



## International Covenant on Civil and Political Rights

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### Human Rights Committee

103rd session

17 October–4 November 2011

### List of issues prior to consideration of the fifth periodic report of Uruguay (CCPR/C/URY/5)\*

#### General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on significant developments in the legal and institutional system since the previous periodic report that promote and protect human rights at the national level, including examples of the application of the Covenant by the courts. Please also provide information on the steps taken to spread awareness of the Covenant among judges, lawyers and public prosecutors.
2. Please provide information on significant political and administrative measures taken to promote and protect human rights in accordance with the Covenant since the previous report, including any resources and means allocated thereto, the objectives sought and the results achieved.
3. Please provide information on measures taken to ensure full implementation of the latest concluding observations adopted by the Human Rights Committee, (CCPR/C/79/Add.90), including any necessary statistical data.

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\* The present list of issues was adopted by the Committee at its 103rd session in accordance with the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the preparation and adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from States parties to these lists of issues will constitute their periodic reports under article 40 of the Covenant.

## **Specific information on the implementation of articles 1 to 27 of the Covenant, including follow-up on the Committee's previous recommendations**

### **Constitutional and legislative framework within which the Covenant is implemented (art. 2)**

4. Please provide information about the steps taken to set up a national human rights institution that may be accredited with the International Coordinating Committee of National Human Rights Institutions, in accordance with the Paris Principles (General Assembly resolution 48/134, annex).

### **Non-discrimination, rights of minorities and equal rights (arts. 3, 25, 26 and 27)**

5. Please provide information on the measures and strategies adopted to strengthen gender equality and on legislative reforms in that respect. Please provide information on the results of the First National Plan on Equal Opportunities and Equal Rights (2007–2011) and on steps taken to foster the principle of equal access to the civil service, particularly in terms of the employment of women, their representation in positions of responsibility and equal labour rights. In particular, please provide information on measures adopted in favour of indigenous women and women of African descent.

6. Please indicate what legislative measures have been adopted to remove the provisions of the Civil Code and the Criminal Code that discriminate against women. Please also indicate what legislative reforms have been undertaken to recognize marital rape as an offence.

7. Please provide information on the measures adopted to ensure the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. In particular, please provide information on the measures taken to ensure that children with disabilities can fully exercise the rights enshrined in the Convention, and to facilitate the access of persons with disabilities to employment.

8. Please indicate what legislative reforms and concrete measures have been introduced to combat discrimination against lesbian, gay, bisexual and transsexual persons (LGBT).

### **Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 6 and 7)**

9. Please provide information on the steps taken to classify torture within the internal legal system in terms which are consistent with article 7 of the Covenant and with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

10. Please provide information on the extent of the problem of violence against women, especially domestic violence, and particularly on the legal framework available in Uruguay to combat the problem, including measures adopted to ensure the effective investigation of cases of domestic violence and the trial and punishment of perpetrators. Please indicate the results obtained from the National Plan to Combat Domestic Violence (2004–2010), and the strategies and programmes adopted in this area. Please provide information also on the training received by judges, prosecutors, police officers and health workers and on campaigns to inform women and enable them to assert their rights. Please also give details of: (a) the number of complaints received; (b) investigations completed; (c) the types of penalties inflicted; (d) compensation granted to victims; and (e) the number of safe shelters and other resources allocated to assist the victims of domestic violence.

**Elimination of slavery, servitude and forced labour, and freedom of movement (art. 8)**

11. Please provide information on the steps taken to prevent human trafficking, to bring to trial and punish the perpetrators, and to protect and rehabilitate victims and ensure their reintegration in society. Please provide statistics on the number of convictions and the type of sanctions imposed in these cases.

**Right to liberty and personal security and the rights of persons deprived of liberty (arts. 9 and 10)**

12. Please indicate what measures have been taken to improve conditions of detention in accordance with article 10 of the Covenant, with regard in particular to overcrowding, access to health, education programmes and work in detention centres, in respect of adults and of children and adolescents in conflict with the criminal law. Please provide information on steps taken to avoid cruel and inhuman conditions of detention, such as those observed in “Las Latas” and modules 2–4 in the Comcar prison.

13. Please indicate what measures are being taken to improve conditions in juvenile facilities, particularly in the Uruguayan Institute for Children and Adolescents (INAU), which, according to some reports, are similar to those in adult detention centres. Please also indicate the progress made in investigating alleged abuses by various officials from that institute.

14. Please provide information on measures taken to prevent torture and ill-treatment of persons deprived of liberty, including those in pretrial detention. Please indicate to the Committee the mechanisms which are available to independently investigate reports of torture and other ill-treatment made by persons deprived of their liberty.

15. Please provide information on the number of persons currently in pretrial detention, indicating how long they have been in custody.

**Due process and the right to recognition as a person before the law (arts. 14 and 16)**

16. Please indicate how the State intends to ensure respect for Covenant rights in the case of victims of the 1973–1985 dictatorship, in particular for the families of the victims of enforced disappearance.

17. Please provide information on the measures taken to ensure the proper functioning of family courts, and the availability of the financial and human resources, especially outside the capital.

18. Please give details of the steps taken to ensure equitable access to courts and to administrative bodies for indigenous persons and persons of African descent.

19. Please provide information on the legislative and administrative reforms that have been introduced to ensure that national and international adoptions comply with international standards in that respect.

**Protection of minors (arts. 23 and 24)**

20. Please provide information on the measures taken to eliminate discrimination between men and women with regard to the minimum age for marriage and ensure consistency with international standards in this regard.

21. Please provide information on the measures and strategies adopted to combat the persistence of stigmatization and discrimination against children, whether because they were born out of wedlock, or on account of their gender or ethnic origin (especially in the case of children of African descent). In particular, please give details of steps taken to ensure access to education and health services.

22. Please give details of preventive measures and assistance provided for children living or working in the street, in order to give them access to adequate food, to housing, to proper educational opportunities and to health services. Please provide information on measures taken to ensure observance of the prohibition of child labour and the economic exploitation of children.

23. Please give details of the steps taken to ensure the rapid processing of registration formalities and identity documents for children who are refugees, asylum seekers or migrants, and to enable them to access health services and receive education and protection.

**Common core document**

24. The Committee invites the State party to consider updating its core document in line with the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1). The common core document will complement the replies to this list of issues.

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