



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the sixth periodic report of Uruguay\*

1. The Committee considered the sixth periodic report of Uruguay<sup>1</sup> at its 3882nd and 3883rd meetings,<sup>2</sup> held on 30 June and 1 July 2022. At its 3908th meeting, held on 20 July 2022, the Committee adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the sixth periodic report of Uruguay and the information presented therein. It expresses appreciation for the opportunity to renew its open and constructive dialogue with the State party's high-level delegation. The Committee is grateful for the information provided on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is also grateful to the State party for having accepted the simplified reporting procedure and for submitting its sixth periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral replies provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party:

(a) The establishment, by Act No. 19.889 of 9 July 2020, of the Gender Policies Division within the Ministry of the Interior;

(b) The enactment of Act No. 19.822 of 18 September 2019, which entrusts the National Human Rights Institution and Ombudsman's Office with the task of searching for persons detained and disappeared between 1968 and 1985;

(c) The enactment of the Act on the Recognition and Protection of Stateless Persons of 26 October 2018 (No. 19.682).

(d) The enactment of Act No. 19.684 of 26 October 2018, which sets out measures of prevention, care, protection and redress with the aim of eradicating discrimination against and stigmatization of transgender people;

\* Adopted by the Committee at its 135th session (27 June–27 July 2022).

<sup>1</sup> [CCPR/C/URY/6](#).

<sup>2</sup> [CCPR/C/SR.3882](#) and [CCPR/C/SR.3883](#).

<sup>3</sup> [CCPR/C/URY/QPR/6](#).



- (e) The enactment of Act No. 19.643 of 20 July 2018 on Preventing and Combating Trafficking in Persons;
- (f) The conversion of the 25th Criminal Prosecution Office of Montevideo into the Special Prosecutor's Office for Crimes against Humanity by Decision No. 75/018 of 21 February 2018;
- (g) The introduction in the new Code of Criminal Procedure, in force since 2017, of the remedy of habeas corpus "which protects persons deprived of liberty against torture and other cruel treatment or conditions of imprisonment which violate human dignity";
- (h) The enactment of Act No. 19.580 of 22 December 2017 on Gender-based Violence against Women;
- (i) The enactment of Act No. 19.538 of 18 October 2017, which classifies femicide as an aggravating circumstance of murder;
- (j) The enactment of Act No. 19.555 of 9 November 2017, 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;
- (k) The establishment in 2015 of the Working Group for Truth and Justice to address impunity for crimes committed between 1968 and 1985.

## C. Principal subjects of concern and recommendations

### Recommendations Monitoring System

4. The Committee welcomes the adoption of the Recommendations Monitoring System and the establishment in November 2016 of an inter-institutional network for reporting and follow-up on the implementation of human rights recommendations and observations. However, the Committee notes that the State party has neither continued to apply this tool nor generated full statistical information on the degree to which it has acted on the recommendations and observations issued by the Committee and other human rights bodies with a sufficient level of participation on the part of civil society.

**5. The Committee reiterates the need to strengthen the Recommendations Monitoring System and to carry out and publish a statistical assessment of the degree to which it has acted upon human rights recommendations and observations while ensuring the participation of civil society in the process.**

### Non-discrimination

6. The Committee acknowledges the State party's numerous efforts to combat discrimination, including the establishment of the National Advisory Council for Ethnic and Racial Equity and People of African Descent, the development and adoption of the National Plan for Racial Equity and People of African Descent and the establishment of specific mechanisms to combat acts of racial discrimination, such as a working group on racial and ethnic policies and the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination. However, the Committee is concerned about the vulnerability of Afrodescendent and indigenous people and persistent structural discrimination against them, particularly women and girls, in the spheres of education, work, health and public life, which is manifested in poverty and social exclusion (arts. 2–3, 16 and 25–27).

**7. The State party should:**

**(a) Redouble its efforts to prevent, combat and eradicate all forms of discrimination, particularly racial discrimination, including by ensuring the allocation of sufficient resources for the full implementation of its anti-discrimination plans and policies;**

**(b) Increase public education and awareness campaigns and training for the public, private and teaching sectors to promote tolerance and respect for diversity;**

(c) **Adopt and implement the new national plan against racism and discrimination as soon as possible;**

(d) **Take urgent measures to meet the 8 per cent annual quota for the participation of people of African descent in education and work.**

#### **Persons with disabilities**

8. The Committee welcomes the adoption of Act No. 19.691 on the inclusion of persons with disabilities in the workforce. However, it is concerned about the persistent inequalities and obstacles faced by persons with disabilities in the State party. It is especially concerned that:

(a) The participation of persons with disabilities in social and public life is greatly impaired by the lack of accessibility of the physical environment, including transport, services and public places, and of information and communications;

(b) Even though Act No. 19.691 establishes a 4 per cent quota for public and private sector hires, this quota has not been reached; for example, persons with disabilities accounted for only 0.4 per cent of hires in the public administration sector in 2020;

(c) There have been reports that some persons with disabilities are unable to exercise their right to vote by secret ballot because of a lack of accessibility and reasonable accommodations at polling stations, despite what is provided for in Act No. 19.790 (arts. 2–3, 16 and 25–27).

9. **The State party should take measures to combat discrimination and prejudice against persons with disabilities and negative stereotypes concerning them, including in legislation, public policies and programmes, and in both the public and private employment spheres. The Committee urges the State party, in particular, to:**

(a) **Devise a comprehensive plan to ensure the accessibility of the physical environment, including public transport, in order to guarantee effective access to public services for persons with disabilities;**

(b) **Redouble its efforts to ensure the inclusion of persons with disabilities in the labour market in order to promote and increase their level of regular employment and its efforts to adopt legislative measures to penalize low levels of compliance with the quotas established by law;**

(c) **Guarantee physical access to polling stations and access to information and communications therein for persons with disabilities in order to ensure their right to vote freely and in secret and expand training for public officials working in these establishments on accessibility and reasonable accommodations.**

#### **Discrimination based on sexual orientation and gender identity**

10. Despite many legislative and policy initiatives, the Committee is concerned about stigmatization and discriminatory attitudes towards lesbian, gay, bisexual, transgender and intersex persons in the State party, particularly as manifested in bullying and violence in schools (arts. 7, 17 and 26).

11. **The State party should redouble its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons and should ensure that the gap between legislation and practice is effectively addressed, in particular in regard to education, health, the workplace and the public space, and that offences motivated by the victim's sexual orientation or gender identity are investigated promptly, that those responsible are brought to justice and appropriately punished and that the victims receive full reparation.**

#### **Gender equality**

12. The Committee welcomes the various steps taken to advance gender equality and to combat gender stereotypes. However, it is concerned that women are still underrepresented in managerial and decision-making positions in both the public and private sectors, and it

notes, in particular, the lack of representation of Afrodescendent and indigenous women. The Committee is also concerned about the persistent wage gap between men and women (arts. 2–3 and 25–26).

**13. The State party should:**

- (a) Intensify its efforts to ensure effective equality between men and women in all spheres and throughout the country. In particular, it should take tangible steps to increase the representation of women, including Afrodescendent and indigenous women, in decision-making positions in the public and private sectors;**
- (b) Take effective measures to narrow the wage gap between men and women;**
- (c) Accelerate the implementation, in the executive, legislative and judicial branches, of the measures set forth in the National Gender Equality Strategy 2030, ensuring that sufficient resources are allocated for their appropriate implementation.**

**Violence against women and domestic violence**

14. The Committee recognizes the efforts made by the State party to prevent and combat violence against women, including domestic violence, notably the adoption of Act No. 19.580 on Gender-based Violence against Women, the establishment of the Observatory for Gender-Based Violence against Women, the classification of femicide as an aggravating circumstance in homicide cases and the increase in the number of shelters in the State party. However, it is concerned at reports that:

- (a) Violence against women continues to be a widespread problem in the State party, with 30 femicides and 38,925 complaints of domestic violence being recorded in 2021;
- (b) The necessary budget for the effective implementation of the measures contained in Act No. 19.580, especially with regard to providing counselling, shelters and assistance to victims, has not been allocated;
- (c) Justice officials, police officers and health and social assistance personnel still lack specific education and training on how to address violence against women from a human rights perspective;
- (d) There are obstacles to access to justice for victims of violence and to the provision of reparation to families as direct victims (arts. 3, 6–7, 14, 17 and 26).

**15. The State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls, including domestic violence and sexual violence. In particular, it should take the necessary measures to:**

- (a) Allocate the financial, technical and human resources required for the prevention of such violence, the protection of women, the punishment of perpetrators and the provision of reparation to victims throughout its territory;**
- (b) Ensure that the relevant public officials, such as judges, prosecutors, public defenders, law enforcement officers and health and social assistance personnel, receive appropriate training to detect, process and investigate cases of violence against women, taking into account a gender and human rights perspective;**
- (c) Facilitate and encourage, by various means, the filing of complaints by victims and ensure that all acts of violence against women and girls are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and punished, and that the victims obtain full reparation, including for their families, where applicable.**

**Voluntary termination of pregnancy and reproductive rights**

16. The Committee is concerned by reports that, in practice, women are facing obstacles in gaining access to abortion, including the invocation of conscientious objection by medical teams and the requirement for migrant women to have lived in the country for one year before they can gain access to the procedure. It is also concerned by information suggesting that

teenage pregnancy rates remain high in spite of the measures taken by the State party to prevent teenage pregnancy (arts. 2–3, 6–7, 17 and 26).

**17. Bearing in mind the Committee’s general comment No. 36 (2018) on the right to life, the State party should:**

- (a) **Redouble its efforts to ensure legal, effective, safe and confidential access to abortion for women and girls throughout its territory;**
- (b) **Ensure that, in practice, conscientious objection is not a barrier to safe, legal and effective abortion;**
- (c) **Abolish the requirement for women and girls, including migrant women and girls, to have spent one year in the country before they can have access to safe, legal and effective abortion services;**
- (d) **Step up its efforts to prevent unwanted pregnancies, especially among teenage girls, and to ensure full access to adequate sexual and reproductive health services throughout the country, particularly among Afrodescendent and indigenous women and women living in rural and disadvantaged areas;**
- (e) **Redouble its awareness-raising and education efforts with regard to sexual and reproductive health rights by prioritizing the implementation of an effective national sexual and reproductive education plan.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

18. The Committee is concerned that the crime of torture has still not been classified in accordance with international standards. It is also concerned by information it has received regarding complaints of ill-treatment by the police submitted to the judicial authorities and regrets that the investigations carried out have yielded only limited results (arts. 3, 7, 9–10, 14 and 17).

**19. The State party should:**

- (a) **Adopt a definition of the offence of torture as soon as possible that meets international standards and establish a penalty for that offence that reflects its extreme seriousness;**
- (b) **Redouble its efforts to effectively prevent acts of torture and ill-treatment by strengthening human rights training for judges, prosecutors, law enforcement officials and other officials who deal with persons deprived of their liberty;**
- (c) **Strengthen the coordination between the judiciary and the Office of the Parliamentary Commissioner for the Prison System as an autonomous body that facilitates the safe reporting of acts of torture or ill-treatment in places of deprivation of liberty and ensure that any alleged acts of torture or ill-treatment are investigated promptly, thoroughly and impartially, that perpetrators are prosecuted and punished appropriately and that victims receive full reparation.**

#### **Trafficking in persons**

20. The Committee welcomes the measures taken by the State party to prevent and combat trafficking in persons. However, it is concerned by information suggesting that the problem persists, particularly in border departments, and that government services are focused on providing psychosocial and legal assistance, while long-term services, such as housing and labour market integration, remain lacking (arts. 7–8, 14 and 24).

**21. The State party should:**

- (a) **Intensify its efforts to prevent, combat and punish trafficking in persons, especially by strengthening identification mechanisms in border departments so that they can detect cases in time and take appropriate action;**
- (b) **Expand long-term and reintegration services, including vocational training, labour market integration and housing services.**

### **Treatment of persons deprived of their liberty**

22. The Committee takes note of the effort made to implement the new Code of Criminal Procedure and to replace inquisitorial proceedings with oral, public accusatorial proceedings, which also entails introducing certain guarantees and involving victims in those proceedings. The Committee also takes note of the efforts made to reduce prison overcrowding and the draft plan to combat recidivism and promote rehabilitation based on a human rights and gender perspective that has been submitted to parliament by the Parliamentary Commissioner for the Prison System. However, the Committee is concerned by reports relating to:

(a) The significant and growing number of persons deprived of their liberty in the State party and, in particular, the sharp increase in the number of women deprived of their liberty in recent years, with only 33 per cent of prisoners having received a final sentence and 67 per cent of defendants remaining in pretrial detention for prolonged periods alongside convicted persons, which is contrary to the Covenant;

(b) The considerable increase in deaths in custody;

(c) Prison overcrowding, which stands at 135 per cent, and the lack of opportunities for reintegration and rehabilitation, which explains why the level of overcrowding remains so high;

(d) Some of the modifications made to the regulatory framework relating to adolescents in conflict with the law, in particular those that undermine respect for the exceptional and time-limited nature of deprivation of liberty, those that impose imprisonment as a precautionary measure and those that introduce the possibility of summary proceedings and new simplified proceedings, which offer fewer guarantees than an oral trial and little contact with a defence counsel, as well as doubling the penalties for very serious offences, which can range from 2 to 10 years' imprisonment (arts. 2, 6–7, 9–10 and 14).

### **23. The State party should increase its efforts to:**

(a) **Ensure that persons in pretrial detention are held separately from convicted persons;**

(b) **Ensure that all deaths in custody are investigated and that the perpetrators of any intentional killings are prosecuted and duly punished;**

(c) **Effectively reduce overcrowding and the high percentage of persons in pretrial detention, prioritize recourse to alternatives to deprivation of liberty in accordance with the provisions of the Covenant, and give preference to non-custodial social and educational measures for women who have committed non-violent offences;**

(d) **Ensure that the pretrial detention of children and adolescents is avoided to the greatest extent possible by using alternative measures that do not involve deprivation of liberty and that will ensure their rehabilitation and reintegration into the community, taking into account their best interests, and align its legislation and practices regarding adolescents in conflict with the law with the Covenant and international standards;**

(e) **Improve detention conditions by ensuring that they are consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and improve respect for the dignity of persons deprived of their liberty in accordance with article 10 of the Covenant by allocating greater financial resources and adequate human resources to that end.**

### **Access to justice, independence of the judiciary and right to a fair trial**

24. The Committee notes with satisfaction that the State party is working on a reform of the judicial system, having granted additional independence and resources to the prosecution service. However, it is concerned that the public defence service and its budget still come under the authority of the judicial branch, that the service still lacks the necessary resources to carry out its legal representation work effectively and that public defenders are too few in number and not properly distributed throughout the country. The Committee is also

concerned by information it has received regarding multiple complaints of police abuse of persons in detention and insufficient efforts to investigate these alleged abuses and to punish the perpetrators (arts. 2 and 14).

**25. The State party should:**

(a) **Ensure that the public defence service is hierarchically and financially independent from the judicial branch and that it has adequate financial, technical and human resources to carry out its work in a timely and appropriate manner throughout the entire country in accordance with applicable international due process and fair trial standards;**

(b) **Ensure that all cases of police abuse are investigated thoroughly and promptly and that those responsible are punished.**

**Human rights violations occurring between 1968 and 1985**

26. The Committee welcomes the establishment of the Working Group for Truth and Justice to address impunity for crimes committed between 1968 and 1985 and the Office of the Special Prosecutor for Crimes against Humanity to address crimes committed between 1973 and 1985, but regrets that only limited information on the results of the investigations carried out by the Office of the Special Prosecutor is available. The Committee notes with concern that the victims have not received full reparation and that the legal definition of a victim is very restrictive, as it excludes victims' family members (arts. 2, 6–7, 9 and 14).

**27. The State party should increase its efforts to enforce the rights to truth, justice and full reparation for victims of the serious human rights violations perpetrated between 1968 and 1985. In particular, it should ensure, as soon as possible, that:**

(a) **The report of the Working Group for Truth and Justice is disseminated more widely and that all the recommendations it contains are complied with in full;**

(b) **Progress is made in the remaining investigations into all allegations of human rights violations perpetrated between 1968 and 1985, in the search for disappeared or murdered persons and the identification of human remains, and in ensuring that those responsible are brought to justice and that appropriate penalties are imposed;**

(c) **The right to full reparation for all victims, including victims' family members, is enforced.**

**Migrants, refugees, stateless persons and asylum-seekers**

28. The Committee welcomes the efforts made by the State party in relation to refugees, asylum-seekers and stateless persons, including the signing into law of the Act on the Recognition and Protection of Stateless Persons. However, it regrets that a comprehensive migration policy that ensures the full integration of refugees and asylum-seekers and their rights to health, housing and work has not yet been implemented. It is especially concerned about:

(a) **The lack of measures to increase income-generating opportunities and to provide adequate social assistance to returnees, refugees and asylum-seekers, including women, unaccompanied minors and victims of torture or trauma;**

(b) **The lack of effective resources to ensure the local integration of returnees, refugees and asylum-seekers;**

(c) **The lack of provisions to prevent and protect refugee and asylum-seeking women against sexual and gender-based violence (arts. 2–3, 14, 16 and 23–26).**

**29. The State party should:**

(a) **Devise and implement a national policy or strategy that guarantees comprehensive assistance for returnees, refugees and asylum-seekers, that prevents and combats discrimination against them and that includes access to social services,**

effective local integration and measures to facilitate access to employment and income-generating opportunities;

(b) **Provide the Refugee Commission with the human, technical and financial resources necessary to ensure the local integration of returnees, refugees and asylum-seekers;**

(c) **Continue to strengthen measures to prevent and protect returnee, refugee and asylum-seeking women from sexual and gender-based violence, which should be included in the sexual and reproductive education plan that is to be developed within the framework of the 2020–2024 budget.**

### **Right to privacy**

30. The Committee is concerned about the lack of information on the progress made or results achieved in the criminal investigations referred to the First Rota Criminal Prosecution Office for Complex Financial Offences in Montevideo by the commission of inquiry set up by the House of Representatives in 2016 in relation to the “Castiglioni file”. This file contains alleged evidence of military and police espionage in the State party during times when democratic governments were in place (art. 17).

31. **The State party should:**

(a) **Investigate and punish those responsible for the system of military and police espionage that was in operation during times when a democratic system was in place and disseminate the results of the investigations;**

(b) **Guarantee the right to privacy in full conformity with the Covenant, in particular article 17. Surveillance activities should be in accordance with the principles of legality, proportionality and necessity and be subject to judicial authorization. The State party should also ensure that surveillance activities are subject to effective independent judicial oversight mechanisms and ensure access to effective remedies in cases of abuse.**

### **Freedom of expression and right of peaceful assembly**

32. The Committee notes with concern reports of an increase in criminal proceedings, threats and restrictions relating to the freedom of expression of journalists and new amendments to the omnibus law adopted under the fast-track legislative procedure, which contains vague and overly broad definitions that give the police authorities greater discretion in the use of force to restrict gatherings and demonstrations (arts. 7, 19 and 21–22).

33. **The State party should take the necessary measures to ensure the full enjoyment of the rights to freedom of expression and peaceful assembly by all persons, bearing in mind the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression and general comment No. 37 (2020) on the right to peaceful assembly. The Committee urges the State party, in particular, to:**

(a) **Redouble its efforts to prevent threats against and restrictions on the freedom of expression of journalists and ensure that all allegations of such acts of intimidation are promptly, thoroughly, independently and impartially investigated;**

(b) **Guarantee and respect the rights of assembly and demonstration of the general public, politicians and civil society organizations;**

(c) **Ensure that the rights to freedom of opinion and expression and to freedom of assembly and association established in the omnibus law adopted under the fast-track legislative procedure are upheld in full conformity with the requirements of articles 19 (3), 21 and 22 (2) of the Covenant.**

### **Children’s rights**

34. The Committee welcomes the implementation of the National Plan for the Provision of Assistance to Children and Adolescents in Street Situations 2020–2030. However, it is concerned about:



(a) The fact that the minimum age for marriage for both spouses is 16 years with parental consent, which is at odds with international standards;

(b) The reported failure to develop annual operational guidelines for the National Plan for the Provision of Assistance to Children and Adolescents in Street Situations 2020–2030 and, in particular, the fact that quantitative data on the problem of children and adolescents in street situations in the country’s capital and at the national level have not been updated;

(c) The failure to update the list of hazardous forms of child labour and the lack of up-to-date quantitative and qualitative information on the eradication of the problem, given that the last national survey dates back to 2011 (arts. 3, 7 and 24).

**35. The State party should:**

(a) **Urgently amend article 91 of the Civil Code to raise the minimum age for marriage to 18 years without distinction as to gender;**

(b) **Strengthen its efforts to combat the problem of children in street situations and the exploitation of children in general, prioritize the updating of quantitative data on the problem and also organize public awareness campaigns on children’s rights;**

(c) **Redouble its efforts to combat and eradicate child labour, in particular by updating the list of hazardous forms of child labour, and conduct a new survey to compile quantitative and qualitative information.**

## **D. Dissemination and follow-up**

36. **The State party should widely disseminate the Covenant, its two Optional Protocols, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society, non-governmental organizations operating in the country and the general public.**

37. **In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 28 July 2025, information on the implementation of the recommendations made herein by the Committee in paragraphs 15 (violence against women and domestic violence), 23 (treatment of persons deprived of their liberty) and 25 (access to justice, independence of the judiciary and right to a fair trial).**

38. **Given that the State party has accepted the simplified reporting procedure, the Committee will transmit to it a list of issues prior to the submission of its next report in due course. The State party’s replies to that list will constitute its seventh periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.**