



STATE PARTY EXAMINATION OF URUGUAY'S THIRD TO FIFTH PERIODIC REPORT 68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD 12 JANUARY-30 JANUARY 2015

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Uruguay ratified the Convention on the Rights of the Child (CRC) on 20 November 1990. On 19-20 January 2015, the Committee on the Rights of the Child (the Committee) examined the combined third to fifth report of Uruguay. It was last examined on 24 May 2007.

Opening Comments

The delegation of Uruguay was led by Ms. Alejandra Costa, Director of Human Rights and Humanitarian Law at the Ministry of Foreign Affairs of Uruguay. She was supported by representatives from the Permanent Mission of Uruguay in Geneva, the Ministry of Public Health, the Ministry of Social Development, the National Parliament, the Uruguayan Institute for Children and Adolescents (INAU) and the System of Adolescent Criminal Liability (SIRPA).

Ms. Alejandra Costa stated that the protection of the rights of the child and the collaboration with international human rights structures were particularly important for Uruguay. She indicated that Uruguay had made a lot of progress especially through legislative reforms and the ratification of all human rights treaties and their optional protocols. She informed the Committee that the government of Uruguay had approved the ratification of the third Optional Protocol to the CRC on a Communications Procedure on 22 December 2014, and added that this ratification would officially recognised the competence of the Committee to receive and consider communications relating to the non-compliance of a State party to the CRC and its optional protocols.

Ms. Alejandra Costa informed the Committee that Uruguay had extended an invitation to all Special Procedures of the Human Rights Council and the Rapporteur on the Rights of the Child

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of the Inter-American Commission On Human Rights of the Organisation of American States had recently visited the country.

Ms. Alejandra Costa also stated that a citizen initiative to lower the minimum age of criminal responsibility had been carried out but that the reform had not been approved. Only 48% of Uruguayan citizens supported the initiative.

Ms. Alejandra Costa insisted on the fact that the promotion and protection of children's rights were an on-going process. Many actions had already been taken, including the implementation of policies and programmes had been implemented, the development of a juvenile justice system and measures to punish and eradicate child prostitution.

Ms. Alejandra Costa acknowledged that further efforts and achievements were needed and reassured that the delegation of Uruguay was prepared to benefit from the exchange with the Committee.

Ms. Sara Oviedo, Country Rapporteur for Uruguay, congratulated the delegation for the progress mentioned.

Mr Jorge Cardona, Country Rapporteur for Uruguay, welcomed the delegation and acknowledged the progress made by the State in the area of children's rights.

General Measures of Implementation

Legislation

The Committee commended the State party for the ratification of the third Optional Protocol on a Communications Procedure, thus becoming one of the few countries parties to all UN human rights treaties. The Committee asked whether the State party was also considering ratifying the Convention 189 of the International Labour Organisation concerning Decent Work for Domestic Workers. The Committee also wanted to know whether there were examples of court's decisions explicitly mentioning the provisions of the CRC. The delegation answered that the State party had already ratified the ILO convention 189 in 2012. The delegation added that a lot of courts staff was being trained on the provisions of the CRC so that they could make efficient use of them when necessary.

Coordination and monitoring

The Committee asked whether the National Action Plan for Childhood and Adolescence had been evaluated for the period 2010-2015 and whether the Action Plan for the 2015-2020 had been developed on the basis of the previous one. The delegation answered that the Action Plan for 2014 had been evaluated. The report showed that a lot of progress had been made in regard to maternal mortality and early childhood areas. The government with the help of civil society organisations was currently working on setting up guidelines for the 2015-2020 Action Plan which would focus on issues of nutrition and primary and secondary education.

The Committee inquired about coordination between the different agencies involved in the protection of child rights. The delegation said that coordination between the different agencies was weak and that the National Care System was working on improving the coordination.

Dissemination and training

The Committee was concerned about the lack of dissemination of and training on the CRC among the different stakeholders and the children themselves. The delegation responded that the government had taken measures to promote awareness on the CRC and its provisions. The dissemination of information on child rights was being done through campaigns and training.

Role of Civil Society

The Committee asked whether civil society organisations had been involved in the drafting of the National Plan of Action for the implementation of the Convention. The delegation answered that the government had worked closely with civil society organisations to create guidelines on the rights of the child upon which the Action Plan for 2015-2020 would be based.

Children's Ombudsman

The Committee inquired about the level of expertise in child rights of the five members composing the office of the Ombudsman for children. The delegation replied that the establishment collegial body was the result of five years of governmental consultations. The government wished to establish a strong body representative of the different organisations of the civil society. The selection of the five members was made through general assemblies and interviews and required some expertise in the defence of child rights. The delegation affirmed that the collegial body serving the functions of ombudsman for children had significantly raised visibility on child rights.

Budget

The Committee asked for more information on the allocation of resources to children's rights. The delegation explained that different ministerial departments were in charge of allocating the budget. Of the general budget, 75% of public spending was allocated to social issues for all people and of these 75%, 25% were allocated to children and adolescents. The delegation added that public social spending for children had raised significantly. The total spending for children and adolescents had gone from 19% to 25% with a doubling in education spending. The government was currently drafting a new budget law.

Definition of the Child

The Committee recalled that under Article 1 of the Convention on the Rights of the Child, a child was considered to be every human being below the age of 18 and expressed concerns about the age of marriage set 16 years old in the State party. The Committee asked whether an adolescent was considered a child and if the same protection was offered to married children under the age of 18. The delegation stated that any person under the age of 18 was still considered a child. Married children under the age of 18 were emancipated by the act of marriage but could benefit, if needed, from the same protection as unmarried children. The Committee exhorted the government to raise the age of marriage to 18 years old to be in compliance with the provision of the Convention. The delegation reassured the Committee that the government of Uruguay was committed to raising the minimum age of marriage to 18 years old.

General Principles

Non – discrimination

The Committee expressed concerns about discrimination against different categories of children, namely children living in poverty, children born out of wedlock, children living in rural areas and children of African origin. The delegation explained that measures were taken to fight discrimination. On the issue of children born out of wedlock, the delegation informed the Committee that an amendment had been made to the Constitution to eliminate the distinction being made between legitimate and illegitimate children in accordance to the best interest of the child. Children born out of wedlock were no longer considered illegitimate and had the same rights than any other children. The delegation added that children of same-sex couples could enjoy the same rights.

Respect for the views of the child

The Committee was concerned about the lack of consideration given to children's views regarding decisions affecting them and asked if measures were taken in that regard. The delegation explained that the Uruguayan Institute for Children and Adolescents was leading a Children and Adolescents Participation Programme. It added that the Education Law had facilitated the establishment of participation councils in 2008. Many participation programmes had been implemented to promote students' participation. However, the delegation recognised that some progress was still needed and stated that children's participation would be a focal point of the Action Plan 2015-2020.

Civil Rights and Freedoms

Corporal punishment

The Committee asked for more information regarding the prohibition of corporal punishment and mechanisms put in place to tackle the issue. The delegation explained that although the Personal Integrity Law did not set specific sanctions, it still gave grounds for prosecution. The Personal Integrity Law was included in the Code on Childhood and Adolescence. The delegation added that the adoption of the Personal Integrity Law had created a lot of debates, as corporal punishment was sometimes seen by parents as a way to raise children. However, the law was socially approved and people were aware of the social condemnation emanating from such act. The delegation added that the use of corporal punishment in prisons constituted an abuse of authority and that perpetrators were removed from their positions. The delegation mentioned the existence of the Integrated System for the Protection of Children and Adolescents from Violence (SIPIAV). The SIPIAV worked at national level and provided training courses on ways to deal with problems in a non-violent way. Since the creation of the SIPIAV, improvements had been made on the way complaints of corporal punishment were received.

Poverty

The Committee expressed concern about high level of children living in poverty in Uruguay and asked how the State party intended to remedy this situation. The delegation explained that a lot of measures had been taken to fight poverty. The government had mended the social protection system. Focused policies on specific areas of inequalities had been implemented. There had been an improvement in the number of jobs and minimum wage for parents. The delegation informed the Committee that the State had experienced an economic growth that allowed for social standards to be improved. The delegation added that although children were the age group most concerned by poverty, the statistics showed that the State party went from 55 percent of children living in extreme poverty to 20 percent.

Family Environment and Alternative Care

Family support

The Committee asked for more information on the measures in place to assist families. The delegation explained that a few workshops were held on parenting along with other sorts of trainings. The delegation added that benefits for parents of newborn children had been increased. New mothers could take maternal leaves up to 14 weeks, while paternal leave and co-responsibility in the care of newborn babies had been developed.

Institutions and family-based care

The Committee noted that five out of 1000 children under the age of 18 lived in institutions and asked for explanations on the figures. The delegation stated that children were put in institutions to ensure their protection. Putting a child in an institution was used as a last resort. The delegation added that of these children, 28 percent lived in family-like settings while 72 percent lived in institutions. Most foster families were comprised within the INAU system. The delegation informed the Committee that attention and care were provided for children of a young age. There were about 417 centres dealing with children and new methods of providing services and hosting children had been created to ensure the protection of their rights.

The Committee asked if children were immediately placed into institutions when they were removed from their biological families. The delegation explained that according to a reform of the Code for Childhood, there were four options for children removed from their families: Integration in a family-like setting; adoption; placement in centres for foster care; and institutionalisation. Judges had to work along these different steps. Preventive measures and support for families to prevent institutionalisation were being developed.

Adoption

The Committee noted that adoption proceedings in the State party were slow, and that while progress had been made, technical units and monitoring were lacking. The delegation acknowledged the existence of these challenges.

Disability, Basic Health and Welfare

Sexual and Reproductive Health

The Committee was concerned about the high rate of teenage pregnancy and asked if some measures had been taken to assist teenagers during their pregnancies. The delegation responded that a protection programme Crece Contigo had been created to target vulnerable families with pregnant women and children under the age of four. The programme aimed at promoting individual skills and good parenting practices. There was an early intervention to ensure that the mother was well cared for and was not suffering from health issues such as anaemia. By 2013, Crece Contigo had assisted 8,400 people in 4,400 household and was hoping to reach 20,000 people in 2014. The Committee asked about preventive measures to pregnancy among adolescents. The delegation said that a lot of progress had been made on prevention. Since 2008, the government had incorporated compulsory sexual education at school, training of teachers on this topic, and adopting laws setting the right of access to reproductive sexual services. Adolescents' spaces had been created to provide adolescents with advices and free contraceptives. In the case in which pregnancy had already occurred, the Voluntary Interruption of Pregnancy Law enacted in 2012 gave girls the right to terminate their pregnancy. A programme was made available to provide advices and psychosocial support after the interruption of the pregnancy.

Nutrition

The Committee pointed out that nutrition and anaemia were two serious health problems in Uruguay and asked how the State party was addressing the issue. The delegation informed the Committee that the State had programmes in place regarding nutrition of children. According to surveys from 2012, anaemia had a prevalence rate of approximately 31% in the poorest quartile of the population and was one of the main nutrition related problem along with obesity. To reduce obesity, a law introducing healthy food in schools had been voted. This law also called for the non-advertisement of unhealthy food, the promotion of healthy eating habits and the monitoring of schools' dining rooms.

HIV and Syphilis

The Committee asked whether the State party had a strategy to fight HIV/AIDS and syphilis. The delegation answered that major efforts had been made in that regard. The Ministry of Public Health had released a survey on HIV/AIDS and syphilis whose results were the basis of the introduction of an impact plan. There was 96 percent health coverage for people suffering from syphilis and 87 percent coverage for people suffering from AIDS. It also added that the HIV transmission rate had gone from 5% to 1.6%.

Drug and Substance Abuse

The Committee expressed concern about the abusive use of psychotropic drugs for Attention Deficit Disorder in school settings. The delegation replied that the problem was being addressed. It stated that between 5 and 7 percent of children, according to data from 2006, suffered from Attention Deficit Disorder. Authority to prescribe was now only granted to neuropsychiatrists.

The Committee inquired about figures on drug abuse by adolescents and the measures taken to address the issue. The delegation commented that a survey on the use of drugs by children from poor areas was conducted in 2008. A National Drug Board had a mandate to shape policies and provide care for drug users.

Breastfeeding

The Committee asked for more information on the monitoring of the national code on breastfeeding and the promotion of breastfeeding. The delegation explained that while measures to encourage breastfeeding had been encouraged, the oversight of the situation had not been implemented. Human breast milk banks had been created and promoted while child friendly hospitals encouraged breastfeeding. The delegation informed the Committee that the rate of breastfeeding during the six months following birth had been increased to 75%.

The Committee commended the State party on the measures taken to promote breastfeeding but reminded them of the necessity to control the marketing of infant formula. The delegation recognised that working on the surveillance of the application of the code on the marketing of infant formula was challenging and that more monitoring efforts needed to be made.

Children with disabilities

The Committee inquired about the actions taken by the government to address the issue of disabilities. The delegation said that preventive measures had been taken to identify cases of disabilities. Medical tests were done to children under the age of four to detect any possible risk of disabilities. The delegation added that training was provided to the professionals working with children with disabilities to ensure that they were provided with the proper care services.

Education, Leisure and Cultural Activities

Education

The Committee asked the delegation to elaborate on their policies regarding early childhood education. The delegation explained that notions of quality of early childhood education were being developed. Progress had been made on training of human resources and staff working in early education. The delegation added that school had been made mandatory for the children age 4-5 years old over the past five years.

The Committee asked whether the State party had a compulsory age for school and whether any initiative was taken to reduce the dropout rate of adolescents, especially in rural areas. The delegation answered that school attendance was mandatory from the age of four years old.

Because it was a problem to keep children in school from age 12 and onwards, the New Education Act made it mandatory to be enrolled in school until the age of 18 years old. Concerning the dropout rate, the delegation said that since 2005, a programme called Community Teachers was implemented. This programme encouraged children in situation of dropping out to stay in school. Children were introduced to technical and scientific projects to keep them in school and various ways of offering support were created.

The Committee asked whether pregnant teenagers were allowed to go back to school after their pregnancy had come to term. The delegation explained that, in principle, every child had the right to education and that the same right extended to girls at the end of their pregnancy.

Children with disabilities

The Committee expressed concern about the lack of inclusiveness for children with disabilities in education. The delegation said that the issue of children with disabilities was a rather new topic. It had only been more discussed and acknowledged in the last three years. As a result, there was no national strategy to address the educational needs of children living with disabilities yet. However some initiatives existed on the local level.

Special Protection Measures

Juvenile justice

The Committee asked about the reason why the minimum age of criminal responsibility was 18 and whether any step was taken to lower it. The delegation explained this had been decided in agreement with civil society organisations. The delegation added that there had been a referendum to change the minimum age for criminal responsibility to 16 but the proposal did not receive enough support and the minimum age was kept to 18.

The Committee asked whether there was other alternative to imprisonment for children in conflict with the law. The delegation responded that legislation had been put in place to enable for measures other than imprisonment. Support was provided to adolescents and the use of community measures was any was to avoid depriving children of their liberty. The delegation added that and the System of Adolescent Criminal Liability (SIRPA) was assigned the task to assist children in conflict with the law. The government had provided SIRPA with a budget and training.

The Committee noted that there had been an increase in the number of children in detention and that a number of new crimes had been added to the criminal code. It asked what norms the national legislation in regards to the judiciary and the area of child followed. It also inquired whether judges were trained well enough to handle children matters. The delegation stated that on the judiciary and area of child rights, international standards were applied to national legislation. When arrested, children were guaranteed they would not be kept in a police station and defence was always present when they were being heard to prevent cases of police violence. Non-custodial sentences were the preferred forms of sentencing. The delegation also said that there was a specialisation on children's issues made available for judges but that it was relatively new. However, the State party needed to cooperate with the Committee in order to identify the main issues and improve the judiciary.

The Committee noted that the juvenile prison was subject to overcrowding. Approximately 496 children were detained in facilities made for approximately 300 people and asked if any measure had been taken to improve the situation. The delegation explained that there was a need to place children in detention so that they could be provided with the socioeconomic services they needed. It added that to deal with the issue of overcrowding, 800 centres were

made available for children deprived of liberty throughout the country. Some of these centres were regional so that incarcerated children could stay close to their families.

The Committee asked for more information on the procedure following the arrest of a child and whether there was a limit on the number of days a child could be kept in pre-trial detention. The delegation answered that a judge was notified within two hours, following the arrest of a child. If a judge was not available, the child was put in a transit centre and contact was made with a judge within the first twenty four hours.

The Committee asked whether programmes for social reinsertion existed. The delegation responded that there were social programmes starting from the state of sentencing. Individual plans were discussed with incarcerated children regarding their future after prison.

The Committee asked whether pregnant girls had access to house arrest. It also asked up to what age were children allowed to stay with their incarcerated mothers. The delegation explained that the law did not guarantee the possibility of house arrest for pregnant girls. Children were allowed to stay with their mothers in detention centres until the age of four.

Street Children

The Committee inquired about the social measures in place to assist street children. The delegation responded that many projects had been elaborated over the last 25 years, which resulted in a significant reduction of the number of street children, according to a survey conducted in 2012.

Child Labour

The Committee asked for more information on child labour and on the monitoring system in place. The delegation said that according to a national survey carried in 2009 with adolescents and children, 9.9% of children from age 5 to 17 living in the 7000 visited homes were working. Most of the children workers were working with their parents. To tackle the issue of child labour, a minimum age of 15 was set for employability and special protection was provided under the law for children. The delegation added that children needed work permits to be able work that could only be delivered if the work was not harmful or dangerous for them. The delegation informed that initiatives had been taken to formalise informal employment and that tool to better monitor child labour needed to be implemented.

Concluding Remarks

Ms. Sara Oviedo thanked the delegation of Uruguay for their openness. She considered the exchange very fruitful and stressed its importance for Latin American countries to foster changes in child rights. She stressed the importance of finding alternative ways to the institutionalisation of children. She called the delegation to treat children as right holders and not just subjects of the law. She concluded by calling for more monitoring and accountability in the field of child rights.

Mr. Hatem Kotrane also thanked the delegation for their openness and frankness. He commended the government of Uruguay for the efforts already made and exhorted them to implement the recommendations that would be made regarding juvenile justice and institutionalisation.

Ms. Alejandra Costa thanked the Committee for the very useful dialogue. She admitted that while efforts had been made, there was still room for improvement. She reaffirmed the commitment of Uruguay to the promotion and protection of child rights. She informed the Committee that civil society organisations and other stakeholders would be informed on the

exchange that had taken place with the Committee and that the recommendations of the Committee would be welcomed.