



Economic and Social Council

Distr.: General
11 January 2011

Original: English

Committee on Economic, Social and Cultural Rights

Forty-fifth session

Summary record (partial)** of the 33rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 November 2010, at 10 a.m.

Chairperson: Mr. Marchán Romero

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Combined third and fourth periodic reports of Uruguay (continued)

* Reissued for technical reasons.

** No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.15 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Combined third and fourth periodic reports of Uruguay (continued) (E/C.12/URY/3-4; E/C.12/URY/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*

Articles 10–12 (continued)

2. **Mr. González** (Uruguay) said that his delegation would continue with its replies to a number of questions asked the previous day concerning housing, the environment and health.

3. **Mr. Miranda** (Uruguay), referring to questions regarding the ability of single adults and couples in de facto unions to adopt children, said that the law provided for both possibilities.

4. **Mr. Scagliola** (Uruguay), replying to questions about persons living on the street, said that adult homelessness was most acute in Montevideo, where an estimated 1,500 persons had no home. The network of shelters coordinated by the Ministry of Social Development cared for some 800 persons, and the assistance provided for homeless persons was being diversified. Both night shelters and day shelters had been made available, as well as transition shelters for women, whether alone or with children, who suddenly became homeless, as well as for drug addicts and persons with mental illnesses. In cooperation with the Ministry of Education and Culture, a day centre had recently been opened to provide recreational, cultural, Internet-based and educational activities. The problem of adult homelessness had peaked in 2002 and had been declining ever since.

5. In the case of children, as of October 2010, the National Institute for Children and Adolescents had part-time programmes which reached out to a total of 786 street children, with boys outnumbering girls by a ratio of roughly 2 to 1; 50 of those children, almost all of them boys, were cared for in live-in facilities. In 2007, 1,887 street children had been counted in the Montevideo metropolitan area. Since then, a range of services had been introduced in order to involve civil society in addressing the problem. For example, hotlines enabled citizens to alert the authorities to cases of children living on the streets.

6. **Mr. Roballo** (Uruguay) said that his Government had recently adopted a five-year housing plan for 2010–2014, the fifth of its kind, which incorporated contributions and inputs from stakeholders. On 15 April 2010, the Ministry of Housing, Regional Planning and the Environment had convened a high-level meeting of the National Advisory Committee on Housing, with the participation of institutional players, academics, public and private groups, representatives of cooperatives, chambers of commerce, social organizations, NGOs, trade unions, professional associations, local and regional government representatives, technical experts and representatives of State bodies. The purpose of the meeting was to work on the five main strategic objectives of the plan, namely, to elaborate and implement actions and programmes designed to reverse social segregation and territorial fragmentation; to bring the housing supply into line with the real needs of the population by rehabilitating existing housing and undertaking new construction; to obtain and administer public funding earmarked for national housing projects and to cooperate with the private sector to that end; to develop management mechanisms within State bodies in order to devise national, regional and local housing

policies; and to coordinate State actions with the private sector and social organizations active in the area. Four committees focusing on social inclusion, supply and demand, funding and rental policies had been set up to implement those objectives. Efforts were directed at radically reducing poverty, improving housing conditions, in particular for persons on the margins of society, and ensuring the sustainability of the solutions adopted.

7. Uruguay's public housing policy provided for the construction of 4,200 housing units for the relocation of persons in flooded or polluted areas, and 20,300 existing public and private housing units in urban and peri-urban areas were to be upgraded. There was a plan to build 3,200 housing units as part of urban development projects aimed at encouraging planned urban growth and to provide 5,800 rental units. In addition, 6,400 new housing units were to be built as part of a project to promote a sustainable rural environment, and the private sector was to help to fund another 6,200 public housing units. The overall target was to create 147,000 public housing units, for which US\$ 930 million had been budgeted. That allocation compared favourably with the US\$ 550 million earmarked for the previous plan and testified to the priority which the Government attached to housing.

8. **Mr. Miranda** (Uruguay), in response to a question that had been asked the day before about the objectives of the law on regional development and the criteria used for deciding which lands would be excluded from the urbanization process, said that Regional Planning Act No. 18.308 and the national housing policy were aimed at achieving sustainable and environmentally sound development by regulating the regional planning process and establishing the instruments needed to do so. The ultimate goal was to improve the quality of life of the population, promote social inclusion and make the most of the country's natural and cultural resources in a democratic and environmentally sustainable way. The law was designed to promote the involvement of stakeholders and citizens in drawing up, implementing, assessing and reviewing regional planning instruments.

9. Lands were excluded from the urban development process on the basis of political decisions taken by the authorities in consultation with the members of the public. Typical examples were lands intended for inclusion in the national system of protected natural areas or of great natural beauty and those containing valuable water resources. Areas which, if developed, could entail major risks for the population and land which was particularly suited for rural activities were also excluded. The law in question was relatively recent and its implementation was a gradual process, but it would lead to profound change and required the broadest possible involvement of the population in the decision-making process. His delegation could not provide further information on the extent to which the regional planning policy had been implemented because the process was still under way.

10. **Ms. Dupuy** (Uruguay) said that the Government was committed to environmental protection and sustainable development. Article 47 of the Constitution, which established the need for environmental protection and its regulation, had been strengthened through an amendment introduced by plebiscite in 2004. Access to water and sanitation were treated as fundamental human rights, and the State was responsible for providing those services. Private concessions were no longer permitted, and improvements had been seen in terms of both cost to consumers and quality of service. Legislation had been adapted to take account of that provision.

11. Article 47 of the Constitution was implemented, inter alia, by the 2000 General Environmental Protection Act, which also covered environmental education and NGO participation in environmental matters. Act No. 18.610 of October 2009 established the National Council for Water, Environmental and Land Resources, on which the Government, consumers and civil society were equally represented. The Council analysed and planned national policy in those areas. Regional water councils dealt with the integrated management of water resources, many of which crossed international borders,

necessitating cooperation with neighbouring countries. The need for participation by consumers and civil society in land, environmental and water resource management was well recognized. Priority was given to domestic consumption uses, while industrial, agricultural or energy uses of water would have to be prioritized at the regional or local level.

12. Under national legislation adopted in 1994 and most recently amended in 2005, building or other works permit applications were examined carefully, and full environmental impact studies were required for those deemed likely to have significant effects. If the impact study revealed that to be the case, public consultations and hearings were required before the project could be approved. Additional environmental authorization was required for the operational phase of a project, and authorization for large projects had to be renewed every three years. The law on public access to information provided further guarantees.

13. Uruguay had ratified all international environmental instruments except the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, which it had signed but not yet ratified and which was under consideration by the parliament. As a country with a substantial agricultural and livestock sector, Uruguay gave particular consideration to instruments that could affect the use of science and technology in those areas. A moratorium on the use of genetically modified plant organisms had been lifted in 2008, and the corresponding legislation established the procedures for risk assessment and authorization, which included public consultation and the consideration of the impact on the environment, biodiversity, and human, animal and plant health. Inter-institutional bodies, civil society and the scientific community were involved in the process of authorizing new organisms and their uses.

14. Uruguay played a full and committed role in international environmental matters, and was currently chairing negotiations on the development of an international instrument on mercury. As the first country in which climate change pilot projects were conducted by the Intergovernmental Panel on Climate Change, it had become aware at an early stage of the possible effects of climate change on coastal areas, in particular, where most of the population was concentrated, and had resolved to take both mitigation and adaptation measures. It continued to promote forestation and renewable energy sources, and it generated no net greenhouse gas emissions. With a view to increasing energy efficiency further, consideration was being given to using agricultural methane as a biofuel. A national system and plan on responding to climate change had been put in place.

15. **Mr. Scagliola** (Uruguay) drew attention to the country's system of protected areas, which, together with land planning and environmental impact legislation, constituted its approach to balancing economic development, social equity and environmental protection. He said that the relevant legislation dated from 2008, when Uruguay had been the only country in Latin America to have no specially protected areas. The 17 created since then would soon increase to 21, covering around 300,000 hectares in total. A medium-term plan had been adopted to manage the protected areas, and a national parks service had been created. In collaboration with the Global Environment Fund and the United Nations Development Programme, a US\$ 2.5 million project had begun to strengthen the process.

16. The creation of specially protected areas was a central element in the preservation of the country's rich biodiversity and involved public consultation and participation throughout. A permanent monitoring committee was established for each protected area. Since the system had been developed so recently, further improvements would surely be called for. He added that planning legislation required not only individual environmental impact studies for proposed projects, but also strategic environmental impact studies that took account of all activities in a particular area.

17. Turning to the issue of health, he said that the health system had been reformed to reduce the differences between public and private care and ensure that people could access health services regardless of their economic situation. The three-tier health system, comprising private, mutual and public coverage, had previously been totally fragmented, and the public sector had been seriously underfunded. Quality of care had often been directly proportional to economic means. The aim was to work towards a single, universal system, while focusing on improving care, management and funding.

18. So far, steps had been taken to promote primary health care, establish cross-cutting programmes in a range of areas, centralize policy while decentralizing care, set annual targets to be met by all three sectors and, on that basis, to award or withhold funding. Private health care had previously received three times as much investment per patient as public health care, but in the last two years the gap had almost been eliminated. Funding came from worker and employer contributions, and the system operated on the principle that everyone should contribute according to their means and receive according to their needs.

19. A number of successes had already been achieved. Universal coverage had been achieved, and patients now had greater freedom to choose their health-care provider in either the public or the private sector. Through the new national health fund, children under 18 and certain low-income groups, such as pensioners, could have the additional cost of private treatment paid by the State, thereby easing the financial burden and increasing their choice of and access to health care. Free treatment had been introduced for groups such as diabetics, pregnant women, patients with high blood pressure and the elderly, and preventive checks, such as mammograms and cervical smear tests, were also provided free of charge. Along with free health care for infants, such measures had helped to improve maternal and child health.

20. The various reforms introduced to date had helped to reduce poverty and inequality, with the greatest effects being felt among the lowest-income groups. It was hoped that, by increasing investment in the public sector, the same quality of care could be achieved across the board. The national health fund would be extended to cover other groups, starting with the spouses of persons employed in the formal sector and the elderly, particularly in view of the country's ageing population. Strengthening mental and rural health care were also priority areas. The Government would continue to work to ensure that the entire population enjoyed the right to health on an equitable basis, in consultation with the public and health workers.

21. **Mr. Miranda** (Uruguay), in response to earlier questions on reproductive health, said that condoms and other contraceptives were accessible to the entire population. The Government had a policy for the promotion of safe sex in order to prevent the spread of sexually transmitted infections. Regarding the concerns expressed about abortions, he said that while abortion was criminalized and carried a penalty of deprivation of liberty for both the woman concerned and the person who had performed the abortion, a number of mitigating circumstances were provided for, and, consequently, in practice abortions were not subject to criminal sanctions. Those circumstances included pregnancies that had occurred as a result of rape, those that put the mother's health at risk and pregnancies occurring at a time when the expectant mother was in an unstable economic situation. With the exception of serious health complications, those mitigating circumstances could be invoked only if the abortion had been performed by a physician within the first three months of pregnancy. The decriminalization of abortion was under consideration by the legislature. Regarding mental health, he said that, although efforts were being made to reduce institutionalization, the situation of mental health patients was alarming. The State recognized that improvements must be made and would welcome recommendations from the Committee and guidance from international experts in that regard.

22. **Mr. Scagliola** (Uruguay) said that legislation for the comprehensive protection of persons with disabilities had been approved in February 2010. The new law contained an extensive range of provisions on employment, health care, social integration, transport and other rights. It had been adopted with a view to bringing domestic law into line with the International Convention on the Rights of Persons with Disabilities.

23. **Mr. Miranda** (Uruguay) said that drug trafficking and production were offences under the Criminal Code. Efforts were being made to put a stop to drug abuse through preventive measures and awareness-raising, particularly among certain sectors of society. Drug abuse spanned a range of social classes and was particularly prevalent among young people. The National Drug Board worked to combat drug production, trafficking and related crimes, such as money laundering. Measures were being taken to monitor organized crime more closely and, in particular, to counter money-laundering through the banking system by requiring information on the origin of funds when sums of more than US\$ 10,000 were involved.

24. As part of the health-sector reform, a list of the pharmaceuticals to be provided by public and private health facilities had been established. It included medicines financed directly by the comprehensive health-care system, high-cost medicines that were financed through a special resource fund, and bioequivalent medicines, which were produced locally in two laboratories, one connected to the State University and the other to the military hospital. Methylphenidate, better known as Ritalin, could be prescribed only by a psychiatrist and was used to treat attention deficit hyperactivity disorder, depression and chronic fatigue syndrome. There had been an increase in demand for Ritalin, and its supply chain was being monitored.

25. **Ms. Dupuy** (Uruguay), turning to the question of access to antiretroviral drugs, said that Uruguay was ensuring universal access to antiretroviral (ARV) drugs for persons living with HIV/AIDS, though that was achieved, as it was a developing country, not through original medicines but by means of less expensive bioequivalent drugs that were equally efficient. She referred to the issue of ensuring public health objectives with few resources vis-à-vis intellectual property considerations in the case of developing countries. Since the Global Fund to Fight AIDS, Tuberculosis and Malaria financed original ARV drugs in beneficiaries' countries, doing so could be a challenge after the financing ended in those countries. Uruguay had appealed to the Global Fund but had not yet received financing; not for drugs, but for HIV/AIDS prevention among vulnerable groups, such as prisoners, homosexuals or drug users. Even though the scope of the epidemic in Uruguay was concentrated, high levels were found among certain groups, such as trans sex workers, who were not covered by the health-care system. Efforts were also being made to overcome sexual violence in prisons in order to curb the spread of sexually transmitted infections, as well as to avoid congenital syphilis.

26. **Mr. Sadi** asked what progress had been made in the implementation of the country's housing policy. While he welcomed the reference to sanitation in the Constitution, he would like to know what practical measures were being taken to ensure that housing units in rural areas were equipped with toilets.

27. **Mr. Kerdoun** asked whether legislation on land management and sustainable development was incentive-based or imperative planning.

28. **Mr. Miranda** (Uruguay) said that the law promoted planning rather than being based on it. The Constitution stipulated that local governments were responsible for regional planning. The new legislation aimed to ensure coordination between all actors, from all levels of government, in decisions regarding the siting of industries and the monitoring of their development. Land management plans were imperative, since they were

obligatory legal standards. An industry could not simply be developed anywhere without authorization.

29. **Mr. Scagliola** (Uruguay), responding to questions on sanitation, said that the general sewerage network reached only 50 per cent of the population in the hinterland. Septic tank coverage in remote areas and small villages with fewer than 5,000 inhabitants should be increased. The general sewerage network should be expanded to reach more rural and remote communities with over 5,000 inhabitants.

30. **Mr. Roballo** (Uruguay) said that the Irregular Settlements Integration Programme had received two loans from the Inter-American Development Bank. The second loan had been granted in 2008 and would be invested over a period of 15 years. From 2005 to 2009, the initiative had benefited nearly 7,000 households in 39 settlements. Some 800 households had been relocated and around 900 houses had been equipped with bathrooms and toilets. In all, over 32,600 persons had been direct beneficiaries of the programme during that period.

Articles 13 to 15

31. **Mr. Dasgupta** said that he wished to know what progress had been made towards meeting the State party's declared goal of eradicating illiteracy, which was estimated at 7.7 per cent among the rural population, by 2009. What was being done to reduce the high secondary school drop-out rate among people of African descent?

32. **Mr. Tirado Mejía** also asked what was being done to deal with the drop-out rate. He noted that fewer boys than girls and that only one in every three pupils completed their secondary education.

33. **Mr. Shrijver** said that he would like to know what the root causes of the drop-out rate were and what structural problems lay behind it. Aside from apparent shortcomings in public transportation to schools, child labour could also be one of the causes. Although fewer students dropped out of university, the number of students entering tertiary education reflected the poor state of secondary schooling.

34. **Mr. Sadi** said that he would like to know to what extent the Committee's general comments Nos. 11 and 13 had been taken into account in the formulation of education policy and legislation. He asked whether the secondary school drop-out rate among girls could be attributed in part to a lack of sanitary facilities in some schools, especially in rural areas.

35. **Mr. Miranda** (Uruguay) agreed that the biggest problem in education was the drop-out rate. In many cases, he said, the education system itself was to blame rather than the pupils who dropped out. Any deficiencies in public transport, which was free of charge, had only a minor impact, however. Economic development had created jobs but, in so doing, had had the perverse effect of luring many young people away from school to go to work. It was also true that more boys dropped out of school than girls. The State party did not want its young people to work while remaining uneducated. Outmoded curricula were another problem that the Government planned to address.

36. **Mr. Scagliola** (Uruguay) said that the drop-out issue was linked to poverty. The pupils who dropped out of school the earliest belonged to the poorest sector of society. Education was fundamental in combating poverty and inequality, and the lack of equality in terms of income was also linked to workers' lack of skills. One of the Government's priorities for the next five years as it worked to fulfil the Millennium Development Goals was therefore to provide education for all. The failure to invest in education in the past had left schools still working with blackboards and chalk in the technological age. Since 2005, however, investment and secondary school teachers' salaries had risen. Another problem

was that many teachers had to work in several schools. Under an agreement reached by the four political parties represented in parliament, teachers would eventually work in only one establishment, technology would be introduced into secondary schools and subsidies would be paid to families with children in secondary school. A community teaching plan under which teachers worked in schools and with underprivileged families was designed to help to ensure that primary school pupils did not need to repeat a year. A literacy programme was in place for adults who had attended primary school but had subsequently become functionally illiterate.

37. **The Chairperson** thanked the delegation of Uruguay for its responses to the Committee's questions and urged the State party to continue its efforts to implement the Committee's recommendations.

38. **Mr. González** (Uruguay) said that, in 2011, his Government would implement a system of indicators to measure progress in the application of economic, social and cultural rights.

39. *The delegation of Uruguay withdrew.*

The discussion covered in the summary record ended at 12.45 p.m.