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Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fifth periodic reports of States parties due in 2015

Uruguay*

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** The annexes to this report may be consulted in the files of the Secretariat. They are also viewable on the web page of the Committee on Economic, Social and Cultural Rights.

Introduction

1. In the framework of international commitments vis-à-vis the Committee on Economic, Social and Cultural Rights, the preparation of this report was coordinated by the Directorate for Human Rights and Humanitarian Law of the Ministry of Foreign Relations, working together with the Human Rights Secretariat of the Presidency of the Republic, as well as the Ministry of Labour and Social Security, the Ministry of Social Development, the Ministry of Public Health, the Ministry of Housing, Land Management and the Environment, the Ministry of Education and Culture, the Ministry of Industry, Energy and Mining, the Ministry of the Interior, the National Human Rights Institution and Ombudsman's Office, the Uruguayan Institute for Children and Adolescents, the National Institute for Women, the National Statistics Institute, the National Public Education Administration, the Social Insurance Bank, the Administration of State Sanitation Works and the office of the Montevideo Neighbours Ombudsman.

2. Meetings were held starting March 2015, and an easy and productive dialogue took place with a view to gathering all relevant information, identifying progress made by Uruguay and responding to the recommendations and observations that arose from its most recent report to the Committee, which were transmitted to the Government of Uruguay in 2010.

3. The report is structured to reflect progress made in fulfilling the rights enshrined in the Covenant, and in response to recommendations¹ presented in document E/C.12/URY/CO/3-4; a set of annexes is attached, containing statistical data and other relevant information on programmes, projects and activities in the various areas of interest.

4. See annex I. Abbreviations.

I. Information on general provisions of the Covenant

Article 1

Right to self-determination

5. Uruguay recognizes that the right to self-determination is a fundamental, substantial and universal principal whose purpose is to ensure that all peoples may determine their own destiny without interference of any kind.

6. This recognition is enshrined and substantiated in the opening articles of the National Constitution, which provide that the Republic "is and will always be free and independent of any foreign power" and that "sovereignty to its full extent resides fundamentally in the nation, which has the exclusive authority to enact its laws."

Recognition of the rights of indigenous peoples and consultation with those peoples

7. Since the submission of the previous periodic report to the Committee, progress has been made on this topic. Act No. 18859 of 18 September 2009 recognized indigenous identity, designated April 11 as the Day of the Charrúa Nation and Indigenous Identity, and provided that the executive power and the National Public Education Administration would arrange for the holding of public activities on that date to promote citizen awareness and to disseminate information on the indigenous contribution to the national identity — in

¹ Specific and general.

particular the history of the Charrúa Nation and the acts carried out in the Salsipuedes district in 1831.

8. Another important step forward was the integration of an ethnic and racial component into the 2011 national population census, as well into other forms of data collection — an action that responds to the international commitments of Uruguay. A component allowing for self-identification of ethnic and racial descent was included in the census for the first time in 2011; it was also permanently incorporated into the Continuous Household Survey and reflected in university polls, facilitating the design of public policies and proactive programmes for a more just and inclusive society (statistical annex, table 1).

9. When self-identification was introduced as a criterion, altering the way that descent is measured, the number of persons of indigenous descent rose from 0.4 per cent in the Expanded National Household Survey of 1996 to 5 per cent in the census of 2011, amounting to 159,319 persons. Similarly, 2.4 per cent of the population, or 76,472 persons, consider themselves to be of primarily indigenous descent (statistical annex, table 2).

10. This increase in the indigenous population is the result of a process of change in the perception of collective identity. A reappraisal of indigenous roots, encouraged by organizations working to raise awareness about identity, have led many more people to claim indigenous descent.

11. The participation by representatives of Uruguayan indigenous communities in the public sector, on behalf of both Government and civil society, is also worthy of note. In 2014, the Ethnicity and Race Unit of the Ministry of Foreign Affairs appointed a member of the National Charrúa Council as honorary councillor for indigenous matters and also invited her to participate in the Honorary Commission against Racism, Xenophobia and All other Forms of Discrimination - a forum that brings together members of Government and civil society on an equal basis. This attests to the firm will of the Uruguayan Government to recognize indigenous identity and the contributions it has to offer.

12. Since 2014, the Ministry of Housing, Land Management and the Environment has held a series of consultations with indigenous organizations concerning their participation in updating and implementing the national biodiversity strategy, and the Faculty of Education, Humanities and Sciences is working with the National Charrúa Council to draft a protocol for recovering human remains of archaeological and bioanthropological interest.

Article 2

International cooperation and assistance

13. Uruguay views international cooperation as both a foreign policy tool and an instrument for development, and therefore strives to implement it in a coherent, cross-cutting manner, both within its institutional structure and in relation to other countries of the world.

14. In July 2013, the World Bank designated Uruguay as a “high-income economy,” a decision that had a number of consequences. In the view of the agencies and institutions dispensing international cooperation, Uruguay had “graduated” — and should no longer benefit from this type of support.

15. With help from the Office of the United Nations Resident Coordinator in Uruguay, cooperation was nevertheless received from a number of funds, offices and programmes of the United Nations and its specialized agencies, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Office on Drugs and Crime (UNODC), UN Women, the Joint United

Nations Programme on HIV/AIDS (UNAIDS), the Pan American Health Organization/ World Health Organization (PAHO/WHO), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the International Organization for Migration (IOM). International cooperation has also been received from the World Bank, the Inter-American Development Bank (IDB), the Latin American Development Bank (CAF), the Ibero-American General Secretariat (SEGIB) and the European Union.

16. Among the projected direct results are progress in the design and implementation of policies and tools for the promotion and protection of human rights, with emphasis on the most vulnerable groups; progress in the design and implementation of policies and mechanisms for preventing, detecting and responding to intrafamily violence, with emphasis on women, adolescents, and children; and progress in the design and implementation of policies for shared well-being and citizen safety.

17. With regard to the recommendation that a comprehensive anti-discrimination law should be adopted, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, and giving priority to the effective implementation of existing programmes to eliminate all forms of discrimination in law and in practice, it should be noted that since its creation, the Ministry of Social Development has been developing policies, projects and programmes aimed at promoting and restoring the rights of particularly vulnerable populations.

1. Population of African descent

18. In addition to allocating State budgetary funds for the population of African descent, officials from the Ministry of Social Development have asked a number of international cooperation agencies and funds to support policies targeting that population. Most cooperation projects designed to promote and restore the rights of this vulnerable group have been carried out by the National Institute for Women, which began working on the intersectionality of gender with race and ethnicity after it was transferred into the Ministry of Social Development in 2015.

19. Annex II lists related programmes and projects.

2. LGBTI population

20. Substantive strides have been made in domestic law related to sexual diversity over the past five years. Policies have been launched promoting rights and opportunities for transgender persons, a particularly vulnerable group. Such persons are now eligible for the Uruguay Social Card Programme, and quotas have been set and training programmes established with a view to integrating them into the labour force.

21. Progress has also been made in enhancing diversity in the area of health and tourism: a health centre free of homophobia, transphobia and lesbophobia was set up and LGBTI tourism has been promoted. Sexual diversity training and research programmes have also been developed to instil greater awareness and understanding.

22. Annex III gives more information on related progress made in legislation and programming.

Results

23. In the past five years, Uruguay has launched a successful, groundbreaking public policy on sexual diversity, which has been hailed by such international organizations as the

United Nations, as well as by the civil society organizations that have witnessed the impact of such initiatives.

24. During this same period, more than 300 requests for name and sex changes were registered. The Uruguay Social Card has been issued to over 1,088 persons, thus generating the largest database in the country on the transgender population. Over 1,200 government workers have been trained in the topic.

25. In addition, as the result of a specific call for transgender applicants, there are now several working in administrative and service capacities within the Ministry of Social Development.

3. Persons with disabilities

26. Since the submission of the previous report, policies and programmes have been launched for persons with disabilities. The initiatives listed in Annex IV are of particular interest.

27. As for the recommendation that Uruguay should take additional measures to promote equality of access to employment for persons with disabilities and pay particular attention to their access to private sector employment, it should be noted that the State has been working for the past several years on implementing strategies designed to attain the 4 per cent envisaged under Act No. 18651 on Comprehensive Protection for Persons with Disabilities. Moreover, important strides have been made, as shown in the most recent report of the National Civil Service Office, which states that 75 persons with disabilities were hired in the public sector in 2014, or 3 more than in 2013, in which there 72 were hired.

28. That report also reveals that awareness and training activities carried out by the National Disability Programme had results beyond the 4 per cent established by law: legislative branch, 14.29 per cent (4 persons); Ministry of Livestock, Agriculture and Fisheries, 13.33 per cent (2 persons); Ministry of Tourism, 15.38 per cent (2 persons); Ministry of Public Health, 4.35 per cent (2 persons); Ministry of Social Development, 14.29 per cent (1 person); Bank of the Eastern Republic of Uruguay, 9.26 per cent (10 persons); State Insurance Bank, 22.97 per cent (17 persons); and the departmental governments of Cerro Largo, 6.25 per cent (1 person), Maldonado, 10.34 per cent (3 persons), and Rivera, 4.35 per cent (1 person).

29. Another government initiative, Decree No. 79 (2014), establishes rules by which persons with disabilities may enter into the public service. Rule No. IV provides for positive discrimination: the National Civil Service Office may, in cases where State agencies do not comply with the 4 per cent rule, refuse to permit them to post job openings.

30. Another programme worth noting is the enactment, in 2013, of Act No. 191333 on Youth Employment, article 23 of which sets forth positive discrimination measures: 50 per cent of all scholarship students and degree students hired each year by State bodies and non-governmental public entities must be youth taking their first job, and of these, 50 per cent must be women, 8 per cent persons of African descent, 4 per cent persons with disabilities, and 2 per cent transsexuals. The minimum percentages will not be obligatory if an insufficient number of appropriate applicants come forward. The executive branch will set out rules for the establishment of monitoring mechanisms to ensure compliance with the obligations laid down in this provision. For employment in the private sector, the Government is working with the Ministry of Labour and Social Security to draft a set of rules granting benefits to private companies that hire persons with disabilities.

31. Under the various “work areas” of the National Disability Programme, the Government conducts awareness and training programmes to private companies that so

request, drafting curricula vitae for persons with disabilities. It also administers the Assisted Employment Programme, in which a technical assistant accompanies a person with disabilities for a period of time at the start of a job.

Equal treatment for non-nationals

32. Equal treatment for non-nationals is enshrined in the Constitution, as well as in other legal provisions at other levels. This framework guarantees that nationality will not affect access to the enjoyment of economic, social and cultural rights in Uruguay.

33. Article 7 of the Constitution establishes that the inhabitants of the Republic have the right to protection in the enjoyment of life, honour, liberty, security, labour and property and that “no one may be deprived of such rights except in conformity with laws which may be enacted for reasons of general interest.” Articles 73 and 75 establish the rights of natural and legal citizens.

34. The Civil Code declares, in articles 3 and 22, that “the laws are binding, without distinction, on all those residing in the territory of the Republic”, and that “Uruguayan law does not recognize any difference between Uruguayans and foreigners with respect to the acquisition and enjoyment of civil rights regulated by this Code.”

35. The principle of equal rights for nationals and foreigners is also upheld in Act No. 18076 on the Right to Refuge and on Refugees, and Act No. 18250 on Migration.

Article 3 Measures against discrimination

36. Article 8 of the Uruguayan Constitution provides that “all persons are equal before the law, and no distinction other than that of talent or virtue shall be recognized among them.” The concept of equality must be interpreted in light of articles 72 and 332 of the Constitution.

37. Public policies designed and implemented by the Government are in harmony with the constitutional principles of equality and non-discrimination, the information given above constituting an example thereof.

38. During its consideration of the third and fourth periodic reports of Uruguay (E/C.12/URY/CO/3-4), the Committee recommended that the State should strengthen the implementation of measures to combat discrimination against women, including Act No. 18104 (2007) on Equal Rights and Opportunities for Men and Women and the National Plan for Equal Opportunities and Rights (2007 to 2011).

39. An evaluation of the National Plan for Equal Opportunities and Rights, the first comprehensive instrument addressing inequality and discrimination against women in Uruguay, reveals that the ensemble of Government gender-equality programmes have focused on combating violence against women and the right to bodily integrity; on improving the recognition of the rights of women workers and redistributing resources with a view to ensuring their economic and social rights; and on guaranteeing the sexual and reproductive rights of women while protecting their privacy.

40. In 2015, the current year and the start of a new cycle of governance, the mandate and tasks of the National Institute for Women been strengthened, in particular its role in guiding gender equality policy. The National Gender Council² was designated as the entity that will define the strategic thrusts of public gender policy to be carried out jointly by the

² Established under Act No. 18104.

ministries and other institutions; it will also monitor and evaluate that policy. Programme areas have been prioritized as follows: gender-based violence; education and culture; health (sexual and reproductive health and mental health); labour, employment and other productive pursuits; housing; social welfare; and planning and budget with a gender focus.

41. The strategy for the development of a gender-focused budget calls for close coordination between the National Institute for Women and the Office for Planning and Budget. Within that framework, it was agreed that all national budgetary entities would be requested and urged to define, in the development phase of their five-year budgets, “budgetary projects”³ for operations and investments that will clearly show which resources are earmarked for gender equality.

42. This approach has enabled 10 budget sections to launch gender-equality projects in the current year, and 7 more have made progress in defining gender goals and incorporating these goals into budget planning, with the explicit understanding that more budget projects will be introduced in the next reporting cycle.

43. When the National Institute for Women was founded in 2005, funds from international cooperation represented about 50 per cent of total funds allocated in the first three years, and, gradually, over the next several years, the Ministry for Social Development began to take over the provision of budgetary funds for its programmes. In recent years, a high level of operational capability has been achieved, and the upward trend is related to total funds provided by the Ministry (statistical annex, tables 3 and 4).

44. It is worth noting that there are more and more staff members in the departmental field offices to carry out the work of the Institute; in 2015, only 2 of the country’s 19 departments had no offices.

45. Annex V gives information on participation by women in the public sector, including in the legislative, judicial and executive branches.

46. The Committee also recommended ensuring that measures to combat discrimination against women should receive sufficient budgetary support and should fully address the particular vulnerability of women of African descent, disparities in access to and conditions of employment, and participation in public life.

47. The national population census (2011) achieved a milestone in the recognition and characterization of the population of African descent. Afro-Uruguayans represent 8.1 per cent of the population, while women represent 50.9 per cent of the population of African descent. However, their distribution throughout the territory varies between 3 and 17 per cent, from department to department.

48. The percentage of persons who attend school or university varies according to age and ethnic or racial origin. Young persons of African descent show lower attendance rates than non-African. Although women — both of African and non-African origin — show higher attendance rates than males of African descent, the difference between women in relation to ethnic or racial origin is higher in the 16 to 18 age group (statistical annex, table 12). Another census indicator shows the percentage of adolescent women (age 15 to 19) who are mothers: in 2011 that was 9 per cent for women not of African descent and 14.6 for women of African descent.

49. The educational level attained by persons of African descent over the age of 24 is lower than that of non-African persons. Some 45 per cent of male and 42 per cent of female

³ The Uruguayan national budget is divided into programme areas (1) and budget areas (2) that cross-cut all sections, and budget projects (3) linked with programmes and programme areas defined at the executing agency level. Each of these three tiers requires the identification of goals, indicators, and the corresponding allocation of resources.

Uruguayans of African descent only finish primary school, while that number is 34 per cent in the non-African population of both sexes. It should be pointed out, however, that women of African descent attain higher educational levels than men of African descent.

50. The National Institute for Women compiled a database for the self-registration of professionals and technicians of African descent living in Uruguay, with a view to generating a territorial baseline to enable the design of public policies and special measures for that sector and for the Afro-Uruguayan population as a whole. According to data collected in the census, 9.7 per cent of the Afro-Uruguayan population are professionals (around 25,000 persons); of those, 66 per cent are women and 34 per cent men.

51. Women of African descent have an employment rate higher than that of non-African women (59.2 and 55.6 per cent), although lower than that of non-African men in 2014. Although the employment rate of women of African descent is higher than that of women of non-African descent, they had a 14 per cent unemployment rate in 2014 (as compared to 18 per cent in 2007), which is higher than that of women of non-African descent and of men as a group (statistical annex, table 13).

52. As for work categories,⁴ the Afro-Uruguayan population has a stronger presence as wage earners in the private sector (59.6 per cent in 2007 and increasing to 60.6 per cent in 2014); comparing Afro-Uruguayan men and women, women have the advantage (4.2 per cent in 2007 and 1.5 per cent in 2014), while among Uruguayans who are not of African descent that difference is much slighter. Note the category of “own-account worker without premises”, which tends to show greater job insecurity, and in which there are twice as many Afro-Uruguayans (8.8 male and 9.4 female in 2007) as Uruguayans not of African descent in both periods, (4.2 per cent male and 4.8 per cent female in 2007 and 2.9 per cent Afro-Uruguayan male and 5.8 per cent Afro-Uruguayan female in 2014.) Looking at the “owner” category shows the opposite scenario: the population of non-African descent triples that of African descent, as much for men as for women on both registers (statistical annex, table 14).

53. In relation to type of work, there is a significant difference in the categories “business executives” and “professionals and experts”, where non-African women and men are overrepresented as compared to those of African descent. Conversely, in 2007 Afro-Uruguayans were overrepresented among “unskilled workers” (37.2 per cent men and 43.9 per cent women), while “workers providing services” were mostly women (24.7 per cent), and men took second place as office workers, skilled workers, and craftsmen (24 per cent). In 2014, the same ratio between Afro-Uruguayan and non-Afro-Uruguayan held (statistical annex, charts 15 and 16). It should be noted that one in five women of African descent working for pay are employed in domestic work (23.4 per cent).

54. With regard to the recommendation that the Government should conduct public awareness-raising campaigns, in collaboration with civil society organizations and the media, with a view to combating traditional stereotypes regarding the status of women and men in the public and private spheres, Act No. 18620 on Gender Identity and on Changing Name or Sex on Identity Documents (mentioned in information provided elsewhere), and Act No. 19075 (2013) on Equal Marriage, establishing that no distinction should be made on the basis of a person’s sex and allowing for marriage between persons of the same sex, are of particular interest.

⁴ The work categories are: wage-earner in the private sector, wage-earner in the public sector, member of a cooperative, owner, self-employed without an office or shop, self-employed with an office or shop, unremunerated homemaker, public employment programme.

55. The Permanent Consultative Council on Sexual Diversity, set up in 2013, is a collegial body that debates, analyses and proposes public policy aimed at rooting out discrimination on the basis of sexual orientation or gender identity.

56. The judiciary has given force to Act No. 18620 by establishing a judicial procedure that empowers persons to exercise the right to modify their gender identification in identity documents before the Family Courts.⁵

57. The Round Table for Imprisoned Women was set up in 2006 to improve conditions of detention for women prisoners, and to formulate proposals aimed at broadening opportunities for social inclusion after a conditional or definitive release.

58. In coordination with the territorial offices of the Ministry for Social Development, the Ministry of the Interior and the National Rehabilitation Institute, a number of texts were published for imprisoned women in 2014, among others “The Social Resources Handbook”, copies of which were distributed to all women prisoners.

II. Information on specific rights

Article 6

Employment

59. The Ministry of Labour and Social Security has adopted a set of institutional guiding principles for the National Employment Promotion Strategy, to steer the design and implementation of policy: work as a right, the person as the holder of rights, participation, and quality of work. This strategy, which incorporates the ILO concept of decent work, is seen as arising from a national commitment. The participation of donors is essential for meeting the goal of building a society that explicitly aspires to the inclusion and well-being of persons.

60. These guiding principles have led to an institutional redesign, which reserves for the centralized national level the task of formulating policies, programmes and services related to employment guidance and placement services, assistance to small and medium-sized productive enterprises and job training. In the territories, these programmes and services are provided in public employment centres, which are special offices set up on the basis of agreements with departmental councils.

61. The National Employment Directorate of the Ministry of Labour and Social Security has developed two strategic objectives to combat unemployment and informal work. These are effective management of the public employment services network via the public employment centres, and a stronger mandate for the Ministry in the realm of employment policy. One of the proposals for meeting these goals was the introduction of a cross-cutting gender perspective and the promotion of nationwide and territory-wide dialogue about employment and job training. The work was shared out among the directorates of the Ministry of Labour and Social Security, with a view to optimizing for best results. The Youth Employment Unit (2010) and the Rural Employment Unit (2012) were set up within the National Employment Directorate, with representation in the other directorates as well.

62. The National Employment Dialogue was launched in 2011, and territory-level dialogues were also held: a departmental dialogue in Maldonado, and a municipal dialogue in Las Piedras (department of Canelones).

⁵ Article 406.2 of the General Procedural Code provides that this procedure shall be voluntary.

63. Agreements that were proposed or finalized during these consultations addressed, inter alia, promoting the preparation of legislation favouring decent work for young people; designing the National Job Training System, promoting occupational certification for workers; improving coordination of rural work policies and raising awareness about the rights of rural workers; and encouraging responsibility sharing at home and at work. At the local level, the first worker certifications were processed; initiatives were mounted to formalize youth employment; and programmes were held to raise awareness about responsibility sharing; interinstitutional agreements were also concluded on implementing programmes for enhancing the quality of work.

64. With regard to the commitment to design the National Job Training System, the current five-year cycle has culminated in a bill drafted by several institutions — part of an ensemble of bills that the new Government will submit to Parliament in coming months. Progress in this domain will help the country improve the quality of its workforce, promote social, productive, inclusive, integrated, integrative, innovative and sustainable development; and harmonize the roles of institutions, in a systematic and complementary way, while relying on the active participation of donors in the area of labour.

65. Since 2005, Uruguay has been carrying out a labour reform under the rubric of protection. The Ministry of Labour and Social Security and its directorates — the National Labour Directorate in particular — have become the protectors of the standards and guarantees of that mission.

66. The National Labour Directorate provides three services directly related to assisting workers in resolving individual and collective conflicts: 1) individual negotiation; 2) consultation; and 3) collective bargaining.

1. Individual negotiation and consultation

67. Complaints from workers are considered on an individual basis, to determine which rights they may invoke. These services are a direct application of the new labour standards.

68. It is also worth noting that labour rights have been bolstered by the adoption of protective legislation.

69. Acts Nos. 18065 (2006), 18099 (2007), 18251 (2008), 18441 (2009) and 19313 (2015) are worthy of note.

2. Collective bargaining

70. It should also be mentioned that the Collective Bargaining Division of the National Labour Directorate of the Ministry of Labour and Social Security has two main roles: (a) Mediation and negotiation of collective labour conflicts; and (b) Tripartite negotiation for setting the minimum wage, by category and employment sector (wage boards). Reference should also be made to Acts Nos. 18508 and 18566, applicable to the public and private sectors respectively, without prejudice to the laws mentioned above.

71. The negotiators for the Collective Bargaining Division are the same representatives that were appointed by the executive branch to serve on the wage boards when they were set up in 2006.

72. Negotiations are held within each of the 24 wage groups; it should be pointed out that the “domestic service” group (No. 21) was introduced in 2008 during the third round, and that the groups in the “rural work” category were renumbered accordingly.

3. Legislation criminalizing sexual harassment in the workplace

73. Uruguay has made progress in preventing sexual harassment, punishing its perpetrators, and protecting its victims. It considers sexual harassment to be a grave form of discrimination and a breach of respect for the atmosphere of personal dignity that must reign both in the workplace and in educational settings. Act No. 18561, adopted on 11 September 2009 applies to both the public and private sectors.

74. Article 11 of this Act provides that a worker who has been the victim of sexual harassment — without prejudice to any administrative complaint or any criminal proceeding that might ensue — shall have the right to demand compensation for moral damages from the individual responsible in the amount of at least six months' pay, based on the worker's most recent payment. The worker may choose the compensation described above, or, if he believes he has been indirectly dismissed, the dismissal will be considered abusive and will entail the right to a special compensation of six months' pay, on the basis of the worker's most recent pay, which will be added to the usual compensation. Article 12 establishes protections against reprisals. Neither the worker nor any witness who has given a statement may be subject to dismissal or disciplinary measures by the employer or supervisor. It is presumed — unless proved otherwise — that dismissal and disciplinary measures are forms of reprisal when they occur within a span of 180 days after the harassment complaint is lodged before an administrative office or a court. The dismissal will be considered abusive and will entail the payment of the compensation provided in the second paragraph of article 11, except in cases where a worker's misconduct has been proven.

4. Legislation guaranteeing employment security to pregnant women

75. Articles 16 and 17 of Act No. 11577 establish that a worker who has given birth may retain her job if she returns to work in a normal condition. If she is dismissed after her return or during the pregnancy, the employer must compensate her in the amount of six months' pay in addition to the compensation that she is lawfully due or hold her job open pending the restoration of her rights by a Labour Court of Appeal, under article 69 of Act No. 16074, which sets a time limit of 180 days from the date of her return to work.

5. Legislation on accidents in the workplace

76. The adoption of Act No. 19196 (2014) on Workplace Accidents establishes that the employer is criminally liable when he or she fails to comply with health and safety standards.

77. Article 1 of this law imposes a punishment of 3 to 24 months' imprisonment for the employer, or for any person managing the enterprise in his or her behalf who fails to adopt workplace safety and protection measures provided in the law and its regulations, and which place the worker's life, health or physical integrity in grave and real danger.

78. With regard to the recommendation that the State should undertake a comprehensive review of its employment laws with a view to ensuring the full realization of the right to just and favourable conditions of work for women and men, it should be noted that according to all indicators studied, the rates of female employment are lower than that of males, regardless of place of residence, racial origin, poor living conditions or age. Rates of female activity and employment are approximately 20 percentage points lower than that of men (55.9 per cent as compared to 74.3 per cent and 51.3 per cent as compared to 70.5 per cent respectively). Female unemployment rates are higher than male rates throughout the national territory (8.3 per cent as compared to 5.1 per cent) (statistical annex, table 17). Young women between the ages of 14 and 18 are the hardest hit by unemployment.

79. As for integrating women into the job market, between 2007 and 2014 there was an increase in the “private wage earner” category, which represented 58 per cent of employment in 2014, attributable to a greater increase among males (from 53.9 per cent to 57.9 per cent) than among women (from 56 per cent to 58.1 per cent). Women have the advantage in the “public wage earner” category (12.5 per cent male and 17.8 per cent female.) In the “own-account worker without premises” category, the number of women dropped to almost half (from 5.2 per cent to 3.4 per cent); they nevertheless still represent almost double the number of men (statistical annex, table 18).

80. Adherence to the principle of “equal pay for work of equal value” is a basic tenet of the domestic law. In accordance with Act No. 16063 of 1989, Uruguay ratified ILO Convention No. 100. Collective bargaining has been a tool for reducing the salary gap between men and women. The National Institute for Women and civil society now monitor the gender pay gap on a periodic basis.

81. With respect to horizontal and vertical segregation in the job market, in 2007 there were twice as many women as men in the category “science professionals” (6 per cent male and 14 per cent female); which is similar to the “office employees” category (8.4 per cent male and 17.4 per cent female) and the “workers providing services” category (8.3 per cent male and 21.3 per cent female). This situation was the reverse for “agricultural workers” (8.2 per cent male and 1.9 per cent female), “skilled and unskilled workers (21.2 per cent male and 5.7 per cent female) and “equipment operators” (10.8 per cent male and 2.1 per cent female.) In general terms, the same distribution of labour held in 2014, although it should be pointed out that there was an increase in the number of both men and women working in the “services” category (15 and 30 per cent), and a significant across-the-board drop in the “business executives” category (statistical annex, table 19).

82. These statistics show that the characteristics of gender-based labour market segmentation are still present in Uruguay. Labour market indicators also show greater emphasis on the development of services and a steady increase in industrial activity between 2007 and 2014, as compared with much lower levels in earlier decades.

83. The Programme for the Promotion of Equal Opportunities for Women in Employment and Career Development, within the National Institute of Employment and Vocational Training, seeks to decrease inequities related to training and jobs for women, by improving their employability and supporting their insertion in the job market. In 2013, 707 women participated in the programme. The gradual decrease in funds allocated to this programme between 2011 and 2013 is worthy of note (statistical annex, tables 20 to 24).

84. Act No. 19122 on Persons of African Descent and its regulating decree No. 144/14 provide special temporary measures for a span of 15 years, reserving 8 per cent of job openings yearly for Afro-Uruguayans in the national Government, the Court of Audit, the Electoral Court, the Administrative Dispute Court, and the departmental governments, as well as in autonomous entities, decentralized services, and non-governmental public entities. This law also specifies that the gender perspective must be weighed in the filling of these vacant posts.

85. Special measures for women were integrated into the 2007 Equity Plan, under two programmes on protected employment for persons in vulnerable situations: the Uruguay at Work programme, which gives force to the concept of special measures for groups of persons who have difficulty finding work: youths, women, persons of African descent, transsexuals and persons with disabilities. Each year around 70 per cent of the participants have been women (statistical annex, tables 25 and 26).

86. Worth mentioning again is Act No. 19133 on Youth Employment, which promotes and expands employment opportunities for socially vulnerable persons; the regulatory decree is pending adoption.

87. In accordance with Act No. 18561 on Sexual Harassment, mentioned above, the General Labour Inspectorate of the Ministry of Labour and Social Security receives and processes complaints. The National Institute for Women is conducting training programmes for inspectors, lawyers and staff members, with a view to promoting implementation of the law.

88. On the initiative of the Tripartite Equal Employment Opportunities Commission, the Employment and Vocational Training Institute launched a pilot plan in gender empowerment and sexual harassment in the workplace, holding 12 educational courses in which 279 persons participated, in the fields of supermarketing, refrigeration and security, from the departments of Montevideo, Maldonado, Tacuarembó, Salto, Colonia and San José.

89. The second national census on the use of time was held in 2013. It revealed that women have an unpaid workload double that of men. While men work more paid hours than women, when the unpaid work hours are added in, women have a weekly workload that is significantly greater. While 65 per cent of work done by women is unpaid, only 32 per cent of the work done by men is unpaid (statistical annex, charts 27 to 29).

90. Progress has been made in designing an Integrated National Carer System; a bill that would provide a legal framework for its creation and operation is currently under review by Parliament, and has been approved by one of the two chambers.

91. Efforts are being made to integrate the gender perspective into a number of areas: training persons who will be paid carers under the Integrated National Carer System, protecting the labour rights of persons now providing care, and designing services, benefits and communication strategies that will contribute to gender equality and responsibility sharing.

Article 7 - Wages and

Article 8 - Right to form and join trade unions and right to strike

92. With regard to the recommendation that efforts should be strengthened towards the progressive increase in the minimum wage in accordance with article 7 (a) (ii) of the Covenant, note that in Uruguay the national minimum wage is adjusted once yearly, and that the new amount becomes effective on January 1 of the new year. On 1 January 2015, the national minimum wage was set at \$UR 10,000. The national minimum wage was \$UR 8,960 in 2014, \$UR 7,920 in 2013, and \$UR 7,200 in 2012.

93. According to the wage trend report for January to September of 2014, compiled by the Labour Relations Evaluation and Monitoring Unit (Labour Market Observatory) of the Ministry of Labour and Social Security, real wages have considerably increased since the reintroduction of collective bargaining in 2005, within the framework of the wage boards. In the period from 2005 to 2014, real wages grew at 46.8 per cent, when comparing September 2014 with March 2005, and 15.6 per cent since the term of governance that began in March 2010. The increase in real wages in the private sector is significant, accumulating an increase of 54.5 per cent in the first period and 20.4 per cent in the second. If the purchasing power of the average wage in January to September 2014 is compared to the average for 2004, the increase was 51.1 per cent. The average real wage grew in recent years in relation to a number of factors:

- A dynamic period of economic activity;
- Restoration of the private sector wage as a result of the reintroduction of the wage boards and terms for real recovery promoted by the executive branch;
- Genuine restoration of the public sector wage; and

- A bull market trend in a job market with historically low levels of unemployment, lower than what was formerly considered unemployment equilibrium, and a lack of skilled labour, which forces companies to compete for workers by paying higher wages.

Male-female pay gap

94. The pay gap trended downward between 2007 and 2014. In 2008 (the lowest year), women's income amounted to 87.3 per cent of men's. In 2012 (the highest year), that figure rose to 91.2 per cent (statistical annex, chart 30). As to the hourly wage of men and women in their principal occupation in relation to years of education, throughout this period an increase in the number of years of study increases the income gap. For persons with 4 to 6 years of education, the gap fluctuates between 83.1 per cent in 2007 and 82 per cent in 2014; for persons with 16 or more years of education, it fluctuates between 68.9 per cent in 2007 and 76 per cent in 2014 (statistical annex, table 31).

95. Since 2008, the Tripartite Equal Employment Opportunities Commission has promoted the introduction of equal opportunity clauses into negotiations conducted by the wage boards, emphasizing equal pay for work of equal value, equal access to jobs requiring excellence and training, the elimination of discrimination in selection and promotion, guarantees and protections for maternity and responsibility sharing, and prevention and punishment for sexual and psychological harassment.

96. In the Fifth Round of the wage boards, held in 2012 and 2013, 834,747 workers participated, 704,051 that worked in the formal sector and 130,716 in the informal sector. In 2006, only 17 out of 137 negotiations included gender clauses for the private sector, and only 3 for the public sector. In 2012, 67 per cent (122) of the negotiations agreed to include gender clauses and 52 per cent (95) agreed to include specific clauses related to the sector - 10 percentage points higher than in the previous round (statistical annex, table 32). The benefits reflected in these clauses include supplementary maternal leave, leave for victims of domestic violence, leave for a prostate check-up or an additional day for a pap smear, the provision of day-care options for the children of workers, and free days for workers caring for persons with disabilities.

97. With respect to the recommendation that the State should take effective measures to prevent accidents in the workplace, including by strengthening the occupational safety and health commissions; strengthen the regulatory framework by expanding it to cover all occupations; and ensure the application of appropriate sanctions in the event of a failure to observe safety regulations, it should be pointed out that since 2013 work has been under way on the Non-transmissible Illness Monitoring System, an important component of which concerns workplace accidents. This system consists in a network of governmental institutions that generate data for use in monitoring such non-transmissible illnesses as cardiovascular disease and diabetes, as well as illnesses or injuries arising from work.

98. The goal of the system is to set up an observatory with reliable, consolidated data from all parts of the country for decision-making and formulating public policy, with a view to avoiding overlap in data collection. The two main bodies now collecting information on accidents are the General Inspectorate of Labour and Social Security and the State Insurance Bank.

99. As for the recommendation that the State should ensure that all detainees receive fair remuneration for their work, it is useful to know that the National Rehabilitation Institute has drawn up a work plan based on ILO standards. ILO is a strategic partner, offering a number of cooperation programmes for the design of experimental programmes to strengthen work and socialization treatment approaches in prisons, grounded in the concept of decent work.

100. In the context of the progressive prison regime, efforts are being made to teach workplace discipline and skills with a view to enhancing opportunities for inclusion and socialization. The programme begins with participation in unpaid work on the upkeep of common living spaces, in order to inculcate a sense of common responsibility; followed by work paid for from the prison budget; and lastly, at the pre-release stage, assisted or supervised work.

101. All job placements with third parties under the National Foundation for the Welfare of Prisoners and Ex-Prisoners and the National Rehabilitation Institute, are arranged in accordance with regulations in force, abiding by wage standards for each sector and the working conditions laid down in each specific agreement.

102. In the current year, the National Foundation for the Welfare of Prisoners and Ex-Prisoners concluded an agreement with the government of Montevideo to offer one-year work opportunities for prisoners and persons recently released.

103. Such persons will be hired for one-year contracts if they successfully carry out two trial phases of three months, at 40 hours a week. They will be paid the wage set by the wage board, along with such perquisites as a Christmas bonus, maternity leave and holiday pay. The agreement will be in effect for two years, and may be automatically extended for two more years.

Article 9

Social Security

104. The Ministry of Labour and Social Security administers the Uruguayan social security system, which is made up of a number of bodies: the Social Insurance Bank, three parastatal funds,⁶ and two retirement and pension services.⁷ Uruguay reformed its social security and social protection system in recent years. Act No. 16713, adopted in 1995, put into effect a new mixed retirement pension system, administered by the Social Insurance Bank, which combines two mandatory components: an intergenerational solidarity retirement scheme based on distribution and a compulsory individual savings retirement scheme based on individual capitalization.

105. The intergenerational solidarity scheme is administered by the Social Security Bank and all workers with a stake in it are required to contribute. The individual savings scheme supplements the Social Security Bank scheme; under this novel approach, the worker has an account in his or her name in an administrative pension savings fund. Depending on their age and wages, some workers are required to contribute to such funds. Others may also open a savings account if they so wish.

106. Regarding the cost of social security, total outlays amount to a total expenditure that represented 14 per cent of the gross national product in 2013. Most of the expenditure goes to the payment of benefits under contributory schemes, in particular retirement benefits and pensions for older adults.

107. In 2012, social security participation during active working years reached high levels. The proportion of persons contributing to the social security scheme in the economically active population rose from 73.2 per cent in 2009 to 82.3 per cent in 2012. That same year, persons 65 and older receiving a long-term contributory benefit

⁶ The Retirement and Pensions Bank Fund, the Notary Social Security Fund, and the University Professionals Fund.

⁷ The Military Fund (Armed Forces Retirements and Pensions) and the Police Fund.

(retirement) represented almost 76.6 per cent of older persons. Adding in all older adults in the same age group who receive a non-contributory benefit the figure rises to 96.2 per cent.

108. Old age, disability and survivors' benefits are universal. For old age and disability, coverage is provided through contributory benefits (regular retirement, advanced age benefit, total disability benefit, temporary allowance for partial disability, and survival benefits) or non-contributory benefits (old age and disability benefits).

109. Since February 2014, partial retirement has been permitted under certain conditions, enabling a person to work half-time in his or her usual work category ("industry and trade," "rural work," and "domestic services") and receive half the retirement benefit.

110. In 2009, conditions of access became more flexible, allowing a greater number of persons to have access to contributory retirement and pension schemes, or disability benefits. In the case of retirements, the number of years of work required in order to retire with benefits at age 60 was reduced from 35 to 30 years. A parametric reform was carried out, allowing for advanced age retirement at the age of 65 after 25 years of work; at age 66, after 23; at age 67, after 21; at age 68, after 19; at age 69, after 17; and at age 70 after 15. A positive discrimination measure grants women one supplementary "work year" for each child or minor in their charge, up to a maximum of five years.

111. Private sector workers covered by the Social Insurance Bank and banking sector workers are eligible for unemployment benefits. This benefit was reformed in 2009.⁸ For cases of dismissal, a scheme of decreasing benefits was introduced, providing 11 benefits and contributions thresholds (BPC) in the first month and dropping to 6 BPC at the end of the benefit period. For cases of suspension, the benefit period was reduced to four months. Coverage was improved for workers over the age of 50, by extending the benefit period from six months to one year. Moreover, if a worker has two jobs covered by unemployment security and loses the primary job, the benefit will be paid if he or she continues to hold the secondary job.

112. In 2012, a special partial unemployment subsidy scheme was introduced to soften the impact of the global economic crisis, problems with regional foreign trade, and adverse climate conditions.

113. The 2008 law on benefit flexibility created a new benefit linked to unemployment. If the worker is 58 years old, has at least 28 years of contributions, has been dismissed, and remains unemployed for at least a year, he or she has the right to the special compensated unemployment subsidy for a maximum of two years, or until eligible for retirement.

114. Annex VI lists other social security subsidies and special benefits.

Equality between men and women

115. Act No. 16713 of 3 September 1995 made the retirement age the same for men and women, and established that the method of calculating benefits would be the same for both sexes.

116. Act No. 18395 of 24 October 2008 awarded mothers one year of contributory service per live birth, up to a maximum of five years, to compensate for the fact that mothers tend to accumulate fewer years of contributory service.

117. In November 2013,⁹ the maternity allowance was modified under a scheme set out in Decree-Law No. 15084, which extends the period of coverage from 12 to 14 weeks for the working mother and expands coverage for independent women workers and women

⁸ Act No. 18399 of 24 October 2008 (as amended by Decree-Law No. 15180).

⁹ Act No. 19161 of 1 November 2013.

who are sole proprietors of businesses (under the simplified Monotributo — “single tax” — scheme). It also provides a paternity allowance to workers in the private sector (compensated unemployment paternity allowance, for a maximum of 7 continuous days as of 1 January 2015, and 10 days as of 1 January 2016), as well as a parental allowance for caring for the newborn, by shortening the workday for the father or the mother alternately, once the maternity leave is over and until the baby is five months old, as of 1 January 2015, and six months old, as of 1 January 2016. The law fundamentally recognizes the need to adopt public policies favouring women’s participation in the labour market and shared responsibilities for the care of children.

118. In 2014 a new law was introduced on Inclusion and Refinancing Debt,¹⁰ aimed, in particular, at micro and small businesses, non-profit organizations and sports clubs, with a view to the formal integration of new groups into the social security system. In 2012, sportsmen, cyclists and equine workers¹¹ were incorporated into the social security scheme.

119. In 2011, the Monotributo scheme was broadened to include workers in particularly vulnerable situations who carry out such activities as vehicle maintenance, window cleaning and sex work. That same year, the Social Monotributo — administered by the Ministry of Social Development — was established for persons living below the poverty line or who are in situations of social vulnerability or who trade in any kind of goods or provide any kind of service.

120. New bilateral agreements were concluded to allow persons aged 60 and over to credit years of work and contributions made in other countries, and vice versa, thereby giving them access to retirement benefits and contributory pension schemes, for as long as the Southern Common Market (MERCOSUR) and Ibero-American social security agreements continue to remain in force.

Article 10

Family

121. The Constitution of the Republic establishes that the family is the basis of Uruguayan society. The State shall ensure its moral and material stability, with a view to the optimal upbringing of children within society.¹² The Uruguayan legal system seeks to offer the greatest possible protection for the full development of the family.

122. With reference to the recommendation that the State party should strengthen measures to combat violence against women by, inter alia, effectively enforcing the existing legislation on domestic violence and conducting public awareness and education campaigns on domestic violence and its effects, and to ensure that specialized courts are also available in areas outside Montevideo and that psychosocial support and access to shelters are readily available to victims of domestic violence, it should be pointed out that for many years the approach to the problem of violence against women, children and adolescents was fragmented from sector to sector and focused on responding to emergencies. The Government has been working steadily on the design and implementation of a gender-based violence response system.

123. The adoption of Act No. 17514 (2002) on Domestic Violence prepared the way for the establishment of legal mechanisms supporting the national strategy to combat gender violence. It gave the State the responsibility to prevent, punish and eradicate domestic

¹⁰ Act No. 19185 of 29 December 2013.

¹¹ Executive Decrees Nos. 10/012 of 18 January 2012 and 351/012 of 01 January 2013.

¹² Constitution of the Republic, chapter II, article 40.

violence and to create an institutional framework for the development of related programmes.

124. This law also provided for the creation of the National Consultative Council on Domestic Violence, an interinstitutional body with participants from the ministries, the civil society and the departmental governments, which has helped to strengthen and coordinate public programmes. Its mission is to assess the competencies of the executive branch; to oversee the implementation of Act No. 17514 and its regulatory provisions; to design and organize plans for combating domestic violence; to promote the coordination and harmonization of sectoral policies designed by public institutions working on this topic; and to draw up an annual report on the fulfilment of its duties, and on the situation of domestic violence in Uruguay, among other subjects.

125. Accordingly, the Council drew up the National Plan to Combat Domestic Violence (2004-2010), a critical landmark in the achievement of political and institutional agreements on the implementation of related public policy. The Plan has also been a strategical mechanism for the inter-institutional coordination of responses from each of the participating institutions.

126. The creation of the Council¹³ and the Integrated System for the Protection of Children and Adolescents from Violence resulted in a policy development approach based on inter-institutional collaboration and the coordination of a network of services in which each service (health, security, social services and education, inter alia) acts within its area of expertise and in response to the nature of each situation.

127. Since 2007, there have been 19 departmental commissions working to combat domestic violence.

128. In November 2012, the Council presented a text entitled “Measures for a Domestic-Violence-Free Country” within the scope of Strategy for Life and Living Together, a programme introduced by the Security Cabinet. It recognizes that violence in the family environment and in love relationships is a problem of citizen security and that the victims are mainly women, children and adolescents. The text establishes three core programme areas (prevention, access to justice, and support services) and two cross-cutting areas (data systems and the training of public officials).

129. Progress has been made in incorporating a disability perspective into policies to combat gender violence; accordingly, the National Disability Programme and the National Institute for Women have developed informational texts on rights and prevention, some printed in Braille.

130. The Gender and Generational Violence Response System called for a system-wide approach to strengthening inter-institutional mechanisms and promoting sectoral specificity, from an ethnic, racial, sexual diversity and disability perspective. Under this policy, all participants at all levels are involved in the initial response. The response system provides for prevention, a network of support services, rehabilitation, access to justice, information systems, and education and training.

131. The Ministry of the Interior¹⁴ created the National Domestic and Gender Violence Office within the national police force, placing Domestic and Gender Violence Directorates

¹³ The Council is composed of the National Institute for Women, now its chair, and the Ministry of Social Development, the judiciary, the Ministry of the Interior, the Ministry of Public Health, the Ministry of Education and Culture, the Uruguayan Institute for Children and Adolescents, the National Public Education Administration, the Congress of Local Government Authorities, and three civil society representatives from the Uruguayan Network against Domestic and Sexual Violence.

¹⁴ Decree No. 382/2012 of 22 November 12.

in police headquarters, headed by a coordination office. It also adopted its organizational rules. There are also 45 special domestic and gender violence units in the territories and at the national level. Decree No. 317/2010 regulates Act No. 18315 on Police Procedure in Responding to Domestic violence.

132. The Public Security and Management System has a special domestic violence module that links such offences as bodily harm, threats, intimidation, suicide and homicide to domestic violence. It also analyses the kind and frequency of the violence; assesses any risk factors; considers the victim's family and social network; keeps a record of protective measures imposed by the courts; and instructs officials to consult the system with respect to any accused person. Use of this module resulted in a significant increase in registering and detailing police responses to domestic violence.¹⁵

133. The Domestic Violence Information Management protocol was adopted in 2012, with a view to expanding the use of the domestic violence module. Paper forms were also prepared, one of which specifically matches the form used in the module.

134. In 2011, the National Institute for Women, the Ministry of the Interior, the Ministry of Public Health and the judiciary launched the Comprehensive Programme to Fight Gender Violence in Uruguay, with support from the Spanish Agency for International Development Cooperation. This programme led to the design of a national strategy for eradicating gender-based violence, in coordination with the National Consultative Council on Domestic Violence and the Integrated System for the Protection of Children and Adolescents from Violence, which will seek to inculcate an understanding of gender-based violence as a structural problem in Uruguayan society, and will formulate a national covenant to give priority to this matter.

135. The National Consultative Council on Domestic Violence then began the implementation of "Uruguay, united in putting an end to violence against women, children and adolescents" (a campaign covering the period from 2012 to 2014), together with the Integrated System for the Protection of Children and Adolescents from Violence and United Nations offices in Uruguay - and with support from the Uruguayan Agency for International Cooperation. The main thrust of the project is preventing, punishing and eradicating gender-based violence, and its mandate is to participate in the implementation of the national strategy to combat gender-based violence. It proposes a comprehensive response model that coordinates prevention, protection, support and rehabilitation. "The Gender and Generational Violence Handbook: Tips for Media Coverage" (2015) was drafted with this approach in mind.

136. Act No. 17514 provided for the establishment of six specialized family courts¹⁶ in Montevideo. In the departmental capitals and in Pando, Las Piedras, and Ciudad de la Costa there are courts competent in family matters, empowered to handle cases of domestic violence; each of these courts has a multi-disciplinary advisory team. In smaller communities distant from the departmental capitals, justices of the peace carry out the urgent initial response, later handing the case over to the departmental court.

137. Moreover, in Montevideo the Special Office of the Public Defender for Families handles cases of domestic violence; it has 13 defenders (a female director, and two defenders for each of the specialized family courts). In the rest of the country, there are 34

¹⁵ This data, which is gathered for statistical purposes, also contributes to the formulation of a protection and prevention strategy, by providing important and reliable information to the judiciary on the case at hand and its prior history.

¹⁶ This topic is regulated under Act No. 17514, whose objective is protecting the victim and members of the victim's family. Article 117 et seq. empower the competent authority to protect the rights of children and adolescents when they are endangered or have been violated.

defender's offices that deal with all matters in the departmental capitals and in other large cities. There are 51 family courts — not including the specialized courts — and 14 courts that cover a range of subjects. In Montevideo, there are 3 prosecutors' offices specialized in gender violence, each of which has a national prosecutor, a deputy prosecutor and a specialized prosecutor, who work with the specialized courts during the hearings and in any proceedings that follow.

138. The judiciary has indicated that a protective proceeding that later requires a trial in another judicial jurisdiction causes difficulties for the litigants, for example by creating an unnatural split between the proceedings conducted and decisions adopted by the specialized judges, and the proceedings carried out subsequently in the family courts. Some cases are dealt with in simultaneous proceedings in courts with different jurisdictions, without reference to each other, and with overlapping evidence. Cases of violence against women that reach the criminal courts are usually associated with such offences as homicide, bodily harm, rape, the sexual abuse of minors or persons with disabilities, and sexual exploitation. The offence of "domestic violence" (Act No. 16707 of 12 July 1995) is rarely applied. In the criminal courts, it has proven difficult to give the facts a gender focus, particularly in cases where the woman victim or the woman aggressor is being judged in the context of previous aggressive acts that may have resulted in injury or death to her aggressor, or in cases specifically involving adolescent sexual abuse.

139. The Supreme Court of Justice adopted Decree No. 7755 (2012), which defined best practices for judges in the specialized family courts as well as for judges empowered to implement Act No. 17514 throughout the country. It also adopted Agreement No. 7647 of 1 April 2009, which incorporates into law the 100 Brasilia Rules adopted by the XIV Ibero-American Judicial Summit, which guarantee access to justice for persons in vulnerable situations without discrimination of any kind.

140. The specialized family courts specialized in domestic violence and the Children and Adolescents Code have had a caseload of 8,025, of which 5,279 (66 per cent), fall under Act No. 17514 on Domestic Violence and 2,451 (34 per cent) fall under the Children and Adolescents Code. Of all cases initiated in 2012 for domestic violence, 80.9 per cent involved psychological violence, and 52.6 per cent involved an accusation of physical violence. Also worth noting is that 41.2 per cent of these cases involved solely psychological violence, 29.9 per cent involved physical and psychological violence, and 17 per cent solely physical violence. Sexual and property violence are the least common. Comparing these data with data collected in 2011, complaints of psychological violence have doubled (from 20.6 per cent to 41.2 per cent), complaints of physical and psychological violence have increased (from 23.6 per cent to 29.9 per cent), and complaints of physical violence have nearly halved (from 36.6 per cent to 17 per cent). The total does not add up to 100 per cent because there are many cases in which more than one type of violence is alleged (statistical annex, table 37).

141. Information on budget allocations for courts specialized in domestic violence is not recorded in the budget by office, but rather by type of expense. Consequently the judiciary does not have disaggregated data available.

142. Improvements have been made to the premises of the specialized family courts, allowing for the separation of aggressors and victims both during waiting periods and during transfers within the courthouse; improvements have also been made to waiting areas for children. Interdisciplinary advisory teams, made up of a forensic doctor, a psychiatrist, a psychologist and a social worker, are working in the courts. In Montevideo, there is team with sufficient staff to work in two shifts (statistical annex, table 38).

143. Annex VII gives additional information on public services that provide support to women victims of gender-based violence; on responses to situations in which women are at

high risk of domestic violence; and on the results of the national gender and generational violence survey.

Traffic in women

144. The Inter-institutional Round Table on Trafficking in Women for Sexual Exploitation has been coordinated by the National Institute for Women since its inception in 2008. Composed of public institutions, civil society organizations and international bodies, its mandate is to coordinate the work of participating bodies, by identifying institutional competencies and resources related to this topic. In 2013, at the instigation of the Round Table, strategic guidelines were drawn up for the design of a system providing protection and support to victims of trafficking. This text was presented in 2014. In October 2015, Executive Decree No. 588/2014 laid out a formal structure for the system, and broadened its scope to include all forms of human trafficking.

145. The support programme for women victims of trafficking is designed for adult women, and functions within the gender-based violence response system of the Ministry of Social Development. Since the pilot phase, the amount of human resources and the number of hours devoted to direct support have increased. The programme provides specialized support for women who are former or current victims of trafficking for sexual exploitation, using a gender and human rights perspective. From 2011 to 15 July 2015, support was given to a total of 265 women, of whom 155 are still in care. Direct support for women involves a personalized intervention approach aimed at comprehensive recovery, which offers emotional help, counselling, legal assistance, crisis resolution, return to the family, and support and guidance for reintegrating into society and work. Risk assessments are also conducted, and officials from the Ministry of the Interior and the judiciary and other competent persons confer with the woman victim on appropriate measures. Travel documents for Uruguayans or foreigners are processed and formalized under the rapid response plan and guidance and counselling is given to family members, for reunification as well as for prevention and protection. Mechanisms are available for referral and coordination with other institutions. Information and counselling is offered to women who wish to return voluntarily, whether they are citizens or foreigners.

146. Since 2009, the National Institute for Women has been holding prevention training and awareness programmes throughout the country, in particular in departments along the national border. Tools have been designed for detection and response, such as the Support for Women Victims of Sexual Trafficking Protocol and the Intervention Protocol for Embassies and Consulates Abroad. The Ministry of Labour and Social Security has developed surveillance protocols for the Office of the General Inspector of Labour and Social Security. At the request of the Ministry of Tourism, and in accordance with Decree No. 398/013, providers of tourism services must take action to prevent the commercial sexual exploitation of children and adolescents in the travel industry. This initiative responds to the tenets of the Global Code for Ethics in Tourism, stipulating that businesses should adopt a code of conduct related to the sale of children, the sexual exploitation of children, and their use in pornography, and should disseminate information on children's rights. It also seeks to prevent commercial sexual exploitation, child pornography and sexual tourism involving children and adolescents; to implement measures to prevent travel agents and brokers from offering sexual tourism services; to lodge complaints about any actions related to sexual exploitation, using the telephone hotline 0800 5050, as well as before the competent authorities; never to offer, expressly or tacitly, any offers related to sexual exploitation in travel brochures; and to display texts related to the prevention of sexual exploitation. More than 1000 providers now have informational materials in their offices bearing this slogan: "We are Responsible Businesses. We Condemn the Sexual Exploitation of Children and Adolescents." Some have participated, as well, in public

forums and information campaigns: the “Building Bridges” programme, marathons, publicity drives and the distribution of leaflets, stickers and banners.

147. In accordance with Act No. 18719 (2010), the Ministry of the Interior established the Directorate-General on Organized Crime and Interpol to tackle organized crime and the related crimes of sexual exploitation and human trafficking. It has two offices: one for human trafficking and the other for sexual exploitation. Since 2012, the ministerial working committee to address human trafficking,¹⁷ set up within the Ministry, has been working on drafting a national ministerial action plan for 2014 and 2015, as well as a research protocol focusing on that topic.

148. The Ministry also promotes related staff training, in particular for staff working in operational units (police headquarters and organized crime) and administrative units (civil identification, migration and highway patrol) who are competent in the area of documentation and movement throughout the country and at border posts (statistical annex, table 39).

149. Under the programme “Uruguay, united in putting an end to violence against women, children and adolescents”, in 2014 the National Consultative Council on Domestic Violence and the Integrated System for the Protection of Children and Adolescents from Violence held an international seminar on human trafficking, with a view to sharing tools and comparing experiences within the context of the judicial system. Training was provided to 30 officials from the judiciary, 30 from the public prosecution service, and 30 from the Ministry of the Interior, with places reserved for members of civil society and representatives of the support services provided by the Ministry of Social Development and the Uruguayan Institute for Adolescents and Children.

150. Act No. 18250 (2008), the Migration Act, introduced the crimes of human trafficking and migrant smuggling into Uruguayan law for the first time, using definitions established in the Palermo Protocol. Article 80 of this Act applies provisions on victim participation in judicial proceedings and victim compensation, contained in Act. No. 18026 on War Crimes and Crimes against Humanity, to complainants, victims, family members and witnesses involved in cases of human trafficking.

151. The Ministry of National Defence working group to support human rights training and specialization in the framework of peace-building and development has held training and education programmes with a view to ensuring that citizens deployed in the peace missions do not permit, promote or participate in these grave forms of human trafficking.

152. The judiciary has hosted training programmes for judges, strengthened the judicial system, and improved inter-institutional coordination, as described in the 2012 supplementary report (statistical annex, table 40).

153. Regarding the Committee’s request that the State should raise the minimum age of marriage to 18 for both boys and girls, it should be noted that in Uruguay the minimum marriage age was raised from 12 for girls and 14 for boys to 16 for both men and women under Act No. 19075, or as authorized by a court. Although this does not comply with the principle enshrined in the Convention on the Rights of the Child, it is considered a significant legislative reform. Consideration is still being given, however, to legislation raising the marriage age from 16 to 18.

¹⁷ Composed of the Directorate-General on Organized Crime and Interpol, the National Migration Directorate, the National Directorate of Civil Identification, the National Directorate of Highway Patrols, the Directorate General of Information and Intelligence, the National Police Academy, the Department of International Affairs, the Gender Policy Division, and the police headquarters of Montevideo, San José and Canelones.

154. As for the recommendation that urgent steps should be taken to repeal all discriminatory provisions in the legislation, including restrictions on remarriage and the public decency legislation that has a discriminatory effect on women, it is important to know that no amendments have yet been made to the provisions of the Civil Code stipulating that widows and divorcees may not remarry within 300 days following the death of the husband or the date of the divorce.

155. The provision withholding alimony from women who lead a “disorderly life,” contained in article 183 of the Civil Code, was amended under Acts Nos. 19075 and 19119, which take a different approach to the definition of alimony, eliminating the reference to a “disorderly life.”

156. As for the Committee’s recommendation that greater efforts should be made to address discrimination against children born out of wedlock, their rights were remedied in 1987. Act No. 15855 (1987), amending a number of articles in the Civil Code, gave natural children the same rights as legitimate children, including the right to inherit.

157. Articles 28 to 31 of the Children and Adolescents Code also affect provisions of the Civil Code on the recognition of natural children. Married parents — to cite an example — may now recognize natural children conceived with another person who is not the legitimate spouse.

158. Regarding the recommendation that the State party should take effective steps to address the increased use of the drug Ritalin for children as a method of behaviour control, it should be pointed out that the Uruguayan Institute for Children and Adolescents permits Ritalin to be prescribed solely by specialists in child psychiatry (orange prescription). The Institute provides full coverage to children and adolescents on a 24-hour basis, with a doctor for every household (statistical annex, table 41).

159. It should also be pointed out that the Health Division of the Uruguayan Institute for Children and Adolescents is aware that the increase may have resulted from the admission of new psychiatrists to the Institute, explaining the greater attention paid to that question.

160. As for the recommendation that the State should enforce the existing legislation on the prohibition of child labour and should ensure that children attend school, it is important to know that during the period from 2009 to 2014 there was a steady rise in the number of labour inspections conducted throughout the country.

161. In 2012, 3,969 inspections were conducted, an increase of 152 per cent over the number conducted in 2011, a considerable jump. In 2014, there were 4,523 conducted, 3,444 more than in 2010. This jump is attributable to the presence of labour inspectors in all parts of Uruguay, achieved in 2011.

162. Since 2009, the Uruguayan Institute for Children and Adolescents has also been granting an increasing number of work permits to adolescents — from 2,764 in 2010 to 3,787 in 2014 — with a view to formalizing their work and protecting them from exploitation.

163. A programme called “In the Thistle Patch” deserves special mention. Working with the Uruguayan Institute for Children and Adolescents since 2000 to progressively eradicate work by children and adolescents aged 5 to 14, it offers vocational retraining with help from adult advocates.

164. Also important are options allowing adolescents and young people to enter the job market without giving up their formal studies, such as the “Youth Network” and “I Study and Work” programmes and the Educational Training and Production Centres. The first national child labour survey was conducted by the National Institute of Statistics in 2009, and a second survey is envisaged for the period from 2016 to 2017.

165. As for the recommendation that the State party should strengthen its legal framework in line with the Covenant and other applicable international legal standards, including ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, it is important to highlight Act No. 19133 on Decent Work for Youths, adopted in September 2013, and its regulatory decree of April 2015. Moreover, the 18th American Regional Meeting of ILO formally agreed to step up measures to combat child labour, with a view to bolstering existing laws.

166. With regard to measures taken by the National Committee for the Eradication of Child Labour and the outcome of the State party's survey on child labour, it is worth noting that in 2010, the Committee drew up a plan of action to stop the use of children in the collection and sorting of rubbish; centres were set up in the departments of Rivera, Maldonado and Canelones. The first action protocol was designed in 2013 and 2014 to detect and put a stop to the practice of hiring children to collect rubbish; this protocol will be finalized when each of the institutions involved in the programme give their agreement. Under the national parliamentary programme entitled "Strengthening equitable access to the legal system," carried out in 2013 and 2014, information was collected in several regions to analyse the situation of adolescents working in rural settings. An agreement was concluded by the National Parliament, the Ministry of Labour and Social Security and the Uruguayan Institute for Children and Adolescents for the implementation of inter-institutional action protocols to put a stop to dangerous rural work by adolescents, and to formalize work by adolescents aged 15 to 17 carried out under conditions considered by law to be acceptable and safe, also in 2013 and 2014. In August 2014, a handbook for employers was drafted with support from ILO, specifying what types of work are permissible for youths aged 15 and over, and how to respect their rights when hiring them.

Article 11

Living conditions

1. The right to the continuous improvement of living conditions

167. Social indicators began to show significant improvements in 2010 — as compared to figures from the preceding five-year period — an 11.5 per cent reduction in human poverty, and a 7.8 per cent reduction in poor living conditions. Extreme poverty also fell from 0.5 per cent to 0.3 per cent in 2013.

168. These improvements are linked to steady economic growth and to two fundamental changes: a new understanding of the role of economic policy, and increased budget for formulating and strengthening social policy. Under this innovative model, both policy areas were taken into consideration in striving to improve living conditions and services.

169. In addition to this broader view, the social protection matrix offers a support and social integration network, including a programme for population groups in a situation of extreme poverty. A series of programmes launched in 2012 seek to make contact with families living in extremely vulnerable conditions. In view of the nature of these homes, the "Youth Network," "Near Neighbours" and "Uruguay Grows with You" programmes reach a considerable number of children under six years old, as well as women and persons of African descent.

170. As for the topic of early childhood, childhood and adolescence in Uruguay, 2008 saw the launching of the National Strategy for Children and Adolescents, which looks at these early stages of life on a medium- and long-term basis, with the goal of breaking way from the norm and generating consensus; the programme has a projected duration of 20 years.

171. An action plan was designed for the five-year implementation cycle from 2010 to 2014, with a view to improving the lives of children and adolescents in a vulnerable situation. The National Council for Social Policy gave priority to coordinating and implementing policies and programmes targeting children of different ages, and approved the formation of an inter-institutional committee on the topic of early childhood, childhood and adolescence.

172. This committee is now working, on an intersectoral basis, to lay out a plan covering the period from 2015 to 2019, with four strategic thrusts: ensuring continuous educational careers; guaranteeing comprehensive health care; preventing and responding to different forms of violence, and tackling the issues of extreme vulnerability, participation and culture.

2. The right to adequate food

173. Uruguay recognizes that sufficient food is a universal human right, as shown by the numerous international and regional agreements it has signed and ratified, and by reference thereto in the Constitution of the Republic¹⁸ and other national laws and regulations. Relevant legislation is listed in annex VIII; other information related to food security and nutrition is also worthy of note.

174. The Ministry of Public Health, the departmental government of Montevideo, the University of the Republic, the National Nutrition Institute and the Uruguayan Association of Nutritionists, among other institutions, are continually striving to strengthen information, communication and education programmes about nutritional food, with a view to offering reliable, objective, up-to-date and understandable information to the public for the attainment of a sufficient and healthful diet.

175. The teleconferences on breastfeeding and on sufficient and healthful food are also important. They have national scope, and 700 advocates from the comprehensive child and family care centres have participated. Interactive workshops have also been held for more than 600 persons — cooks, teachers, child minders and specialists from the comprehensive child and family care centres — on the sufficient provision of food in preschools; there has also been an interactive series for the general public on the State television channel, among other measures.

3. The right to water

176. The right to water is enshrined in article 47 of the Constitution of the Republic, which recognizes and establishes that “water is a natural resource essential to life” and that “access to drinking water and access to sanitation are fundamental human rights,” both of which must be provided exclusively by the State.

177. Article 2 of Act No. 18610 on the National Water Policy stipulates that “all inhabitants have the right to accessible drinking water and sanitation. The State shall endeavour to ensure the effective exercise of these rights.”

178. In Uruguay, the provision of drinking water is the exclusive domain of the Administration of State Sanitation Works, which also provides sanitation services throughout the country, except for in Montevideo, where the departmental government provides them.

¹⁸ The Constitution of the Republic (article 72, chapter III), has no chapter explicitly addressing this subject; it nevertheless recognizes the Universal Declaration of Human Rights.

179. Under article 3 of the founding Act of the Administration of State Sanitation Works,¹⁹ “the provision of sanitation services and other functions of the institution shall be carried out for fundamentally hygienic purposes, giving priority to social rather than economic need.”

180. Some 94 per cent of the total population has access to ample, good quality drinking water at a fair price. For the remaining 6 per cent, the Administration of State Sanitation Works has been designing programmes to universalize the drinking water service. This 6 per cent constitutes the most socially and economically vulnerable members of society, who live in settlements on the outskirts of cities or are geographically isolated from the urban centres.

Quality control

181. For the Administration of State Sanitation Works, quality control is fundamental. Its strategic goals include promoting best environmental practices and conserving the water resources under its authority. To achieve these goals, it constantly monitors and tests water sources and resources in order to improve the quality of both drinking water and wastewater. Significant investments will be made in different kinds of water purification plants with a view to installing technology that can eradicate the impact of cyanobacteria on raw water sources.

Sanitation

182. In 2014, the installed capacity of sanitation was 94,682 thousand cubic meters and treated water was 55,934 cubic meters. There were 283,951 connections to the service, and that figure is expected to rise to 291,694 in 2015, in a network covering 3,215 kilometres. In 2016 there will be 3,300 new sewer services. By 2020, there will be 48 sanitation plants being operated and maintained.

183. For the five-year cycle from 2015 to 2020, the Administration of State Sanitation Works will invest US\$ 550,000,000 for technological improvements in drinking water purification, wastewater treatment plants, and sanitation networks.

184. In keeping with this goal, measures are in place to improve the nutrient-removal treatment process (phosphorous and nitrogen), in existing wastewater treatment plants in Minas, Florida, Santa Lucía and Casupá, and to install sanitation systems (networks and plants) in Fray Marcos and San Ramón. New and better-equipped wastewater treatment plants will strengthen the central Government’s plans for environmental and sanitary improvements.

185. The Administration of State Sanitation Works is carrying out its sanitation connection plan jointly with the Ministry of Housing, Land Management and the Environment, and the main objective is to increase the number of homes connected to sanitation networks.

4. The right to adequate housing

186. The Committee recommended that the State should strengthen its efforts to provide access to adequate housing, with a focus on adequate funding for the Five-Year Housing Plan, the relocation of families in irregular settlements to safe housing, assistance to low-income families and other disadvantaged and marginalized individuals and groups, and the provision of adequate sanitation facilities; the request that the State party ensure that any evictions of individuals and groups living in irregular settlements should take into account

¹⁹ Act No. 11907 of 19 December 1952.

the requirements set out in the Committee's general comment No. 7 (1997) on the right to adequate housing; forced evictions; and the request that the State should provide information, in its next periodic report, on the impact of the Five-Year Housing Plan. In this regard, it is useful to know that a Five-Year Housing Plan was prepared for the period from 2010 to 2014,²⁰ with the main purpose of helping to meet the priority goal of the national Government, the eradication of extreme poverty and a radical reduction in poverty (statistical annex, tables 42 and 43). Annex IX highlights the outcomes of each of the strategic guidelines defined at that time.

187. Another highlight is the Neighbourhood Improvement Programme, whose goals are improving quality of life for people living in irregular settlements and preventing new settlements; ensuring accessibility for settlement residents to habitable urban land, with infrastructure and sufficient urban and social services to enable their assimilation into urban society; and regularizing the ownership of lots in the settlements by granting property deeds to persons occupying the land.

188. Accordingly, 28 projects were completed in the departments of Artigas, Canelones, Colonia, Montevideo, Rivera and Salto, amounting to 3,688 households that have benefited (including 438 that have relocated); 5 projects are under way in the departments of Artigas, Canelones, Maldonado and Montevideo, benefiting 769 households (including 399 that have relocated); and there is a portfolio of projects in varying phases of development that will benefit an approximate total of 6,300 households, in the departments of Artigas, Canelones, Maldonado and Montevideo.

189. As for the request that the State party should strengthen the integration of economic, social and cultural rights into its Equity Plan, taking into account the Committee's statement on poverty and the Covenant, adopted on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VI); step up its efforts to reduce poverty; and ensure that adequate resources are allocated for disadvantaged and marginalized individuals and groups, it should be pointed out that the Ministry of Social Development is the institution responsible for fulfilling the State's obligations as guarantor of human rights.

190. The formulation of public policy with a human rights perspective depends on several key elements: social participation in policy development; the understanding that persons are subjects of rights rather than recipients of assistance; progress and non-regression in the guarantee of economic, social and cultural rights; and the State's obligation to guarantee rights honoured by the international community and to enforce them on behalf of all persons living on the national territory. This focus is strengthened by collaboration among various national human rights mechanisms, including the Human Rights Secretariat, the Human Rights and Humanitarian Law Directorate of the Ministry of Foreign Affairs and the Human Rights Division of the Ministry of Social Development.

191. There are three thrusts to the work of the Ministry: sexual diversity and gender identity, African descent, and migrants; details are given in annex X.

192. With regard to the recommendation that the State party should take effective measures to address the root causes of the phenomenon of people living on the streets and to ensure that they have access to health care, education, social security and other rights guaranteed under the Covenant; and that it should provide information in its next periodic report on the impact of measures taken in this regard, including any plans and programmes implemented by the National Institute for Children and Adolescents, it is important to note that the Ministry of Social Development has developed a broad support network for people living in the street, both related to the number of persons helped by the child and family

²⁰ This is the fifth plan formulated by the Ministry of Housing, Land Management and the Environment, established under Act No. 16112 of 30 May 1990.

care centres — now 1,763 — and the work being carried out in the street to ensure the rights of such persons.

193. The first step has been institutional adaptation to the response. Formerly, the Support Programme for Persons Living in the Street provided assistance. That programme, however, also assisted a number of other groups. With a view to enhancing the effectiveness of public policy and adapting responses to the characteristics of the group needing support, in 2014 the Ministry of Social Development moved its related programmes to the Department for the Coordination of Programmes for Persons Living in the Street.

194. Facilities providing accommodation for persons living in the street are no longer called shelters, but rather care centres. This corresponds to an effort to leave behind the assistance model and to promote social inclusion and the restoration of rights. It is worth noting that all of the Department's care centres have child minders, a psychologist, a social worker and a coordinator. Some also have doctors and nurses.

195. The Street Programme promotes social inclusion for people over the age of 18 living in the street, and its activities focus on the restoration of rights. Its capacity is 1,015 persons in 31 Support Centres. In Montevideo there are 24 night centres and 1 around-the-clock centre. In the interior of the country, there are 3 around-the-clock centres and 3 night centres.

196. The Care Programme provides help to persons with chronic or severe dependency, or who lack economic resources to access health services. Its total capacity is 243 persons.

197. The Support Programme for Women Caring for Children and Adolescents is a family-based programme for women in situations of extreme vulnerability, which provides autonomous accommodations for families. Since 2012, all its centres operate around the clock, with a capacity of 505 persons.

198. The Identification and Referral System has the goal of identifying persons living in the street and referring them to the relevant care centres; a personal accompaniment programme seeks to restore rights to persons who continue to live in the street. The system encompasses the "Front Door" shelter programme, the associated "Front Door" shelter programme for persons taken off the street under the Petty Offences Act, the Mobile Team and the Call Centre (referred to in annex XI).

199. As for the recommendation concerning street children, it is important to specify that there are no children living in the street; the expansion of the Support Programme for Women Caring for Children and Adolescents has been a success. A look at the age groups of persons helped by this programme on 20 April 2015 (statistical annex, table 44) illustrates this.

200. With regard to the recommendation that the State should take steps, including providing access to health care, to improve conditions in prisons and police cells and to ensure that they follow the applicable international legal standards in this area, it should be noted that the National Rehabilitation Institute has upgraded its facilities and promoted coordination among health system providers so as to continue to improve health conditions in prisons (National Police Health Directorate and the State Health Services Administration).

201. In the Montevideo metropolitan area, the Diagnostic and Placement Admission Unit initiates full health care for all inmates within 24 hours after their arrival in prison; the same procedure applies in the interior of the country.

202. It is important to point out that an agreement has been reached between the National Rehabilitation Institute of the Ministry of the Interior and the State Health Services

Administration for the construction of a prison hospital in Unit No. 4. The Ministry will invest in the construction of the premises, which will be equipped with support from international cooperation (European Union, Justice and Inclusion Programme, Pan American Health Organization (PAHO), with additional support from PAHO for improving health care in the prison system.

Article 12

Health

203. With regard to the Committee's recommendation that the State should continue to strengthen the implementation of measures to ensure access to universal health care, including by addressing regional disparities in access and the incidence of preventable diseases among children, it should be stressed that the Uruguayan health system has been reformed so as to create a system that guarantees the human right to health. Previously, the health-care system was deeply segmented with respect to income levels of individuals and families and quality of care. Access to health services obeyed the logic of the market, and the rights-based perspective did not yet exist. The reform sought to guarantee access to comprehensive health services as a universal right, within the framework of an integrated national health system.

204. The reform of the Uruguayan health system, carried out gradually from 2005 to 2010, has resulted in lower levels of segmentation, which were causing deep inequities.

205. In 2007, the adoption of Act No. 18211 created the Integrated National Health-care System.²¹ Chapter 1 of the Act establishes the principle guidelines for health care with a rights focus. This approach requires that the State take the decision to invest the necessary resources to guarantee equal and universal access to the system.

206. The three types of comprehensive health providers follow; all except the commercial comprehensive insurers provide integrated services. These three types existed prior to the reform:

- The State Health Services Administration, the main comprehensive and integrated public provider, with a broad network of services of national scope, and the only one that guarantees access with no out-of-pocket fees. In addition to giving coverage to users under the National Health Fund, it also insures the low-income population with funds from the national budget;
- Collective Medical Care Institutions, most of them medical cooperatives and several mutual insurance institutions, provide integrated services at three care levels, are non-profit as required by law, and were the providers authorized to offer services to private workers covered by social security prior to the reform;
- Private "conventional" or for-profit insurers, which cover around 3 per cent of the population of the country (at the highest income level). With the exception of one insurer, they do not provide their own services.

207. Article 49 of Act No. 18211 established the principle of universal coverage within the Integrated National Health-care System. Formal coverage is guaranteed although all insured persons have "freedom of choice" in their selection of a comprehensive provider. Persons who do not contribute to the National Health Fund are permitted to subscribe to the State Health Services Administration, with the same rights, and the restriction that they may not choose their provider.

²¹ There were other laws prior to 2007: in 2005, Act No. 17930 on the budget established general guidelines, provided for the foundation of the National Health Fund was founded, and decentralized the State Health Services Administration.

Distribution of users by insurer, June 2014

Collective Medical Care Institutions	2 125 900
State Health Services Administration	1 119 064
Military Health	152 875
Police Health	120 000
Private insurers	96 524
Total	3 614 363

208. With the creation of the Integrated National Health-care System, in which participation is mandatory, segmentation on the basis of income level has been minimized. Contributions are made by all formal sector workers, non-productive employees, employers and the State. In the case of workers, the contributions are progressive and are based on two elements: income level, and whether or not there are minors under the age of 18 or dependent persons with disabilities in the family. The percentage of the contribution can vary from 3 per cent to 4.5 or 6 per cent. Insured persons who wish to incorporate a spouse or partner may make an additional optional contribution of 2 per cent.

209. The contributions are pooled in the National Health Fund, a unique public fund clearly based, in background and context, on the health system in place in 2005. The National Health Fund is cross-subsidized; those with least need providing for those with more need. It also crosses region to region, and between families of different income levels, businesses, and the State. It uses a system of risk compensation and progressive contributions, which offer both equity and income redistribution.

210. Introducing public insurance to the public was a progressive process and took place in accordance with an established timeline. For that purpose, a number of laws and decrees were enacted, gradually expanding the number of persons insured, who can be grouped as follows:

- Public and private active employees;
- Non-productive employees;
- Dependent minors and dependent older persons with disabilities;
- Spouses and partners.

211. The goal set in 2008 for the year 2016 was 2,350,000 insured persons (71 per cent of the Uruguayan population); in December 2014 the number of insured persons reached 2,368,793.

212. The National Health Fund has given greater financial protection to the population, reduced existing inequalities, lowered private prepayments and out-of-pocket costs, and significantly increased the budgetary investment in health, which reached 6.1 per cent of the gross national product in 2013.

213. From 2008 to the present, measures have been progressively adopted to waive, reduce or freeze fees for some medicines, laboratory work and consultations, in the same way that certain fees are covered by the social security system. Measures adopted with a view to lowering user fees include, in particular: gradual reduction of the price of all medicine "tickets"; waiver or subvention of the price of the ticket for some medicines, and controlling the quantity of medicine given in exchange for a medicine ticket; and waiver of user fees for monitoring pregnancies and for pap smears and mammograms. Increasing prices except on dates set by the executive branch is prohibited, and then only in the amounts authorized. User fees are frozen and maximums set. The first waiver policies were

for patients with a chronic disease. (For diabetics, for instance, insulin, glycaemic regulators, diabetic test strips, antihypertensive drugs, and other medicines used for that pathological profile.)

214. With regard to the recommendation that the State should incorporate comprehensive sexual and reproductive health education into school curricula at both primary and secondary school levels and should introduce public education and awareness-raising programmes in this respect, it is important to know that in recent years Uruguay has made substantial progress in the area of sexual and reproductive rights. There have been significant legislative reforms, such as Act No. 18426 on Defending Sexual and Reproductive Rights, and Act No. 18987 on Voluntary Interruption of Pregnancy, in addition to progressive legislation on sexual diversity and the sex education programme of the National Public Education Administration. Vasectomy, tubal ligation via laparoscopy and, more recently, assisted fertilization, are now covered under the Comprehensive Health-care Plan.

215. With regard to the recommendation that the State should take effective steps to improve standards of care for persons with mental disabilities and update its Mental Health Act of 1934, it should be noted that although persons with mental disabilities have been gravely deprived of their rights, Uruguay has made noteworthy strides in some aspects of this problem. One of these strides is the greater number of persons with mental or intellectual disabilities working for the Government — 10 employees in 2014 — according to the latest report of the National Civil Service Office.

216. Also important is the dialogue held several months ago at the governmental level, between State institutions and the civil society, which resulted in the definition of principles regarding a number of topics: the promotion and protection of mental health; the mental health services system; supervision and monitoring mechanisms; the rights of clients, family members and carers; an intersectoral treatment approach; and human resources, evaluation and investigation. The country recognizes that it has an important challenge ahead.

217. As for the recommendation that the State should address the issue of mental health in psychiatric clinics, take measures to improve living conditions for persons suffering from mental health disorders and provide data, in its next periodic report, on the steps taken to improve the situation of mental health patients, particularly on the availability of essential medicines, it should be noted that one of the main facets of the new mental health law — mentioned in the preceding paragraph of the concluding observations — will be the gradual closing down of the Colonies, a process that will be accompanied by the modernization of existing legislation.

218. Concerning the recommendation that the State should take effective measures to improve the treatment situation of detainees and prisoners infected with HIV/AIDS and to provide information, in its next periodic report, on the concrete steps taken to address this problem, it is useful to know that the problem of HIV in the prisons continues to improve. Services include medication and comprehensive treatment of HIV/AIDS patients. There is an agreement between the State Health Services Administration and the Ministry of the Interior on providing care with the assistance of specialized medical doctors; the former will supply the specific HIV medicine, and the latter will provide medicines for opportunistic infections.

219. The State Health Services Administration and the Infectious and Contagious Diseases Service of the Hygiene Institute provide care — through the prison medical services — on a continual basis to infected persons.

220. Identification, monitoring and treatment of HIV+ patients is conducted in a satisfactory manner, with a greater commitment to treatment and significant improvements

in clinical and paraclinical results. Patients also infected with tuberculosis are diagnosed, treated and monitored. In such cases, treatments are coordinated with the Honorary Tuberculosis Control Commission, which provides medicines and services.

221. A permanent advisory team has been set up in Libertad prison to deal with HIV and other contagious diseases; as a result, the rapid HIV test has been adopted, and hepatitis B and pneumococcal vaccines have been provided to nearly 75 per cent of the prison population. In addition, special diets are provided to patients with diabetes, hypertension, HIV+ and tuberculosis.

222. It has unfortunately been observed that after the release of a patient, treatment is interrupted and contact is lost. Since recidivism is common, the stopping and restarting of treatment brings about mutation and selection of organisms, resulting in drug-resistant strains of HIV.

Article 13 Education

223. The Committee recommended that the State should strengthen the implementation of existing measures to improve access to and quality of primary and secondary school education for all children and take additional, effective steps to ensure that primary education is available, on a free and compulsory basis, as provided in article 13 of the Covenant. Such measures should, in particular, address the need for further funding for education and the factors contributing to low enrolment and completion rates, and take into account the effect of poverty and income disparities on the realization of the right to education.

1. Universality of the right to education

224. The universality of the right to education is enshrined in Act No. 18437 (2008), the General Education Act, where it is defined as a fundamental human right and a public good to which all inhabitants of the Republic are entitled. Within this framework, the fundamental goal of national educational policy should be access by all to quality education, throughout their lives and in all parts of the national territory, through formal and informal educational programmes developed and promoted by the State.

225. To attain this purpose, the Act establishes the National Education System, defined as an “ensemble of comprehensive and coordinated educational proposals for all inhabitants throughout their lives,” made up of the National Education Commission and the National Education Congress, as decision-making and consultative bodies, as well as the Ministry of Education and Culture, the National Public Education Administration, the University of the Republic and other autonomous bodies within the State public education system.

226. All of these institutions, within the scope of their competencies and commitments, are responsible for developing educational policy and enforcing the right to education for all inhabitants of the Republic.

227. The amount of public expenditure on education rose 4.6 per cent between 2007 and 2012, representing 4.7 per cent of the gross national product in 2013.

228. Annex XII provides pertinent details on educational matters.

2. Access to education for groups that may be subject to discrimination Inclusion of vulnerable groups

Mandate

229. The General Education Act contains a set of rules that have been incorporated into programme guidelines for educational institutions. These guidelines call for inclusive education ensuring equal access to full enjoyment of the right to education and effective social inclusion of minority communities and vulnerable groups.

Specific programmes

230. For this specific purpose, in recent years policies have been designed to directly and indirectly address and appraise the issues of school attendance, learning skills, performance results, and family commitment to education.

231. In addition to incorporating a rights perspective into the general plans of each of the educational councils, a number of policy initiatives have emerged, incorporating plans, programmes and projects conceived in various departments of the National Public Education Administration, for the purpose of promoting educational inclusion and generating innovative excellence enhancement programmes; thousands of vulnerable students have benefited.

232. The Central Governing Council for Education administers 15 of these programmes and projects; the Early and Primary Education Council, 6; the Secondary Education Council, 12; the Technical Vocational Training Council, 4; and the Educational Training Council, 8.

Results and the creation of an institutional framework

233. Indicators published in the Education Statistics Yearbook of the Ministry of Education and Culture show that in the implementation of both general programmes and programmes targeting vulnerable or disadvantaged groups, there was an increase between 2008 and 2013 in access to early and secondary education for socially and economically vulnerable groups, while access to primary education remained constant during those years.

234. As for the recommendation that the State should incorporate comprehensive sexual and reproductive health education into school curricula at both primary and secondary school levels and introduce public education and awareness-raising programmes in this respect, note that Act No. 18426, which groups together legislation protecting the right to sexual and reproductive health, laid a foundation for the State's commitment to guaranteeing that right, and provided a legal structure for formulating public policy. The General Education Act (No. 18437) incorporated sex education throughout the National Education System.

235. The sex education programme has been administered in all educational areas since 2008. Programme content is presented in terms of the exercise of rights, citizenship, equitable development and academic achievement, with educational excellence and professionalism. The programme is offered at all system levels, and the emphasis is on the gender perspective and sexual diversity.

236. Priority has been given to secondary school programmes: sex education workshops are part of the core programmes of the Technical Vocational Training Council; and focal point teachers work within the Secondary Education Council, under predesigned programmes already under way. There is an obligatory seminar in the Teacher Training Programme, and a voluntary programme for fourth-year students. In the Teacher Training Centres and Institutes at the national level, a focal point teachers' group has formed with a

view to contributing to knowledge, enhancing conceptual, methodological and pedagogical understanding, and promoting educational excellence. The National Institute for Women worked together with the National Public Education Administration on the publication of the “Teachers’ Sexual Diversity Handbook,” designed to provide conceptual and methodological tools to teachers and other education professionals in tackling the subject of sexual diversity within the educational environment. A virtual course called “Gender and Sexual Diversity” was produced and will be available for viewing on the website of the sex education programme of the National Public Education Administration. A handbook entitled “Talking is Good ... Sex Education for Families” — addressed to families — is another step forward in the implementation of sex education throughout the Uruguayan education system. The Ministry of the Interior, working together with the National Public Education Administration, printed 30,000 copies for distribution to its staff and for professional training purposes.

Article 15

Culture

237. The National Culture Directorate of the Ministry of Education and Culture has sought to make culture accessible and available, encouraged cultural diversity, and promoted research, science and technology.

238. Institutional strides have also been made. The Statute of the Artist and Artistic Pursuits (which include dance, music and acting, among other art forms) provides that work by artists may be recognized and registered within the social security system. A set of rules was drawn up in 2012. The National Music Prizes, awarded yearly in a number of categories, were founded under a 2013 law; at around that same time, the new home of the National Institute of Theatre Arts was inaugurated, enhancing access to the arts.

239. The National Museum System project, an initiative of the Ministry of Education and Culture, was launched in 2010 with support from the Spanish Agency for International Development Cooperation (AECID), with the goal of building a national system to bolster the institutional framework, promote cooperation and optimize human and economic resources in the museums of Uruguay.

240. A number of institutions for the enjoyment of culture have opened their doors, including the Figari Museum, the Gallery of Contemporary Art in the former Miguelete prison, and the Idea Vilariño Multimedia Library.

241. The National Culture Directorate’s online presence was analysed in late 2013, with active participation and information sharing through Facebook, Twitter, YouTube and SoundCloud.

242. Many procedures for access to prizes, listings and projects have been digitalized. The National Museum System has developed the Mestiza Project, which will catalogue and digitalize the museum collections of Uruguay. In 2011, the Uruguayan museum website, www.museos.uy, was made available to the general public - a social information service.

243. The National Culture Directorate carried out a series of research projects and programmes aimed at learning more about the cultural landscape, both for its own daily work and for the general public. It also conducted a survey of cultural institutions and infrastructure in Uruguay, identifying a total of 1,556 institutions with cultural infrastructure: libraries, theatres, cinemas, museums, bookstores, cultural forums, galleries, other halls and theatres, and the offices of the Ministry of Culture.

244. Other significant strides for the national culture are, firstly, the establishment of the Cultural Map of Uruguay, a tool developed by the National Culture Directorate enabling

artists, arts administrators and the public to access crucial georeferenced cultural information, sorted and categorized; and, secondly, the implementation of the Programme to Promote Traditional Festivals, which provided support to 458 such events throughout the country between 2010 and 2013.

245. Worth mentioning are the Educational Training and Production Centres - under the National Education and Work Programme of the Education Directorate of the Ministry of Education and Culture. For adolescents and young people aged 15 to 20 who are not attending school, these public programmes encourage social inclusion, civic participation, continuity in formal education, and preparation for the workplace. There are now 19 centres; 9 of these are new since 2011. The programme expanded into Artigas and Florida in 2011; into Toledo, Las Piedras, Durazno, Maldonado and Rocha in 2012; and into West Montevideo and Paso Carrasco in 2014.

246. Work is currently being done on the final UNESCO Culture for Development Indicators report.

Cultural citizenship

247. The creation of culture and access to the enjoyment of culture should be available to all of society. Cultural rights should be a reality for all citizens, regardless of their legal status, the state of their health, or their age.

248. Many related initiatives, projects and funds are listed in annex XIII.

III. Reply to general recommendations

249. The Committee urges the State party to render operational the national human rights institution, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

250. The National Human Rights Institution and Ombudsman's Office is in full operation, as provided under Act No. 18446 of 24 December 2008 and revised in Act No. 18806 of 14 September 2011.

251. The Committee also encourages the State party to consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

252. Uruguay ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities, in Act No. 18776 of 11 July 2011.
