

ADVANCE QUESTIONS TO URUGUAY

CZECH REPUBLIC

- Could the delegation of Uruguay provide update on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?
- What are the recent developments in the establishment of a national preventive mechanism according to the OP CAT?
- Has the Government of Uruguay considered establishing a national human rights institution in accordance with Paris Principles?

GERMANY

- Germany has learned with interest about the recent approval to establish a national human rights institution. Germany would be interested to know more about the way ahead in order to establish this institution and how it will be ensured that this institution will meet the Paris Principles.

SWEDEN

- The Constitution of Uruguay enshrines the principle of equality between men and women. However, in 2008 the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) called on Uruguay to take urgent steps to fully incorporate the Convention and the definition of discrimination against women as contained in article 1 of the Convention into domestic legislation. CEDAW was seriously concerned that, inter alia, the Civil Code continued to contain provisions that discriminated against women with regard to family and marriage, particularly those establishing the minimum age for marriage, which continues to be set at 12 for girls and 14 for boys, the prohibition of widowed or divorced women from remarrying for a period of 300 days from the death of the husband or the date of the divorce, and the withholding of alimony from women who lead a “disorderly life”. CEDAW called upon Uruguay to eliminate discriminatory legal provisions in matters relating to family and marriage in order to bring its legislation into line with the Convention and, in particular, to raise the minimum age of marriage for both men and women to 18 years. CEDAW was also concerned that certain provisions of the Penal Code, particularly those entitled “Crimes against decency and the family order”, discriminated against women by retaining concepts such as modesty, virtue and public scandal in the characterization of sexual offences.
- Could the Government of Uruguay elaborate on the measures it is taking to ensure the equality between women and men and to bring its legislation in line with its human rights obligations and international standards?
- In its conclusions from its latest consideration in 2007 of Uruguay, the Committee on the Rights of the Child (CRC) expressed concern that sexual exploitation and

the sale of children are growing problems in Uruguay, especially in tourist areas and along the borders. The Committee therefore recommended that Uruguay should bring its legislation fully into compliance with the Convention on the Rights of the Child and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography; ensure enforcement of the law to avoid impunity, train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate cases, as well as prosecute and punish those responsible; and implement the National Plan of Action against Sexual Exploitation of children.

- Could the Government of Uruguay elaborate on the measures it is taking to eliminate sexual exploitation and sale of children and also on the measures it takes to prevent impunity in this regard?

THE NETHERLANDS

- Over the past years various legislative and policy measures to combat domestic violence have been taken in Uruguay. According to reports domestic violence however remains a serious problem in Uruguay and it has been reported that incidents of domestic violence against women, but also against children, are increasing. How could it be explained that notwithstanding the improved legal situation domestic violence keeps rising and what structural measures are foreseen to protect women and children from domestic violence?
- The Netherlands welcomes the recent establishment of a Committee of Observers, by the National Council of the Rights of Children and Adolescents, to monitor the situation of minors in conflict with the law. Conditions in the juvenile detention centres however continue to be difficult. Apart from improving the physical conditions of the juvenile detention centres, what are the structural measures planned aiming at promoting rehabilitation of minors in conflict with the law and thus prepare them for their reintegration into the society?
- Prison conditions in Uruguay have been subject of much public and international attention, according to which prisons are overcrowded, facilities are inadequate, and the treatment of detainees has been criticized, among others. Reform of the prison system has been foreseen and urgent measures to address the most serious matters are being implemented. Reform of the Penal Code by introducing alternative punishments to imprisonment, among others, could bring about a fundamental solution to the present problematic prison conditions. What are the prospects of realizing such a reform in the near future?
- While recognizing that the government of Uruguay has introduced legislation and adopted measures to promote the protection of Human Rights and promote gender equality and combat discrimination against women, the Civil Code contains various provisions that are discriminating against women, especially with regard to family and marriage. CEDAW has called upon Uruguay to bring legislation in line with the Convention and in particular to raise the minimum age for marriage, which at present is 12 for girls and 14 for boys, for

both men and women to 18 years. Taken into consideration the seriousness of this matter, as well as the fact that Uruguay in general attaches great importance to equality between men and women, it is surprising to note that with respect to the minimum age for marriage the country has one of the lowest in the world. Are any steps being taken to amend the Civil Code to bring the minimum age for marriage more into line with international standards?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the role of civil society in Uruguay played in the preparation of your national report for this process?

International obligations

- The Committee on the Elimination of Discrimination Against Women (CEDAW) encouraged Uruguay to ratify Convention on the Rights of Persons with Disabilities. Please could you tell us what steps have been taken towards ratification.?

Constitutional and legislative framework

- The Convention on the Rights of the Child (CRC) noted that, although Uruguay adopted both the *National Code on Childhood and Adolescence and the Sexual Exploitation Act* in 2004, the practical application of these acts remained a significant challenge. Please can you tell us what recent progress has been made and how you intend to improve this?

Institutional and human rights infrastructure

- Could you please inform us what progress has been made in establishing an independent national human rights institution accredited by the International Co-ordinating Committee of National Institutions (ICC) – in accordance with the Paris Principles?

Equality and non-discrimination

- CEDAW is seriously concerned about the Civil Code with regard to family and marriage. Have you considered amending the minimum age for marriage to 18 for both boys and girls in order to bring its legislation into line with the Convention?
- Have any steps been taken to improve the equality between men and women and to improve women's rights in Uruguay, with particular regards to women in the workplace and the participation of women in politics?

Right to life, liberty and security of the person

- Please tell us if you intend to criminalise marital rape, defined on the basis of lack of consent of the wife, as recommended by CEDAW?
- Please tell us what steps have been taken to bring legislation fully into compliance with the Convention to help tackle the growing problem of sexual exploitation and the sale of children?

Right to social security and to an adequate standard of living

- UNICEF noted that, despite positive developments in healthcare system reforms, half of Uruguay's children still spend their infancy under adverse health conditions. Can you please tell us how you intend to improve the health conditions of children (para 36)
