

**Universal Periodic Review
(46th working group session)**

Contribution of UNESCO to Compilation of UN information

Uruguay

I. BACKGROUND AND FRAMEWORK

<i>Title</i>	<i>Date of ratification, accession, acceptance, approval or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified in 2004	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance on 9 March 1989			The right to freely participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 18 January 2007			The right to freely participate in the cultural life of the community
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 18 January 2007			The right to freely participate in the cultural life of the community

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Discrimination in Education (UNESCO consultations)

1. Uruguay did not submit any report to the 9th and 10th consultation on the Convention against discrimination in education¹. Uruguay participated in the 5th edition of the Global Report on Adult Learning and Education survey (which includes the monitoring of the Recommendation on Adult Learning and Education of 2015)².

Constitution and main education law

2. The Constitution of Uruguay³ does not explicitly enshrine the right to education. However, it does provide for compulsory 'primary education and intermediate, agrarian, or industrial education' (article 70) and 'free official primary education' (article 71). It also enshrines a principle of equality (article 8).
3. The education system is governed by the General Law on Education⁴ adopted in 2008 which guarantees the right to education to all inhabitants of the Republic of Uruguay, without discrimination of any kind (articles 1, 2, and 6). The gender-based law of violence against women adopted in 2017⁵ is also relevant as it prohibits discrimination based on sex or gender in education (article 21).
4. Free and compulsory education for a duration of twelve years starting at age six is also enshrined in the General Law on Education (articles 7, 15, 16 and 27). Moreover, it also guarantees two years of free and compulsory pre-primary education (article 7).

Review

Enrollment rates

5. According to UIS data, the gross enrolment rates (GER)⁶ in 2020 were:
 - In pre-primary education: 97% in total, 103% for females and 91% for males.
 - In primary education: 104% in total, 104% for females and 105% for males.
 - In secondary education: 120% in total, 126% for females and 114% for males.
 - In tertiary education: 68% in total, 110% for females and 66% for males.

1 <https://unesdoc.unesco.org/ark:/48223/pf0000380609/PDF/380609eng.pdf.multi>

2

https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::usmarcdef_0000381666&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_ec2a3559-c3fe-46dc-b9ca-acbcbf97daa1%3F_%3D381666eng.pdf&updateUrl=updateUrl1568&ark=/ark:/48223/pf0000381666/PDF/381666eng.pdf.multi&fullScreen=true&locale=en#%5B%7B%22num%22%3A94%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2C-166%2C842%2C0%5D

3 <https://www.unesco.org/education/edurights/media/docs/6fe69f72d0f8429f2cc0dc5d4817b5e0023f729f.pdf>

4 <https://www.unesco.org/education/edurights/media/docs/58baed0210eec2bac6760c53f1316bfa470a2e99.pdf>

5 <https://www.impo.com.uy/bases/leyes/19580-2017>

6 UNESCO UIS data

Investment in education

6. Uruguay expenditure in education represented 4.49% of its GDP in 2021 and 15.4% of total government expenditure in 2022 (UIS).

Legal age of marriage

7. According to the Joint CEDAW-CRC General Recommendation/Comment, a capable child below the age of 18 may be allowed to get married provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.
8. However, in Uruguay, even though the Civil Code⁷ of Uruguay establishes the minimal legal age of marriage at 18 years old, it also provides for non-judicial exceptions permitting marriage from age 16 (articles 91 and 106).

Inclusion

9. In the last UPR, recommendations were made regarding the necessity to improve inclusivity and non-discrimination in education (Recommendation N°118.112), especially for women and girls (Recommendation N°118.161), disadvantaged and vulnerable groups (Recommendations N°118.111, N°118.113, N°118.117, N°118.120, and N°118.121) such as people with disabilities (Recommendation N°118.125), women living in rural areas (Recommendations N°118.167 and N°118.169) and migrants (Recommendation N°118.125).
10. In that regard, Uruguay adopted a strategy to strengthen data integration across education management information systems. Uruguay integrated data on infrastructure, learning assessments, and educational improvement by integrating 'student data including variables related to disability, ethnicity, race, migration, and location'⁸.

Girls

11. The necessity to address the specific issues faced by girls and women were expressed, namely on improving access to education for girls and women and decreasing the drop-out rates among girls (Recommendations N°118.114, N°118.113, and N°118.116).

⁷ <https://parlamento.gub.uy/sites/default/files/codigos/CodigoCivil2010-02.pdf>

⁸ UNESCO. 2023. [Global Education Monitoring Report 2023: Technology in education – A tool on whose terms?](#) Paris, UNESCO. Page 111.

12. To implement a gender perspective to its State policy, Uruguay adopted the National Strategy for Gender Equality in 2030 published in 2020. This strategy acknowledges the effect of gender stereotypes and prioritizes the right to a life free from violence for women and girls and access to education and culture free from gender stereotypes.⁹ A gender perspective is also included in the Uruguay Digital Agenda 2021-2025 to measure the incidence of the program on gender inequality, and more specifically on the gender digital gap¹⁰.

School dropout

13. The last UPR emphasized the need to tackle high school dropout rates and the problem of early school leaving (Recommendations N°118.113, N°118.115, N°118.116, N°118.118, and N°118.119).
14. According to the available data on UIS, the completion rate of primary, lower secondary and upper secondary education decreased in 2020 and increased again in 2021. In 2021, 98,58% of students completed primary education and 81,81% completed lower secondary education. However, although the completion rate of upper secondary education increased, it was still at 49,09 % in 2021¹¹.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and Legislative Framework:

15. Freedom of expression is guaranteed in Article 29 of Uruguay's Constitution of 1966.¹² A law to protect the freedom of the press was adopted in 1989 and was updated in 2009.¹³
16. A regulation to protect the Right to Access Public Information was adopted in 2008 through Law N.º 18.381.¹⁴

9 GEM, Peer Profile, Uruguay, Inclusion (<https://education-profiles.org/latin-america-and-the-caribbean/uruguay/~inclusion>)

10 GEM, Peer Profile, Uruguay, Technology (<https://education-profiles.org/es/america-latina-y-el-caribe/uruguay/~tecnologia>)

11 <http://sdg4-data.uis.unesco.org/>

12 <https://www.impo.com.uy/bases/constitucion/1967-1967>

13 <https://www.impo.com.uy/bases/leyes-originales/16099-1989>

14 <https://www.impo.com.uy/bases/leyes/18381-2008>

17. Defamation and libel in the context of information and opinions on matters of public interest, or related to figures or public officials, were decriminalized by Law N.º 18.515 in 2009.
18. Law N.º 19.307 was adopted in 2014 to provide a new framework for broadcasting activities, according to international standards on freedom of expression, diversity and pluralism.

Implementation of the law:

19. The members of oversight body created under the Right to Access Information law are appointed by the Executive Branch.
20. According to the analysis of special rapporteurs on freedom of expression and civil society organisations, the law that decriminalized defamation has had a positive impact on the practice of journalism and on the public debate. However, an increasing number of civil lawsuits against the press are reported.
21. A decade after its adoption, most instruments and provisions under law N^a 19.307 on private broadcasting, public media and community radio remain unimplemented. The Council of Audiovisual Communications, an independent regulator of broadcasting activities that was established by the law, has not been appointed. The Council should be composed of 5 members, 4 elected by qualified majorities in parliament and the chair selected by the Executive.

Safety of journalists:

22. UNESCO recorded no killings of journalists and media workers in Uruguay since 2006, and as at 15 June 2023.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

23. Uruguay should be encouraged to:
 - i. Enshrine the right to education within the Constitution.
 - ii. Continue efforts to increase enrollment in tertiary education, especially for men, taking into account individual, and societal needs.
 - iii. Consider amending the legislation to ensure that the minimum age of marriage is 18 years old and that exceptions to this age are permitted only by judicial consent, with an absolute minimum age at 16.
 - iv. Continue efforts to improve inclusion in education and reduce inequalities.
 - v. Submit comprehensive national reports for the periodic consultations on the Convention against Discrimination in Education and the Recommendation on adult learning and education (2015).

- vi. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹⁵ and UNESCO's Monitoring tool on the right to education for girls and women: *HerAtlas*¹⁶.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

24. It is recommended that the independence of the oversight body for the Right to Information Law be strengthened in alignment with international standards.
25. It is recommended that the Government fully implements law N° 19.307, particularly by appointing the members of the Council of Audiovisual Communications and allowing its full functionality.
26. Judicial actors, including judges and prosecutors, should apply international standards in freedom of expression, access to information and safety of journalists when prosecuting and judging civil lawsuits against the press, notably to avoid strategic litigation against public participation.

C. CULTURAL RIGHTS

27. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Uruguay is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Uruguay is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

28. Uruguay did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. In May 2023, UNESCO's Executive Board also adopted 216 EX/Decision 45, which calls on all Member States to redouble their efforts to ensure the full and comprehensive implementation and monitoring of the 2017 Recommendation on Science and Scientific Researchers along the

¹⁵ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁶ <https://en.unesco.org/education/girls-women-rights>

lines established in this decision. Therefore, Uruguay is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Particular attention should be paid to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, equal opportunities and treatment, including for girls and women pursuing a scientific career, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion; protection for the rights of human subjects of research; and promotion of the science society interface. UNESCO stands ready to support Uruguay develop and nurture its science ecosystem, and the protection of their science and scientific researchers, in line with the abovementioned Recommendation. Uruguay is invited to reach out to the UNESCO Secretariat for that purpose.

29. Furthermore, Uruguay is encouraged to expand input on issues covered by the Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Uruguay is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.