

STATE PARTY EXAMINATION OF URUGUAY'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
12 JANUARY – 30 JANUARY 2015

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Uruguay ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 03 July 2003. On 20 January 2015, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Uruguay.

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. Sara Oviedo and Mr. Hatem Kotrane, Country Rapporteurs for the OPSC, welcomed the delegation of Uruguay.

General Measures of Implementation

Legislation

The Committee underlined that no measures had been taken to align the Criminal Code with the provisions of the OPSC. It also pointed out that the State party had yet to integrate in its domestic law all the definitions of the offences included in the OPSC.

The Committee asked about the State party's measures to fight sex tourism in Uruguay. The delegation explained that a new Code of Criminal Procedure had been drafted to include sex tourism as a crime. The implementation of the new Code was expected for 2017 because of

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budget issues. The delegation highlighted that a decree had been issued in October 2014 to regulate articles of the law in regards to the trafficking of children and adolescents for sexual exploitation and labour. It also added that MERCOSUR standards were applied to the legislation with regards to sex tourism.

Coordination and monitoring

The Committee asked for more information on the coordination of the implementation of the OPSC. The Committee explained that the National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (CONAPESE) was the coordinating body for the implementation of the OPSC. The CONAPESE had put in place a system to register cases of sale of children. It also added that coordinated policies had been established around MERCOSUR.

Dissemination and training

The Committee asked if any branch of law enforcement had received special training to deal with child sex tourism. The delegation answered that there was no police body trained to deal with child sex tourism. However there was a body especially trained to address cases of domestic violence. The delegation added that a campaign against sex tourism had been launched in 2014, requiring people to report any case of sex tourism.

The Committee highlighted the fact that teachers needed to be trained on the safe use of the Internet. The delegation informed that measures had been taken to increase trainings on the use of Internet for professionals working with children. It also added that manuals on the safe use of the Internet had already been published for parents.

Budget

The Committee asked about the funding of campaigns for awareness-raising. The delegation replied that awareness-raising campaigns were solely funded by the Uruguayan government.

Data collection

The Committee noted that there was no data on the numbers of victims, the number of trials and the number of perpetrators prosecuted under the OPSC. The delegation acknowledged the lack of data in regards to the OPSC and added that actions would be taken to facilitate data collection.

Prevention

The Committee raised concerns about the lack of programmes to address the root causes of the sale of children, child prostitution and child pornography. The delegation explained that the lack of preventive programmes was due to the fact that the concepts of awareness and prevention were not fully understood.

Prohibition and related matters

The Committee asked if the possession of child pornography was criminalised. The delegation answered that the possession of child pornography was not criminalised. It stated that it was of concern and assured that measures would be taken to criminalise it.

With regard to the sexual and commercial exploitation of children, the Committee was concerned that the fact to give money to the guardian of a child by a person interested in that child was not considered as pimping and exhorted the State party to rethink their position on the issue.

The Committee asked if there was any surveillance system of child pornography cases in place. The delegation said that there was no structure ensuring the monitoring of cases of child pornography. However, complaints procedures for the victims existed.

Extradition

The Committee asked about extradition, and whether the principle of double criminality applied. The delegation answered that the OPSC could not be used as a basis for extradition but that bilateral agreements existed with certain countries.

Extraterritorial jurisdiction

The Committee asked if nationals of Uruguay could be prosecuted in the State party for crimes defined under the OPSC committed abroad. The delegation replied that this was not a possibility.

Protection of the rights of victims

The Committee was concerned that children victims of trafficking seemed to be considered as criminals during legal proceedings. The delegation indicated that attention was being paid so that children victims of trafficking were treated as victims and not criminals.

The Committee asked for more information on shelters for children victims of trafficking. The delegation explained that the programme Care for Victims of Sexual Exploitation had shelters for children victims of trafficking. It also added that children victims of trafficking were integrated in other programmes offered to mothers and their children victims of violence.

The Committee raised concerns about the re-victimisation of children victims of trafficking before the civil court. The delegation explained that a principle of discretion applied during hearing to ensure that victims could feel safe. It added that more efforts were made on the improvement of discrete hearing and sentencing and that more training would be given to judges and the police.

Concluding remarks

Ms. Oviedo and Mr. Kotrane, the Country Rapporteurs, thanked the delegation and indicated that the main goal of the Committee was to facilitate the implementation of the OPSC.

The delegation said that one of the first follow-up steps would be to publish the Concluding Observations following their release. It thanked the Committee members for their interesting and constructive comments.