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Report of the Working Group on the Universal Periodic Review*

Uruguay

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



1. Uruguay presents its position on the 274 recommendations received during the interactive dialogue within the framework of the fourth cycle of the universal periodic review held on 1 May 2024 in Geneva, Switzerland.
2. Uruguay has examined all recommendations made, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1 and paragraph 16 of the annex to Council resolution 16/21.
3. In total, out of the 274 recommendations received, 260 have been accepted and 14 have been noted.
4. The standard practice of Uruguay is to accept all recommendations received; however, in this instance, some of the recommendations have only been noted, since their implementation would imply setbacks with regard to rights already recognized, protected and safeguarded by the State, which would be detrimental to the principles of progressiveness and non-retrogression in international human rights law, of which Uruguay has been a staunch defender.
5. Some clarifications concerning specific recommendations and information regarding others are provided below.

125.1, 125.2, 125.3, 125.4.

Noted.

In keeping with the commitments made during the previous cycles of the universal periodic review, Uruguay pursued its examination of the conditions for implementing the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) at the national level.

125.5, 125.6, 125.7.

Accepted.

Since 2020, a bill prohibiting age discrimination and ensuring equal access to the labour market has been under consideration by the Labour Law and Social Security Committee of the House of Representatives.¹ Since March 2024, a bill on measures for the eradication of hatred, racism, xenophobia and intolerance in sports has been under consideration by the Sports Commission of the House of Representatives.

125.8, 125.22.

Accepted. In the course of being implemented.

With a view to strengthening the Mechanism, work will continue to include new national institutions and departmental governments and to evaluate computer tools that would allow for follow-up and consultation on the status of the recommendations.

125.9

Accepted. In the course of being implemented.

125.10, 125.11, 125.12, 125.13, 125.14.

Accepted.

125.15, 125.16, 125.17, 125.18, 125.19, 125.20.

Accepted. In the course of being implemented.

125.21.

Accepted. In the course of being implemented.

Act No. 20.212² of November 2023 amended article 81, further increasing the number of staff who may be requested on secondment to 20 officials.

125.23, 125.24, 125.25, 125.26, 125.27, 125.28, 125.30, 125.33, 125.35, 125.36, 125.37, 125.38, 125.39, 125.44, 125.45, 125.46.

Accepted.

Act No. 20.212 of 2023 on accountability amended several articles of Act No. 17.817 of 2004, including article 5 (g), which authorizes the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination to act *ex officio*.³

125.29, 125.31, 125.32, 125.34, 125.40, 125.41, 125.42, 125.43, 125.47, 125.48, 125.49, 125.50, 125.51, 125.52, 125.53, 125.54, 125.55.

Accepted. In the course of being implemented.

125.56, 125.57, 125.58, 125.59, 125.60, 125.61, 125.62, 125.63, 125.64, 125.65, 125.66, 125.67, 125.68, 125.69, 125.70, 125.71, 125.72, 125.73, 125.74, 125.75, 125.76, 125.77, 125.78, 125.79, 125.80, 125.81, 125.82, 125.83, 125.84, 125.85.

Accepted. In the course of being implemented.

There are plans to establish, by late 2024, the first detention unit with cells reserved for transgender women.

In conjunction with the Inter-American Development Bank and the Cooperation Programme between Latin America, the Caribbean and the European Union, there are plans to design a residential programme for problematic drug use in one of the country's prison complexes, and to design a national plan to address problematic drug use in prison and non-custodial settings.

125.86, 125.87, 125.88, 125.89, 125.90, 125.91, 125.92.

Accepted.

Although Uruguay has not established torture as a separate offence in the Criminal Code, the crime of torture was incorporated into national legislation through the approval of Act No. 18.026 on cooperation with the International Criminal Court to combat genocide, war crimes and crimes against humanity.

125.93, 125.94.

Accepted. In the course of being implemented.

Act No. 18.315 on police procedure provides that all persons who require the services of the police must be treated in a diligent, polite and respectful manner, without any type of discrimination on the grounds of age, gender, ethnicity, religion, economic or social or other status. Any police conduct that deviates from these principles may be reported through secure, publicly accessible channels.

The Directorate of Internal Affairs of the Ministry of the Interior oversees all aspects of the functional management of police stations and has channels for reporting harmful police practices.

The National Directorate of Police Education makes efforts to ensure that graduate police officers are guided by the human rights approach.

The National Directorate of Gender Policies within the Ministry of the Interior provides training and promotes the professional development of civil servants in the areas of gender, diversity, ethnic and racial considerations and human trafficking, from a human rights perspective.

125.95.

Accepted.

125.96.

Accepted. In the course of being implemented.

125.98, 125.99, 125.100, 125.101, 125.102, 125.103, 125.104.

Accepted. Being implemented.

125.97

Noted.

The strengthening of the regulatory framework and the implementation of specific measures in recent years demonstrate the country's commitment to combating impunity. Searching for disappeared persons and bringing those responsible for human rights violations and crimes against humanity committed during the dictatorship to justice are a settled State policy.

125.107, 125.109, 125.111.

Accepted.

125.105, 125.106, 125.108, 125.110, 125.112.

Noted.

Uruguay has a solid regulatory framework that protects and ensures the effective exercise of freedom of expression, opinion and the press. The rule of law and the strict separation of powers ensure that complaints are investigated through existing legal mechanisms and with complete institutional independence. In Uruguay, there are no persons deprived of liberty for exercising the aforementioned rights.

125.113.

Noted.

In Uruguay, the individual freedoms of conscience, expression and worship are recognized in the Constitution (arts. 5, 7, 29 and 54).⁴ The precise legal definition of conscientious objection is provided in Act No. 18473 (art. 9)⁵ on advance directives for medical treatments and procedures that prolong life in terminal cases and Act No. 18987 (art. 11) on voluntary termination of pregnancy.⁶

125.114.

Accepted.

Since 1918, article 5 of the Constitution has provided that: "There is complete freedom of worship in Uruguay. There is no State-supported religion." Accordingly, there is religious freedom, which is safeguarded by the State; the exercise of this right is an individual decision and is restricted to the private sphere.

125.115, 125.116.

Accepted.

125.117.

Noted.

125.118, 125.232.

Accepted.

As reported in previous country reports, the family occupies a place of central importance, whatever its make-up, in ensuring the well-being of all its members, who are rights holders in accordance with international law. A multidimensional conception of the family requires the formulation of public policies that reflect the variety of existing family arrangements.

125.119, 125.120, 125.121, 125.122, 125.123, 125.124, 125.125, 125.126.

Accepted. Being implemented.

125.127, 125.128.

Accepted.

125.129, 125.130, 125.131, 125.132.

Accepted.

A bill declaring the reporting, systematization and transparency of data on the gender pay gap to be of national interest is being studied by the Senate Committee on Human Rights and Gender Equity. This bill has been approved by the House of Representatives.⁷

125.133.

Accepted.

125.134.

Accepted. In the course of being implemented.

125.136, 125.137, 125.138.

Accepted.

125.135, 125.139, 125.140.

Accepted. Being implemented.

125.141, 125.142, 125.143, 125.144, 125.145, 125.146, 125.147, 125.148, 125.149, 125.150, 125.151, 125.152.

Accepted.

125.153.

Noted.

As a bill on this subject is currently under discussion in the parliament, it would not be appropriate to take a position in that regard at this stage.

125.154.

Noted.

The State guarantees and promotes the full exercise of sexual and reproductive rights for the entire population.

Act No. 18.987 on voluntary termination of pregnancy provides guarantees allowing women to enforce their rights and establishes standards of conduct in line with international law on human rights, health and sexual and reproductive health, the recommendations of the Committee on the Elimination of Discrimination against Women and recommendations made under the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

The aforementioned Act provides for the full exercise of the right to voluntary termination of pregnancy, decriminalizes abortion and allows for conscientious objection, in accordance with the secularity of the State enshrined in article 5 of the Constitution.

125.155, 125.156, 125.157, 125.158, 125.159, 125.160.

Accepted. In the course of being implemented.

126.161, 125.162, 125.163.

Accepted. In the course of being implemented.

Uruguay, with the support of the Economic Commission for Latin America and the Caribbean and the working group of the Technical Advisory Commission for the Protection of the Environment,⁸ is preparing a road map for the implementation plan on the Escazú Agreement, which was submitted for public consultation in April 2024.⁹

125.164.

Accepted. In the course of being implemented.

125.165, 125.166, 125.167, 125.168, 125.169, 125.170, 125.171, 125.172, 125.173, 125.174, 125.175, 125.176, 125.177, 125.178, 125.179, 125.180, 125.181, 125.182.

Accepted.

125.183, 125.184, 125.185, 125.186, 125.187, 125.188, 125.189, 125.190, 125.191, 125.192, 125.193, 125.194, 125.195, 125.196, 125.197, 125.198, 125.199, 125.200, 125.201, 125.202, 125.203, 125.204, 125.205, 125.206, 125.207, 125.208, 125.209, 125.210, 125.211, 125.212, 125.213, 125.214, 125.215, 125.216, 125.217, 125.218, 125.219, 125.220, 125.221, 125.222, 125.223, 125.224.

Accepted. Being implemented.

The Ministry of the Interior has signed international cooperation agreements with different organizations¹⁰ for the development of projects in this area that seek to strengthen the professional training of police officers, update guidelines for police officers and provide support for investigations, among other things, in accordance with Act No. 19.580.

The establishment of the cybercrime unit has strengthened the fight against human trafficking in the digital environment. The unit acts in conjunction with various international entities and platforms, such as the International Centre for Missing and Exploited Children.

The Ministry of the Interior has taken steps to strengthen mechanisms for investigating cases by training its officials on trafficking in persons and related offences and strengthening inter-institutional coordination with competent national and international agencies.

In cases of domestic violence, two police officers may be assigned by the courts to provide protection to the victim at her home, work, place of medical treatment and place of study.

125.225, 125.226, 125.227, 125.228, 125.229, 125.230, 125.231, 125.233, 125.234, 125.235, 125.236, 125.237.

Accepted.

125.238, 125.239, 125.240.

Accepted.

125.241, 125.242, 125.243, 125.244, 125.245, 125.246, 125.247, 125.248, 125.249, 125.250, 125.251, 125.252, 125.253, 125.254.

Accepted.

Since May 2004, the Senate Committee on Population, Development and Inclusion has been considering a bill to establish a single national scale to be set by the Executive Branch through the Advisory Council of Experts on Disability Measurement Tools and to declare the use of such a scale to be a matter of public interest.¹¹

Since June 2024, the Human Rights Commission of the House of Representatives has been considering a bill, which has received preliminary approval, to give the National Human Rights Institution a mandate to oversee and monitor the implementation of the Convention on the Rights of Persons with Disabilities.¹²

125.255, 125.256, 125.257.

Accepted.

125.258.

Accepted. Implemented.

125.259.

Accepted. Being implemented.

125.260, 125.261.

Accepted.

125.262, 125.263, 125.264, 125.265, 125.266, 125.267, 125.268, 125.270.

Accepted. Being implemented.

125.269, 125.271.

Accepted.

Reforms and their implementation in accordance with the rule of law require time and dialogue. The Uruguayan State has begun to seek solutions in the light of the need to adapt legal frameworks to specific situations, such as the distinction between citizenship and nationality in Uruguayan legislation.

In view of its commitment to seek solutions to this situation, the Uruguayan State was invited to participate in a thematic hearing of the Inter-American Commission on Human Rights in March 2024, where it expressed its willingness to move forward in this regard.

125.272, 125.273, 125.274.

Accepted.

Notes

- ¹ https://parlamento.gub.uy/documentosyleyes/ficha-asunto/147402/ficha_completa
- ² La INDDHH, conforme su ley de creación de 2008, tiene la posibilidad de solicitar funcionarios de otras dependencias en régimen de pase en comisión. En la ley de creación se permitía la solicitud de hasta 10 funcionarios, en 2019 la modificación realizada al artículo elevó el número a un total de 15 funcionarios y en 2023 la Ley N° 20.212 de 2023 fue modificada nuevamente el art. 81 elevar el número posible de pases en comisión a 20 funcionarios.
<https://www.impo.com.uy/bases/leyes/18446-2008/81>
- ³ https://medios.presidencia.gub.uy/legal/2023/leyes/11/cons_min_806.pdf
- ⁴ Constitución de la República <https://www.impo.com.uy/bases/constitucion/1967-1967>
- ⁵ <https://www.impo.com.uy/bases/leyes/18473-2009>.
- ⁶ <https://www.impo.com.uy/bases/leyes/18987-2012>.
- ⁷ <https://parlamento.gub.uy/camarasycomisiones/senadores/documentos/documentos-comision/49/1946/0/CON>
- ⁸ La Comisión Técnica Asesora de la Protección del Medio Ambiente (Cotama) es un espacio asesor, donde participan representantes de todos los ministerios, de la Oficina de Planeamiento y Presupuesto (OPP), del Congreso de Intendentes, la Universidad de la República (Udelar), cámaras empresariales y trabajadores, y diversos actores de las ONG's ambientales del país. Tiene por objetivo profundizar la coordinación interinstitucional y la participación de la sociedad civil en la elaboración de las políticas públicas en materia de ambiente y desarrollo sustentable.
Creada en el artículo 10 de la Ley 16.112 (1990), Decreto 261/993(1993), con modificaciones en el Decreto 303/994, del 28 de junio de 1994.
En 2016 inició un nuevo proceso en el marco de la Cotama, con participación de diversos sectores: Gobierno, sociedad civil, sector privado, academia y gremiales para abordar dos grandes área de trabajo en este espacio asesor de temas ambientales: residuos y biodiversidad, para lo cual se conformaron dos grupos de trabajo.
<https://www.gub.uy/ministerio-ambiente/politicas-y-gestion/comision-tecnica-asesora-proteccion-del-medio-ambiente>
- ⁹ https://www.gub.uy/ministerio-ambiente/sites/ministerio-ambiente/files/2024-03/Resumen_para_GT-COTAMA-Docmento%20completo-2024_03_09.pdf.
- ¹⁰ DCAF (Centro de Ginebra para la Gobernanza en el sector de seguridad), UNICEF (Fondo Internacional de Emergencia de las Naciones Unidas para la Infancia), UNFPA (Fondo de población de las Naciones Unidas) BID (Banco Interamericano de Desarrollo).
- ¹¹ <https://parlamento.gub.uy/documentosyleyes/documentos/versiones-taquigraficas/senadores/49/2132/0/PDF>.
- ¹² <https://parlamento.gub.uy/documentosyleyes/documentos/repartido/representantes/49/1129/0/PDF>.