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Joint Submission

Presented by:

Edmund Rice International

Fundación Marista para la Solidaridad International

Defensoría Edmundo Rice

Asociación Civil OBSUR

Centro Educativo Los Tréboles

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Members of the Coalition

Edmund Rice International (ERI) is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two Congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.

Marist Foundation for International Solidarity (FMSI) is an international organization promoted by the Marist Brothers, present in 80 countries. FMSI has more than 10 years of experience working in the field of international solidarity, advocating for children's rights especially in the field of education. It works at the international level, participating in the UN human rights mechanisms in collaboration with other organizations with similar interests. It has been accredited by ECOSOC since 2011.

Defensoría Edmundo Rice is a non-governmental organization established in 2018 with a presence in Argentina, Bolivia, Peru and Uruguay. Its main tasks are the protection and promotion of human rights and eco-justice through education and participation at the national and international levels in mechanisms for the protection of human rights. DER is part of the Edmund Rice International network of organizations.

The Civil Association OBUSR (Observatorio del Sur) is a non-governmental organization founded in Uruguay in 1988. In its 30 years of experience it has worked on various experiences and processes of promotion and protection of human rights, favoring territorial impact projects, the training of community leaders and the development of research programmes and the publication of materials. Its fundamental work is based on human rights, education, formation and theological-pastoral reflection, volunteering and participation in national networks for political advocacy.

Los Treboles Educational Center was founded on 3 October 2009 by the Civil Association Patrick Kelly. Its mission is to accompany children, teenagers and families from the Flor de Maroñas neighborhood in an educational path that allows them to access better opportunities throughout their lives.

Presentation

1. The aforementioned organizations respectfully present the following submission and recommendations on the human rights situation in Uruguay to contribute to the Working Group of the Universal Periodic Review during its 32nd session.
2. We value the work carried out by the different agencies of the Uruguayan State within the framework of the promotion and guarantee of human rights. However, we express our concern about some situations that are still pending resolution.
3. The issues addressed in this submission arise from concerns that arise in our daily work. In all cases, these are situations that affect the people with whom we directly relate. The observations, analyses and recommendations that are presented are based on data provided by official agencies. They have been collected by the organizations that make up the present coalition.
4. This submission deals with commitments assumed by the Uruguayan State with regard to United Nations. These commitments (from both international treaties and the last Universal Periodic Review of January 2014), have been monitored by the members of the present coalition. It reviews recommendations that emerged in 2014 as well as some reports prepared by other international organizations.
5. According to data presented in 2016 by the National Institute of Statistics (INE) based on population projections, currently Uruguay has 3,480,222 inhabitants. According to the estimates made by the Continuous Household Survey of the same year, of that total population 892,312 are children and adolescents between 0 and 17 years (corresponding to 25.7% of the population).
6. The data released by UNICEF in its report "The State of the World's Children 2016" (UNICEF, 2016) show that 18 out of every 100 children and adolescents in Uruguay live and grow up in homes living below the poverty line, measuring poverty in economic terms. In considering a multidimensional poverty measurement index, based on the report "Multiple childhood poverty and deprivation in Uruguay" (UNICEF, 2016), 36 out of every 100 Uruguayan children and / or adolescents experience deprivation in at least one of the six dimensions considered by the said index (overcrowding, structural characteristics of housing, elements of comfort, education, information and living, and health).
7. Taking this reality as a starting point, considering its causes and consequences, this submission focuses its analysis on four central themes:
 - a. The Specialized System of Adolescent Criminal Responsibility
 - b. Access to decent housing for families with children and adolescents
 - c. Early disengagement from the Educational System
 - d. Violence against children and adolescents.

Adolescent Criminal Responsibility System

8. Since 2004, Uruguay has Law No. 17,823 (Code of Childhood and Adolescence) that adopts the articles of the Convention on the Rights of the Child (CRC). This means that the Uruguayan State has adequate legislation that, among other aspects, provides for the existence of a Specialized System of Adolescent Criminal Responsibility.

9. In recent years, significant steps have been taken in relation to the approach which the Uruguayan State assumes to adolescent criminal responsibility. The most obvious example of this new approach is a clear message against torture and abuse with the creation of the National Institute for Adolescent Social Inclusion (INISA), which works under the Ministry of Social Development, whose main objective is the management of socio-educational measures for those adolescents who come into conflict with the criminal law.
10. The efforts of different State institutions (Executive Power, Legislative Power and Judicial Power) to ensure that the practices of the Juvenile Penal System are in accordance with current legislation, creating entities such as the Adolescent Criminal Mediation Center, are valued. However it must be noted that the set of measures proposed by some social and political sectors in relation to the reduction in the age of criminal responsibility has not been implemented.
11. Concerns arise about some current data regarding the situation of adolescents in conflict with the criminal law. According to the figures provided by INISA to UNICEF on 19 August 2016, Uruguay has a population of 901,000 children and adolescents under 18 years of age. Of this total population, 753 adolescents are included within the Adolescent Criminal Responsibility System. This represents a rate of 83.6 adolescents in the Penal System for every 100,000 adolescents in Uruguay, the third highest rate in Latin America.
12. Of all these adolescents, 473 are deprived of their liberty, while 280 are completing socio-educational measures without deprivation of liberty. This makes Uruguay the country in Latin America with the largest number of adolescents deprived of liberty in relation to its population. (52.5 adolescents per 100,000).
13. In the UPR of 2014 Morocco recommended that Uruguay "Consolidate its national strategy for the reform of the penitentiary system in a manner that guarantees the rehabilitation and the prompt reintegration of minors into the society." (123.75).
14. The situation of adolescents in conflict with the criminal law in Uruguay has to do with the modification of the Criminal Procedure Code, which came into force on 1 November 2017 and its implications for this population.
15. Law No. 19.055 modifies Articles No. 72 and No. 76 of the Childhood and Adolescence Code in violation of the principle of non-regression. Article 1 of Law No. 19.055 incorporates the definition of the offense "attempted robbery" under the category of "serious crime"; whereas in Article 2 of the aforementioned Law, the mandatory deprivation of liberty is determined for certain types of crimes, modifying the measures adopted by the Code of Childhood and Adolescence. This modification implies that those adolescents accused of attempting to commit a robbery in a violent manner are deprived of liberty until a sentence is pronounced; which, until now, did not necessarily happen.
16. Law No. 18,777 incorporates in Article 1 attempted robbery as a crime; and in Article 2 increases the term of house arrest or provisional internment from 60 to 90 days for very serious infractions. In this way, modifications are made to Articles No. 69 and No. 76 of the Childhood and Adolescence Code, which imply a regression in terms of Children's Rights. In the same way it allows the historical recording of certain crimes committed by adolescents.

17. These measures contradict a recommendation made by Germany during the Universal Periodic Review of 2014 and accepted by Uruguay. It was recommended that the Uruguayan State "Strengthen its efforts to reform its penal system, including seeking alternatives to pre-trial detention and ensuring that its system of juvenile detention is in line with its human rights obligations "(123.134).

Based on the foregoing, it is recommended that the Uruguayan State:

18. Redouble its efforts in the promotion and guarantee of the rights of children and adolescents, strengthening social, recreational, educational and cultural programmes, developing support networks for children as a preventive policy that leads to a decrease in the number of young people who are in conflict with the criminal law.

19. Adapt Laws No. 19.055 and No. 18.777 in a way that corresponds to the Code of Childhood and Adolescence in accordance with the principles of the Convention on the Rights of the Child and other international agreements, eliminating the deprivation of liberty as a socio-educational measure, or reducing it to the shortest possible time in cases where it is unavoidable.

20. Ensure the necessary investment of resources, both material and human, is made to deal with situations in which the deprivation of liberty is inevitable so that measures are taken within a framework of respect and care to protect the rights of adolescents involved.

21. Improve the training of the judiciary and seek to reduce the percentage of adolescents whose situations of conflict with the criminal law are resolved through deprivation of liberty and provide an adequate budget for the implementation and adequate follow-up of non-custodial measures to effectively meet all regulations, both national and international.

Access to decent housing for families with children and adolescents

22. The Uruguayan State ratified the Convention on the Rights of the Child on 28 September 1990 through Law No. 16,137. Article 27 of the Convention states that "states parties recognize the right of every child to an adequate standard of living for their physical, mental, spiritual, moral and social development" and also claims that the states parties "will provide material assistance and support programs, particularly with respect to nutrition, clothing and housing."

23. Uruguayan Law 13,728, of 13 December 1968, established the "National Housing Plan". This Plan, in its first article states: "Every family, whatever their economic resources, must be able to access an adequate home that meets the minimum housing level defined in this law. It is the function of the State to create the conditions that allow the effective fulfillment of that right ", later, in Article 3, a planned housing policy is declared of general interest, integrated into the economic and social development plans that can " meet the needs of housing throughout the country, which pays special attention to low-income groups and avoids generating social categories or privileged geographic areas ". Law 18.795, of 17 December 2011, "Access to social interest housing", in Article 1: "Declares the improvement of the conditions of access to social interest housing ... of national interest ..."

24. The Five-Year Housing Plan 2015-2019 prepared by the Ministry of Housing, Territorial Planning and Environment (MVOTMA) states: "Therefore access to housing and a socially

sustainable habitat, as unpostponable rights, they can not be left exclusively to the capacities of the citizens individually considered and it is the responsibility of the State to guarantee them."

25. The Uruguayan State has made constant efforts to comply with this regulation, creating the National Housing Agency (ANV), the Investment Advisory Commission on Social Interest Housing (CAIVIS), the Mortgage Loan Guarantee Fund (FGCH), the "Plan Juntos"; and even private participation was encouraged to achieve greater service coverage. In addition to this the National Housing Directorate (DINAVI) has raised the need to accompany these housing solutions with other dimensions of assistance and empowerment, such as the "Cercanías", "Uruguay crece contigo" and "Jóvenes en Red" programmes.

26. The Five-Year Housing Plan 2015-2019 did a detailed survey of all the achievements until the end of 2014, accounting for 166 family homes completed in 2014, 500 housing loans granted by the Banco de la República Oriental del Uruguay, Banco Hipotecario del Uruguay, Ministry of Housing, Territorial Planning and the Environment (MVOTMA), 90 works completed and 630 in progress. Between 2006 and 2014 the situation of indigence measured by the proportion of indigent households has been reduced by 89%.

27. However, this effort has not been enough, and there are still Uruguayans who do not have access to decent housing. Credit conditions for access to housing always require that the beneficiary has a fixed income to cover the loan to buy, build or rent a home, or they also require land owned or owned by a relative.

28. Within the Five-Year Housing Plan 2015-2019 and in the numerous plans that are proposed to access housing, the same requirement still persists, making housing impossible for families that do not have a fixed income since jobs may be informal.

29. The 2016 report on the "State of the World's Children UNICEF 2016" shows that in 2015 17.6% of Uruguayan children, numbering 157,122, were living in households below the poverty line. (see Appendix 3)

30. The report "Poner fin a la pobreza en Uruguay" presented by UNICEF in 2017, shows that during 2016, 9 out of 10 poor people were children and adolescents, or adults residing in the same home. According to the same report, 64% of children and adolescents who suffer from poverty live in Montevideo and Canelones, and nearly half of them live in four municipalities located in the peripheral zone of the capital, areas in which precarious settlements are generally built by families who do not have access to any of the planned housing plans. (See appendix 1&2)

31. According to the estimate of April 2014 made by MOTMA and National Water Authority (DINAGUA) in 18 cities, including Montevideo, there are 77,214 people occupying 25,136 homes located in areas liable to flooding.

32. The distribution of public social spending (GPS) for housing within the state budget has been decreasing over the last decade by 1.4%, with less and less housing being provided. (See Appendix 4). Although the growth of GPS over the period is valued, the percentage (3.5%) of GPS used for housing is insufficient. (See Appendix 4).

In view of the above it is recommended that the Uruguayan State:

33. Implement the recommendations made by the Bolivarian Republic of Venezuela, Serbia and Trinidad and Tobago in relation to the attention of the basic needs of poor and vulnerable sectors, especially children.

34. Ensure better implementation of all programmes, resources and plans already developed by the State to reach especially certain vulnerable sectors, in order to identify critical situations of poverty and indigence, to give an effective response to them and resolve access to housing for those families not included in the housing plans and programmes.

35. Increase the Public Social Expenditure (GPS) allocated to housing, in view of the urgent need to address the situation of those families who cannot access existing programmes.

Early disengagement from the Educational System

36. Since 2008, and from the General Education Law (Law No. 18,437), assistance to education in Uruguay is mandatory from 4 years of age to the last year of upper secondary education. This implies, in short, 14 grades or levels composed of two years of initial education, six years of primary education, three years of basic secondary education and three years of upper secondary education.

37. Education in Uruguay has reached high levels in terms of enrolment and retention in the system, managing to include the most vulnerable sectors of the population. Several measures have been taken by the State regarding public policies in this regard in recent years.

38. Currently, the initial and primary education cycle shows high access rates. The initial cycle (first stage of education) has shown a sustained increase between 2006 and 2015. According to data published in the "Report on the state of education in Uruguay 2015-2016" of the National Institute of Educational Evaluation (INEED), the percentage of children who access (attend or end) at 4 years old rose in that period from 77% to 91%, and at 5 years old from 95% to 99%. It should also be noted that provision and access to the 3 years of basic secondary education has a noticeable increase that ranges between 46% and 68% of children of that age (INEED: 2017).

39. However one problem remains almost unchanged in recent years. This is about the timely exit of young people from the secondary education system. Although a high percentage of young people are enrolled and the dropout rate is falling, few manage to complete the cycle and graduate from their secondary education in a timely manner.

40. In 2014, 20% of adolescents between 15 and 17 years old did not attend any educational center, amounting to 32% of adolescents from less favorable contexts and 2% in more favourable contexts. This figure increases; reaching 40%, if we include those adolescents whose attendance was below average.

41. The graduation rate from Higher Education for young people between 18 and 20 years is only 29%, while in 2014 at the time of the Universal Periodic Review it was 28.1%. The wide gap between enrolment and graduation rates shows that young people, although they are enrolled year after year in the education system, do not graduate from it having completed the upper

secondary cycle. Therefore, this means that they are young people who are not receiving a good quality education and are not able to complete their studies, but simply remain in the educational system.

42. The population that completes schooling is even lower among the most vulnerable sector. In the lowest socio-economic level of the population only 11.5% of young people between 18 and 20 years old graduate from the educational system. This percentage was 11% at the time of the last UPR in 2014. Over the last 12 years the growth in completion rates has been very slight, even showing a regression in certain years.

43. Many of the measures that the Uruguayan State has adopted in education and that appear in the Mid-Term Report on the last UPR have failed to change this situation of disengagement from the education system. In particular, one measure that sought to address this problem, "Aulas Comunitarias", was cancelled last year.

44. During the UPR of 2014 several States made recommendations to Uruguay in relation to education. Although these recommendations were accepted by Uruguay no substantive changes have been made in the educational system.

45. Such is the case with the recommendation made by Estonia: "Take further structural measures in order to reduce the school dropout rate" (123,179); Portugal "Strengthen measures to reduce repetition and dropout rates and evaluate the outcome of such measures, as well as to continue to fight child poverty and address issues such as street children, child labour and child trafficking and smuggling" (123,180); Moldova "Introduce necessary reforms in the education system for reducing school dropout rates, particularly in secondary education" (123,181); and Italy "Increase efforts aimed at countering the root causes of early school leaving and the lack of continuity in education" (123,183).

It is recommended that the Uruguayan State:

46. Implement specific public policies aimed at strengthening the different factors that ensure the full participation of children and adolescents in all levels of the education system and the timely graduation of young people from secondary education.

47. Increase the budget allocation for educational centers that bring together students of secondary education from the lowest socio-economic level, improve the condition of school buildings, and support the multi-disciplinary teams that accompany students throughout the educational process.

48. Introduce programmes aimed at re-linking to the education system adolescents in contexts of social vulnerability, especially those who transit the basic cycle; and re-introduce programmes that were reduced and/or cancelled such as Aulas Comunitarias and Puente.

49. Develop initiatives to improve the work environment and offer more specific training to teachers and technicians in all centres, create and strengthen multi-disciplinary pedagogical teams that work with the economically and socially most vulnerable sectors of the population.

Violence against children and adolescents

50. In recent years the Institute for Children and Adolescents of Uruguay (INAU) has developed new programmes in relation to specific forms of violence. Such is the case with the creation of the National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (CONAPEES) that deals with situations of sexual exploitation. However, the phenomenon of violence against children and adolescents still remains serious and worrisome.

51. Currently, Uruguay lacks an integrated information system that provides information on the diverse situations of violence affecting children and adolescents. Because of this, it is necessary, when highlighting situations of this type, to resort to different studies that, in some cases, are not specific about the context of the problem.

52. In this regard Morocco made the following recommendation to Uruguay during the UPR of 2014: "Put in place a monitoring mechanism for the assessment of the situation of the protection of children, and strengthen the capacity of State and private institutions working on children's rights" (123.30).

53. The information available in relation to reported situations of violence against children and adolescents is found in the National Information System for Children (SIPI) of the Instituto de la Niñez y Adolescencia del Uruguay (INAU). Information has been published annually since 2013 through the Report for the Protection of Children and Adolescents against Violence (SIPIAV).

54. According to SIPI data, during 2016 in Uruguay there were a total of 2647 situations of violence against children and adolescents, which implies on average a little more than 7 situations per day. 54% of these situations involved women under 18 as victims of violence, while 46% involved men as victims. The concentration of women is much greater above 12 years of age. The highest concentration occurs between 6 and 12 years of age.

55. In relation to the type of violence suffered, the report highlights that 20% of cases relate to situations of physical violence, 18% to negligence or abandonment, 20% to sexual abuse and 42% of cases to emotional abuse. (see appendix 5)

56. This indicator according to the sex of the victim highlights a higher prevalence of sexual abuse among girls than boys (74% and 26% respectively), and relative parity in violence related to emotional abuse (48% girls and 52% boys), physical violence (46% girls and 54% boys) and neglect or abandonment (46% girls and 54% boys).

57. In 8 out of 10 cases (81%) it is detected that these are recurrent violence events. Another indicator refers to the perception that the child or adolescent has of the situation of violence of which he or she is a victim. As detailed, 62% of the children and adolescent victims of these situations do not perceive that violence has occurred.

58. In relation to the adults who commit the violence, it can be seen that in cases of sexual abuse, most of the perpetrators are men (96%). In cases of emotional abuse, 33% of the perpetrators are women and 67% are men. In the case of physical abuse, the perpetrators are 39% women and 61% men; and in the case of negligence, 83% are women and 17% are men (SIPIAV: 2016).

59. The study entitled “Encuesta de Indicadores Múltiples por Conglomerados”, which was jointly conducted by the Ministry of Social Development and UNICEF in 2013, included, among other aspects, a module on discipline and violence against children and adolescents in Uruguay. It surveyed a total of 2,041 women, mothers or caregivers of children and adolescents aged between 2 and 14 years.

60. The results of this study showed that 54.6% of children aged 2 to 14 years in the country were subjected to some type of violent discipline (physical or psychological) in the last month of the survey. On the other hand, 50.1% suffered some type of psychological aggression and 25.8% suffered physical aggression. These figures show that in Uruguay about 350,000 children and adolescents between 2 and 14 years were subjected to some type of violent discipline and that about 160,000 were subjected to some type of physical punishment (UNICEF - 2017)

61. A study conducted by UNICEF based on the analysis of data from the Public Security Management System (SGSP) of the Ministry of the Interior showed that complaints of domestic violence involving children and adolescents as victims amounted to a total of 4,580 for the year 2014 and 5,512 for 2015. These figures represent 15.5% and 17.7% of the total number of complaints made in those years for domestic violence (UNICEF: 2017). These numbers clearly exceed those surveyed by SIPI and highlight difficulties and problems within the record-keeping systems.

In light of the above the following recommendations are made to the Uruguayan State:

62. Make the necessary investments for the effective performance of information systems, so that the real extent of violence against children and adolescents is accounted for.

63. Provide systematic training programmes in child protection for all people who work with children and adolescents; promote the acquisition of adequate intervention tools for detecting situations of violence.

64. Train personnel in the medical and judicial systems to ensure that situations of violence that come to their attention are addressed with the necessary care and do not result in further victimization or unnecessary institutionalization.

65. Conduct a campaign with the aim of the creation of new parenting guidelines, respectful of the rights of children and adolescents, that breaks with an adult-centered and patriarchal system.