



Comments on the Universal Periodical Review Process of the State of Uruguay

Pre-session Document

1. Juvenile Justice

Summary of the Issues of Concern: Despite Uruguay's adherence to a number of international human rights treaties, in the past few years there has been a retrogressive tendency in the national legislation concerning children's rights. The Children and Adolescents Code, approved in 2004, that brought important changes in the protection of children, has faced challenges, with the introduction of measures and practices weakening child protection standards, especially in relation to children in conflict with the law.

Through the monitoring of juvenile detention centres we have noticed that currently in Uruguay, in contradiction with the CRC principles and many other international human rights instruments, deprivation of liberty of children has been used as a first measure by the judicial system; the conditions of detention remain poor, with overpopulated centres and frequent allegations of torture, inhuman and degrading treatment; there are no significant developments in investigations of torture and ill-treatment, and no clear objectives or plans from the governmental body in charge of the System of Adolescents Penal Responsibility (SIRPA).

Additionally, in October 2014 there will be a national referendum that will vote a constitutional reform that proposes to lower the age of criminal responsibility from 18 to 16 years old. This referendum goes against international standards for the protection of children, and is based, among other reasons, on the false notion that social insecurity is a direct result of juvenile delinquency, even though UNICEF official data shows that crimes committed by adolescents correspond to only 7% of the crimes committed in the country.

What steps is Uruguay going to take so that deprivation of liberty is used as an exception and a measure of last resort?

Which measures are being taken so that all allegations

Recommendations:

- Measures should be taken to substantially improve child protection standards in the current legislation and to eliminate legal initiatives that go against international standards, such as the national referendum planned for 2014. Additionally the state of Uruguay should derogate the laws approved between 2008 and 2013 that affect the

<p>of torture against children deprived of their liberty are object of a meaningful, diligent, impartial and transparent investigation?</p>	<p>rights and safeguards of children, especially art.5 of the law n° 18.315¹, the law n° 18.777² and the law n° 19.055.³</p> <ul style="list-style-type: none"> • The State of Uruguay must guarantee that the juvenile justice system is in accordance with international standards, using deprivation of liberty only as a measure of last resort, for the minimum necessary period, and always taking into account the best interest of the child. Alternative measures to deprivation of liberty should be promoted aiming a full reintegration of the child into society. • The Government of Uruguay should put in place safeguards for the protection of children deprived of their liberty and guarantees that all allegations of torture are object of a meaningful, diligent, impartial and transparent investigation in order to ensure accountability and non-repetition. • We recommend that the National Human Rights Institution, which is the governmental body responsible for implementing the National Preventive Mechanism against Torture, to create a working group for the protection of children against torture, inhuman or degrading treatment, with a special focus on children deprived of their liberty, including in its activities frequent monitoring visits to juvenile detention centres.
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2. Child Poverty, Access to Education and the Implementation of a Social Protection System

Summary of the Issues of Concern:

Despite the existence of a National Strategy to Support Childhood, it has not been implemented, resulting in children facing problems such as child poverty and a high dropout rate in the secondary level of education.

Child Poverty: Uruguay has advanced considerably in reducing poverty in the last few years. Unemployment has reached the historical level of 7% and investment in social and educational policies has been significant. Nonetheless, despite the remarkable economic development, children represent a significant share of the poor in Uruguay. Child poverty among children under 6 years old is around 27% in the country and 35% in the capital, Montevideo.

¹ Law concerning the application of police procedures to children.

² Law that increases preventive detention from 60 to 90 days.

³ Law that imposes a minimum period for deprivation of liberty of one year to certain types of crimes committed by children, going against the exceptional use of deprivation of liberty.

Access to Education: The secondary level of education in Uruguay has been facing several structural problems that lead to a number of students abandoning the school system. According to recent data 44% of the students that were in the secondary education system didn't achieve the marks to pass, and in the sixth grade almost 60% was not approved. According to data from 2008, 3 out of 10 students that failed to pass did not register for the courses in the following year, leaving the educational system. In addition, a survey conducted by the Statistics Institute shows that 71,8% of the urban population completes primary school, while only 38,5% completes secondary school and is able to go to the university.

Which steps is Uruguay taking to implement the National Strategy for Childhood 2010-2030, and with which resources?

What is the function of the National Honorary and Consultative Council as the body which is by law in charge of coordinating the sectorial policies in the implementation of this strategy?

Which steps has the State taken to improve the educational problems in the secondary level?

Recommendations:

- The state of Uruguay must allocate adequate resources to strengthen the implementation of the National Strategy to Support Childhood and take measures to put in place a comprehensive social protection system.
- Concrete measures should be taken to implement a national policy aiming at eradicating the structural problems in the educational system that cause early school leaving.

3. Child Participation

Summary of the Issues of Concern: Uruguay is a country where children are not the majority of the population and have very limited opportunities to express their opinions. Even though efforts have been made by the administration to develop participation plans, these are still isolated and fragmented proposals. There is no real policy in education, for example, with concrete possibilities for students to take part in the decisions and the management of the educational system. Despite the important creation of Participation Councils through the General Law on Education n° 18437, that includes the participation of families and children, the few data that exist in this matter shows that the majority of these Councils are not properly functioning.

What has the State done to make effective the participation of children in the Participation Councils created by the General Law on Education?

What is the total amount of resources allocated by the State to guarantee the

- Uruguay must include in its public policy an effective strategy for the participation of children, with specific allocation of resources.
- Measures should be taken to guarantee an effective participation of children in the justice system so that their opinion is taken into account, and the final decision is made based on the best interest of the child.
- To implement the Participation Councils foreseen in the

participation of children and where in the budget is it allocated?	General Law of Education, with an effective presence of parents and students.
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