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Summary record of the 32nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 2 November 2010, at 3 p.m.

Chairperson: Mr. Marchán Romero

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined third and fourth periodic reports of Uruguay (continued)
(E/C.12/URY/3-4; E/C.12/URY/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*

Articles 6 to 9 of the Covenant (continued)

2. **Mr. Kedzia** asked whether the bill on collective bargaining in the private sector, referred to in paragraph 85 of the report under consideration, and the bill aimed at preventing and punishing sexual harassment in the workplace had been adopted.

3. He enquired whether victims of sexual harassment in the workplace were adequately protected, given that, as paragraph 70 of the report suggested, complaints of sexual harassment received by the Inspectorate-General of Labour and Social Security had not been referred systematically to the courts and in some cases had been handled internally by the businesses concerned.

4. He would also like to know the results of the first official, detailed and exhaustive survey on child labour carried out by the National Statistical Institute, given that the United Nations Children's Fund had expressed concern that the minimum age of employment was set at 15 years.

5. Like Mr. Riedel, he also wished to know if the Government recognized the shortcomings in labour regulations pointed out by civil society organizations, which reported the absence of standards on leave to care for a sick child and on disorders caused by repetitive tasks performed by women, or the lack of legislation guaranteeing job security, particularly for women returning to work after childbirth.

6. **Mr. Roballo** (Uruguay) said that while Uruguay could be pleased that it had the lowest unemployment rate in its history (6.2 per cent), the informal sector continued to attract a large number of workers who did not enjoy social security benefits and insurance. A round table had been held to address the issue and included officials from various ministries concerned such as the Ministry of Industry and Mining, Ministry of Labour, Ministry of Economic Affairs and Finance and Ministry of Social Development and the National Customs Bureau and the Planning and Budget Office and had led to the adoption of a set of administrative, legislative and fiscal measures. The participants had considered ways to prevent some well-established businesses from not declaring some of their staff — and thus combat undeclared employment and lack of job security — and had taken up the issue of tax fraud and the penalties against businesses that practised it.

7. The National Statistical Institute's most recent available data show that the unemployment rate was much higher among women than men. The rate among women under 25, a population group that had the greatest difficulty in finding employment and had often turned to the informal sector to survive, had nevertheless decreased from 28.8 per cent in July 2010 to 24.2 per cent in August 2010.

8. A law to make the prison system more humane had been adopted, enabling prisoners to perform community service work or pursue an education. The number of prisoners working or taking courses had since tripled: one out of every three prisoners was currently working and was remunerated in 80 per cent of cases. There were plans to establish new

production units in prisons and to ensure that prisoners could thus make social security contributions and build up a pension. An agreement reached with the Ministry of Health provided for the introduction of health services in the majority of detention centres, which should cover 70 per cent of the prison population as of 1 January 2011. The remaining 30 per cent would be covered by the three existing mobile teams with laboratory services.

9. In Uruguay, employers were entitled to terminate a work contract subject to payment of compensation, except in cases of gross misconduct. However, a law protected workers against unfair dismissal and prohibited the dismissal of union representatives for their activities. The law even provided for the possibility of reinstating a union representative who had been laid off on those grounds by decision of a labour law court. It was also prohibited to dismiss pregnant women or women who had just given birth, or employees who had suffered a work-related accident or were on sick leave.

10. In accordance with the International Labour Organization (ILO) Convention concerning Occupational Safety and Health and the Working Environment (No. 155), the Ministry of Labour was currently working to develop standards to ensure job security of occupational health personnel, who, according to the Inspectorate-General of Labour, were often subject to dismissal, particularly in certain branches of industry and trade.

11. The minimum wage was not enough to cover the basic food basket, but it had tripled in the previous three years, on the basis of a new unit of measure known as the “benefits and contributions baseline”. It was currently set for each industry by the wage councils established under Act No. 10.449 of 1943, as amended. The new law on Collective Bargaining Act had now entered into force. The introduction of the wage councils had been successful, resulting as it had, in the conclusion of numerous wage agreements.

12. Tripartite commissions sought to improve safety and health in the workplace, develop new standards and discuss the role of the State and public organizations in various branches of industry. Such commissions already existed in the construction and chemical industries and others were due to be put in place soon in sectors such as textiles and finance. Employees sitting on the tripartite commissions were paid for the time spent on that work.

13. Migrants were required to notify the Directorate-General of Migration under the Ministry of the Interior on their arrival in Uruguay and take the necessary steps to obtain a work permit. Once in possession of a permit, they were covered by the same social benefits and insurance scheme as workers of Uruguayan origin, enjoyed the same working conditions and had the right to equal pay for equal work.

14. The Government was implementing a plan for equal opportunities, which aimed at ensuring equality between men and women, including with respect to pay.

15. Legislation on sexual harassment in the workplace gave victims the opportunity to file a complaint against their attacker with the Inspectorate-General of Labour and Social Security, which was responsible for initiating administrative procedures to ascertain the facts and take the necessary measures, especially including victim-protection measures. That did not rule out, however, bringing a judicial proceeding, as sexual harassment was punishable by law and subject to a fine.

16. A project carried out by the Ministry of Labour and Social Security and National Statistical Institute, in cooperation with ILO, to compile statistics on child labour and take measures for its eradication was well under way. A five-year plan prepared by the National Committee for the Eradication of Child Labour to address all aspects of the issue was in the process of completion.

17. New legislation on domestic work had been adopted, and sought to ensure that persons employed in that sector, mainly women, enjoyed the same work conditions as other wage earners and were represented on wage councils.

18. The Ministry of Labour and Social Security was currently looking into the issue of protecting pregnant women, already closely monitored by the Inspectorate-General of Labour and Social Security, which considered abusive the tasks that some employers required them to perform under pain of punishment. While there was a body of laws and rules to punish such practices, the latter were not always brought to the attention of the competent services.

19. The Inspectorate-General organized training courses for all stakeholders — inspection officials, lawyers and others — involved in helping women to resolve potential problems in the workplace. A preliminary agreement had thus been concluded with the School of Psychology on training in identifying problems and assisting women victims of psychological harassment (mobbing) or sexual harassment in the workplace.

20. The gender pay gap was dealt with, in particular, during negotiations conducted in the wage councils and in collective bargaining agreements. As a regulatory body, the Inspectorate-General imposed penalties for wage gaps relating to the same work.

21. A high-level political decision had been made to implement the ILO Convention concerning Occupational Health Services (No. 161), and Uruguay was currently carrying out a study in order to apply that instrument in due form, taking into account the situation characteristic of various sectors of the economy and establishing links with health insurance businesses. The list of occupational diseases had been extended to psychosomatic and bone, joint and muscle disorders. However, work needed to be continued and agreements reached in order to treat such disorders.

22. **Mr. Scagliola** (Uruguay) said that Uruguay was actively promoting employment with full rights. As a result of policies implemented between 2005 and 2010, in a country with 3 million inhabitants – 160,000 jobs had been created, informal work had declined, now accounting for only 30 per cent of employment, and the real wage index value had risen to 134 in 2010 from the 2004 base period.

23. However, there were still concerns, including with respect to social security. The proportion of persons aged 18 to 29 covered by social security was noticeably lower than the population mean and, in the case of people of African descent, even 10 percentage points lower. Considerable progress had been made, nevertheless. In two particularly vulnerable economic sectors, domestic work and rural work, between 2004 and 2009 the number of employees who had paid into the social security scheme had increased from 38,000 to 53,000 and 168,000 to 193,000 in the respective sectors. Wage councils had also been created.

24. The social security system had been reformed in 1996 and further reforms had been carried out between 2005 and 2010, with the support of businesses, to make the system fairer. The main pension fund manager was a State-owned company that managed more than 40 per cent of private funds. Concerned with ensuring that the reforms had lasting results, the State sought to invest the pension funds in investments in plant and equipment.

25. The increase in contributions, job creation in the formal sector, and economic growth had increased the capital in social security coffers, which in 2009, for the first time ever, had needed a bail-out from the State budget. Social security was currently funded by contributions from employers and employees and by specific contributions, namely a share of value-added tax and tax on the highest old-age pensions, which was aimed at raising the lowest pensions. While funding of the system was currently ensured, in the long term it would depend on the country's productivity given the ageing of the population.

26. Public and private stakeholders and civil society had entered into a national dialogue on social security, resulting in an agreement between the various partners on a series of measures, including easing the requirements for unemployment benefits. The Government's efforts in that area were twofold: protection prior to unemployment, and social programmes under the Equity Plan, which sought to help the long-term unemployed to find employment by offering them job training after a year of unemployment, notably through the National Institute of Employment and Vocational Training, funded by contributions from employees and employers.
27. The retirement age was set at 60 years for both men and women. Given that the national dialogue on social security had found that some persons could not make all 35 years' contributions by the age of 60, it had been decided to ease the retirement requirements and reduce the number of annual instalments from 35 to 30, with women being credited with an additional year's contribution per child (up to five children).
28. Uruguay had made a commitment to raise the total amount of the lowest pensions. The poverty rate had in fact decreased from over 30 per cent to 20 per cent. The rate was much higher among young persons than persons over 65, which stood at 7.4 per cent on average, as a result of the efforts of powerful social organizations representing retirees.
29. Nevertheless, the lowest pensions did not yet enable retirees to enjoy a decent standard of living and further efforts were needed to raise it. The total amount of old-age allowances paid to persons between the ages of 65 and 70 living in poverty or extreme poverty, who would not receive a pension before they reached 70, was the same as the amount of the minimum pension. However, the number of such allowances that could be granted was limited by budget constraints that the Government was trying to overcome.
30. **The Chairperson**, speaking as a Committee member, asked whether Uruguay had a public service law and, if so, whether there was a public service pay scale. He also wished to know whether the pay of law enforcement officers and monitoring body officials, such as the comptroller or members of the revenue courts, was included in that scale.
31. **Ms. Bras Gomes**, noting that laws were not always known to the persons who could benefit from them, asked whether a national public awareness campaign on social security was under way.
32. **Ms. Barahona Riera** asked how the pay rise obtained as a result of collective bargaining had affected employment.
33. **Mr. Roballo** (Uruguay) said that there was a law that provided for collective bargaining in the public sector and a Government proposal to set a minimum wage in the public service at one and a half times the national minimum wage.
34. The Social Insurance Bank and other organizations were holding far-reaching awareness campaigns to inform citizens of their rights, including the right to work in the formal sector. Media campaigns were also planned. The regulatory units in the Inspectorate also intended to organize awareness campaigns. Agreements had been entered into with educational establishments to train students, beginning in primary school, in rights and obligations involving social insurance with the use of appropriate teaching aids.
35. According to recent data from the National Statistical Institute, post-crisis wage agreements had not adversely affected the economy.
36. **Mr. Scagliola** (Uruguay) said that the labour force participation rate had risen from 58.5 per cent in 2004 to 63.2 per cent in 2009. Over the same period, the employment rate had risen from 50 per cent to 58.5 per cent, while the unemployment rate had declined from 13.1 per cent to 7.32 per cent, dropping to a mere 6.2 per cent in 2010.

Articles 10 to 12

37. **Mr. Atangana**, referring to the State party's reply to question 21 of the list of issues, enquired whether the bill on a minimum age for marriage had been adopted and what changes had been made on the matter. Concerning paragraph 28 of the report under consideration, he sought further clarification of the decrease in sentences in domestic violence cases, given that the phenomenon had worsened.

38. **Mr. Pillay**, commending the State party on having reduced the poverty rate from 30 to 20.9 per cent and the extreme poverty rate from 5 to 1.5 per cent, said that figures referred to by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child dating back to the 2007–2008 period indicated that the country's vulnerable groups continued to be disproportionately affected by poverty, particularly women of African descent and women living in rural areas. He would like to know whether that situation had improved since and, if not, why not.

39. Recalling that the State party had not replied to questions 27 and 28 on the list of issues, he requested details of the measures taken to tackle the housing issue and enquired whether the *Juntos* plan approved in May 2010 had been publicly disseminated. Persons settled on abandoned public or private land because of the lack of housing had been prosecuted since the amendment of the Criminal Code to that effect. It would be good to know the measures taken to provide them with public housing constructed or subsidized by the Government.

40. **Mr. Kerdoun**, referring to the General Environmental Protection Act and the Act on environmental impact assessments, asked whether environmental impact assessments were made public and whether they were carried out by the companies in question or by the Government. He would also like clarification concerning the running of the environment information system and the way in which the Government involved the population in environmental protection.

41. It would be useful to know whether the Act on regional planning and sustainable development adopted in 2008 aimed at bringing about a sustainable population, creating employment at the regional level and using natural resources rationally and whether the Act was a framework law establishing guidelines for regional planning policy. The delegation might indicate whether Uruguay had participated in the United Nations Conference on Environment and Development and whether it had signed and ratified most of the international agreements on the environment, including those adopted in 1992 in Rio de Janeiro. He would also like the delegation to specify whether Uruguay was seeking above all to protect its national interests in the area of natural resources or whether it had already signed contracts with third countries with the necessary technology to use the country's biological diversity.

42. **Mr. Tirado Mejía**, referring to documents attesting to an emergency humanitarian situation in the State party's prisons, enquired what measures were taken to address the situation. He would also appreciate learning what measures had been adopted to combat money-laundering involving illegal drug trafficking, how the health of drug addicts was dealt with and whether they received medical assistance.

43. He wished to know whether any measures were envisaged to provide reproductive health education and, if not, how such education was provided. He would also like to know whether it was difficult to obtain contraceptives in the country and whether legislation on abortion, which the President had vetoed, would be resubmitted to Parliament or whether a new bill would be drafted. He would also like to know what was done for women victims of rape.

44. **Mr. Riedel** asked for further details of the availability of essential medicines throughout the country, which had reportedly experienced a sharp increase in the number of children suffering from overdoses of Ritalin, an anti-hyperactivity drug. The delegation could perhaps provide information on the specific measures planned to address that issue. Referring to paragraph 312 of the State party report, which set out the steps required to improve the mental health situation, he would like to know the results obtained and best practices in that area and whether progress had been made in bringing the 1934 Mental Health Act up to date. He would also like to know what measures had been taken to improve the situation of persons with disabilities and whether they enjoyed all the support necessary. In conclusion, he would appreciate it if the State party could comment on information submitted by non-governmental organizations on the terrible living conditions in the Dr. Bernardo Etchepare and Santín Carlos Rossi psychiatric centres.

45. **Ms. Barahona Riera** said that clarification was needed on the minimum age for marriage under the bill on marriage and asked when the bill would be approved. She would also like to know whether there were penalties for domestic violence, whether domestic violence was a criminal offence and whether aggravating circumstances had been defined. She would like the delegation to provide further information on the regulations concerning adoption and to indicate whether single parents and unmarried couples could adopt children, and the cases in which adoption was not authorized. It would be useful to have statistics on street children, including their age, and to be informed about the measures taken to combat poverty among children and adolescents, which exacerbated that phenomenon.

46. Also helpful would be clarification of the State party's understanding of the term "universal coverage" in the context of reform of the health-care system and whether it planned to divide the health-care system into two parts, public and private, run by the National Health Fund (FONASA) and National Integrated Health System (SNIS) respectively, whether there would be solidarity contributions and which services would be free for everyone. She wondered about the basic services to be provided to the public under the law on reproductive health and whether some of them would be free of charge. Associating herself with the comment made by Mr. Tirado Mejía concerning early pregnancy and abortion, she wished to know whether abortions performed under safe conditions were possible and what measures were envisaged to help women who required an abortion in order to save their lives.

47. **Mr. Dasgupta** commended the State party on the progress made during the previous five years in the area of health, including the increase in funding for public health services (by 3.5 per cent per person per month); the transition to contributions proportional to income; and the establishment of a common list of approved drugs for public and private health-care systems, which sorted drugs by their type rather than brand and greatly contributing to reducing the cost of drugs by 40 per cent. However, he regretted that there were still some gaps, such as the fact that 70 per cent of doctors practised in the capital and that the infant mortality rate varied considerably from one region to another. He wished to know what measures were envisaged to fill those gaps (telemedicine, mobile clinics and others) and the preventive measures taken by the authorities.

48. **Ms. Bonoan-Dandan**, referring to paragraph 231 of the State party's report, asked how the concept of "forced eviction" raised a problem. She would also like the delegation to indicate the types of lands excluded from the urban development process (paragraph 167 of the report), the criteria used to define them and, if they were settled, the extent to which the settlers were consulted and involved in decision-making. She also asked about the level of public consultation and participation in the planning and private action referred to in paragraph 170 of the report. She would like the delegation to specify whether the country's

potential disaster relief plans took into account the rights to food, sanitation, water, housing and, above all, to life, and those of the most vulnerable population groups in particular.

49. **Mr. Texier** enquired about Uruguay's position on the Judgment of the International Court of Justice on the dispute between Argentina and Uruguay over the pulp mills on the River Uruguay.

The meeting was adjourned at 5.05 p.m. and resumed at 5.30 p.m.

50. **Mr. González** (Uruguay) said that his country was satisfied with the Judgement of the International Court of Justice and its authorization to use the sites. On 30 August 2010, the two nations along the river had agreed to create a scientific committee to develop a plan for monitoring the river. After several years of misunderstanding, cooperation was required and the two countries were trying to work together to protect their common good.

51. Domestic violence was characterized as a separate offence punishable by 6 to 24 months' imprisonment under Act No. 16707 of 1995 (the Citizens' Security Act). When it entailed serious injury or the death of the victim, it was then homicide. The Act adopted in 2002 specified protective measures for victims. While the number of cases of domestic violence brought before the courts seemed to be declining recently (98 cases in 2009 and 108 in 2008), no trend had genuinely been identified to date. Specialized domestic violence courts had been established in Montevideo, where more than half the country's population lived. There would also be additional funding under the new Act, and multidisciplinary teams, including doctors, psychiatrists, psychologists and social workers, would be responsible for assisting judges handling such cases throughout the country.

52. **Mr. Scagliola** (Uruguay) said that the National Institute for Women (INMUJERES) was responsible for dealing with domestic violence. During the 2010–2015 period, consultation and victim protection services would be established in the country's 19 departments and mobile teams would later be added. However, those strategies were difficult to implement because of the high concentration of the population in the capital and big cities. The resurgence of macho behaviour in reaction to changes in the perception of the role of women helped to compound that phenomenon.

53. **Mr. Miranda** (Uruguay) said that the minimum age for marriage, currently set at 12 years for girls and 14 years for boys, should increase to 18 years (for boys and girls) — and 16 years with parental consent — if the bill submitted to parliament in February 2010 was approved at the coming legislative period.

54. Concerning the housing situation, evictions (*desalojos*) corresponded in technical terms to a legal proceeding in which a rented dwelling was forcibly restored to its owner, whereas forced evictions concerned the unlawful occupation of a land or dwelling. The country currently had 676 irregular settlements, inhabited by 6 per cent of the entire Uruguayan population. Those settlements had emerged as the population migrated to the cities and later, during the 2001–2002 economic crisis, to peri-urban areas. The inhabitants led a marginal existence, without access to sanitation, and lacked security. The problem was particularly serious in the capital and neighbouring departments in the west and north-east. During the previous five-year period, a plan funded in large part by the Inter-American Development Bank had enabled solutions to be found for 20 per cent of those irregular settlements. However, as the problem had become structural, the authorities had addressed its causes by taking preventive measures (such as a territorial planning law and a special population commission) and had put in place a social fabric that ensured a measure of cohesion. Under the law, any investor was required to submit a plan of action to the Government consisting of an environmental impact assessment and a social impact study of the jobs that would be created and the workforce that would be displaced by the project.

55. The authorities as yet lacked enough hindsight to assess the effectiveness of *Juntos* plan, adopted as a matter of urgency to reduce the housing shortage. That was part of the concept behind the plan, which was going forward in pilot phases in specific territories and was in no way intended to resolve the problem entirely.

56. **Mr. Scagliola** (Uruguay) recalled that during the 2005–2010 period, the Government had urgently endeavoured to confront the country's social situation and had allocated \$100 million over two years to address a wide range of issues (sanitation, education and identity). The authorities believed that if the national budget was increased by 100 per cent, they would be able, with time, to create 150,000 new housing units.

The meeting rose at 6 p.m.