, which actively participated in the review, expressed concern and raised questions on issues regarding the conditions in prisons, the rights of women and children as well as gender equality. Most States made general recommendations such as to bring domestic legislation in line with international obligations or to increase budget allocations for a specific human right area. Almost all States recommended the establishment of an independent national human rights institution (NHRI) in accordance with the Paris Principles.<sup>1</sup> The UK and Mexico recommended the participation of civil society in the follow up to the UPR.

Uruguay accepted all recommendations without exception. It also acknowledged the existing shortcomings in terms of the implementation of human right and expressed strong commitment in the improvement and upholding of its human rights commitments.

### General information on Uruguay

- Uruguay is not a member of the Human Rights Council.

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<sup>1</sup> The 'Paris Principles' were adopted by the United Nations General Assembly as an Annex to Resolution 48/134. They define the role and functions of national human rights institutions in the promotion and protection of human rights. Available at: <http://www.un.org/Depts/dhl/res/resa48.htm>.

- The members of the troika for the examination of Uruguay were Nigeria, Jordan and Argentina.<sup>2</sup>
- Uruguay held national consultations with the civil society, human rights organisations and representative social movements in the process of preparing the UPR report. Representatives of the State, civil society and the academic world met to discuss the draft report under the coordination of representatives of the UN system in Uruguay. The process was also open to citizen participation; men and women who had received basic training were invited to take part and to monitor the commitments entered into and any recommendations. However some NGO lamented on the short notice given in the process. One NGO reported that it was given only one week to submit comments to the draft report.

### Information submitted to the Working Group

The **national report** of Uruguay focuses on the legislative and institutional developments in many areas of human rights. It also recognises the existing challenges mainly in the area of civil and political rights and in particular inappropriate legislation on political parties and their financing, updated legislation to regulate civil society organisations and lack of the participation for victims in legal proceedings. Poverty reduction was and the disturbing situations in prisons and the situation of minors in conflict with the law were identified as further challenges. The report acknowledges comments and critique by UN institutions and it outlines future measures and pledges to address these shortcomings.<sup>3</sup>

The OHCHR **compilation of UN information** focuses on: the lack of a national human rights institution; the lack of resources allocated to the promotion of gender equality and children rights, the fact that both the Civil and Penal Code continue to contain provisions that discriminate against women with regard to family and marriage; that no temporary social measures are in place to accelerate de facto equality between men and women, in particular with regard to equal pay and the presentation of women in public offices; domestic violence as a remaining major challenge; sexual exploitation of women and children and the sale of children; the high number of street children; the maintenance of the ‘Expiry Law of the Punitive Powers of the State’; the need to reform the juvenile justice system and the high repetition and school drop out rates.<sup>4</sup>

Five other stakeholders, including four non-governmental organisations (NGOs), submitted information for the OHCHR **summary of stakeholders’ information**.<sup>5</sup> The summary acknowledges various recent legislation and measures aimed to strengthen the protection of human rights. However shortcoming in the following areas are mentioned: the critical conditions of prisons;<sup>6</sup> the system of juvenile detention;<sup>7</sup> insufficient civil society participation;<sup>8</sup> the lack of a national human rights institution;<sup>9</sup> no national preventative mechanisms as envisaged in the Optional Protocol to the *Convention against torture* has been yet established;<sup>10</sup> the lack of resources for the body in charge of gender policies;<sup>11</sup> discrimination against women in the Criminal Code and the judiciary; the under-representation of women in public office;<sup>12</sup> wage gaps with

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<sup>2</sup>Uruguay did not request that a member of its regional group be among its troika. There were no objections by Uruguay or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR’s *Daily Update* of 8 September 2008, available at [www.ishr.ch](http://www.ishr.ch).

<sup>3</sup> A/HRC/WG.6/5/URY/1, available at <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CUYSession5.aspx>

<sup>4</sup> A/HRC/WG.6/5/URY/2, available at <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CUYSession5.aspx>

<sup>5</sup> A/HRC/WG.6/5/URY/3, available at <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CUYSession5.aspx>

<sup>6</sup> Instituto de Estudios Legales y Sociales del Uruguay (IELSUR); Comité Latinoamericano para la Defensa de los Derechos de la Mujer (CLADEM)

<sup>7</sup> IELSUR

<sup>8</sup> Observatorio de Políticas Públicas de Derechos Humanos en el MERCOSUR (OPPDHM), CLADEM

<sup>9</sup> OPPDHM, CLADEM, La Red de Instituciones Nacionales de Derechos Humanos del Continente Americano (Red)

<sup>10</sup> OPPDHM

<sup>11</sup> CLADEM

<sup>12</sup> CLADEM

regards to gender;<sup>13</sup> the fact that the constitution does not recognize gender equality;<sup>14</sup> the delay reporting obligations;<sup>15</sup> the judiciary has not enough resources or training to ensure that the law on domestic violence is properly implemented;<sup>16</sup> the *Act on the Expiry of the Punitive Claims of the State* was criticised;<sup>17</sup> no law was enacted to grant comprehensive compensation for human rights violation that took place between 1968-1985;<sup>18</sup> the *Police Procedures Act* legalises abusive and arbitrary practices by police officers;<sup>19</sup> the State does not comply with obligations regarding sexual and reproductive rights;<sup>20</sup> and the fact that the State has no major plans to combat trafficking in persons.<sup>21</sup>

Much of the information provided in the summary of stakeholder information was also reflected in the compilation of UN information.

## Interactive dialogue<sup>22</sup>

### Presentation by the State

The Foreign Minister outlined in 20 minutes the recent international and national legislative developments in Uruguay. He pointed to the ratification of *Convention on the Rights of Persons with Disabilities* on 11 February 2009 and the recent adoption of the *Convention for the Protection of All Persons from Enforced Disappearances* as well as the ratification of the amendment to Article 21 of the *Convention on the Eradication of all Forms of Discrimination against Women* (CEDAW). Furthermore he highlighted several national laws addressing areas such as freedom of expression, children and women rights and compensation for victims of the dictatorship. He stressed the large range of social policies in place to promote further equality and education. In this regard he referred to a report outlining detailed state spending on human rights.

The remaining challenges regarding the prison system were acknowledged. He underscored the Government's commitment to further improve the human rights situation by having incorporated human rights as a core subject at all levels of education, including in police and military training. The Foreign Minister stressed that in January 2009, Uruguay has begun to work on the elaboration of reports for the UN treaty monitoring bodies with a view to submitting most of them before the end of 2009. After the initial presentation, the delegation answered for about half an hour written questions received in advance in significant, detail outlining various relevant policies and measures.

### Themes and issues

The majority of States criticised the **situation of women** and the lacking protection of their rights.<sup>23</sup> Slovenia and France argued that national legislation still allows for discrimination on the basis of gender. In this context, the inequality of salaries, the under-representation of women in public office, sexual exploitation, and

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<sup>13</sup> CLADEM

<sup>14</sup> CLADEM

<sup>15</sup> IELSUR

<sup>16</sup> CLADEM

<sup>17</sup> CLADEM, IELSUR

<sup>18</sup> OPPDHM

<sup>19</sup> IELSUR

<sup>20</sup> CLADEM

<sup>21</sup> CLADEM, OPPDHM

<sup>22</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

<sup>23</sup> Czech Republic, Algeria, Italy, Bangladesh, Portugal, Germany, Spain, Ukraine, Chile,

domestic violence were mentioned repeatedly.<sup>24</sup> Thus several States recommended bringing national legislation in line with all obligations under CEDAW and ensure gender equity.<sup>25</sup> Many States specifically recommended increasing the legal age for marriage from 12 for girls and 14 for boys to the international standard of 18 years for both genders.<sup>26</sup>

The **poor conditions in prisons and detention centres**, mainly due to overcrowding, were identified as another area of major concern. In particular Canada and the Holy See lamented the non-segregation of pre-trial and convicted detainees.<sup>27</sup> States demanded to bring these conditions up to international standards.<sup>28</sup> The Netherlands recommended a reform of the penal code and recommended to look into alternative measures.<sup>29</sup> Belgium emphasised that detention of juveniles should be used as last resort as outlined in the *Convention on the rights of the Child* and that sufficient resources should be allocated to training of personnel.

**Children's rights** were also mentioned as a particular challenge to the implementation of human rights in Uruguay. Sweden among others welcomed the national action plan against sexual exploitation in this respect and recommended strong measures to tackle the issue.<sup>30</sup> Turkey demanded to bring national legislation in line with the CRC and Japan suggested to further allocate resources to alleviate poverty, which most severely affects children. Turkey, Bangladesh and Finland demanded to address the issue of high school drop out rates.<sup>31</sup>

Several States addressed the issue of **human trafficking**.<sup>32</sup> Slovenia questioned what effective measures have been taken to address the problem. The US recommended increasing law enforcement, arguing that trafficking is often linked to corruption. It also suggested expanding training to prevent trafficking.<sup>33</sup>

Nearly all States recommended the establishment of an **independent national human rights institution** (NHRI), in accordance to the Paris Principles.<sup>34</sup> Algeria welcomed the recently adopted law for such an institution and Pakistan proposed to expedite the national process towards the establishment of the NHRI.<sup>35</sup>

Among other issues that were addressed during the interactive dialogue was the situation of **indigenous people**. Peru and Bolivia recommended the implementation of the ILO convention 169 on the rights of indigenous people.<sup>36</sup> South Africa was particularly interested in the protection mechanisms for **people of African descent**. Bolivia acknowledged the efforts made to include the **right to water and sanitation** in the human rights framework and questioned which challenges have been encountered so far. Another area of concern was the 'amnesty law' leading to impunity for human rights violations committed during the times of the dictatorship.<sup>37</sup> Several states urged Uruguay to strengthen efforts in fights against poverty.<sup>38</sup>

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<sup>24</sup> A/HRC/WG.6/5/L.11 para. 25-35, 37,38

<sup>25</sup> A/HRC/WG.6/5/L.11 para. 6, 38

<sup>26</sup> Spain, Slovenia, Azerbaijan, the Republic of Korea, Italy, India, the Netherlands, Portugal and the Holy See  
A/HRC/WG.6/5/L.11 para. 32, 34,35

<sup>27</sup> A/HRC/WG.6/5/L.11 para. 53

<sup>28</sup> Canada, Azerbaijan, Portugal, Spain, Italy, Turkey, Netherlands,  
A/HRC/WG.6/5/L.11 para. 52-60

<sup>29</sup> A/HRC/WG.6/5/L.11 para. 60

<sup>30</sup> A/HRC/WG.6/5/L.11 para. 44-47

<sup>31</sup> A/HRC/WG.6/5/L.11 para. 16, 87-88

<sup>32</sup> Turkey, Italy, Philippines, Germany, US  
A/HRC/WG.6/5/L.11 para. 43, 48-51

<sup>33</sup> A/HRC/WG.6/5/L.11 para. 51

<sup>34</sup> Peru, Germany, Canada, France, UK, Nigeria, Pakistan, Azerbaijan, Republic of Korea, Djibouti, Algeria, Mexico

<sup>35</sup> A/HRC/WG.6/5/L.11 para. 8,9

<sup>36</sup> A/HRC/WG.6/5/L.11 para. 3,4

<sup>37</sup> A/HRC/WG.6/5/L.11 para. 62, 64-66

It was notable that issues related to sexual and reproductive rights, although featuring prominently in the compilation of information submitted by other stakeholders was not raised by any State during the review. There were no recommendations made in this regard.

### Adoption of the report

Uruguay accepted all recommendations made during the interactive dialogue. Among the accepted recommendations was one by the United Kingdom to involve NGOs in the follow-up to the review, and one by Mexico to ‘establish and inter-ministerial mechanism with the participation of civil society to discuss and implement international commitments in the area of human rights, including the recommendations emanating from the UPR.’

The acceptance of the latter recommendation, and its future implementation together with civil society, is likely to constitute a best-practice in terms of follow-up by States and NGOs to the UPR process. The Ambassador of Uruguay acknowledged that much still needed to be done, and assured the Working Group that efforts will continue.

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<sup>38</sup> Cuba, Russian Federation, South Africa, Nicaragua, Bangladesh, Malaysia, Venezuela  
A/HRC/WG.6/5/L.11 para. 76-81, 83

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