

**Universal Periodic Review (32nd session, January-February 2019)**  
**Contribution of UNESCO**

**Uruguay**

**I. Background and framework**

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession 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>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (03/05/2004)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	09/03/1989 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	18/01/2007 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	18/01/2007 Ratification			Right to take part in cultural life

## Right to Education

### II. Promotion and protection of human rights on the ground

1. The **Constitution of 1967, as amended in 2004**<sup>1</sup>, includes provisions on education but does not explicitly enshrine the right to education. Under **Article 70**, “primary education and intermediate, agrarian, or industrial education are compulsory”. **Article 8** provides that “All persons are **equal** before the law”. On the other hand, the **Education Act No. 18.437 of 12 December 2008**<sup>2</sup> enshrines education as a human right under **Article 1**. It also guarantees compulsory and free education from age 4 until higher secondary school<sup>3</sup>. Moreover, **Article 6** of the Law establishes the principle of **non-discrimination** by providing that “all the inhabitants shall have the right to education without any distinction”. According to **Article 7**, “initial education for children of 4-5 years old, primary education and secondary education (basic and superior) is compulsory.”
2. In terms of reporting to UNESCO, Uruguay did not participate in the latest consultations and thus did not submit national reports within the framework of the **8th** (2011-2013) and **9th** (2016-2017) Consultations of Member States on the measures taken to implement the UNESCO 1960 Convention against Discrimination in Education. Nevertheless, Uruguay reported on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms and **5th** (2013-2016) and **6th** (2016-2017) Consultations.

### Freedom of opinion and expression

#### ➤ Constitutional and Legislative Framework:

3. Freedom of expression is guaranteed in Article 29 of Uruguay’s Constitution of 1966.<sup>4</sup> A Right of Access to Public Information law was adopted in 2008.<sup>5</sup>
4. 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.

#### ➤ Implementation of legislation:

5. The law 19307 created the Council of Audiovisual Communications, an independent regulator of broadcasting activities. It is composed of 5 members, 4 are elected by qualified majorities in the National Parliament and the chair is selected by the President.

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/6fe69f72d0f8429f2cc0dc5d4817b5e0023f729f.pdf>

<sup>2</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>3</sup> <http://unesdoc.unesco.org/IMAGES/0023/002300/230037E.PDF>, p11.

<sup>4</sup> [https://www.constituteproject.org/constitution/Uruguay\\_2004?lang=en](https://www.constituteproject.org/constitution/Uruguay_2004?lang=en)

<sup>5</sup> <http://www.rti-rating.org/wp-content/themes/twentytwelve/files/pdf/Uruguay.pdf>

Nevertheless, almost 4 years after the implementation of the law, the members of the Council have not been selected.

➤ Safety of journalists

6. UNESCO recorded no killings of journalists and media workers in Uruguay since 2008.

### III. UPR Recommendations

7. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (January 2014)<sup>6</sup>:**

**123.37.** *Expedite process for preparation and adoption of national action plan in areas of health and education for equal access to children of African descent*

**123.39.** *Continue social programmes aimed at addressing the basic needs of food, education, housing, health and work for vulnerable groups*

**123.48.** *Intensify its fight against discrimination of which people of African descent are victims and take appropriate measures to reduce inequalities affecting them in the areas of employment, housing and education*

**123.62.** *Step up efforts to achieve equality and eliminate discrimination against women, afro-descendants and indigenous, and improve their access to education, housing, health and employment*

**123.64.** *Continue to protect the rights of its children, by implementing successful programs that ensure 100% access to birth registration, as well as strengthening the legal framework that guarantees the universal right to education and promote emphasis on care, access and opportunities*

**123.65.** *Continue innovative education programs recognizing sexual diversity and adopt a health policy that further enhances awareness on and sensitizing of sexual orientation and gender issues amongst health personnel*

**123.112.** *Continue its efforts to eradicate child labour and ensure access to quality education for all children*

**123.113.** *Implement a comprehensive assistance programme for children living on the streets, ensuring that they have access to sanitation, education and social security*

**123.116.** *Continue its efforts to develop an action plan to eliminate child labour and to give priority to inclusive education for all*

**123.177.** *Step up efforts to improve the quality of education and allocate adequate resources, and address the issue of highschool dropouts*

**123.178.** *Continue the efforts of the Government to ensure the improvement of its educational and health systems, as well as progress on other socio-economic and cultural rights*

**123.181.** *Introduce necessary reforms in the education system for reducing school dropout rates, particularly in secondary education*

**123.182.** *Strengthen efforts to implement the 2008 law on education and the reduction of school dropout rates of children of African descent and indigenous origin*

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<sup>6</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UYIndex.aspx>

**123.183.** *Increase efforts aimed at countering the root causes of early school leaving and the lack of continuity in education*

**123.184.** *Continue its efforts towards enhancing the access to secondary education, particularly for students from rural areas*

#### **IV. Review and specific recommendations**

8. A number of recommendations was addressed to Uruguay during the previous UPR cycle concerning the necessity to ensure equal access to education, improve quality education and reduce the number of school dropouts. Recommendations also stressed the importance for Uruguay to pursue its efforts to eliminate discrimination against people of African descent and women and ensure that all vulnerable groups are provided with educational services.
9. Uruguay has taken some measures to improve its education system over the years, as reflected in the government's efforts to increase expenditures on education. Indeed, in terms of **budget allocations**, the amount of public expenditure on education rose by 4.6% between 2007 and 2012 and represented 4.7% per of the gross national product in 2013<sup>7</sup>. This number however remains low in the face of current challenges. In this respect, Uruguay should be encouraged to continue its efforts to allocate sufficient financial resources for the development and improvement of its education system. In this process, Uruguay should be encouraged to adopt concrete measures to ensure equal access to high quality education for all children, particularly children in vulnerable situation. Uruguay should also be encouraged to adopt a comprehensive strategy to address factors contributing to low enrolments and non-completing of schooling, such as poverty and its effect on the realization of the right to education. Moreover, Uruguay should continue its efforts to develop training of qualified teachers and improve their working conditions, as well as strengthening mechanisms of support and evaluation, in order to encourage quality education.
10. Regarding the **quality of education** and the **learning outcomes**, the system presents persistent difficulties to ensure that a very significant part of the students remains and develops the basic skills expected in each stage, moving without lag, and leaving at the expected age the compulsory education. Between 2013 and 2015, only 34% of the 17-year-olds were in the expected grade for their age, 39% were late, while 27% had already left the educational system without completing it. Although the coverage in primary education is universal, the situation becomes more complex as the students advance in their trajectories. Already at age 12, almost one in four students lag behind in primary education or has already left the education system. This proportion increases as they attend secondary education. The transit through this section of the system also shows a relevant problem of abandonment of the educational system, which is multiplied by nine over the course of 4 years (3% to 27% between 13 and 17 years). The lag problem in primary and secondary education is linked to learning outcomes. The difficulties that students encounter in order to progress without lag are related to

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<sup>7</sup> Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Committee on Economic, Social and Cultural Rights, p33.

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fURY%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fURY%2f5&Lang=en)

the scarce or weak development of basic competences - those competences that sustain the possibility of continuing to advance in learning - that students achieve. The problems associated with student performance are not concentrated only in secondary education, but are already observed in primary education. In 2013, at the end of this cycle, more than half of the students could not surpass the two lowest TERCE performance levels. The poor performances of the 15-year-old students registered in PISA 2015 indicate that the problem persists in secondary education. Uruguay should therefore be encouraged to implement specific actions to detect the lag time and to provide timely and effective support to students.

11. In terms of **equal access to education** and **discrimination**, Uruguay developed its National Plan against racism and discrimination<sup>8</sup>. Nevertheless, discriminatory attitudes and social exclusion continue to affect important sections of the population. In this respect, Uruguay should be strongly encouraged to take concrete and comprehensive measures to eliminate discrimination and ensure the equal enjoyment by children of African descent and other vulnerable groups (including children of rural areas and children from economically disadvantaged family) of their right to education. Among these measures, Uruguay should be encouraged to adopt a legal framework for eliminating discrimination and ensuring its prohibition on all grounds.
12. Uruguay has made important achievements in the field of **access to education for women and girls** with women completing upper secondary education 31% more often than men and accounting for 60% of all university students<sup>9</sup>. In terms of measures, an evaluation of the National Plan for Equal Opportunities and Rights, revealed that government programmes on gender equality have addressed a variety of highly relevant issues<sup>10</sup>. In addition to this, the General Education Act (No. 18437) incorporated sex education throughout the National Education System<sup>11</sup>.
13. However, despite these positive measures, significant disparities remain widespread between women and men, but also between Uruguayan women themselves, with women of African descent being disproportionately affected. Certain legal provisions still have a discriminatory effect on women and continue to use derogatory language<sup>12</sup>. In this respect, Uruguay should be strongly encouraged to take comprehensive measure to achieve equality between women and men, including though the amendment or the repeal of all provisions that are discriminatory to women. Moreover, Uruguay could be encouraged to strengthen its efforts to ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted towards adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections. To further counter discrimination, it is important to intensify

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<sup>8</sup> Ibid, p5.

<sup>9</sup> Concluding observations on the combined eighth and ninth periodic reports of Uruguay, Committee on the Elimination of Discrimination against Women, p10.

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fURY%2fCO%2f8-9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fURY%2fCO%2f8-9&Lang=en)

<sup>10</sup> Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Committee on Economic, Social and Cultural Rights, p7.

<sup>11</sup> Ibid, p34.

<sup>12</sup> Concluding observations on the fifth periodic report of Uruguay, Committee on Economic, Social and Cultural Rights, p3.  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fURY%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fURY%2fCO%2f5&Lang=en)

advocacy strategies through, for example, public awareness raising campaigns, with a view to combating patriarchal and gender-based stereotypes regarding the status of women and men in the public and private spheres.

14. In terms of **education for children with disabilities**, Uruguay has not adopted comprehensive policy to implement the law and foster inclusive education and participation in society of children with disabilities. As a result, discrimination remains widespread<sup>13</sup>. In this respect, Uruguay should be encouraged to adopt a national plan to ensure the implementation of Law 18,615 and share information about such a plan with UNESCO. Moreover, Uruguay should be strongly encouraged to adopt a human rights-based approach to disability and set up comprehensive measures to develop inclusive education and ensure that this is given priority over the placement of children in specialized institutions and classes. Uruguay should also be encouraged to intensify its efforts to train and assign specialized teachers and professionals to provide individual support and due care to children with learning difficulties in ordinary schools.
15. Finally, regarding **education for refugees and asylum seekers**, the principle of equal rights for nationals and foreigners is upheld in Act No. 18076 on the Right to Refuge and on Refugees, and Act No. 18250 on Migration<sup>14</sup>. Nevertheless, refugees and asylum seekers face discrimination and their social integration is being challenged by the lack of appropriate programmes<sup>15</sup>. In this regard, Uruguay should be encouraged to take additional measures to foster the integration of refugees and asylum seekers and ensure that they are provided with educational services without any type of discrimination.

➤ **Specific recommendations:**

1. Uruguay should be encouraged to increase its budgetary allocations aimed at strengthening the national educational system in order to guarantee the right to education for all.
2. Uruguay should be encouraged to take comprehensive measures in order to increase school enrolment and reduce school dropout, especially among children belonging to vulnerable groups such as children of African descent, children from rural areas and/or economically disadvantaged families, girls, children with disabilities and refugees and asylum seekers.
3. Uruguay should be encouraged to increase its efforts in fostering quality education, including by improving conditions of teachers and ensuring that qualified teachers are trained.
4. Uruguay should be encouraged to develop comprehensive measures to ensure equal access to education for all and to eliminate the widespread issue of discrimination, especially against people of African descent. This may include the elaboration of a legislative framework explicitly prohibiting discrimination.

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<sup>13</sup> Ibid, p10.

<sup>14</sup> Concluding observations on the fifth periodic report of Uruguay, Committee on Economic, Social and Cultural Rights, p7.

<sup>15</sup> Concluding observations on the combined twenty-first to twenty-third periodic reports of Uruguay, Committee on the Elimination of Racial Discrimination, p5.

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fURY%2fCO%2f21-23&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fURY%2fCO%2f21-23&Lang=en)

5. Uruguay should be encouraged to address discrimination against women and promote equality between women and men, including through revising legal provisions.
6. Uruguay should be strongly encouraged to give priority to inclusive education, especially with regards to children with disabilities.
7. Uruguay should be encouraged to continue its efforts to submit national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
8. Uruguay should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>16</sup>.

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### **Freedom of opinion and expression**

16. The Government is recommended to fully implement the law 19307, particularly by appointing the members of the Council of Audiovisual Communications and allowing its full functionality.

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### **Right to culture**

17. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>17</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>18</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)<sup>19</sup>, 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 the 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.

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<sup>16</sup> <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

<sup>17</sup> Periodic Report available at: <http://whc.unesco.org/document/123037>

<sup>18</sup> Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=33228>

<sup>19</sup> Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-79>

**Freedom of scientific research and the right to benefit  
from scientific progress and its applications**

18. Uruguay has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Uruguay is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.