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Civil and Political Rights**

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Human Rights Committee

**Sixth periodic report submitted by Uruguay under article 40
of the Covenant pursuant to the optional reporting procedure,
due in 2019*, **, *****

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

Replies to the questions raised in paragraph 1

National Mechanism for Reporting and Follow-up on Recommendations

1. Decree No. 358/2016 of November 2016, which created an inter-institutional network for reporting and follow-up on the implementation of human rights recommendations and observations and established the Recommendations Monitoring System (a public-sector online tool for recording State action relating to compliance with and implementation of the recommendations and observations formulated by the universal system for human rights protection), heralded the start of a coordinated inter-institutional effort to streamline the methodology by which Uruguay reports to the international community and gives effect to human rights commitments at the national level.
2. The consolidation of the inter-institutional network and the introduction of the Recommendations Monitoring System¹ laid the foundations for the formation of the National Mechanism for Reporting and Follow-up on Recommendation.
3. The National Mechanism is coordinated by the Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs and consists of an inter-institutional network composed of the three branches of Government, departmental governments, decentralized services and autonomous bodies.² The National Human Rights Institution and Office of the Ombudsperson has the status of permanent observer of the National Mechanism and participates in its work at all levels.
4. The National Mechanism uses the dialogue and consultation system of the Ministry of Foreign Affairs as a formal channel of communication with civil society. Pursuant to Decree No. 89/2018, adopted in April 2018, the Ministry of Foreign Affairs has undertaken to convene, either on its own initiative or at the request of inter-institutional committees, civil society organizations working in the areas covered by the reports to be submitted to the treaty bodies and under the universal periodic review to participate in public consultations prior to the reports' submission, thus providing a forum for dialogue between the State and civil society relating to the report in question.

Developments in the judicial and institutional systems

5. The following legislation was adopted during the period under review:
 - Act No. 19.293, enacting the new Code of Criminal Procedure (19/12/14)
 - Act No. 19.510, on the entry into force of the new Code of Criminal Procedure (14/07/17)
 - Act No. 19.580, on gender-based violence against women (22/12/17)
 - Act No. 19.643, on preventing and combating trafficking in persons (20/07/18)
 - Act No. 19.682, on the recognition and protection of stateless persons (26/10/18)
 - Act No. 19.684, the comprehensive law protecting transgender persons (26/10/18)
 - Act No. 19.685, on the promotion of gender-equitable development (26/10/18)
 - Act No. 19.691, on the inclusion of persons with disabilities in the workforce (29/10/18)
6. In 2018, a draft organic law on the military and the armed forces was submitted to parliament, where it has received preliminary approval. The bill sets out the inherent obligation of military personnel to perform their duties in a manner respectful of human rights and prohibits them from invoking the duty of military professional secrecy when requested to provide information that relates to human rights violations or is of relevance for investigating, preventing or avoiding such violations.

7. The draft law also provides that giving orders that entail a flagrant violation or unlawful restriction of fundamental human rights will be classified as a very serious offence and that all members of the military have a duty to denounce orders given in breach of its provisions.

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

A. Constitutional and judicial framework for the implementation of the Covenant

Replies to the questions raised in paragraph 2

8. The contents of the Covenant form part of the training curriculum for judicial officials. While the enforceability of the Covenant in the national legal system is subject to interpretations of the domestic applicability of international law, there are sufficient grounds to conclude that its direct application is possible.

Case of Peirano Basso v. Uruguay (communication No. 1887/2009)

9. On 19 November 2011, the Committee was informed by note verbale that the Supreme Court had ordered Juan Peirano's release from prison, in exercise of the authority to grant pardon set forth in the sole article of Act No. 17.272 of October 2000, which replaced article 20 of Act No. 15.737 of March 1985, in view of the lengthy period of pretrial detention he had served and the status of the proceedings.

10. On 4 April 2014, with the Committee having made further submissions at the request of the applicant's counsels, Uruguay submitted comments on the case, reserving the right to expand upon them on the basis of a communication sent by the applicant's counsels in March 2014.

Dissemination of the contents of the Covenant

11. The training bodies of the Supreme Court have organized courses on human rights-related subjects as part of the training programmes for judges, court clerks and judicial officers. Specifically, the Centre for Judicial Studies of Uruguay has run courses on violence, domestic violence, gender-based violence, violence against children and adolescents and child sexual abuse, as well as courses for aspiring judges, serving judges and public defenders and prosecutors.

12. The Attorney General's Office has organized human rights training for its prosecution teams every year without exception since the Inter-American Court of Human Rights issued its judgment in the case of *Gelman v. Uruguay*. A human rights refresher training seminar with contributions from highly qualified speakers was held from 15 to 30 November 2018.

13. In November 2018, the United Nations country team in Uruguay, the Centre for Judicial Studies of Uruguay and the training centre of the Attorney General's Office organized an international seminar entitled "Protecting human rights in the domestic and international justice systems".

Replies to the questions raised in paragraph 3

14. The regime applicable to states of emergency remains that which is expressly set forth under articles 31 and 168.17 of the Constitution.

15. At the same time, given that the provisions of article 4 of the Covenant are directly applicable in the legal order of Uruguay by virtue of articles 72 and 332 of the Constitution,³ the breadth of the aforementioned articles and the fact that they say nothing

about the non-derogability of fundamental rights leave a gap that is filled by the contents of the Covenant, through mechanisms established by the Constitution itself.

16. Uruguay is a party to the American Convention on Human Rights (Pact of San José) and, accordingly, the text of this Convention also forms part of the country's legal order and is also directly applicable. Article 27⁴ of the Convention is perfectly in line with article 4 of the Covenant, in relation to both the principle of exceptional threat and the non-derogability of fundamental rights.

17. A point of note regarding the incorporation of the American Convention into the legal system of Uruguay is that, in addition to receiving parliamentary approval for ratification by the executive branch, the text of the Convention was recorded as "forming part" of the act of ratification,⁵ thereby dispelling any interpretative doubt as to its value in domestic law, it being, for all intents and purposes, a law in its own right. Furthermore, Uruguay took the initiative to request an advisory opinion⁶ from the Inter-American Court of Human Rights regarding the scope of the prohibition of the suspension of judicial guarantees essential for the protection of the rights mentioned in article 27 of the Convention. The opinion of the Inter-American Court constitutes another source of interpretation of the provisions in question.

18. No measures related to states of emergency have been taken during the review period.

Replies to the questions raised in paragraph 4

National Human Rights Institution and Office of the Ombudsperson

19. The National Human Rights Institution and Office of the Ombudsperson obtained A status accreditation in May 2016, demonstrating that it complies fully with the Paris Principles.⁷

20. Upon commencing its work, the Institution had only 10 officials, who were on secondment from other State bodies. It now has 45 staff members of its own and 9 persons on secondment.

21. Every year, the National Human Rights Institution and Office of the Ombudsperson requests its budget from the legislature, thus ensuring that it is able to function properly.

22. On 31 July 2018, the rendering of accounts and evaluation of budget execution for the 2017 financial year was approved by decision of the Senate. As stated at the meeting in which this decision was adopted,⁸ parliament put forward a "management policy based on a judicious use of resources" for the whole public sector, including the National Human Rights Institution and Office of the Ombudsperson.

National preventive mechanism

23. In 2013, the national preventive mechanism began to monitor places of detention by means of an interdisciplinary team. The mechanism operates independently of public authorities and is impartial.

24. In 2018, it made a total of 103 visits, which was an increase of 32 per cent compared with 2017 and 91 per cent compared with 2016. This increase was mainly due to visits undertaken to monitor the system of adolescent criminal responsibility and, to a lesser extent, the protection system for children and adolescents.

25. Some interesting changes were observed in the types of visit conducted. While in 2017, 51 per cent of visits were inspections, in 2018, 57 per cent were follow-up visits. This shift reflects the consolidation of the national preventive mechanism, which has achieved a progressive increase in coverage while improving the follow-up of recommendations.⁹

B. Non-discrimination and the rights of minorities

Replies to the questions raised in paragraph 5

Racial discrimination

26. Uruguayan law punishes any person who promotes, sets up, organizes, leads or participates in associations, bodies, institutes or sections formed with a view to inducing or inspiring racial conflict or hatred and penalizes the incitement and commission of acts of hatred, contempt or violence towards specific individuals. Special and very special aggravating circumstances are defined for the offences of murder and bodily injury, and a number of sentences have been handed down for acts of this kind.

27. Act No. 17.677 of 2003 amended the Criminal Code to introduce the offence of incitement to hatred, contempt or violence towards one or more persons because of the colour of their skin, their race, religion, national or ethnic origin, sexual orientation or gender identity. Act No. 18.026 of 2006 establishes the offences of public incitement to commit genocide; conspiracy to commit genocide; crimes against humanity; war crimes; and the justification of acts of this kind committed in the past.

28. The National Council on Ethnic and Racial Equity and People of African Descent was set up by the executive branch under Act No. 19.670 of 2018. Its tasks will include advising the executive on matters within its remit; promoting the mainstreaming of an ethnic, racial and Afrodescendent perspective in public policies; and working on the design and implementation of a national system for racial equity and people of African descent.

Racial discrimination in the spheres of labour and education

29. Act No. 19.122 of 2013, containing provisions for promoting the participation of people of African descent in education and employment, provides for affirmative action such as the award of secondary and tertiary education scholarships to persons from this group. The Act requires State bodies and public corporations to meet a quota whereby persons of African descent account for 8 per cent of new recruits hired through open competitions each year.

30. The Act stipulates that, for a period of 15 years, State bodies and public corporations must reserve 8 per cent of annual vacancies for persons of African descent who meet the requirements set out in vacancy announcements and take part in the open competitions.

31. This requirement represents an important step towards reversing the discrimination and inequality of opportunity historically faced by people of African descent in Uruguay, constituting an affirmative action measure that promotes their employment in the public sector.

32. Although the legally established percentage quota has not yet been met, the National Civil Service Office has reported that, between 2014 and December 2017, 1,120 persons of African descent were appointed to vacancies spread across 22 State bodies and 4 public corporations.¹⁰

33. A general increase in appointments of persons of African descent in application of the Act was observed between 2014 and 2017.

34. Data for 2018 were being processed at the time of writing.

35. Complaints of racial discrimination in the workplace are addressed by the Ministry of Labour and Social Security, applying the National Women's Institute protocol for inclusion of the ethno-racial variable in State records.

36. The educational centres of the Vocational Technical Education Council are taking affirmative action measures in favour of people of African descent and transgender persons, facilitating their registration with student administration offices and establishing quotas for scholarship places besides offering other forms of support.

National Plan for Racial Equity and People of African Descent

37. The National Plan for Racial Equity and People of African Descent was launched on 21 March 2019. Regional assemblies attended by representatives of departmental governments, State bodies and civil society organizations and persons of African descent were held as part of the preparations.¹¹

38. The Plan sets out 10 strategic lines of action: (1) ensuring the statistical visibility of the Afrodescendent population; (2) combating all forms of discrimination in order to guarantee the exercise of universal rights and uphold the dignity of the Afrodescendent population; (3) reducing multidimensional poverty from an ethno-racial, Afrodescendent and territorial perspective; (4) guaranteeing decent housing and inclusive environments; (5) providing an education system committed to the present and future of people of African descent; (6) ensuring an equitable labour market and employment with an ethnic and racial perspective; (7) guaranteeing a health system that incorporates an ethnic and racial equity perspective; (8) positioning women of African descent as pillars of a new citizenry; (9) promoting economic empowerment with an ethnic, racial and territorial perspective; (10) increasing coordination between the State and Afrodescendent civil society and increasing the autonomy of the latter.

Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination

39. The specific powers of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination¹² are: to analyse the extent of discrimination nationwide and monitor compliance with anti-discrimination measures; to propose the formulation of specific laws or the amendment of existing ones to the executive branch; and to collect and centralize information on racist, xenophobic and discriminatory behaviour, to keep up-to-date records of such conduct and to lodge the corresponding complaints.

40. During the past year, the Commission has been strengthened with additional human, technical and administrative resources and has been working to enhance its visibility.

41. In 2018, it signed a protocol with the National Human Rights Institution establishing criteria and procedures for action to be followed in the event of complaints or petitions referring to cases of racism, xenophobia or any other form of discrimination and guidelines for how the signatory institutions should act in response and how they should interact with each other.

42. The programme of activities envisaged under the National Human Rights Education Plan¹³ published in 2017 include encouraging institutions to provide refresher training for teachers, educators and technical staff on matters related to people of African descent.

People of indigenous descent

43. The Government has looked at how the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) might be applied, but the definition of indigenous peoples contained in article 1 makes it difficult to see how the Convention could be implemented in present-day Uruguay. However, the Ethnicity and Race Unit of the Ministry of Foreign Affairs is studying ways of working with the relevant bodies with a view to applying the Convention's provisions in relation to people of indigenous descent.

44. Organizations that bring together persons who self-identify as being of indigenous origin have been consulted at various levels and participate in the programmes on subjects such as biodiversity and rural productive development that are run by government ministries with the support of the Inter-American Development Bank and the World Bank.

Replies to the questions raised in paragraph 6*Access to justice and to administrative bodies for vulnerable groups*

45. The Code on Children and Adolescents and other recently adopted laws provide a framework of guarantees for the right of access to justice. These laws are: Act No. 19.293 of 2014 enacting the new Code of Criminal Procedure; Act No. 17.815 on commercial and

non-commercial sexual violence against children or adolescents; Act No. 19.580 on gender-based violence, adopted in 2017; Act No. 19.643 on preventing and combating trafficking in persons, adopted in 2018; and the comprehensive law protecting transgender persons of 2018. All of these laws contain provisions relating to the rights of children and adolescents that must be respected during legal proceedings regarding their situation.

46. The National Disability Programme has been running tutored online courses on disability and human rights since 2015. These courses place special emphasis on deconstructing stereotypes regarding persons with disabilities and breaking down attitudinal barriers, and are aimed at civil servants, representatives of civil society organizations and persons with disabilities and their relatives.

47. The Afrodescendent Affairs Department of the Human Rights Division of the Ministry of Social Development has made mainstreaming the ethno-racial dimension a strategic guideline for various State bodies. Between 2016 and 2018, training on this subject was provided to managerial and human resources officers in all State bodies.

48. Awareness-raising workshops on the consequences of structural racism and racial discrimination have been held for State agencies and public sector bodies. Training workshops on the practical application of Act No. 19.122 in the public sector have also been held.

49. Expert technical advice has been provided to more than 60 per cent of State bodies, which required support in preparing the rules and forms for the different recruitment competitions.

50. The Education Directorate of the Ministry of Education and Culture has conducted campaigns to publicize the availability of lower-secondary education scholarships in departments with large Afrodescendent populations.

51. As part of the educational strategy pursued by schools that promote human rights, since 2016 continued efforts have been made to train and raise awareness among teachers and staff in the different educational communities about the ethnic and racial dimension, affirmative action, people of African descent and Act No. 19.122.

52. In the area of migration, various public bodies – in cooperation and coordination with civil society, international organizations and academia – have systematically held internal staff training and awareness-raising days and workshops for journalists on migration and the rights of migrants.

53. All ministries represented on the National Migration Board have organized training and awareness-raising courses for their officials. In addition, the Board has provided training at different levels and in different departments for the authorities and officials of educational institutions.

Training provided to public officials

54. The National School of Public Administration has been training officials in human rights issues, including non-discrimination. This training is aimed at civilian officials, mainly from the executive branch; police and military officials receive instruction at their own training centres.

55. During the period 2016–2018, 1,551 public officials received human rights training.

C. Sexual orientation and gender identity

Replies to the questions raised in paragraph 7

56. In the area of sexual diversity, progress has been made in protecting diversity and implementing a large body of guaranteeing laws, including Act No. 18.246 on the union of cohabiting partners (2007); Act No. 18.260 on the right to gender identity and to a change of name and sex in identification documents (2009); Act No. 18.590 amending provisions of the Code on Children and Adolescents relating to adoption (2009); Act No. 19.075 on same-sex marriage (2013); Act No. 19.167 on assisted human reproduction (2013); Act No.

19.684, the comprehensive law protecting transgender persons (2018); and Act No. 19.670 (2019), which established the National Council on Sexual Diversity and the stewardship of the Ministry of Social Development in this area (2019).

57. In 2018, the Council on Sexual Diversity presented the first National Sexual Diversity Plan, for the period 2018–2020,¹⁴ which is designed to serve as a medium- and long-term road map for cementing the process of recognition of the rights of LGBTIQ persons.

58. The principle of the Plan is to promote, from a human rights perspective, the full citizenship of members of this group, guaranteeing them equal enjoyment of rights and opportunities and social, political, labour, economic and cultural participation and inclusion free from any form of stigma, discrimination or violence. Its goal is to strengthen the incorporation of sexual diversity, equality and non-discrimination perspectives in public policies and institutional practices.

59. The State Health Services Administration guarantees access to health services and provides ongoing training for health teams. It also produces research, publications and protocols on this topic.

60. Since 2012, the Administration has been running two courses per year on health and sexual diversity for students and graduates in health-related disciplines. These courses have sought to expand the knowledge of students, professionals and technicians of the health needs of lesbian, gay, bisexual, transgender and intersex persons and their difficulties in accessing services.

61. The Uruguayan Institute for Children and Adolescents is working on gender mainstreaming, placing an emphasis on diversity issues. Since 2018 the Institute has been working with the EUROsociAL+ programme to create a gender unit or mechanism.

62. The Institute runs workshops on diversity issues for its officials under an agreement with the Ministry of Social Development. It also works in coordination with the Ministry of Health and the State Health Services Administration to support the process of changing gender identity in identification documents.

63. In the education sphere, in 2018 the National Public Education Administration approved a document on affirmative action measures for the Afrodescendent population and transgender persons, which contains a plan to support Afrodescendent and transgender students in secondary education, as well as general affirmative action measures for both groups.

64. Under a working agreement between the Ministry of Education and Culture, the National Women's Institute, the National Public Education Administration and the Ceibal Plan (Basic Educational Computing Connectivity for Online Learning), a range of online courses on education and gender has been developed for educators, technical staff working in formal and non-formal public and private education, and students on education-related courses.

Training and education

65. The Ministry of Social Development has an agreement with the Institute of Political Science of the Faculty of Social Sciences of the University of the Republic for the provision of training and awareness-raising courses on sexual diversity issues for the staff of public and private institutions. The agreement has two components: training and awareness-raising on the one hand, and research on the other.

66. In August 2016, the Ministry of the Interior published a practical guide for police training on diversity, entitled “Why the gender and sexual diversity approach in security policies?”, and human rights and gender, generational and diversity perspectives are now all integrated into the training provided to police officers in order to improve local responses to gender-based violence.

Transsexual persons

67. Act No. 19.684, the comprehensive law protecting transgender persons that is regulated by Decree No. 104/019,¹⁵ is designed to guarantee the right to a life free from discrimination and stigmatization for transgender persons of all ages and sexual orientations, irrespective of socioeconomic status, territorial affiliation, national origin, belief, cultural and ethnic-racial origin or disability status through the establishment of integrated prevention, care, protection, promotion and redress mechanisms.

68. It also establishes a reparations system for transgender persons born before 31 December 1975 who for reasons related to their gender identity were victims of institutional violence or were deprived of their liberty by the security forces.

69. The Act created the National Council for the Coordination of Public Policies on Sexual Diversity and provides for the gender identity variable to be included in all official statistical systems, including censuses, continuous household surveys, National Civil Service Office reports and all public measurements that include the “sex” variable.

70. The Act stipulates, in article 6, that the procedure for requesting changes in official records is no longer a judicial but an administrative matter, and repeals Act No. 18.620 of 2009, which guaranteed the right to identity of transgender persons.

71. Article 21 of the Act, on the right to comprehensive care, states that “all transgender persons have the right to comprehensive care to align their body with their gender identity, which shall comprise, as a minimum, all programmes and services specified in accordance with article 45 of Act No. 18.211 of 5 December 2007 on the National Integrated Health-Care System, including surgical medical treatment”.

72. In 2016, the Ministry of Social Development conducted a national census of transgender persons that yielded information on discrimination and violence¹⁶ from which a good approximation of the socioeconomic profile, lives and living conditions of the transgender population could be drawn. These detailed and reliable nationwide statistics brought greater visibility to the situation of transgender persons and the problems and limitations they experience, and were key to the drafting of the comprehensive law.

73. Specific policies introduced for the benefit of transgender persons include the issue of “Social Uruguay” Cards; affirmative action measures to promote labour inclusion, including an open competition specifically for transgender persons and the introduction of a 2 per cent quota for their inclusion in work programmes; training activities on public policies and sexual diversity; cultural activities; the award of funds to support sociocultural projects with a diversity component; the continuation of the “Transforma” discussion seminars; and support for new lines of research further to an agreement with the University of the Republic.

74. In 2010, a health-care teaching unit was created within the framework of the human resources training and capacity-building programme of public health service providers. This facility is not a polyclinic for transgender patients, but rather a family medicine polyclinic where transgender persons can seek and receive care in the same way as all other users.

75. In Uruguay, “normalization” surgeries are not performed upon intersex persons without their consent. When such procedures are performed, they are regulated by Act No. 19.580, article 22 of which provides for clear procedural guidelines to be established for surgical interventions on intersex persons and prohibits unnecessary medical procedures in the case of children and adolescents.

D. Equality between men and women

Replies to the questions raised in paragraph 8

76. The National Gender Council is the policymaking body responsible for defining priorities and commitments for gender equality policies. It is composed of senior officials from ministries and the main public bodies and representatives of academia, business, the trade union movement and the women’s and feminists’ movement.

77. In March 2018, the Council presented the National Gender Equality Strategy 2030, a road map for medium-term State action on gender equality that sets out the challenges faced in the various problem areas requiring action on the part of the executive, legislative and judicial authorities of the State.¹⁷

78. Goal IV of the Strategy is to achieve “women’s real and effective participation in decision-making in all areas” and 11 strategic lines of action for addressing this challenge are defined.

79. The Quality with Gender Equity Model is a tool for organizational change towards gender equality that is framed by the public policy for gender equality in the workplace which the National Women’s Institute has been developing since 2008. After evaluation, a new version of the model was introduced in 2016 that incorporates the racial and ethnic perspective of the Afrodescendent population at all levels of implementation.

80. Article 22 of Act No. 17.897 of September 2005 provided for the establishment of a Criminal Code Review Commission, which drafted a bill that was submitted to Parliament in 2010. After four years of study, the Constitution, Codes, General Legislation and Administration Commission of the Chamber of Deputies drafted an alternative bill that is currently under consideration.¹⁸

National Integrated Care System

81. Act No. 19.353, adopted in November 2015, provided for the establishment of the National Integrated Care System, the vehicle through which public policies designed to meet the needs of persons aged over 65 who lack the autonomy to carry out the activities of everyday life, children up to the age of 12, persons with disabilities who lack the autonomy to carry out the activities of everyday life and persons who provide care services (Decree No. 427/016) are implemented.

82. The National Integrated Care System promotes the development of a care model in which responsibilities are shared between State, communities, the market and families. It also aims to foster a change in the current division of unpaid care work between the sexes and an increase in the value of paid care work in the labour market. A key objective is to ensure that both individuals and public sector actors assume their share of responsibility for the care of dependent persons.

83. The National Public Education Administration is implementing a childcare project for the children of young parents that enables them to remain in secondary school, thereby ensuring that there is no break in their education. The childcare facilities are open in the afternoons and in the evenings, ensuring that children can be looked after while their parents are busy studying.

Equality in work and education

84. The Ministry of Labour and Social Security provides training on collective bargaining with a gender perspective and shared responsibility for negotiators from the private, public and governmental sectors, drawing on the previous experiences of the Tripartite Commission for Equal Treatment and Opportunities in Employment.

85. The most visible achievement of the Tripartite Commission for Equal Treatment and Opportunities in Employment so far is its work towards the adoption of the law regulating domestic work, enacted in November 2006, and the law on sexual harassment, passed in September 2009.

86. The Collective Bargaining Division of the Ministry of Labour and Social Security has developed a computer-based platform for internal use in processing information from various sectors, including indicators that reflect whether decisions and agreements comply with regulations and take gender issues into account.

87. The number of jobs for which social security contributions were paid increased by 54.5 per cent in the period 2004–2018. While women’s employment in jobs for which social security contributions are paid remains lower than that of men (46 per cent on average over the period in question), the greatest increase was observed in women’s

employment (up 66 per cent compared to 45 per cent for men), indicating that the labour gap is narrowing. The trend was apparent in respect of both employees and self-employed workers.

88. In the seventh round of wage negotiations, the executive authorities placed special emphasis on the gender perspective.

89. With regard to the gender pay gap, the average payroll salary, expressed in constant pesos, increased by 69 per cent over the period 2005–2017. Although women continue to earn only around 77 per cent of men’s earnings, their average wage increased by 72 per cent over the period analysed while men’s average wage increased by only 70 per cent, pointing to a slight reduction in the pay gap.

90. Act No. 19.161 of November 2013 made changes to the maternity allowance and introduced paternity and newborn care allowances, marking a step towards alignment with international care-related agreements. The Act promotes shared responsibility for the care of children and recognizes its importance. The Social Security Bank has conducted television and radio campaigns to support the implementation of these new policies.

91. Within the framework of the “Protected Youth Work” model, the Youth Employment Act provides incentives for the recruitment of women in the form of an increased subsidy for companies that hire women for periods of 12 to 18 months. The Act promotes the elimination of all forms of violence at work through information, awareness and training activities on the prevention and punishment of sexual harassment in the workplace for persons responsible for implementing its provisions and provides for training and sensitization initiatives to raise awareness about harassment in companies.

92. The National Public Education Administration’s Gender Network promotes gender equality throughout the national education system, focusing on pedagogical, organizational, financial and human resources-related aspects, with a view to reducing the multiple inequities that impede comprehensive personal development.

93. With regard to the representation of women in decision-making positions in public academic institutions, as at the date of this report, the deans of 8 of the 15 faculties of the University of the Republic are women.¹⁹

Participation of women in public and political life

94. The reports of the National Civil Service Office on access to decision-making positions in the central administration show that gender parity has been reached at the divisional level but that from the sectional level upwards men hold a far greater proportion of posts.²⁰

95. In October 2017, parliament approved Act No. 19.555, under which the equitable participation of persons of both sexes in national and departmental elected bodies and the leadership of political parties is declared to be in the public interest. Act No. 18.476 of 2009 was therefore amended, and now provides that one in every three candidates or alternates must be of a different sex in all internal elections and in first- and second-level national, departmental and municipal elections.

E. Violence against women

Replies to the questions raised in paragraph 9

96. Act No. 19.580²¹ on gender-based violence against women was adopted in 2017. Its purpose is to ensure that women, including transgender women, can exercise their right to a life free from gender-based violence, irrespective of their age, sexual orientation or gender identity, socioeconomic status, territorial affiliation, beliefs, cultural or ethnic origin, race or disability status. To this end, comprehensive mechanisms, measures and policies for prevention, care, protection, punishment and redress have been established.

97. The Act defines gender-based violence against women as a form of discrimination that directly or indirectly affects the life, freedom, dignity, physical, psychological, sexual

or economic integrity, property or personal safety of women. It is understood to include any behaviour, act or omission in the public or private sphere that is underpinned by an unequal power relationship based on gender and has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise of women's fundamental human rights and freedoms, including acts perpetrated by the State or its agents or by private organizations or individuals.

98. The Act recognizes different forms of violence, including physical, psychological or emotional and sexual violence. Sexual violence includes marital rape and the involvement of children and adolescents in sexual activity with an adult or any other person who has an advantage over them by virtue of their age, physical or cognitive development, family ties or a relationship of trust or power, including sexual abuse, sexual exploitation and use in pornography. The Act also covers manifestations of violence motivated by sexual orientation, gender identity or gender expression; economic, property-related, symbolic or obstetric violence; violence in politics, education, employment or the media; femicide; sexual harassment in the street; and domestic, community, institutional and ethnic or racial violence.

99. The Act's seven chapters cover the inter-institutional response system and contain guidelines for the corresponding public policies, mandating State institutions to establish programmes, action plans, protocols, registers and investigative mechanisms for the elimination of gender-based violence. The Act also provides for the establishment of a network of social services; sets out procedures for protection, investigation and prosecution, and for administrative and judicial proceedings; amends certain provisions of the Criminal Code, introducing a set of updated criminal provisions on sexual offences; and gives the courts the power to exempt women from being sentenced for homicide in particularly serious cases of domestic violence involving a partner or former partner.

100. The Act also paved the way for the establishment of the Observatory for Gender-Based Violence against Women, which monitors, collects, produces, records and systematizes data and information on an ongoing basis.

Plan of Action for a Life Free from Gender-based Violence 2016–2019

101. On 16 November 2015, the Plan of Action for a Life Free from Gender-based Violence with a Generational Perspective 2016–2019 was adopted through Executive Decree No. 306/015.²² The Plan presents a holistic view of gender-based violence and takes an interdisciplinary and intersectoral approach. It offers a comprehensive definition of the inter-institutional response system, which encompasses nationwide promotion and prevention activities, a network of support services and measures to improve access to justice, follow-up and redress for victims; provides for the resocialization of male perpetrators of violence; and is supported by all member bodies of the Advisory Council for a Life Free from Gender-based Violence.

102. Within the framework of the Plan, in 2017, through Act No. 19.538, amendments to articles 311 and 312 of the Criminal Code were adopted to classify femicide as a very particular aggravating circumstance of murder. Femicide is defined as the killing of a woman that is "motivated by hatred, disdain or contempt on grounds of her status as a woman".

103. The gender-based violence response system of the National Women's Institute comprises various support mechanisms. It is open to all women in Uruguay, including women of African descent, women with disabilities and women migrants, refugees and asylum seekers.

104. The network of services that supports the Plan of Action for a Life Free from Gender-based Violence has grown exponentially in the last three years, although it remains inadequate. The number of care facilities for women in situations of gender-based violence has increased from 18 to 31. In addition to the 18 local coordination units there is now an additional local team in Montevideo and the number of teams offering services for male perpetrators of violence has increased from 3 to 12. The support unit providing nationwide services for women victims of trafficking for the purpose of sexual exploitation, the short-stay shelter for women whose life is at risk from domestic violence, and the temporary

housing alternatives programme run in cooperation with the Ministry of Housing, Land Management and Environment continue to operate and have been expanded. Over the same period, a halfway house, a transitional centre and an entry portal to 24-hour centres have been established. In addition, training to facilitate employment and labour market insertion has been provided in conjunction with the National Institute of Employment and Vocational Training.

105. All support mechanisms keep systematic administrative records on action taken. This year, these records were compiled into a unified system, known by the acronym “SMART”, to allow for effective processing and subsequent analysis of violent incidents in which support was provided. To date, the units providing support to women victims of gender-based domestic violence have conducted two qualitative assessments, which have made it possible to establish a more detailed profile of the affected population and to review the mechanisms in place to facilitate access to services. Work on the preparation of the second national survey on gender-based and generational violence is expected to be completed by December; the survey will focus on issues such as childhood, racial and ethnic origin, gender identity, age, place of residence and disability.

106. The Ministry of the Interior has launched an electronic ankle-tagging programme for high-risk perpetrators of domestic violence as an alternative way to protect victims of high-risk domestic violence. The programme involves monitoring compliance with protection orders issued in connection with cases of high-risk domestic violence by means of ankle-tags, psychosocial support and legal counselling for victims and perpetrators. The programme’s nationwide coverage has been instrumental in ensuring its efficiency and effectiveness. As of the date of this report, 459 ankle tags were in use in the country.

107. In addition, the police presence has been expanded across the country over the past four years: there are now 19 departmental directorates for gender-based and domestic violence and 56 units specializing in domestic and gender-based violence.

108. Although the Government has allocated resources for both the Act and the Plan, more funds are needed to ensure the effective implementation of both instruments.

Domestic violence

109. According to data from the gender-based violence response system maintained by the Ministry of Social Development,²³ in 2017, the system assisted 26,626 women and handled 11,155 enquiries.

110. In 2018, there were 39,522 reports of domestic and related violence and 28 femicides, of which 24 occurred in the context of a former relationship, 4 were committed by family members, and 1 involved the sexual assault of a young girl.

111. Act No. 19.121 establishing the Civil Service Regulations was adopted in August 2013. Article 15 of the Act provides for special leave to be granted in situations of gender-based violence and domestic violence. Thus, if a public servant is unable to report for duty because of a duly accredited case of domestic violence, his or her superior will arrange for the penalties normally applied to be waived.

112. The National Civil Service Office has prepared draft regulations on leave for reasons related to domestic violence that are currently going through the collective bargaining process.

Violence against women during the de facto regime between 1973 and 1985

113. In April 2018, the Office of the Special Prosecutor for Crimes against Humanity reopened the case of the sexual abuse and torture of 28 women committed between 1972 and 1983. In the context of this case, the Prosecutor summoned soldiers and doctors to give evidence as accused persons. The case was brought in 2011 by 28 women who were former political prisoners.

114. In February 2019, the Office of the Special Prosecutor for Crimes against Humanity filed for the prosecution and pretrial detention of three former soldiers and one former police officer in connection with this case.²⁴

F. Voluntary termination of pregnancy and reproductive rights

Replies to the questions raised in paragraph 10

Voluntary termination of pregnancy

115. Act No. 18.987 on Voluntary Termination of Pregnancy was adopted in October 2012. It decriminalizes induced abortion in the first 12 weeks of pregnancy.

116. The measures provided for under articles 9 et seq. of the Act are applicable nationwide and to all users of the public and private subsectors of the National Integrated Health System. They thus apply to all women, including women of African descent.

117. Since the adoption of the Act, the number of procedures being performed has remained stable – that is, there has been no increase in the number of voluntary terminations of pregnancy performed as a result – and there have been no maternal deaths.

118. Act No. 19.580 establishes an exception to Act No. 18.987 whereby foreign women in violent situations may be granted access to abortion services even if they do not meet the normal requirement of having lived in the country for at least one year.

Conscientious objection

119. Article 11 of Act No. 18.987 establishes the right of conscientious objection. It provides that gynaecological doctors or health-care workers who object on grounds of conscience must inform the authorities of their institution accordingly. This has led to some difficulty in gaining access to abortion services in certain parts of the country. However, there have been no complaints regarding a lack of access and no reports of maternal deaths resulting from delays in the provision of abortion services.

120. Ordinance No. 243/16 establishes that: (i) health-care personnel are prohibited from imposing their philosophical or personal beliefs on others and must therefore abstain from making value judgments regarding the decisions of women seeking abortion services; (ii) the exercise of conscientious objection is individual and must be specific and related to specific actions connected with the procedure set forth in article 3 of Act No. 18.987; (iii) the institutions of the National Integrated Health System are under an obligation to have sufficient resources and capacity available every day of the year to be able to carry out voluntary terminations of pregnancy within the time frame established by law.

121. The Ordinance also provides that only medical doctors can exercise their right to conscientious objection at any stage of the abortion procedure. Other medical personnel may do so only if they are called upon to intervene directly in stage three of the abortion procedure.

Access to sexual and reproductive health services

122. With regard to persons with disabilities, within the framework of the Project for the Promotion and Recognition of Best Practices in Care, work to identify best practices for promoting sexual and reproductive rights from an inclusive and gender-oriented perspective has been carried out in the maternity wards of the State Health Services Administration. The Administration has organized training activities on best practices for the treatment and health care of persons with disabilities, disseminates educational materials that promote autonomous decision-making for women with disabilities and has adopted protocols for arranging translation and interpretation services, where necessary.

123. Sexual and reproductive health services are provided to women in rural areas as part of the ambulatory health services offered by the State Health Services Administration.

Sexual and reproductive health in education

124. The Sex Education Programme was established in 2008 pursuant to a decision of the Governing Board of the National Public Education Administration to promote sex education in schools using strategies and instruments that are effective in addressing the issues while at the same time maintaining the high quality of the education provided in the

different subsystems of the National Public Education Administration.²⁵ In 2017, the Programme was brought under the direction of the Human Rights Directorate of the Governing Board of the National Public Education Administration, based on the view that development, health and human rights together serve to reinforce the sense of citizenship.²⁶

Teenage pregnancy

125. The Intersectoral Strategy for the Prevention of Unwanted Pregnancy in Adolescents²⁷ was adopted in 2016. The Strategy is gender-sensitive and non-discriminatory in its approach. It provides for the establishment of adapted curricula and tailored projects for adolescent parents, centres providing alternative methods of care for adolescent mothers and their children, a pilot childcare scheme for the children of adolescent parents in secondary schools and evening classes for young parents beyond school age.

126. The National Public Education Administration is implementing a childcare project for the children of young parents that will enable them to complete secondary school without a break in their education. There are currently six childcare centres operating in the afternoons and evenings in the departments of Mercedes, Canelones, Young, Chuy, Treinta y Tres and Montevideo.

127. In addition, provision has been made to allow students with children under 5 years of age in their care to follow adapted curricula if the school notes a high rate of absenteeism and/or a risk of dropout.

128. General Education Act No. 18.437 contains a specific article establishing the right of pregnant students to continue their studies, receive specific educational support and be granted authorized absences for pre- and post-natal care. In 2017, the Governing Board of the National Public Education Administration issued regulations establishing flexible conditions in public schools and childcare solutions such as flexible timetables, grants, face-to-face and virtual tutoring and exemption from evening classes.

129. The Uruguayan Institute for Children and Adolescents distributes all forms of contraception free of charge and arranges free consultations with sexual health professionals and family doctors. In 2017, 191 subdermal implants were fitted and both female and male condoms were distributed, accompanied by sex education courses and follow-up on all cases. Workshops on violence, gender-based violence and diversity were also organized for educators and adolescents. The first stage of a course on voluntary termination of pregnancy, implemented with advice from and in coordination with secondary care centres, is currently under way.

130. In 2018, training on sexual and reproductive health and rights was organized for various teams. A consultation space was set up on social media, providing teenagers with a place where they can have their questions answered by experts from the Faculty of Psychology. Various prevention and promotion campaigns were also carried out, including the “My Teenage Plan” campaign. This campaign has benefitted from a strong social media presence and audiovisuals designed by and for adolescents, who appreciate the importance of choosing and planning when they become parents.

131. The Ministry of Health has created more spaces specifically designed for adolescent parents and the Uruguayan Institute for Children and Adolescents has established a second part-time care centre for parents and their newborn children. A road map for the action to be taken in cases of child pregnancy and forced pregnancy was drawn up in 2018 and is currently under consideration.

132. Since 2002, the Social Insurance Bank has been offering a system of benefits (financial support, social assistance and educational workshops) for mothers under 23 years of age in situations of social vulnerability to enable them to continue their studies and acquire knowledge that will give them opportunities for employment and social integration.

133. The adolescent pregnancy rate fell by two percentage points in 2017, to 12.7 per cent. This decline can be attributed to a set of social policies aimed specifically at this population group and increased availability of contraceptives, especially subdermal implants. In 2017, there were 121 fewer pregnancies among adolescents between the ages

of 15 and 19 than in 2016. Of the 4,558 adolescents between the ages of 15 and 19 registered as pregnant, 3,007 gave birth in public medical facilities, with 56.9 per cent taking place in the interior of the country and 43.1 per cent in Montevideo.

Training of health-care personnel

134. With regard to training and educational tools for health-care professionals relating to teenage pregnancy prevention, contraceptive methods, voluntary termination of pregnancy, diversity and gender-based violence, the following should be noted: (i) training on contraceptive methods, the prevention of sexually transmitted infections and abortion has been provided through the National Integrated Health System's network of sexual and reproductive health services; (ii) the development of special programmes and strategies for addressing teenage pregnancy has been prioritized through the national Intersectoral Strategy for the Prevention of Unwanted Pregnancy in Adolescents and reducing teenage pregnancy has been made a national health goal; (iii) health professionals have received training in contraceptive counselling and long-term contraceptive methods; (iv) guidelines on sexual diversity and transgender hormone therapy have been established and health-care professionals have received training on the basis of these guidelines; and (v) modules on sexual diversity and gender-based violence have been organized as part of the training provided to all health-care personnel of the National Integrated Care System by the National Institute of Employment and Vocational Training, with modules on sexual and reproductive health due to be organized next year.

G. Right to life and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment

Replies to the questions raised in paragraph 11

135. Although Uruguay has not defined torture as a separate offence in the Criminal Code, using the definition contained in the Convention against Torture, it has incorporated the offence of torture into the national legal order by means of article 22 of Act No. 18.026 of December 2006 in cooperation with the International Criminal Court in combating genocide, war crimes and crimes against humanity.

136. Paragraph 1 of this article provides that "any State agent or any person acting with the authorization, support or acquiescence of one or more State agents who, in any manner and for any reason, inflicts any form of torture on a person deprived of liberty or under his or her custody or control or on a person who appears before the authorities as a witness, expert or similar shall be sentenced to a term of imprisonment of between 20 months and 8 years".

137. Paragraph 2 states that "torture shall be understood to mean: (a) any act by which severe pain or suffering, whether physical, mental or psychological, is inflicted; (b) subjection to cruel, inhuman or degrading punishment or treatment; or (c) any act aimed at dehumanizing or diminishing the physical or mental capacities of the victim, even if it does not cause pain or physical distress, or any of the acts referred to in article 291 of the Criminal Code when carried out for purposes of investigation, punishment or intimidation".

138. The definitions of torture contained in the conventions ratified by Uruguay, such as the Inter-American Convention to Prevent and Punish Torture (Act No. 16.294 of August 1992) and the Rome Statute (Act No. 17.510 of June 2002), must be taken into consideration alongside article 1 (2) of the Convention against Torture.

139. Although there are no statistics on prosecutions for torture offences, it is safe to say that there have been no convictions for torture in the period since the respective criminal offence was established. This does not mean, however, that conduct which, while perhaps not falling squarely within the definition of the offence of torture, certainly constitutes assault of another, goes unpunished. Similar forms of conduct may be considered offences of bodily harm occasioning serious or very serious personal injury or offences of intimidation. The National Human Rights Institution and the Office of the Ombudsperson has recommended²⁸ that this offence be included, along with the suggested adjustments, in

the bill amending the Criminal Code, which is currently being considered by the House of Representatives.

Measures to prevent the torture of persons deprived of liberty

140. Act No. 18.362 of October 2008 provided for the establishment of the Directorate of Internal Affairs of the Ministry of the Interior, whose duties, as defined in article 117 (b) of the Act, include “ensuring that police work is undertaken efficiently and in accordance with the legislation in force in all matters submitted for its consideration, with particular attention being paid to the protection of and respect for human rights”.

141. Article 4 (1) of the Police Procedures Act (No. 18.315 of July 2008), concerning the principles of policing, states that “in the performance of their duties and as custodians of law enforcement, police officers shall respect and protect the human rights of all persons”.

142. Whenever the National Police becomes aware that one or more of its officers have been involved in human rights violations, the institution itself brings the matter to the attention of the competent authorities and mechanisms, as required under the relevant institutional regulations, which provide legal safeguards for all citizens.

143. The National Police, as a public service entity, rectifies any irregularities in which its members may become involved. In accordance with the new Code of Criminal Procedure, adopted under Act No. 19.293 of 19 December 2014, concordant legislation and amendments thereto, citizens may report any act of the kind referred to in this report to the competent authority (the judiciary, Ministry of the Interior and the Public Prosecution Service).

144. Records of complaints of ill-treatment perpetrated by the police and/or law enforcement officials are held in the Directorate of Internal Affairs of the Ministry of the Interior. The Public Prosecution Service and the Ministry of the Interior have developed joint protocols for action in this area. Internal service orders have also been issued in this connection.

145. The National Police provides ongoing training to both general and high-level staff in the form of courses overseen by the National Directorate of Police Education. Prison officers also receive training, in their case at the Prison Training Centre.

Solitary confinement regime

146. The Ministry of the Interior has not implemented any regime of this kind and is not planning to do so.

147. Solitary confinement, which, according to the Parliamentary Commissioner, was practised in wing 12 of the Santiago Vázquez Prison Complex (Complejo Carcelario Santiago Vázquez, known as COMCAR), and to some extent in the individual cell sector of Unit No. 1, is no longer imposed.

Training of police officers

148. Module 1 of the curriculum of the National Police Academy covers the subject of human rights. Therefore, every officer who graduates has completed basic training in this area. The subject of human rights is also a cross-cutting feature in other areas of instruction, including police training techniques, police operations, self-defence and professional standards. As these subjects are included in all five modules of the curriculum, students encounter content on human rights throughout their training. In 2018, academic courses were delivered by the National Human Rights Institution and Office of the Ombudsperson, which provided training to 570 students.

149. The Prison Training Centre’s training policies incorporate issues related to human rights and the prohibition of torture in the basic educational and methodological strategy and in the conceptual content. The Centre’s training offerings address human rights, including the safeguards that all officers are required to promote, facilitate and oversee, as well as the penalties associated with failure to provide these safeguards. In recent years, training opportunities have been expanded to cover the whole country. Several times a year,

courses are held on human rights, gender and diversity, conflict mediation and negotiation, comprehensive approaches to health, and the strengthening of measures taken in the prison system within the framework of existing procedures and rights.

150. The Centre's curriculum offers multidisciplinary approaches that involve the use of pairs of teachers consisting of a specialist in prison issues and a specialist in human rights. As part of the training process and, where applicable, in connection with the evaluation of persons on probationary contracts, the centre has begun monitoring the practices of officers and aspiring officers enrolled as students. Should it transpire that the rights of persons deprived of liberty have been violated and/or officers have engaged in cruel or degrading treatment, the perpetrators do not pass the probationary period and are reported and considered for dismissal.

Office of the Parliamentary Commissioner for the Prison System

151. In 2018, the Office of the Parliamentary Commissioner for the Prison System stated that detention conditions in a third of the prison system were characterized by "cruel, inhuman or degrading treatment" owing to poor facilities, lack of staff and programmes, and the prevalence of violence. However, it noted that the prison administration has set up specific training programmes for educational and security staff on the prevention and punishment of ill-treatment and torture.

152. The Parliamentary Commissioner also noted that the prison administration pursues a human rights-based policy and that senior officers have been trained in line with this approach. Instances of abuse and negligence can be considered as misconduct that violates the guidelines established by senior officers, or as abuse or errors resulting from overwork or shortcomings of various kinds.

Replies to the questions raised in paragraph 12

153. Police work is regulated by the Organic Act on Policing (No. 19.315) of February 2015 and the Civil Security Act of July 1995, article 28 of which amended article 5 of the Organic Act on Policing, which regulates the powers of the police and establishes that police officers must use weapons, physical force and any other coercive measures in a rational, progressive and proportional manner, after first having exhausted the appropriate deterrent measures.

154. In addition, the Police Procedures Act (No. 18.315) of July 2008 specifically addresses the use of physical force, weapons and other coercive measures.

155. The regulatory framework includes: the Code of Conduct for Officers; Act No. 19.293 of December 2014, which covers the role of the National Police; and the National Code of Police Ethics (Decree No. 300/015), which sets out the duties of the police with regard to respecting and guaranteeing the rule of law, human rights and human dignity, besides addressing the appropriate use of force and proportionality.

156. With regard to private security, Act No. 19.721 of December 2018 establishes that private security is complementary to public security but subordinate and subject to the ongoing supervision of the Ministry of the Interior through the General Directorate for the Inspection of Companies, which reports to the National Police Directorate. Legal entities and/or individuals carrying out private security work must be authorized by this Ministry and must comply with the established requirements. Individuals must take the required training courses.

157. In 2018 the Parliamentary Commissioner submitted five complaints of ill-treatment to the judiciary. At the time of writing, these complaints have not given rise to any outcome.

H. Elimination of human trafficking, slavery and servitude

Replies to the questions raised in paragraph 13

158. Uruguay has stepped up measures to combat trafficking in persons, paying particular attention to the trafficking of women, children and adolescents.

159. Since 2008, the offences of smuggling and trafficking in persons have been subject, at the national level, to Act No. 18.250 on Migration, article 77 of which stipulates that “any person who illegally promotes, manages or facilitates the entry or exit of persons into or from the national territory across the borders of the Republic, for the purpose of obtaining an advantage for themselves or for a third party, shall be sentenced to a term of imprisonment of between 6 months and 3 years”.

160. Article 78 of the Act, regulating the offence of trafficking in persons, states that “any person who, in any way or by any means, participates in the recruitment, transport, transfer, harbouring or receipt of persons for the purposes of forced labour or services, slavery or related practices, servitude, sexual exploitation, the removal and extraction of organs or any other activity prejudicial to human dignity shall be sentenced to a term of imprisonment of between 4 and 16 years”.

161. Trafficking is defined as a separate offence for which evidence of the means is not required, in keeping with the definition contained in article 3 of the Trafficking in Persons Protocol. It is sufficient for the activity (recruitment, transportation, etc.) to have been carried out and the purposes (forced labour or services, slavery, etc.) to have been identified for an offence to have been committed.

162. The offence of trafficking is also defined in article 6 of Act No. 17.815 of 2004, concerning commercial and non-commercial sexual violence committed against children, adolescents or persons incapable of providing informed consent. The article stipulates that “any person who in any way encourages or facilitates the entry into or exit from the country of minors or persons incapable of providing informed consent for the purpose of prostitution or sexual exploitation shall be sentenced to a term of imprisonment of between 2 and 12 years”.

163. The Inter-institutional Committee to Prevent and Combat Trafficking in Persons, which reached agreement on the National Plan to Combat Trafficking in and the Exploitation of Persons in July 2018, was established pursuant to Executive Decree 304/015.²⁹ This instrument identifies the principal advances made over the course of almost 10 years of cooperation and inter-institutional efforts to coordinate actions aimed at preventing and combating trafficking in persons and caring for victims in Uruguay. It is structured around five areas of action: (1) prevention and awareness-raising; (2) investigation, combating, prosecution and criminalization; (3) protection, support and redress; (4) inter-institutional coordination; and (5) international cooperation.

164. On 12 July 2018, Act No. 19.643 on preventing and combating trafficking in and the exploitation of persons was adopted. The Act: (i) sets out guidelines for public policy, empowering State institutions – within their areas of competence – to take action and adopt and implement programmes, measures, protocols, registers and investigations aimed at eradicating human trafficking and exploitation; (ii) provides for comprehensive redress, including compensation, restitution and rehabilitation for victims; (iii) establishes, as the lead agency in this area, the National Council to Prevent and Combat Trafficking in and the Exploitation of Persons, composed of representatives of public institutions with direct powers and social organizations with a long history of working in this field; and (iv) establishes the National Complaints System for Trafficking in and the Exploitation of Persons, which centralizes information and facilitates reporting and progress through the justice system while seeking to generate appropriate policies for combating and preventing crime.

165. The National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents is currently carrying out its second national action plan, entitled “100 actions to combat the commercial exploitation of children and adolescents, 2016–2021”. This plan is designed to ensure that all measures taken are based on a human rights-based approach that incorporates all regional characteristics and the age, gender, diversity, disability, ethnic and racial perspectives.

166. Pursuant to Act No. 18.719, specific competencies are assigned to the General Directorate for Cooperation with Interpol and the Fight against Organized Crime and related offences, which include the sexual exploitation of adults, children and adolescents and all forms of trafficking in persons. In this connection, the National Police provides

support and maintains ongoing contact with the agencies that receive reports of these offences, such as the units specializing in domestic and gender-based violence, police units, the Attorney General's Office and courts that specialize in organized crime.

167. The Uruguayan Institute for Children and Adolescents is implementing a project named "Travesia", designed to support child and adolescent victims of trafficking and commercial sexual exploitation. The Institute aims to expand its care coverage during the period 2015–2020.

168. When the circumstances so warrant, the Institute's experts are prepared to make relevant, necessary information and technical tools available to police officers, justice officials and the Public Prosecutor's Office for the purposes of investigations.

169. Since the establishment of the mobile units and the "Travesia" project, the regional teams have identified and diagnosed an increasing number of situations involving the commercial sexual exploitation and trafficking of children and adolescents. The quality of the care provided and the training delivered to technical experts have also increased.

170. In 2018, 3,591 persons received training. A total of 17 investigations were carried out: 10 into trafficking for the purpose of sexual exploitation, 1 into the sale of children and adolescents and 6 internal investigations. There were 144 cases of commercial sexual exploitation of children and adolescents (pursuant to Act No. 17.815) in total.

171. In 2018, no cases of international trafficking in children and adolescents were identified or referred. However, of the 36 cases that had been referred to the "Travesia" project as at August 2018, 17 involved internal trafficking of adolescents for the purposes of commercial sexual exploitation.

172. In 2016, the National Women's Institute's support unit for women victims of trafficking for the purpose of sexual exploitation was expanded in order to strengthen the support team and enable departments in the interior of the country to respond by means of a mobile unit. The service currently has 14 staff members, who provide psychological, social and legal guidance to women directly involved in situations and to their relatives and/or friends. In addition, a protocol on the functioning of the coordination mechanism for the care of women victims of international trafficking was drawn up, and was adopted at the eighth Meeting of Ministers and High-Level Authorities on Women's Affairs of MERCOSUR.

173. The Office for Assistance to Compatriots and Community Services of the Ministry of Foreign Affairs takes action in cases of international trafficking, assisting victims in cooperation with Uruguayan consulates abroad, repatriating those victims who ask to be repatriated and referring them to the appropriate national care services.

Access to justice for victims of trafficking

174. Pursuant to Resolution No. 609/2018 of November 2018, the authorities decided to establish three Criminal Prosecution Offices for Sexual Offences, Domestic Violence and Gender-Based Violence in Montevideo. On 15 November 2018, pursuant to Act No. 19.670 on Accountability, these offices became known as the First, Second and Third Rota Montevideo Criminal Prosecution Offices for Sexual Offences, Domestic Violence and Gender-Based Violence. The establishment of these offices increased the number specializing in this area by 50 per cent.³⁰

175. In May 2019, the authorities resolved to establish a fifth Montevideo Criminal Prosecution Office for Sexual Offences, Domestic Violence and Gender-Based Violence in order to respond more effectively to the demand for persons working in this area.³¹

176. Following the entry into force of the new Code of Criminal Procedure, an information system for adversarial criminal proceedings was launched which centralizes data on all complaints lodged in Uruguay, including the number filed and the related offences. The system will provide statistical data for use in evaluating public policies, redefining the competencies of prosecutors' offices and keeping track of the number of prosecutors' offices in each area, for example.

177. In February 2016, the new legal status granted to the Public Prosecution Service under Act No. 19.334 and the adoption of the new Code of Criminal Procedure gave rise to the establishment of the Victims Unit of the Attorney General's Office. Pursuant to resolution No. 83/2016,³² the new Code of Criminal Procedure assigns responsibility for the care and protection of victims and witnesses to the Attorney General's Office.

178. Article 15 of the new Organic Act on the Attorney General's Office (No. 19.483) gives the Office the possibility of issuing general instructions.

179. In October 2017, General Instruction No. 5, on support and protection for victims and witnesses, was issued.³³ Subsequently, the Attorney General's Office issued General Instruction No. 9, concerning the special protection programme for victims and witnesses of crime.³⁴

180. The Victims and Witnesses Unit of the Attorney General's Office produces a document setting out the Office's policy on care and protection for victims and witnesses.³⁵ In 2019, the number of experts working for the victims and witnesses care and protection unit was increased from 6 to 27 nationwide.

181. Police officers assist the administration of justice by providing protection when required to do so by a judge. Victims and third parties may report incidents to the police at any police station, by calling the free telephone number 0800 5000 or by filing a report online, acting anonymously if they so wish. Alternatively, the police may be informed by another State agency, by a national or foreign NGO, by order of a court or by the Attorney General's Office.

182. The Coordinating Office for Policies on Victims and Witnesses of Crime, which reports to the Attorney General's Office, was set up under Decree No. 46/018 to provide an efficient mechanism for ensuring protection, care and follow-up for victims and witnesses of crime. It is composed of representatives of all State agencies with responsibilities in this area.³⁶

Labour trafficking

183. The General Inspectorate of Labour and Social Security handles all complaints received. In cases where the worker concerned requires another type of service, the Inspectorate acts in coordination with the institutions that make up the Inter-Agency Bureau on Trafficking. One case was uncovered in the construction sector in 2017 and another in the domestic service sector in 2018.

184. In the construction sector, an inspection uncovered violations and irregularities in relation to payments, social security contributions, job categories and regulatory documentation for Colombian workers. In addition, problems with overcrowding were identified by a survey of the accommodation in which staff were lodged as part of their labour agreement with the company. As the company hired only Colombian workers, labour trafficking was suspected, leading the General Inspectorate of Labour and Social Security to file a criminal complaint, with its inspection serving as evidence for the courts.

185. The Inspectorate carries out inspections in the domestic service sector on an ongoing basis. In a specific case involving a Peruvian domestic worker, the worker's employers had withheld her passport, leaving her without the documentation required to formalize her situation and exposed to all manner of irregularities in her general working conditions, including a lack of regular breaks and weekly rest periods. In coordination with the Ministry of the Interior, officials entered the house and recovered the worker's passport. She did not wish to file a complaint and returned to her country of origin in accordance with her wishes.

Capacity-building and awareness-raising

186. A number of campaigns have been conducted to improve the public's knowledge of this subject, including: the "Responsible Tourism" campaign; the "Southern Common Market (MERCOSUR) Free from Trafficking in Persons" regional campaign; the "Stop Collaborating" campaign; the "Welcome to Uruguay: a Country of Fair Treatment" project; the "Keep to the Right" initiative; and the "No Excuses" advertising campaign.

187. The Ministry of Interior's Directorate General for Cooperation with Interpol and the Fight against Organized Crime and Gender Policies Division have organized joint training sessions on how to identify and investigate human trafficking and exploitation. A module has been included in both the professional development courses for officers seeking promotion and the basic training programme for new recruits.

188. With the support of the International Organization for Migration, staff of the National Migration Directorate have received specific training in how to identify possible victims of human trafficking and people smuggling among persons at the border applying the MERCOSUR Guide to Detection at Border Posts. Staff in charge of cases have been trained from the human rights, gender, generational and diversity perspectives.

189. In compliance with Decree No. 398/013, which is binding on all tourism service providers, the Ministry of Tourism has made all workers in the tourism sector and all students of tourism aware of the action being taken to prevent sexual exploitation in travel and tourism. In 2017 and 2018, awareness-raising activities were conducted under the slogan #ElTurismoCreceyProtege (Tourism is growing and protecting).

190. Since 2017, the Migration Unit of the Ministry of Labour and Social Security has joined forces with sector experts to deliver talks on labour rights and share information on employment-related services for migrant women victims of trafficking. These talks are part of a drive to support these women that also includes maternal and child health care, psychosocial support and legal advice.

191. The National Migration Directorate has trained its officials in this area, knowledge of which is essential for identifying victims at border points and in the offices where formalities are carried out.

I. Persons deprived of their liberty and conditions of detention

Replies to the questions raised in paragraph 14

192. The new Code of Criminal Procedure, which amended criminal procedure as needed to move from an inquisitorial system to an oral, public, accusatory system, entered into force in November 2017. The change empowers the Public Prosecution Service to conduct direct investigations and provides safeguards, support and protection for victims of offences.

193. On 28 November 2016, the legislative, executive and judicial branches and the Attorney General's Office signed an agreement to guarantee the cooperation necessary to enable the parties involved to implement the Code of Criminal Procedure in a coordinated manner and in accordance with previously agreed criteria. The new legislation introduces the possibility of summary proceedings and procedural alternatives to criminal proceedings such as mediation, conditional stays of proceedings and reparation agreements. A regulatory commission comprising representatives of all parties has been formed and is already working on implementation.

194. Act 19.446 of October 2016, regulating release pending trial, release on bail, early release and alternatives to imprisonment, provides that the alternatives to custodial sentences are probation and strictly monitored probation, both supervised by the judge responsible for sentence enforcement and administration.

195. In the Uruguayan legal system, the precautionary measures that may be requested in the context of criminal proceedings or investigations are set out in articles 221 and 222 of the Code of Criminal Procedure. The regulations governing the precautionary measure of pretrial detention are contained in articles 223 et seq of the Code of Criminal Procedure.³⁷ The fundamental rights of personal liberty, individual security and the presumption of innocence are recognized in article 223 of the Code of Criminal Procedure. Without prejudice to these rights, applications for pretrial detention are expressly admitted in accordance with the requirements set out in article 224 of the Code of Criminal Procedure.³⁸

196. In compliance with article 232 of the Code of Criminal Procedure, which stipulates that pretrial detainees must be separated from convicted prisoners serving enforceable sentences, the Board of the National Rehabilitation Institute has drawn up instructions for

the management of pretrial detention in its units and has selected 14 duly equipped detention facilities for this purpose.

197. According to the Parliamentary Commissioner, the separation of pretrial detainees from convicted prisoners, in accordance with the new Code of Criminal Procedure, has had a number of unwanted consequences attributable to inadequate staffing, buildings and logistics: pretrial detainees have no activities programme, receive little prison support and have very poor conditions of detention.

Implementation of the Code of Criminal Procedure in the juvenile justice system

198. With regard to juvenile criminal justice proceedings, article 89 of the Code on Children and Adolescents stipulates that the custodial system entails detaining young persons in a secure institution that they are not able to leave without undermining the rights enshrined in the Code, the Constitution, legislation and international instruments. Article 80 provides for nine non-custodial measures (from the issuance of warnings to assisted or supervised probation) in addition to complementary educational measures that are implemented with specialist support.³⁹

199. The implementation of the Code of Criminal Procedure for Adolescents (Act No. 19.551 of October 2017) does not provide for the possibility of summary proceedings, which, for certain categories of offence, allow the defendant and the Public Prosecutor's Office to negotiate a reduction of the sentence in exchange for the acknowledgement of the facts by the defendant, thereby avoiding oral proceedings.

200. With this exception, the new rules open up a range of options that were not previously provided for in procedural legislation for adolescents, such as conditional stays of proceedings and the possibility of replacing deprivation of liberty as a precautionary measure with a range of alternative measures, such as house arrest.

201. Faced with this new legislative landscape, the National Institute for the Social Inclusion of Adolescents has made the following changes to its internal organization: (a) a unit for house arrest and family support has been created to monitor and follow up on cases where the courts have ordered this measure instead of protective custody and cases where the sentence imposed by the courts involves house arrest as a custodial measure; (b) the unit responsible for non-custodial measures has been entrusted with monitoring and following up on compliance with the conditions imposed by the courts in cases where a conditional stay of proceedings is ordered; and (c) the judicial coordination unit has expanded the scope of its activities to include coordination with the processing, prioritization and assignment unit of the Attorney-General's Office in respect of conditional stays of proceedings.

202. The National Institute for the Social Inclusion of Adolescents is the decentralized service responsible for carrying out the custodial and non-custodial social and educational measures provided for in the Code on Children and Adolescents. The Institute has devised an in-service training plan for all officers working in the system.

203. Since 2015, those centres whose buildings were in the worst condition have been closed. Detention conditions have been improved and plans are in place to create, by the end of 2020, 50 places that comply with international standards and will thus allow for progress towards closing two more centres at the Colonia Berro site (Piedras and Sarandí). The closure of centres at the Colonia Berro site began under the present administration (2015–2020) with the shutdown of the Ariel and Hornero centres.

204. In accordance with the principle that deprivation of liberty should be the last resort, a new model for the development of non-custodial measures has been established with the support of the United Nations Children's Fund (UNICEF) and in collaboration with judges, prosecutors, public defenders, the National Institute for the Social Inclusion of Adolescents, the Institute for Children and Adolescents and civil society organizations working under an agreement. The supervisory boards set up in 2015 are the bodies responsible for lobbying the corresponding court to use alternatives to custodial measures.

205. Stays of proceedings and supervised house arrest have been introduced. Agreements have been established with public and private bodies in order to create more school places and employment opportunities, with priority being given to the schooling that children

should receive between the ages of 13 and 17 years. Coordination with the various services of the Ministry of Social Development, the National Institute for Youth and the Institute for Children and Adolescents has made it possible to supervise the release of adolescents, creating a bridge through which they can continue to address the various vulnerabilities related to social and community integration.

Replies to the questions raised in paragraph 15

206. Since 2010, measures taken in relation to prisons have focused on three different and complementary areas: (i) putting an end to the current serious overcrowding, constructing new buildings and creating new places in existing buildings; (ii) establishing a system where detainees can move between different security levels in prisons, based on the classification of both the prison and the detainee; and (iii) broadening the range of prisoner rights and obligations to include the concept of prison privileges, which are earned and lost according to conduct.

207. A range of measures have been adopted to improve infrastructure and increase capacity. New facilities, including units for women with children, have been built, and others have been refurbished.

208. While overcrowding has been dealt with in most places, efforts are continuing in specific locations where it remains a problem.

209. In the view of the Parliamentary Commissioner, overcrowding persists in certain units and areas of many prisons owing to staff shortages and a lack of socio-educational programmes. Staff have very little knowledge of the backgrounds and potential of detainees, which slows down the transfer process and jeopardizes their futures.

210. The Parliamentary Commissioner (Act No. 17.684), who is appointed by parliament and is fully independent, is tasked with monitoring the prison system and promoting human rights in prisons. The Commissioner conducts approximately 60 prison visits each month, submits an annual report and recommendations to the legislature and issues special reports on urgent situations. The Commissioner's Office maintains close contact with the prison and governmental authorities and makes recommendations to them. It can also raise concerns with the courts, including in relation to complaints, *amparo* and habeas corpus.

211. With regard to work performed by prisoners, a group of minimum-security detainees work at the Agricultural Centre in Canelones, which was established in 2015. Their main task is to grow the vegetables that are used in the meals provided daily to inmates and staff at a number of prisons. Some of the detainees also work in milk production and animal husbandry.

212. With regard to education, as at March 2018, 46 per cent of persons deprived of their liberty were engaged in some form of study (32 per cent in formal education and 14 per cent in non-formal education).

213. The authorities are committed to the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The Commissioner's Office carries out a range of activities to disseminate these fundamental rules and their implications for various areas; however, owing to a range of shortcomings, the implementation of the Mandela Rules has yet to be achieved in at least 60 per cent of the prison system.

214. Investments have been made in infrastructure, construction and general building repairs to create additional prisoner places. The Construction Workers' Union has provided training in construction to 150 persons deprived of their liberty, since learning a trade is a part of the rehabilitation process.

215. In terms of management and professionalization, a number of systems have been implemented, including human resources management, prison management and the APIA electronic file management system, and the range of procedures that persons deprived of their liberty and their family members can complete online has been increased.

216. The Ministry of the Interior has presented a bill on the new organization of the prison system to the legislature. It is expected that, by March 2021, the National

Rehabilitation Institute will become a decentralized service under the Ministry of Education and Culture. To speed up this process, a civilian Director has been appointed and has taken office.

217. The number of female prisoners who have their children with them is very small: there are fewer than 50 such women in a facility located close to the Metropolitan Women's Prison. A protocol has been adopted on the provision of assistance to children. In principle, and on the basis of reports by specialist personnel, children are kept with their mothers to safeguard their emotional and educational development.

218. As at 31 December 2018, 10,233 persons were deprived of their liberty. In 2018, 37 inmates died in places of detention: 11 of them died from natural causes, 8 died by suicide and 18 were murdered.

219. All deaths are reported to the Attorney General's Office for information and investigation, in addition to the relevant administrative investigation. With regard to rehabilitation measures, the Technical Sub-Directorate of the National Rehabilitation Institute has issued technical guidelines for prison programmes in the areas of education, production, work and recreation and support for foreign nationals and migrants, persons with disabilities and women with children, as well as for emotional regulation initiatives such as personal history retelling using mask theatre.

Juvenile detention centres

220. There is no overcrowding in the juvenile detention system in Uruguay.

221. The National Institute for the Social Inclusion of Adolescents has a consistent policy of ensuring that prison conditions are continuously improved. The centres where buildings were in the worst state of repair have been closed, and investments have been made in structural improvements in the remaining centres. Two centres at the Colonia Dr. Roberto Berro site will be closed in 2021 following the construction of a new complex to be built with funds provided from the national budget that will be administered by the National Development Agency.

222. At the time of completion of the present report, a total of 264 adolescents are subject to custodial measures. Another 248 adolescents are subject to non-custodial measures.

J. Right to a fair trial

Replies to the questions raised in paragraph 16

223. The remedy of *amparo* has been available in Uruguay since 1988. It is provided for in Act No. 16.011, which sets forth the rules enabling any natural person or legal entity, whether public or private, to apply for *amparo* in respect of any act, omission or deed of the State, public authorities or private individuals that infringes their rights and freedoms in a manifestly unlawful manner.

224. In this regard, and by way of example, in recent years there has been an increase in the number of applications for *amparo* by users of the health system seeking to obtain access to expensive medicines and services.⁴⁰

225. While the Code of Criminal Procedure was amended in order to ensure full compliance with international standards relating to, inter alia, due process and the right to a fair trial, the right of every person to a trial in accordance with these principles is also guaranteed in criminal proceedings that were initiated before the reforms took effect. It is envisaged that certain designated courts will deal exclusively with cases that began before the new Code entered into force.

K. The fight against impunity, and redress for the serious human rights violations committed during the dictatorship

Replies to the questions raised in paragraph 17

226. In terms of the right to truth, justice, reparation and guarantees of non-repetition, the current status of efforts to address serious and systematic human rights violations committed between 1968 and 1985 is complex.

227. While progress has been made in the formulation of the public policy on truth, justice, redress and guarantees of non-repetition, problems remain in its implementation.

228. Advances made include the establishment of the Working Group for Truth and Justice under Executive Decree No. 131/2015. Despite the complexity of its institutional model, the Working Group has been provided with the financial, material and human resources necessary to perform its tasks either directly or through agreements.

229. The Working Group has technical support teams of archivists, historians and archaeologists who have conducted and, where appropriate, concluded the excavations of military land ordered by the courts. Despite some difficulties, it has been possible to obtain access to the archives of the law enforcement agencies. An ambitious plan to digitize the archives will allow for more systematic research.

230. Under Act No. 19.550, the Attorney General's Office was given powers to convert one of the national prosecution offices into a special prosecution office for crimes against humanity. Accordingly, under Resolution No. 075/2018⁴¹ of February 2018, Criminal Prosecution Office No. 25 in Montevideo became the Office of the Special Prosecutor for Crimes against Humanity, and a team of prosecutors has been set up. Under the Resolution, a thorough search must be conducted as part of a meaningful and specialized investigation on the basis of which perpetrators can be punished and victims can obtain redress. The aim is to obtain justice and uncover the truth as part of the process of rebuilding society and establishing institutional mechanisms that ensure the non-repetition of similar acts.

231. The Office of the Special Prosecutor has arranged for further excavations to be carried out on military land. The Ministry of Defence is providing relevant assistance.

232. Act No. 19.355 of December 2015 established a team specialized in serious human rights violations within the Directorate of Internal Affairs of the Ministry of Interior. The team works directly with judicial officials and the Attorney General's Office to process requests for formalities and investigations relating to enforced disappearances.

233. The Ministry of Defence has allowed access to its documentation and databases as part of investigations into alleged human rights violations committed during the civil-military period. All forces, departments and implementing units provide the support required by the specialized human rights bodies, judicial offices and the Office of the Special Prosecutor for Crimes against Humanity.

234. In March 2019, support was provided for the excavations carried out at the facilities of Paratrooper Battalion No. 14. No skeletal remains were found.

235. In March 2018, Uruguay became a civil party in the Operation Condor trial taking place in Rome, Italy. The Government's efforts are unprecedented in terms of the support and coordination required in a case of this kind.

236. The Government is also continuing its efforts to comply with the judgment of the Inter-American Court of Human Rights in the *Gelman v. Uruguay* case, including conducting excavation work to find the remains of Ms. María Claudia Iruretagoyena.

237. The Supreme Court continues to provide human rights courses in both initial training for aspiring justice officials and in-service training.

238. The judicial branch has a database of records of judgments handed down, mainly by the criminal appeal courts and the Supreme Court in their areas of competence, which include human rights-related matters.

Non-applicability of statutory limitations to crimes against humanity

239. Article 7 of Act No. 18.026 of September 2006 stipulates that the offences and penalties specified in the Act are not subject to any statutory limitations.

240. Article 15 (3) of the Code of Criminal Procedure (No. 19.293) of December 2014, on time and procedural efficiency in respect of criminal laws, states that “these provisions shall apply to the statutes of limitations, except as provided for in Act No. 18.026 of 25 September 2006”.

241. Lastly, article 15 expressly excludes from the statute of limitations the offences specified in Act No. 18.026, among which is enforced disappearance.

Redress

242. In the area of redress, the Commissions established under Acts No. 18.033 and No. 18.596 have performed their functions despite the fact that the system does not guarantee full and comprehensive redress to victims.

243. Act No. 18.033 of 2006 provides for a set of compensatory financial benefits to be granted by the Social Security Bank to exiles and political prisoners, with the aim of providing compensation to persons who, for reasons of politics, ideology or membership of a trade union, were forced to leave the country, were detained or were dismissed from their job between 1973 and 1985. In the event of the death of a recipient of the special compensatory pension, a survivor’s pension is paid to family members. In 2018, an average of 2,061 persons received the special compensatory pension.

L. Migrants, refugees, stateless persons and asylum seekers**Replies to the questions raised in paragraph 18**

244. Uruguay has ratified and signed the most important international agreements, conventions and treaties on migration and human rights and has developed a national regulatory framework based on recognition and full respect for the rights of migrants. Together with the precepts set out in the Constitution, this framework determines the foundations and principles of national migration policy.

245. Resolution No. 576 of August 2016 adopted the framework document on migration policy in Uruguay,⁴² which was approved by the National Migration Board. The framework document sets forth the objectives, principles and general strategic guidelines of the short-, medium- and long-term national migration policy, as well as the most important achievements in this area.

246. National migration policy is based on the following principles: recognition and full respect for the rights of all migrants; equal treatment and equal enjoyment of rights for nationals of Uruguay and foreign nationals; non-discrimination; social and cultural integration; respect for cultural diversity and identity; gender equality; and comprehensive protection for the most vulnerable groups of migrants.

247. Since 2012, a “rapid response” plan has been in place to ensure expedited processing of residency applications made by foreign nationals. Once the process has begun, applicants are given a certificate enabling them to apply for an identity card which is valid for two years. Since 2016, residency applications can be submitted online, making it possible to begin the process from outside the country. A non-web-based priority procedure can be used for applications by vulnerable persons. Following the adoption of Decree No. 356/18, a range of visa types were established, including work, study, humanitarian, emergency, family reunification, tourism and business visas, as well as visas for attending conferences and seminars.

248. In order to guarantee access to education for all migrants irrespective of their migration status, as well as to prevent discrimination, the Working Group on Education and Migrants coordinates training events for education sector employees, including those who have contact with the public, those with management responsibilities and teachers, on the

migration situation and the current regulations guaranteeing access to education. Workshops have been organized in partnership with a number of State entities, the International Organization for Migration and civil society.

249. In May 2018, a unit was set up to provide help and support to migrants on education matters. The unit offers advice and guidance to migrants on access to education and disseminates the regulations guaranteeing the right to education irrespective of migration status.

Voting from abroad

250. In August 2018, Act No. 19.654 on the rights and obligations of citizens received parliamentary approval. The Act states that articles 77 (1) and 81 of the Constitution should not be interpreted as preventing Uruguayan nationals residing outside the country from exercising the rights and obligations of citizens. The Act is interpretative and was issued under article 85 (20) of the Constitution.

251. In application of the Act, a Commission was created to evaluate and analyse possible legal mechanisms to enable Uruguayan nationals living abroad to exercise their right to vote. This Commission, which is chaired and coordinated by the National Human Rights Institution and Office of the Ombudsperson, brings together representatives of all the political parties with seats in parliament, the Electoral Court, the Ministry of Foreign Affairs, the Advisory Councils and the Consultative Advisory Council on Migration to find the best legal solution for lifting this restriction on the fundamental rights of citizens who live abroad. Most of the opposition political parties did not appoint representatives to participate in the work of the Commission.

252. In May 2019, the Commission submitted to the legislature a draft regulatory report⁴³ analysing the possible legal mechanisms for allowing citizens to vote from abroad. The Government is committed to ensuring that this right can be exercised as soon as possible.

Act on the Recognition and Protection of Stateless Persons

253. In October 2018, Act No. 19.682 on the Recognition and Protection of Stateless Persons was promulgated. The aim of the Act is to establish a framework of legal protection to ensure that stateless persons and persons applying to be recognized as stateless can effectively exercise their fundamental human rights and have access to the process of naturalization enabling them to become legal citizens of Uruguay.

M. Right to privacy

Replies to the questions raised in paragraph 19

254. In November 2016, the House of Representatives approved the creation of a commission of inquiry with a remit to examine any State intelligence activities conducted by police or military personnel since 1985 that might have violated legal or constitutional regulations. The commission was in place until 30 August 2018.⁴⁴

255. The commission's final report was presented to the plenary of the House of Representatives in September 2018 and was agreed upon by representatives of all the political parties with seats in parliament. The report confirmed that State intelligence activities had been carried out during the period examined.

256. As a result, the House of Representatives decided to turn the commission's investigation over to the justice system. Under House of Representatives Memorandum No. 19452 of November 2018, the findings were submitted to the Attorney General's Office. Authenticated copies of the documents declared confidential by the Ministry of Defence were also sent to the Attorney General's Office in a sealed envelope.

257. The findings of the commission of inquiry were submitted to the First Rota Criminal Prosecution Office for Complex Financial Offences in Montevideo. At the time of completion of the present report, the case was in the investigation stage and the findings were being examined by the Criminal Prosecution Office.

N. Freedom of expression and association, and violence against human rights defenders and journalists

Replies to the questions raised in paragraph 20

258. With regard to the protection of persons who have received threats and security measures adopted to protect their life and integrity, from the time the authorities became aware of the threats made by the self-proclaimed “General Barneix Command”, the Ministry of the Interior maintained regular contact with each of the individuals named in the threatening messages, as instructed by the judge in the case, in order to ascertain whether anything out of the ordinary had occurred in their daily routine. They all confirmed that they had not experienced anything of note that could have been related to the threats. The three foreign nationals against whom threats were made have been contacted through their respective countries’ diplomatic representatives in Uruguay.

259. At the time of completion of the present report, there had been no reports that the threats had been repeated.

Right of association (Decree No. 76/2017)

260. With regard to the right to peaceful and unarmed assembly and association, which is enshrined in the Constitution, the Ministry of the Interior, acting through the Departmental Police Headquarters and the National Traffic Police, adheres to and ensures compliance with the provisions of Decree No. 76/2017 of 2017. Police actions are governed by the provisions of Act No. 18.315 on Police Procedures.

Replies to the questions raised in paragraph 21

Audiovisual Communications Services Act

261. Act No. 19.307 on Audiovisual Communications Services was promulgated on 29 December 2014.

262. Although numerous cases have been brought challenging the constitutionality of this Act, the Supreme Court’s rulings have confirmed that it is not unconstitutional and has received the legal “backing” of the Court.

263. With respect to some of the articles that were declared unconstitutional, in May 2018 the executive branch presented a new bill to the General Assembly that is intended to facilitate the implementation of the various solutions established in Act No. 19.307, taking into account some of the Supreme Court’s rulings on the matter of unconstitutionality. The bill is being studied by the Industry, Energy and Mining Commission of the Chamber of Deputies.

264. With regard to the institutional model provided for in Act No. 19.307, in June 2017 the National Directorate of Telecommunications and Audiovisual Communications Services, which is part of the Ministry of Industry, Energy and Mining, called on the member bodies of the Honorary Advisory Commission on Audiovisual Communications Services to nominate representatives to sit on the newly created body, in compliance with the provisions of article 80 of the Act.

265. In November 2017, the executive branch submitted a proposal for a regulatory decree to implement the Act, drawn up in accordance with article 79, to the Honorary Advisory Commission on Audiovisual Communications Services. The Commission analysed the proposal and in August 2018 submitted a final report to the executive branch, which is now considering its content.

266. With regard to the composition of the Audiovisual Communications Council provided for in article 36 of the Act, in November 2017 a special parliamentary commission was created and given the task of formulating a proposal for the appointment of the members of the Council for submission to the General Assembly.

267. In June 2018, the General Assembly met in an extraordinary session to elect the members of the Audiovisual Communications Council; however, the session was

suspended because there was no quorum. At the time of writing, no new meeting date had been scheduled.

268. Additionally, on 15 October 2018, Act No. 19.670 on accountability and budget execution in the 2017 financial year was approved. In application of articles 147 to 150 of the Act, relating to the operations and budget of the Audiovisual Communications Council, article 78 of Act No. 19.307 was repealed.

269. It should be noted that, while the formal steps provided for in the regulations are being followed with regard to the drafting of the Regulatory Decree implementing the Act, the approval of which will make the provisions of the Act clearer and more intuitive, both the Regulatory Authority for Communications Services and the National Directorate for Telecommunications and Audiovisual Communications Services have implemented almost 80 per cent of the provisions of the Audiovisual Communications Services Act. The Act's teleological approach has been applied, ensuring fully unrestricted respect for freedom of expression, seeking to guarantee the right of access to information from a variety of sources and to due administrative process, protecting the rights of stakeholders in the audiovisual communications services sector and promoting the national audiovisual industry.

O. Children's rights

Replies to the questions raised to paragraph 22

270. Under Act No. 19.075 of 2013, the minimum age of marriage has been raised from 12 years and 14 years for girls and boys respectively to 16 years for everyone. At the time of completion of the present report, the Senate Committee on Constitutional and Legal Affairs was studying a bill to amend article 91 of the Civil Code and raise the minimum age of marriage to 18 years for both sexes.⁴⁵

271. The Uruguayan Institute for Children and Adolescents is currently working to prevent early marriage through a number of programmes, which offer a range of forums and proposals that promote young people's autonomy and capacity to make decisions about their own lives and futures.

Replies to the questions raised in paragraph 23

272. In response to the complaints of alleged abuse by officials of the Uruguayan Institute for Children and Adolescents, the Institute activated the corresponding investigation mechanism and made efforts to repair the damage caused, working with the children and adolescents affected and the centres involved.

273. In January 2018, through Resolution No. 46/2018 the Board of the Uruguayan Institute for Children and Adolescents approved an administrative procedure that introduces greater rigour in procedures and sanctions for institutional violence. In addition, an institutional violence mechanism was created by Resolution No. 2885/2017 in order to address situations of violence of this kind. At the legislative level, article 28 of Act No. 19.580 establishes that incidents of violence against children and adolescents are considered serious offences in the administrative sphere.

Combating child sexual exploitation and abuse

274. In terms of legislation, it is worth noting the adoption of Act No. 17.815 of 2004, which defines the offences of trafficking, smuggling, sexual exploitation, the payment or promise of payment to persons under 18 years of age for performing sexual acts and the production, trade and dissemination of child pornography, and the adoption of the Comprehensive Act to Combat Trafficking and Exploitation of Persons (No. 19,653) of July 2018, which emphasizes the right of victims to obtain access to justice.

275. In addition, Act No. 18.214 prohibiting physical punishment and humiliating treatment was passed in Uruguay in 2007.

276. Under the framework of the 2016–2019 Action Plan for a Life Free from Gender-Based Violence, which incorporates a generational perspective, a support plan has been

drawn up in conjunction with UNICEF. The plan is organized into four strategic areas: care and protection; promotion of rights and prevention, knowledge generation; and training and institutional capacity-building.

277. The Uruguayan Institute for Children and Adolescents has five shelters for female victims of violence and their children and runs protection and empowerment programmes. It is also working on extending its specialized care programmes for victims of gender-based violence to make them accessible to children and adolescents throughout the country.

278. In 2017, the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents prepared and presented the Second National Plan for the Elimination of the Commercial Sexual Exploitation of Children and Adolescents, which covers the period 2016–2021 and contains 100 agreed actions. The number of situations of exploitation identified and the number of persons accessing the support provided by both general and specialized service providers have increased. In 2018, the Integrated System for the Protection of Children and Adolescents from Violence dealt with 2,878 situations of violence against children and adolescents between January and June. and, according to information from the National Committee, 356 situations of commercial and non-commercial sexual exploitation affecting children and adolescents were dealt with in 2017. According to the records of the Línea Azul hotline, 9,687 calls were received in 2018, resulting in 3,229 complaints.

279. The Uruguayan Institute for Children and Adolescents has expanded the number of projects to support child and adolescent victims. Between 2015 and 2018, the country's support centres increased their coverage by 42 per cent. There are also specialized commercial sexual exploitation teams covering the entire territory. A total of 28 Local Reception Committees were set up to receive reports and respond to situations of child abuse, including sexual abuse. In addition, 27 local focal point positions were created to work on institutional strengthening and violence prevention and response. Between 2015 and 2018, 6,533 officials were trained on the issue.

Replies to the questions raised in paragraph 24

Abandonment of children with disabilities

280. In October 2017, the National Disability Programme launched a pilot initiative to help women with disabilities who are caring for children to strengthen their parenting skills by participating in an independent living project. Supporting the exercise of sexual rights by women with disabilities is understood to help to prevent institutionalization and contribute to inclusive development.

281. The roll-out of the care system has made it possible for families with children who have severe disabilities and/or are severely dependent to have the support of a personal assistant who can at least partially alleviate the burden of caring for their children. This contributes to healthier family dynamics and prevents situations that in many cases might otherwise lead to abandonment.

Alternatives to the institutionalization of minors

282. The Uruguayan Institute for Children and Adolescents is the country's lead administrative agency for child and adolescent policy. With regard to the right to live as a family, it is incumbent upon the Institute to protect, strengthen and support family ties. Specialized services, programmes, projects and work teams provide guidance, support and strategy-building with the aim of rebuilding family bonds using different models. Alternative care is provided only if all possibilities that would enable the child to remain with his or her family of origin are exhausted. The alternative arrangement must be temporary in nature and provide the care the child needs, as well as support for the family of origin and the foster family.

283. Fostering is an alternative form of care. Children and adolescents who join a foster family continue to benefit from follow-up, support and monitoring. The foster family is not paid, and the family members are not therefore public employees. The benefits received are intended for the child. If it is not feasible to strengthen ties with the family of origin, a

permanent placement is offered in order to provide the child with stability and protection. The arrangement may lead to adoption.

284. The Institute makes use of different family arrangements, including extended family, families related by marriage, foster families, emergency families and part-time families.

Replies to the questions raised in paragraph 25

285. In the area of child poverty, the flagship mechanism is the Family Project Fund, which is specifically aimed at families receiving assistance through street projects and local family care teams.

286. Financial support is also provided on the basis of a family plan. Under Act No. 18.227 of December 2007, which introduced changes to the family allowances system, a monthly cash benefit is paid to families in situations of socioeconomic vulnerability. Unless they have a disability, all beneficiaries must be registered at and regularly attend a public or private educational establishment, whether formal or informal.

287. New approaches to early childhood care, such as community care homes, have also been developed. Between 2014 and 2018, the number of support centres increased by 15.8 per cent and the amount of support provided for children increased by 13.2 per cent. Approximately 33.8 per cent of children below 3 years of age in Uruguay receive support from the early childhood centres run by the Uruguayan Institute for Children and Adolescents.

288. With regard to adolescents, the number of youth centres in Montevideo and around the country also increased between 2013 and 2015 and, by the end of 2015, there were 89 such centres in operation (47 in Montevideo and 42 in the rest of the country). At the end of 2018, this number had risen to 105 (53 in Montevideo and 52 in the rest of the country).

289. In the programmes run by the family strengthening centres, priority is given to families in situations of social vulnerability with five or more members. This support mechanism places an emphasis on the social and educational aspects of care, taking action to significantly improve the educational and vocational training of the adult contact persons, thereby making it easier for them to obtain and maintain employment.

290. Uruguay has received approval to pioneer the implementation of the recommendations set out in general comment No. 21 (2017) on children in street situations issued by the Committee on the Rights of the Child. At the time of completion of the present report, the Uruguayan Institute for Children and Adolescents was in the process of drafting a national plan for the provision of assistance to children and adolescents in street situations. This plan focuses on the intersectoral nature of the violated rights and the development of responses based on shared responsibility across sectors.

291. The Institute's assistance projects for children and adolescents in street situations operate either on a daytime-only or a 24-hour basis. The Institute is currently supervising 22 projects at the national level, 13 of which are run under agreements with civil society organizations. Three centres operate 24 hours a day. Four of the projects are managed exclusively by the Institute. There are also two street projects for particularly vulnerable children in Montevideo, which are managed jointly with civil society.

Elimination of child labour

292. The Committee for the Elimination of Child Labour has a remit to contribute to public policy on the eradication of child labour and hazardous work performed by adolescents. A list of hazardous types of work for adolescents was drawn up in 2017 and the Uruguayan Institute for Children and Adolescents has issued a resolution amending the medical examination procedure required for the processing of work permits.

293. The list of hazardous types of work, which was updated in accordance with Resolution No. 3344 of 18/10/17 of the Board of the Institute for Children and Adolescents, protects adolescents from work that is harmful to their health and/or does not allow for their proper physical, psychological, spiritual or social development and/or impedes their education. It also sets out guiding principles for the rights of children and adolescents from

a gender, ethnic and racial perspective. Twelve inspectors from the General Inspectorate of Labour and Social Security and seven from the National Institute for Children and Adolescents have received training on this topic.

294. Awareness-raising workshops and initiatives to foster cooperation between the inspectors of the Institute and those of the General Inspectorate have also been organized. In 2018, as a percentage of total work permits issued, the number issued to adolescents between the ages of 15 and 18 years old fell to 17 per cent. The Institute for Children and Adolescents has resolved 100 per cent of all complaints of child labour received (55 in 2016, 32 in 2017 and 24 in 2018).

295. Training for public servants and social actors with responsibilities in respect of permitted child and adolescent labour has been organized as part of a project supporting the public policy for eradicating child labour and hazardous work performed by adolescents.⁴⁶

296. This project was organized and financed by the Spanish Agency for International Development Cooperation under an agreement with the Ministry of Labour and Social Security and the Committee for the Elimination of Child Labour and ran from April 2017 to June 2018.

297. Access to permitted work for adolescents aged 15 years and over can be monitored more efficiently since the Institute for Children and Adolescents began issuing work permit cards to teenagers themselves as well as to employers and the public at large. The launch of the card system was publicized using leaflets, audiovisual formats and various communications platforms in order to reach the target population groups and the central message of the campaign was “if you’re going to work, let it be with your permission” (#Si vas a trabajar, que sea con tu permiso), in a clear allusion to the work permit cards available for teenagers.

298. In total, 336 public servants and social stakeholders with responsibilities in respect of child and adolescent labour have received training.

Public awareness-raising campaigns

299. In recent years, various campaigns have been carried out to increase awareness of child and adolescent rights.

300. In 2016, campaigns were carried out under the following slogans: “Friendly Family” (Familia Amiga); “Rights Week” (Semana por los derechos); “Give Your City a Voice” (Dale Voz a tu ciudad); and “Let the Movies Roll” (A Rodar en Cine).

301. Campaigns carried out in 2017 included a campaign to raise awareness of children’s rights called “D Days for Children’s Rights” (días D de los derechos de la niñez); a campaign to prevent unintentional teenage pregnancy; campaigns under the slogans “My Teenage Plan” (Mi plan adolescente), “Rights Month – Give Voice to your Rights” (Mes por los Derechos-Dale Voz a tus Derechos) and “Child Labour is not a Game” (El trabajo infantil no es un juego); the “Week of the Heart” campaign; and events organized around the National Day against Child Labour.

302. Events in 2018 included activities organized to celebrate 30 years since the launch of the childhood and family care centres (the “CAIF” Plan), Rights Month, Play Day, Girls’ Day, Children’s Day, the World Day against Trafficking in Persons, Care Month and Early Childhood Month, as well as campaigns to raise awareness of sexual exploitation, including one under the slogan “Don’t Use Their Bodies” (No Consumas Sus Cuerpos), and a campaign to promote committed parenting.

303. Lastly, in 2017 and 2018, events were also organized around Breastfeeding Week and Baby Week.

P. Persons with disabilities

Replies to the issues raised in paragraph 26

304. Uruguay ratified the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities by Act No. 17.330 and the Convention on the Rights of Persons with Disabilities by Act No. 18.418. A definition of the concept of disability is contained in article 2 of Act No. 18.561 on the comprehensive protection of persons with disabilities. Act No. 19,529 is designed to guarantee the right to mental health protection for the country's residents from a human rights perspective.

305. Act No. 18.651 establishes a system of comprehensive protection for persons with disabilities designed to guarantee them access to medical care, education, physical, psychological, social, economic and professional rehabilitation and social security coverage, and to provide them with the benefits, allowances and incentives required to neutralize the disadvantages associated with their disability and give them the opportunity, through their efforts, to play a role in the community equivalent to that of other persons.

306. The National Disability Programme has been running tutored online courses on disability and human rights since 2015. These courses place special emphasis on deconstructing stereotypes relating to persons with disabilities, among other intersectional issues, and in this way seek to break down any attitudinal barriers on the part of participants. The courses are aimed at public servants, representatives of civil society organizations, persons with disabilities themselves and members of their families.

307. The National Disability Programme also runs a nationwide programme entitled "Uruguay without Barriers" (Uruguay sin Barreras), which involves identifying persons with disabilities who are in need of assistance, assessing their needs and helping them to assert their rights. Its goals include ensuring that all citizens have access to all public services on equal terms and without variance in the quality of service.

308. In 2017, a project to uphold the right to equality and non-discrimination of persons with disabilities, which has funding from the United Nations Partnership to promote the Rights of Persons with Disabilities, was given the green light to start work in three areas: access to health care, with an emphasis on the sexual and reproductive health of persons with disabilities; addressing and providing protection against the gender-based violence experienced by women and girls with disabilities; and the collection and systematization of accurate, up-to-date information for use in the design of public policy on disability.

309. In addition, the National Disability Programme spearheads the National Plan for Access to Justice and Legal Protection for Persons affected by Disability 2015–2020, which is implemented through working groups bringing together the main actors in the field.

310. One such group is the working group for persons with disabilities deprived of their liberty. Its actions are guided by the recommendations of the United Nations Office on Drugs and Crime, which make a distinction between persons with mental disabilities who have been placed in institutions on the one hand, and persons who have been deprived of their liberty as a result of judicial proceedings on the other.

311. The situation of persons who are institutionalized is addressed in the Mental Health Act (No. 19,529) promulgated in 2017.

312. As regards the situation of persons deprived of their liberty as a result of judicial proceedings, at the time of writing the working group on persons with disabilities deprived of their liberty was drafting a document containing expert recommendations that call for reasonable accommodation in all stages of the criminal justice process, including the social reintegration stage.

313. The set of questions put together by the Washington Group on Disability has been incorporated into the records system. It is thus now possible to generate disaggregated data that sheds light on the situation of persons with disabilities who are deprived of their liberty, which in turn allows for improvements to be made to the design of the specific actions taken to guarantee the accessibility and availability of reasonable accommodation and the right to receive certain services.

314. In agreement with the agencies responsible for guiding and implementing specific public policies, evaluation teams have received specific training to equip them with the tools needed to mainstream a disability perspective into their working practices. The National Rehabilitation Institute, for its part, takes disability issues into consideration in all places of deprivation of liberty under its administration.

315. Workshops on disability and human rights have been organized for the prison population in an effort to improve social harmony and knowledge of disability issues in prisons and to address attitudinal barriers.

Legal capacity of persons with disabilities

316. In Uruguay, there are two legal systems for persons with disabilities: the exclusion model, in which a guardian takes decisions on behalf of the person with a disability, on the one hand, and the inclusion model, where substitute decision-making is replaced by supported decision-making, on the other.

317. In view of articles 37 and 80 of the Constitution, the Civil Code and Act No. 17,535 on persons subject to general guardianship, and within the framework of the National Plan for Access to Justice and Legal Protection for Persons affected by Disability, in March 2019 the National Disability Programme and the Faculty of Law of the University of the Republic agreed to appoint a consultancy firm to draft a bill amending in-force legislation so as to align it with the Convention on the Rights of Persons with Disabilities.

Inclusive education

318. The Inclusive Education Office of the Ministry of Education and Culture's Education Directorate is working with stakeholders in the education sector, civil society organizations and representatives of State agencies and academia to foster and develop policies and proposals that promote inclusive, continuing education for persons with disabilities based on socio-educational models that take account of the human rights, personal characteristics, age and capacities of each individual.

319. The Initial and Primary Education Council is spearheading the formation of a network of inclusive schools and kindergartens known as the Mandela Network. The aim is to encourage the development of schools that implement inclusive education projects throughout the country.⁴⁷ At the time of completion of the present report, the Mandela Network was composed of 72 schools in different parts of the country and there were plans to expand it to include secondary education institutions in 2020.

320. In March 2017, the Committee for Continuing Education and Social and Professional Development for Disability, which operates under the auspices of the Ministry of Education and Culture, adopted a protocol for action for the inclusion of persons with disabilities in educational institutions with a view to providing a point of reference that facilitates the inclusion of persons with disabilities in different educational institutions, whether public or private, formal or informal. The protocol encourages participation, information-sharing, networking, counselling and consultation in all centres of education.⁴⁸

Social security

321. The Social Security Fund's Support Technology Access Centre has a remit to promote technology solutions, and in particular telecommunications, that contribute to the empowerment and rehabilitation of persons with disabilities and help to improve their quality of life. Persons with disabilities who are users of the National Resource Centre on Birth Defects and Rare Diseases can learn how to use the tools available through this centre.

322. The Social Security Fund has extended the emergency assistance programme, which has been running since 1984 and provides special support by agreement, to persons with disabilities. Since 1976, the Fund has been offering supplementary medical support services to beneficiary workers, including rehabilitation services that help them to recover their ability to work, by providing, inter alia, prosthetic and orthotic devices, lenses and special assistance whenever these are either not provided by the comprehensive health-care providers or not covered by the National Resources Fund.

Access to employment

323. Employment is considered a key element of inclusion. The National Disability Programme has an employment department that uses the supported employment model and is staffed by advisors and officers who support employment in various ways, for example, by encouraging persons with disabilities to take part in open competitions (thereby promoting compliance with current regulations, which provide that 4 per cent of public sector vacancies should be filled by persons with disabilities), helping companies to make the adjustments needed to make the inclusion of persons with disabilities in their workforce viable, and putting together employment profiles for persons with disabilities who are seeking work.

324. Act 19,691 on the promotion of employment for persons with disabilities, which was approved in 2019, is designed to increase job opportunities by introducing a requirement for all companies with more than 25 employees to include persons with disabilities on their staff. This new requirement will be introduced on a gradual basis, the aim being to achieve a minimum representation in the workforce for persons with disabilities of 4 per cent within the next four years

325. In addition, through Act 19.729 of 28 December 2018, article 10 of Act No. 18.345 of 11 September 2008 has been amended to provide for special leave to be granted to private sector workers who have a child with a disability. These workers will henceforth be entitled to request up to 10 days special leave with pay per year to attend their child's medical check-ups.

326. Pursuant to Act 19.438, the National Civil Service Office is responsible for verifying the number of posts that should be filled by persons with disabilities in companies subject to the legally established quota requirement.⁴⁹ The Office has also published a guide to facilitate the integration of persons with disabilities within the public administration.⁵⁰

327. The Technical Employment and Vocational Training Centres run by the National Employment Directorate of the National Employment and Vocational Training Institute provide assistance for persons with various disabilities and offer them guidance and employment intermediation services, having included in their "Working Life" (Vía Trabajo) Platform a specific section for registering type of disability.

328. The Employment and Vocational Training Institute is responsible for ensuring that a disability perspective is mainstreamed in active employment policy and facilitating the mainstreaming process. Since 2012, its vocational training programme has been progressively modified to engineer a shift from the special model for persons with disabilities towards inclusive training based on the principle of universal design that brings together persons with and without disabilities.

329. The General Inspectorate of Labour and Social Security receives and processes all labour-related complaints. Data disaggregated by type of discrimination are available for the years up to 2015 and reveal one complaint related to physical disability in both 2013 and 2014. Of a total of 544 complaints received in 2015 (15.7% of the total number of complaints received), none were related to physical disability.

330. Within the juvenile criminal justice system, the National Disability Programme, working in conjunction with the National Institute for the Social Inclusion of Adolescents, promotes voluntary work for adolescents in conflict with the law who are participants in the Programme. Work of this kind, which is defined as an inclusive practice, allows adolescents to get involved, on a voluntary basis, in activities that not only enhance their work skills but also make them more sensitive to social diversity and the benefits of mutual support.

Notes

¹ Para acceder al software: simore.mrree.gub.uy.

² Al cierre de este informe, el Mecanismo contaba con una integración de 32 instituciones del Estado: Poder Ejecutivo: Ministerio de Relaciones Exteriores (MRREE), Ministerio del Interior

(MINTERIOR), Ministerio de Economía y Finanzas (MEF), Ministerio de Defensa Nacional (MDN), Ministerio de Educación y Cultura (MEC), Ministerio de Transporte y Obras Públicas (MTOP), Ministerio de Industria, Energía y Minería (MIEM), Ministerio de Trabajo y Seguridad Social (MTSS), Ministerio de Salud (MS), Ministerio de Ganadería, Agricultura y Pesca (MGAP), Ministerio de Turismo (MINTUR), Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente (MVOTMA), Ministerio de Desarrollo Social (MIDES), Oficina de Planeamiento y Presupuesto (OPP), Instituto Nacional de Estadística (INE), Secretaría de Derechos Humanos de Presidencia de la República (SDH), Agencia Sociedad de la Información y del Conocimiento (AGESIC); Agencia Uruguaya de Cooperación Internacional (AUCI); Oficina Nacional de Servicio Civil (ONSC) Servicios Descentralizados: Instituto Nacional de Inclusión Adolescente (INISA), Obras Sanitarias del Estado (OSE), Instituto de la Niñez y la Adolescencia del Uruguay (INAU), Administración de Servicios de Salud del Estado (ASSE), Fiscalía General de la Nación (FGN); Administración Nacional de Correos (ANC) Entes Autónomos: Banco de Previsión Social (BPS), Administración Nacional de Educación Pública (ANEP), Poder Judicial (PJ), Poder Legislativo (PL – ambas Cámaras), Comisionado Parlamentario Penitenciario (CP); Gobiernos Departamentales: Intendencia de Montevideo Observadores: Institución Nacional de Derechos Humanos y Defensoría del Pueblo (INDDHH).

³ Artículo 72: La enumeración de derechos, deberes y garantías hecha por la Constitución, no excluye los otros que son inherentes a la personalidad humana o se derivan de la forma republicana de gobierno. Artículo 332: Los preceptos de la presente Constitución que reconocen derechos a los individuos, así como los que atribuyen facultades e imponen deberes a las autoridades públicas, no dejarán de aplicarse por falta de la reglamentación respectiva, sino que ésta será suplida recurriendo a los fundamentos de las leyes análogas, a los principios generales de derecho y a las doctrinas generalmente admitidas.

⁴ Artículo 27. Suspensión de Garantías

1. En caso de guerra, de peligro público o de otra emergencia que amenace la independencia o seguridad del Estado Parte, éste podrá adoptar disposiciones que, en la medida y por el tiempo estrictamente limitados a las exigencias de la situación, suspendan las obligaciones contraídas en virtud de esta Convención, siempre que tales disposiciones no sean incompatibles con las demás obligaciones que les impone el derecho internacional y no entrañen discriminación alguna fundada en motivos de raza, color, sexo, idioma, religión y origen social.

2. La disposición precedente no autoriza la suspensión de los derechos determinados en los siguientes artículos: 3 (Derecho al Reconocimiento de la Personalidad Jurídica); 4 (Derecho a la Vida); 5 (Derecho a la Integridad Personal); 6 (Prohibición de la Esclavitud y Servidumbre); 9 (Principio de Legalidad y de Retroactividad); 12 (Libertad de Conciencia y de Religión); 17 (Protección a la Familia); 18 (Derecho al Nombre); 19 (Derechos del Niño); 20 (Derecho a la Nacionalidad) y 23 (Derechos Políticos); ni de las garantías judiciales indispensables para la protección de tales derechos.

3. Todo Estado Parte que haga uso del derecho de suspensión deberá informar inmediatamente a los demás Estados Partes en la presente Convención por conducto del Secretario General de la Organización de los Estados Americanos, de las disposiciones cuya aplicación haya suspendido de los motivos que hayan suscitado la suspensión y de la fecha en que haya dado por terminada tal suspensión.

⁵ Artículo 15 de la ley N° 15.737 del 8 de marzo de 1985.

<https://www.impo.com.uy/bases/leyes/15737-1985>.

⁶ Opinión Consultiva de la Corte Interamericana de Derechos Humanos OC 9/87 del 6 de octubre de 1987. Versión en inglés: http://www.corteidh.or.cr/docs/opiniones/seriea_09_ing.pdf

http://www.corteidh.or.cr/docs/opiniones/seriea_09_ing.pdf.

⁷ <http://www.diputados.gub.uy/inddhh/2016/Inf2016INDDHH.pdf> - págs. 39 y 40.

⁸ https://parlamento.gub.uy/documentosyleyes/ficha-asunto/140489/ficha_completa.

⁹ Ver Anexo N°1 Tabla de visitas realizadas por el MNP período 2016 – 2018.

¹⁰ Ver Anexo N° 2: Tabla de ingresos de personas afrodescendientes al Estado 2014 – 2017. Tabla de organismos. Aportes MIDES.

¹¹ Ver Anexo N° 3: Plan Nacional de Equidad Racial y Afrodescendencia.

¹² Artículo 3 de la Ley 17817.

¹³ Plan completo: http://snepe.edu.uy/pnedh/wp-content/uploads/sites/23/2017/08/Libro_SNEP_web.pdf.

¹⁴ Ver Anexo N° 4: Plan Nacional de Diversidad Sexual.

¹⁵ <http://impo.com.uy/bases/decretos/104-2019>.

¹⁶ Por más información sobre el censo: <http://www.mides.gub.uy/innovaportal/file/90072/1/fasciculo-1-censo-trans-web.pdf>.

¹⁷ Decreto Presidencial 304/018.

¹⁸ Ficha de trámite parlamentario: <https://parlamento.gub.uy/documentosyleyes/ficha-asunto/105583>.

- ¹⁹ Facultad de Ciencias, Facultad de Ciencias Sociales, Facultad de Derecho, Facultad de Enfermería, Facultad de Humanidades y Ciencias de la Educación, Facultad de Información y Comunicación, Facultad de Ingeniería y Facultad de Psicología.
- ²⁰ https://www.onsc.gub.uy/onsc1/images/stories/Observatorio/Documentos/InformesEspeciales/BrechasEnElAcceso_2017.pdf.
- ²¹ <https://www.impo.com.uy/bases/leyes/19580-2017>.
- ²² <http://www.impo.com.uy/bases/decretos-originales/306-2015>.
- ²³ Con respecto a los datos desglosados por origen étnico racial, si bien ambos servicios registran la variable de ascendencia étnico racial, los datos registrados son insuficientes como para poder ser presentados. Se trabaja en forma continua para mejorar los sistemas de registro y para completar todas las variables, sobre todo la de ascendencia étnico racial.
- ²⁴ Por más información: <http://www.fiscalia.gub.uy/innovaportal/v/7605/1/innova.front/fiscalia-especializada-en-crimenes-de-lesa-humanidad-solicito-el-procesamiento-con-prision-de-3-ex-militares-y-1-ex-policia-en-una-denuncia-presentada-por-un-grupo-de-ex-presas-politicas.html>.
- ²⁵ Más información <http://pcentrales.anep.edu.uy/index.php/programa-de-educacion-sexual>.
- ²⁶ Más información <http://www.anep.edu.uy/anep/index.php/programa-de-educacion-sexual>.
- ²⁷ Esta estrategia es impulsada por el Ministerio de Salud Pública, Ministerio de Desarrollo Social, Ministerio de Educación y Cultura, Oficina de Planeamiento y Presupuesto, Administración Nacional de Educación Pública, Instituto del Niño y Adolescente del Uruguay y la Administración de los Servicios de Salud del Estado.
- ²⁸ Por más información: <https://parlamento.gub.uy/documentosyleyes/ficha-asunto/105583/tramite>.
- ²⁹ La Mesa está integrada por: Ministerio de Desarrollo Social, Ministerio del Interior, Ministerio de Relaciones Exteriores, Ministerio de Defensa nacional, Ministerio de Educación y Cultura/Ministerio Público Fiscal, Ministerio de Transporte y Obras Públicas, Ministerio de Trabajo y Seguridad Social, Ministerio de Salud Pública, Ministerio de Ganadería, Agricultura y Pesca, Ministerio de Turismo, Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente, Poder Judicial, Instituto del Niño y Adolescente del Uruguay, Bancada Bicameral Femenina, Universidad de la República, Plenario Intersindical de Trabajadores – Convención Nacional de Trabajadores (PIT-CNT), tres representantes de Organizaciones de la Sociedad Civil.
- ³⁰ http://www.fiscalia.gub.uy/innovaportal/file/7123/1/res-609_2018_fiscalias-penales.pdf.
- ³¹ <http://www.fiscalia.gub.uy/innovaportal/v/8053/1/innova.front/se-creo-la-fiscalia-de-5o-turno-de-delitos-sexuales-violencia-domestica-y-violencia-basada-en-genero.html>.
- ³² <http://www.fiscalia.gub.uy/innovaportal/file/1062/1/resolucion-83.pdf> El actual organigrama puede consultarse en: <http://www.fiscalia.gub.uy/innovaportal/file/1105/1/organigrama.pdf>.
- ³³ <http://www.fiscalia.gub.uy/innovaportal/file/4405/1/instruccion-nro5.pdf>.
- ³⁴ <http://www.fiscalia.gub.uy/innovaportal/file/3480/1/instruccion-general-proteccion-especial-de-victimas-y-testigos-de-los-delitos.pdf>.
- ³⁵ http://www.fiscalia.gub.uy/innovaportal/file/3482/1/doc-politicaatencyprotec_vyt_fgn_2017_v2.pdf.
- ³⁶ <http://www.impo.com.uy/bases/decretos/46-2018>.
- ³⁷ Ver instrucción N°12 de FGN “Solicitud de medidas cautelares en el Sistema Penal Acusatorio”: <http://www.fiscalia.gub.uy/innovaportal/file/3480/1/instruccion-nro-12.pdf>.
- ³⁸ De acuerdo a la Instrucción N°12 de FGN se indica que: “Por disposición del art. 224 del CPP, el fiscal debe solicitar la prisión preventiva del indagado si hubiera semiplena prueba de la existencia del hecho y de su participación, y elementos de convicción suficiente para presumir que intentará fugarse, ocultarse o entorpecer de cualquier manera la investigación o que la medida es necesaria para la seguridad de la víctima o de la sociedad”.
- ³⁹ Artículo 79 en redacción, ley 19.551 del 25 de octubre de 2017.
- ⁴⁰ http://www.fnr.gub.uy/debate_justicia_salud.
- ⁴¹ http://www.fiscalia.gub.uy/innovaportal/file/5488/1/res.-075_2018-transformacion.pdf.
- ⁴² Ver Anexo N° 5 “Documento Marco sobre Política Migratoria en Uruguay”.
- ⁴³ Ver Anexo N°6: Informe de la Comisión Honoraria sobre voto en el exterior.
- ⁴⁴ Por más información ver la ficha del asunto parlamentario: <https://parlamento.gub.uy/documentosyleyes/ficha-asunto/132767>.
- ⁴⁵ <https://parlamento.gub.uy/documentosyleyes/ficha-asunto/130766>.
- ⁴⁶ Proyecto conjunto entre el Ministerio de Trabajo y Seguridad Social (MTSS), la Agencia Española de Cooperación Internacional y el CETI.
- ⁴⁷ Más información sobre el proyecto <http://www.ceip.edu.uy/nombre,-componentes-y-prop%C3%B3sitos>.
- ⁴⁸ <http://www.anep.edu.uy/anep-old/phocadownload/normativa/protocolo%20de%20inclusin.pdf>.
- ⁴⁹ Artículo 6.
- ⁵⁰ Por más información: https://aplicaciones.onsc.gub.uy/pmb/opac_css/doc_num.php?explnum_id=69.