

# URUGUAY

## CESCR E/1995/22

64. The Committee considered the initial report of Uruguay (E/1990/5/Add.7) at its 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 13<sup>th</sup> meetings on 3, 4 and 10 May and, at its 25<sup>th</sup> meeting on 19 May 1994, adopted the following concluding observations.

### A. Introduction

65. The Committee expresses its appreciation to the State party for submitting a report in September 1991 and a core document in 1992. However, it regrets the delay between the submission of the report and its consideration by the Committee, owing to the State party's request to defer that consideration for two sessions. The Committee also regrets that certain matters were not fully clarified during the initial dialogue with the State party. The Committee therefore requests the State party to provide it with written replies on the problems identified and to transmit that information to the Centre for Human Rights by 30 September 1994.

### B. Positive aspects

66. The Committee notes with satisfaction that a number of rights guaranteed by the Covenant have been incorporated in Uruguay's legislation, and in particular its Constitution. It also takes note of the concrete measures taken to comply with the obligations laid down in the Covenant. In that connection, it welcomes the progress made by the State party in ensuring free primary education for all and in making secondary and higher education free of charge and more accessible to all. In addition, the Committee notes with satisfaction that the State party has adopted social security measures aimed at offsetting the adverse consequences for the enjoyment of economic, social and cultural rights of the economic recession and the structural adjustments entailed by Uruguay's accession to the MERCOSUR economic agreement.

67. The Committee also regards the steps taken by the State party to provide further training to unemployed persons as a positive development.

### C. Factors and difficulties impeding the implementation of the Covenant

68. The Committee notes the economic difficulties encountered by the State party, particularly the high rate of inflation, which impede the full implementation of economic, social and cultural rights.

### D. Principal subjects of concern

69. The Committee is concerned about the apparent lack of measures to enable workers' and employers' organizations to participate in the discussions on the determination of minimum wages for public-sector employees and agricultural workers for the period 1990-1994.

70. The Committee would welcome clarification of the restrictions on the right to strike introduced by Act No. 13,720 of December 1968, as amended by Decree-Law No. 14,781 of 8 June 1978, and would appreciate receiving further details of the application of those provisions between the return to democracy and 1994. It would also wish to be informed of any bill regulating the exercise of the right to strike, since paragraph 104 of the State party's report indicated that such a bill would be submitted shortly.

71. The Committee would appreciate additional information on the measures taken to raise the minimum working age and to prevent or combat the exploitation of child labour. To that end, it would welcome information on the actual situation regarding the distribution of free school meals and the concrete measures taken to reduce truancy.

72. With regard to the implementation of article 11 of the Covenant, and more particularly the right to housing, the Committee is concerned about the shortage of housing in relation to demand and the high level of rents, particularly affecting the most vulnerable groups of society. It would appreciate having additional information on these two points.

73. The Committee is concerned about the standard of living of persons in rural areas, particularly those close to borders with neighboring countries, and would welcome further information on their full access to economic, social and cultural rights.

74. The Committee is concerned about the impact of inflation on the enjoyment of an adequate standard of living. It would appreciate receiving specific information on the evaluation of average wage rates in relation to the cost of living since 1990.

75. The Committee considers that it has not been given enough information on access to health, drinking water, care and education by minority groups living in Uruguay, as well as access by such groups to various types of employment, inter alia in the public service.

76. The Committee is greatly concerned about the serious deterioration of teachers' salaries in terms of purchasing power, by the conflictual nature of relations between teachers and the State and by the apparent ineffectiveness of the measures taken to remedy that situation.

#### E. Suggestions and recommendations

77. In the light of the information submitted by the delegation and of other available sources, the Committee considers that Uruguay is making appreciable efforts to observe the economic, social and cultural rights provided for in the Covenant. However, the report submitted by the State party is not sufficiently precise or complete to give a comprehensive account of those efforts. Consequently, the Committee would wish to receive supplementary replies to the questions raised in part D above.

78. In addition, the Committee asks the State party to consider the possibility of ratifying the Protocol of San Salvador additional to the American Convention on Human Rights.

79. The Committee urges the State party to take measures to eliminate all forms of discrimination. In this connection it draws the Government's attention to its General Comment No. 3 (1990) dealing

with the nature and scope of States parties' obligations under the Covenant.

80. With respect to the implementation of article 7 of the Covenant, and in the light of the comments made by the ILO on compliance with the requirements of the Minimum Wage Fixing Convention, No. 131, the Committee calls upon the State party to take steps with a view to establishing the national minimum wage for agricultural workers and public-sector employees in consultation with employers' and workers' representatives.

81. The Committee recommends that the State party should adopt urgent measures to increase the purchasing power of teachers' salaries and take that recommendation into account in the next budget of the national five-year plan.

82. The Committee urges the State party to take steps to improve health care for people living in areas distant from the capital, in particular by extending its primary health-care programme

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359. The Committee considered the second periodic report of Uruguay on articles 1 to 15 of the Covenant (E/1990/6/Add.10) at its 42<sup>nd</sup> to 44<sup>th</sup> meetings on 27 and 28 November 1997 and, at its 54<sup>th</sup> meeting on 5 December 1997, adopted the following concluding observations.

### **A. Introduction**

360. The Committee welcomes the second periodic report submitted by Uruguay and its replies to the Committee's list of issues, as well as the constructive dialogue conducted with the expert and high-level delegation from the capital. The Committee notes with appreciation that the report was prepared in accordance with its guidelines.

### **B. Positive aspects**

361. The Committee notes with satisfaction that the State party has ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

362. The Committee welcomes the progress made by the State party in attaining a high rate of literacy, in ensuring free primary education for all and in making secondary and higher education free of charge. It also regards positively the establishment of programmes for less favored children, such as the school meals programme (bandejas escolares).

363. The Committee notes that some of the rights enshrined in the Covenant can be directly invoked before the State party's courts. It appreciates the list of relevant jurisprudence that was provided with the report.

364. The Committee appreciates the steps taken by the State party to adopt employment policies for the young and for rural workers, as well as the measures taken to provide further training for the unemployed.

### **C. Factors and difficulties impeding the implementation of the Covenant**

365. The Committee notes the economic difficulties encountered by the State party, in particular the high rate of unemployment.

### **D. Principal subjects of concern**

366. The Committee is concerned that, despite the efforts and progress made by the State party to raise the standard of living, a high proportion of the population continues to live below the poverty line, in particular the black minority. Furthermore, the Committee is concerned about surveys conducted among the population which tend to show that prejudice against the black minority continues to exist.

367. The Committee notes with concern that there has been a substantial decrease in the number of persons affiliated with trade unions and that the minimum wage is established unilaterally for the agricultural sector. It is particularly concerned about the fact that the minimum wage is totally insufficient to live on and is used only as an indicator, despite the recommendations made in 1993 by the ILO Committee of Experts on the Application of Conventions and Recommendations in respect of ILO Convention No. 131 (Minimum Wage Fixing Convention, 1970) and by the Committee on Economic, Social and Cultural Rights itself in its concluding observations adopted following its consideration of the initial report of the State party at its tenth session, in 1994. 11/

368. The Committee considers that the resources devoted to public health and education are inadequate. In particular, it is alarmed by the fact that the very low wages paid to nurses has led to a low ratio of nurses to doctors (lower than 1:5), which tends to diminish the quality and accessibility of medical care available to the community. A similar problem exists in the education sector, as manifested especially by the continued deterioration of teachers' salaries in terms of purchasing power.

369. The Committee is concerned about the increase in labour-related accidents due to non-compliance with security measures, particularly in the construction sector, as indicated by the ILO Committee of Experts in 1995 in relation to ILO Convention No. 62 (Safety Provisions (Building) Convention, 1937).

370. The Committee is deeply concerned about the situation of children in Uruguay. Child labour continues to be a serious problem, as attested to by concluding observations of the Committee on the Rights of the Child. Moreover, the minimum working age as provided for in ILO Convention No. 38 (Minimum Age Convention, 1973) is not fully respected in the State party. The Committee is also concerned at the health situation of young minors, in view of the high incidence of obesity and suicides.

371. The Committee notes with concern that the Civil Code retains a distinction between legitimate children and children born out of wedlock.

372. The Committee is also concerned about the continued existence in practice of discrimination between men and women in terms of salaries received for equal work. It also regrets the insufficiency of the information provided regarding the situation of women in general, and domestic violence in particular.

373. The Committee is concerned about the large number of persons with disabilities in the population (7 per cent), of whom 70 per cent are reported to be mentally disturbed, and about the problem of alcoholism, which leads to high rates of traffic accidents and fatalities.

374. The Committee continues to be concerned by the shortage of housing, the high levels of rent, and the conditions under which forced evictions may be carried out, particularly in relation to the most vulnerable groups.

11/ — E/1995/22, paras. 64-82.

#### E. Suggestions and recommendations

375. The Committee would welcome additional information on the steps taken by the State party to ensure enjoyment of economic, social and cultural rights by the black minority, in particular their right to protection against discrimination.

376. The Committee calls upon the State party to comply with its obligations under article 7 of the Covenant and, in particular, to take steps towards fixing a national minimum wage indexed to the cost of living in consultation with employers' and workers' representatives. The Committee urges the State party to ensure that its existing legislation in respect of the occupational health and safety of workers is fully implemented and that the labour inspection system is strengthened.

377. The Committee recommends that the necessary legislative and economic measures be adopted to protect the rights of persons with disabilities and of street children. Particular importance should be given to information programmes in respect of health care, both physical and mental. Furthermore, all discriminatory provisions in the Civil Code or family law in respect of children born out of wedlock should be repealed.

378. The Committee recommends that the State party take measures to increase the real salaries of teachers and nurses.

379. The Committee urges the State party to take steps to improve health care for people living in rural areas.

380. The Committee considers that the efforts made by the State party to implement an adequate housing policy remain insufficient and urges it to increase its efforts in this respect. It also wishes to receive more detailed information on the number of forced evictions and the manner in which they are carried out.

381. The Committee urges that greater attention be given to the problem of de facto discrimination against women and that programmes be implemented for the eradication of inequalities between men and women, in both the public and private sectors. It recommends that appropriate legal measures be undertaken in relation to crimes of violence against women within or outside the family.

382. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remained unanswered, be addressed in the State party's third periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.