



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fifth session

SUMMARY RECORD OF THE 1235th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 24 May 2007, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Uruguay (CRC/C/URY/2; CRC/C/URY/Q/2 and Add.1; HRI/CORE.1/Add.9/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Uruguay took places at the Committee table.
2. Ms. MARTÍNEZ (Uruguay), introducing her country's second periodic report (CRC/C/URY/2), said that in 2002 Uruguay had suffered the worst economic crisis in its history. Poverty among children under 5 had risen to 57 per cent, while other social indicators had shown a sharp increase in poverty and unemployment. The new Government, which had come to power in 2005, had applied an economic policy that had made it possible to facilitate productive recovery, reduce foreign debt and cancel Uruguay's debt to the International Monetary Fund; it had also implemented sustainable methods for managing government accounts. Since 2005, Uruguay's growth rate had exceeded forecasts, and Uruguay had attained the highest gross domestic product (GDP) in its history.
3. Economic recovery had enabled the Government to focus on several well-defined priorities, such as the social emergency, education, health, infrastructure, the judicial system and public safety. The Social Emergency Plan of the Ministry of Social Development had made it possible to address the needs of more than 400,000 people out of a total population of 3,240,000. The Plan included a food programme for families, a health-care programme, programmes for the homeless, programmes to assist children and families, and employment programmes. As a result, poverty indicators had fallen considerably, particularly among persons under 17. In 2007, the Plan would be replaced by the National Equality Plan, which would promote generational, territorial and gender equality and equal opportunities.
4. Uruguay had also made efforts to develop democratic institutions and ensure respect for civil rights and liberties. Faced with the onerous legacy of human rights violations committed during the military dictatorship, the Government was attempting to restore the values of truth and justice. At the same time, it was endeavouring to extend the scope of civil, economic and social rights for all Uruguayans. To that end, it had established the National Commission against Racism, Xenophobia and All Forms of Discrimination, and had undertaken initiatives in the areas of gender rights, children and adolescents.
5. Mr. GIORGI (Uruguay) said that, although Uruguay's second periodic report had been prepared by the previous administration, it had been submitted without change in order to avoid any further delays. The current Government was strongly critical of the structure, format, and substance of the report. While Uruguay had not taken steps to harmonize its legislation or institutional practices during the reporting period, general understanding of the provisions of the Convention had improved. The adoption of the Children and Adolescents Code in September 2004, after nearly nine years of deliberation, had represented a significant step forward in terms of incorporating the provisions of the Convention into domestic law. The current Government had recently allocated funds to implement the Code.

6. There had been a number of particularly positive developments: legislative reform, greater coordination between the public bodies responsible for implementing the Convention, and the establishment of the Ministry of Social Development. Additional funds were being allocated to child protection measures, and a special inter-agency body had been established to prevent violence against children.

7. The CHAIRPERSON said that the Committee was faced with a difficult situation because the report had been prepared by the previous Government. It was regrettable that translations of the written replies had not been available in time for the meeting.

8. Mr. ZERMATTEN (Country Rapporteur) commended the positive developments that had taken place in Uruguay, including the adoption of the Children and Adolescents Code, the establishment of the National Honorary Consultative Council, and the implementation of the Social Emergency Plan. He welcomed Uruguay's ratification of International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Rome Statute of the International Criminal Court, the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the two optional protocols to the Convention on the Rights of the Child.

9. The report was difficult to understand because it was unclear and largely outdated. Although the written replies afforded some clarification, Uruguay was still in the process of reform, which made it difficult for the Committee to assess the situation objectively. He was concerned that Uruguay had not implemented a number of the recommendations that the Committee had made following its consideration of Uruguay's initial report (CRC/C/3/Add.37); the recommendations in question related to coordination between institutions involved in the protection and promotion of children's rights, independent monitoring of children's rights, violence against children, adolescent health, and sexual exploitation. He wished to know the exact role of the National Honorary Consultative Council and whether it had any authority. He wondered whether the reporting State was paying sufficient attention to the need to harmonize new and existing legislation.

10. While he welcomed the establishment of the Ministry of Social Development that incorporated the Uruguayan Institute for Children and Adolescents he noted that the role of the Ministry and the Institute and of the Childhood, Adolescence and Family Programme (INFAMILIA) was unclear. He asked what would happen when the funding for INFAMILIA provided by the Inter-American Development Bank came to an end. Although the Social Emergency Plan and other programmes had been established to reduce poverty, there was a pressing need for a national plan.

11. He regretted the absence of statistical data in the report, as such information was vital for effective policymaking. He enquired whether Uruguay had a national institute of statistics for collecting disaggregated data, so that comparisons could be made between girls and boys, age groups, and rural and urban areas. It was clear from the report that there had been a lack of coordination between ministries. The State party should disseminate the report more widely.

12. Ms. ORTIZ (Alternate Country Rapporteur) requested information on the role of the National Honorary Consultative Council. It appeared that the State party did not have an effective coordinating body to ensure the implementation of the Code throughout the country. Uruguay did not seem to have a clear strategy or national plan for implementing the Convention, and she wondered whether it lacked the political will to do so. The delegation should explain whether the Uruguayan Institute for Children and Adolescents had sufficient human and financial resources to fulfil its mandate.

13. She was pleased to learn of the important role of the Ministry of Social Development in implementing the Convention. She suggested that the generous financial resources allocated to the Ministry of Social Development could be used to strengthen the comprehensive child protection system.

14. Ms. ALUOCH requested the delegation indicate how torture was defined in Uruguayan legislation. There had been reports that in 2006 young people at rehabilitation facilities had been subjected to ill-treatment, and she wondered how the Government had responded or planned to respond to the recommendations made in 2003 by the World Organization Against Torture on ways of improving conditions at detention centres for juvenile offenders in Uruguay.

15. Mr. CITARELLA asked how the child was defined in Uruguay and requested up-to-date information on the length of compulsory education. He wished to know whether the Government intended to raise the minimum age for marriage for males and females. The written replies to the Committee's list of issues (CRC/C/URY/Q/2/Add.1) referred to detention centres for juvenile offenders, which apparently contradicted the statement in the second periodic report that the age of criminal responsibility was 18.

16. Ms. SMITH regretted that the second periodic report was uninformative and that the written replies had not been translated. She asked whether there was any genuine political will to improve the socio-economic plight of children. With regard to the freedom of expression, she wished to know whether children could freely express their views in the media and whether they could exercise their right to the freedom of association.

17. Mr. KRAPPMANN said that, when the Committee had considered Uruguay's initial report, it had observed that in Uruguay children were not given adequate opportunities to be heard in judicial and administrative proceedings affecting them. In view of the principles contained in the Children and Adolescents Code, he wished to know what had been or would be done to rectify that situation. He requested information on respect for the views of children in educational establishments and children living in institutions. While parents were legally obliged to take account of their children's views and respect their right to be heard, he wished to know what happened in practice. The delegation should comment on reports that the views of the child were not properly taken into account in the administration of juvenile justice.

18. Mr. PARFITT asked whether Uruguay had the equivalent of a national human rights commission and an ombudsman's office. If no independent human rights monitoring and complaints mechanisms existed, he wondered whether the Government planned to establish

them, in accordance with the Paris Principles and the Committee's general comment No. 2. He recalled that such mechanisms should be easily accessible to minors. He asked whether it was true that the Parliamentary Commissioner for Prisons had no jurisdiction over detention centres for juvenile offenders.

19. Ms. KHATTAB requested the delegation to comment on reports that Uruguayan registries and courts regularly discriminated against unmarried parents and their children. She asked whether it was true that children born out of wedlock were officially given surnames that carried social stigma. She wished to know what the Government was doing to prevent teenage pregnancy. She asked whether corporal punishment was reported wherever it took place and, if so, what data was available on the subject.

20. Mr. SIDDIQUI asked what proportion of the State budget was allocated for children. He wondered whether children, child-related NGOs and democratically elected local bodies were consulted when State budgets were being prepared. If not, he asked whether the Government planned to consult them in the future.

21. Mr. KOTRANE asked for clarification of the status of the Convention in domestic law and for examples of national case law in which human rights treaties had taken precedence over domestic law. He asked whether parents, judges and priests were properly informed of the provisions of the Convention.

22. Mr. POLLAR asked whether there was a national action plan on the rights of the child and, if so, how it had been prepared. He requested clarification of the coordination of policymaking between the National Advisory Council on the Rights of the Child and Adolescent and the Uruguayan Institute for Children and Adolescents. He wished to know how implementation of children's rights was monitored and by whom. He wondered whether Uruguay had conducted any awareness-raising measures relating to the rights of the child, and the Convention in particular. He asked to what extent NGOs were consulted on child-related policy and how widely they had been consulted when preparing the second periodic report.

23. Ms. HERCZOG asked whether married adolescents were defined as children or adults in Uruguay, and whether there was a government programme to dissuade persons under 18 years from marrying. With regard to the Children and Adolescents Code, she asked what legal distinction was made between adequate discipline, which possibly included corporal punishment, and domestic violence or abuse against children.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

24. Ms. MARTÍNEZ (Uruguay) said that, although the Children and Adolescents Code represented a vast improvement over the 1934 Children's Code, it still had many shortcomings. Moreover, a large number of proposed amendments to the Children and Adolescents Code, as well as to other laws concerning children's issues had been submitted to the legislature. Attempts were currently being made to harmonize those amendments based on the overarching principle of respect for the best interests of the child.

25. A proposed amendment to the Civil Code, would remove the provision that currently allowed parents or guardians to discipline children “moderately”, since that provision might be construed to permit corporal punishment.

26. The National Advisory Council on the Rights of the Child and Adolescents, which had been established on 12 February 2007, comprised public officials from the highest levels of Government and representatives of civil society. Its primary function was to promote the coordination and integration of sectoral policies relating to children and adolescents.

27. The CHAIRPERSON wished to know who decided, in cases in which parents used corporal punishment, whether such punishment was sufficiently “moderate”.

28. Ms. MARTÍNEZ (Uruguay) said that the Civil Code provision in question was some 150 years old. The proposed amendment expressly prohibited parents, legal guardians and all other persons responsible for the care, treatment, education or guardianship of children from using physical punishment or humiliating treatment as a form of correction or discipline of children or adolescents. While minors could file complaints with the police or the National Minors’ Institute, no specific body had been mandated to receive complaints of abuse from children and adolescents. However, Parliament was currently considering a bill on the establishment of a national human rights institution that would receive complaints from groups of individuals.

29. Mr. BANGO (Uruguay) said that, beginning in 2004, there had been a fundamental shift in the philosophy underlying Uruguay’s social policy. At that time, there was general agreement that social policies, in particular social policies for children, were not well coordinated. The approach adopted by the new Government was to combine social and economic policy into a joint development strategy that considered the child as the subject of rights. Social policy for children was seen not only from the standpoint of the provision of services but also as an opportunity to encourage children’s social participation.

30. According to the new approach, the role of the State was to guarantee children’s rights, formulate policy and establish a relationship with civil society in order to capitalize on its vast knowledge of children’s issues. The Government was in the process of restructuring its institutions to reflect the new rights-based social policy for children. The first step in that process had been the establishment of the Ministry of Social Development, the objectives of which were to address poverty and to coordinate social policy, including children’s policy. As part of the new approach, INFAMILIA had been transferred to the Ministry of Social Development, where it would better carry out its coordinating function, as well as strengthen the institutional capacity of the Uruguayan Institute for Children and Adolescents. One of the central objectives of INFAMILIA was to promote capacity-building in bodies that implemented social policy.

31. Mr. ZERMATTEN wished to know why INFAMILIA had not been merged with the Uruguayan Institute for Children and Adolescents, which would have had the advantage of avoiding duplication and ensuring the programme’s financing once the funds provided by the Inter-American Development Bank had been exhausted.

32. Ms. SMITH asked whether sufficient resources were allocated to children's issues in Uruguay, since ministries that dealt with children's issues had to compete for funding with other ministries. Given the unequal distribution of wealth in Uruguay, she suggested that additional funds could be made available by taxing those who could afford to pay more.
33. Ms. ORTIZ asked what steps had been taken to train judicial personnel and civil servants in other State institutions in children's rights. She enquired whether the principles of the Convention were taught in educational institutions. The delegation should explain how data collection was being improved. She asked why a national plan for children had not been formulated.
34. The CHAIRPERSON suggested that Uruguay should consider the establishment of a permanent inter-ministerial body to oversee all policymaking and promote and coordinate the activities of all sectors.
35. Mr. BANGO (Uruguay) said that the Social Cabinet coordinated all social policies. Instead of a national plan for children, the Government had developed a national strategy for children and adolescents that was based on four fundamental rights set out in the Convention. The next phase was to inform civil society, generate public debate and formally adopt the strategy.
36. Information systems in Uruguay were completely obsolete and did not allow for monitoring or evaluation of children's programmes. Although updated statistics on children existed, there was a need to develop more sophisticated systems to enable institutions to share and have access to those statistics. The Government was currently in the process of developing a national information system, which should be completed in January 2008.
37. Mr. GIORGI (Uruguay) said that the mandate of the Uruguayan Institute for Children and Adolescents was to guarantee the effective exercise of citizenship for children and young people. Although the Institute had recently changed its name, it retained the organizational structure of the National Minors' Institute, which had been established in 1988. The Government faced the difficult task of restructuring the Institute and formulating new policies to carry out its mandate. To that end, it had conducted a survey of agencies and specialists dealing with children in order to assess the implementation of children's rights nationwide. The results of the survey had showed that children's right to protection was not being upheld for a number of reasons, including the ineffectiveness of State institutions and the break-up of the family unit.
38. A process of institutional capacity-building had also been launched, with the support of INFAMILIA. The process had entailed human rights training for existing staff and the recruitment of new staff; an understanding of the Convention had been one of the basic requirements for recruitment. The capacity-building process had also entailed the upgrading of information systems, such as the Child Data System Project. While the Project was a useful tool for providing general information on the situation of children in Uruguay, it was not rights-based. The Project would be gradually transformed into a mechanism for monitoring the observance of children's rights in the country.

39. Mr. ZERMATTEN said that poverty was a major problem in Uruguay, since it affected children in particular. It seemed that there had been slight improvement in the situation as of 2006. He requested information concerning the results of Uruguay's national poverty reduction strategy and asked whether the different actors involved had adopted a coordinated approach to solving the problem.

40. Ms. ORTIZ asked how the Government cooperated with the press and media in order to disseminate the Convention and raise public awareness of children's rights. She enquired what measures had been adopted to prevent the exploitation of children for Internet pornography.

41. She asked whether the aim of new legislation on adoption was to phase out simple adoption which did not safeguard the best interests of the child. She also asked whether the new legislation allowed children to remain with their biological family until the completion of adoption procedures. She wished to know whether notaries public played a role in such procedures.

42. Mr. SIDDIQUI said that it was important to establish the root causes of widespread poverty in Uruguay. He wondered whether poverty could be attributed to the failure of successive Governments to undertake land reform, establish a progressive tax system and diversify the national economy.

43. Mr. PURAS enquired what measures the State party had adopted to ensure the integration of disabled children into society. He wondered whether the parents of disabled children could choose between special or integrated schools, and whether the Government or civil society organized support groups for parents of disabled children.

44. He asked whether mental health-care services were widely available, since it was important to deal with psychological and behavioural problems in children before they had more serious consequences. The Government should distribute budget allocations for the health sector evenly among the various health areas. The delegation should provide examples of how the Government intended to develop the areas of mental health, public health and preventive health, which were important for the protection of children's rights.

45. Mr. CITARELLA said that the report did not provide enough information on the administration of juvenile justice. He asked whether there were special procedures for dealing with juvenile delinquency and whether there were juvenile courts and judges. He requested additional information on detention, and on how detention centres operated. It was not clear which offences were liable to the maximum term of detention of five years. He asked whether there were any alternative measures to detention.

46. Ms. AL-THANI asked what access disabled children had to public facilities and services in areas other than education, such as transport, leisure and culture. With regard to health care, she enquired what efforts the Government was making to reduce disparities among different regions and between the public and private sectors. She also enquired how the Government intended to deal with chronic malnutrition and the rise of drug abuse among young people.

47. Mr. POLLAR wished to know the minimum age for recruitment to the army. He asked whether members of the armed forces received any training in the protection of children's rights.

48. Ms. KHATTAB said that she was concerned at the incidence of teenage pregnancies and the fact that it was difficult to record mortality rates because abortion was illegal. Another concern was the sexual exploitation of children. According to a study conducted by the International Organization for Migration, children in some Uruguayan cities sold sex for as little as one peso. Apparently, such behaviour was deemed acceptable and not reported to the police. She asked what steps the Government was taking to combat the problem.

49. Under Uruguayan law, child pornography was not a punishable offence. To her knowledge there were no government policies to prevent child pornography and no campaigns by the Government or civil society to raise awareness of the problem. Similarly, not enough attention was paid to the trafficking of young girls. Reports had been received in 2006 that Uruguayan girls from poor neighbourhoods in Montevideo were being trafficked to cities in Italy. She asked whether the Government intended to follow up on the recommendations contained in the Secretary-General's study on violence against children.

50. Ms. AIDOO said that poverty among Uruguayan children was alarmingly high and seriously undermined the exercise of their rights. She enquired whether there was a system for monitoring child poverty, since that would make it possible to target assistance to those children in greatest need.

51. She enquired whether there was any coordination among government agencies in the health, education and labour sectors to address the problem of child poverty. Some of the consequences of child poverty included high repetition rates in primary schools and high dropout rates in secondary schools. The dropout rate was significantly higher for boys than girls, and it was no coincidence that there were more boys than girls in underage employment.

52. Since the information on child labour provided by the State party was outdated, she asked whether any studies on child labour were under way, and what efforts the Government was making to comply with its obligations under the ILO Convention No. 182.

The meeting rose at 1 p.m.