



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/URY/CO/2  
5 July 2007

Original: ENGLISH

---

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-fifth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Uruguay**

1. The Committee considered the second periodic report of **Uruguay** (CRC/C/URY/2) at its 1235th and 1236th meetings (see CRC/C/SR.1235 and CRC/C/SR.1236), held on 24 May 2007, and adopted at the 1255th meeting, held on 8 June 2007, the following concluding observations.

**A. Introduction**

2. The Committee regrets the late submission of the State party's second periodic report and that it did not follow the reporting guidelines, however it welcomes the detailed written replies to its list of issues (CRC/C/URY/Q/2/Add.1) and the frank and open dialogue with a high-level, cross-sectoral delegation which enabled the Committee to have a better understanding of the situation of children in the State party.

**B. Follow-up measures undertaken and progress achieved by the State Party**

3. The Committee notes with appreciation the adoption of many legislative and programmatic measures taken with a view to implementing the Convention, including:

(a) The adoption of the National Code on Childhood and Adolescence through act No.17.823 in September 2004;

(b) The adoption of the Sexual Exploitation act No. 17.815 of September 2004;

(c) The adoption of the Refugee Law No. 18.976 in December 2006;

(d) The establishment of the Consultative Honorary Council for Children and Adolescents in February 2007;

(e) The programmes *Infamilia* and PANES (Programa de Atención a la Emergencia Social).

4. The Committee also wishes to welcome the ratification of or accession to:

(a) The Hague Convention on the Civil Aspects of International Child Abduction on 16 November 1999;

(b) The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 15 February 2001;

(c) International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 8 March 2001;

(d) The Rome Statute of the International Criminal Court 1998 on 28 June 2002;

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 3 July 2003;

(f) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 9 September 2003;

(g) The Hague Convention No. 33 on Protection of Children and Co-operation in Respect of Intercountry Adoption on 1 April 2004;

(h) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 4 March 2005;

(i) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 8 Dec 2005.

## **C. Main subjects of concern and recommendations**

### **1. General Measures of Implementation**

**(arts. 4, 42 and 44 (para. 6) of the Convention)**

#### **Committee's previous recommendations**

5. The Committee notes that several concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/3/Add.37) have been addressed. However, it regrets that some of its concerns and recommendations have not been addressed or insufficiently attended to, including those related to legislation,

coordination, independent monitoring, physical and sexual abuse of children within and outside the family, reproductive health, sexual exploitation and trafficking, and juvenile justice.

**6. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report. The Committee also recommends that the State party take into account the recommendations of the sub-regional workshop on the implementation of the concluding observations of the Committee on the Rights of the Child held in Buenos Aires from 28 to 30 November 2005.**

### **Legislation and implementation**

7. The Committee welcomes the adoption of the Code on Childhood and Adolescence in 2004 and the fact that the new legal framework incorporates an integrated system of protection and the principles of the Convention on the Rights of the Child. However, the Committee notes that the practical application of the Code remains a significant challenge, that several legislative reform proposals are pending and that further efforts are required to harmonize different branches of legislation.

**8. The Committee urges the State party to ensure the effective implementation of the Code of Childhood and Adolescence through adequate institutional structures and the provision of adequate human and financial resources. The Committee recommends that pending legislative reform proposals be adopted as soon as possible, while ensuring harmonization of all legislation in accordance with the Convention and its two Protocols.**

9. **The Committee also recommends the State party to ensure, through adequate legal provisions and regulations, that all child victims and or witnesses of crimes e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

### **National plan of action**

10. The Committee notes the existence of sector specific plans, however regrets that the State party has not elaborated a comprehensive national plan of action to promote the implementation of children's rights.

**11. The Committee encourages the State party to elaborate and assign adequate budget allocations to a comprehensive national plan of action for children in consultation with civil society, non-governmental organizations (NGOs), children and all sectors involved in the promotion and protection of**

**children's rights, while taking into account the principles and provisions of the Convention, its two Protocols and the Plan of Action "A World Fit for Children" adopted by the General Assembly special session in May 2002.**

### **Coordination**

12. The Committee recognizes the establishment in February 2007 of the Consultative Honorary Council, created pursuant to the Code on Childhood and Adolescence. The Committee is concerned that the Institute of the Child and Adolescent (INAU) does not receive adequate funding to effectively provide comprehensive services throughout the country and that coordination is lacking between INAU and the programme *Infamilia*.

**13. The Committee recommends that the State party ensure that the Consultative Honorary Council be assigned stable and adequate financial and human resources in order to fulfil its mandate of policy coordination for the promotion of the rights of children. Furthermore, the Committee also recommends that efforts be undertaken to decentralize INAU in order to provide services throughout the whole country and that it be assigned stable and adequate financial and human resources. Finally, the Committee recommends that measures are undertaken to ensure adequate coordination between policy entities and service providers.**

### **Independent monitoring**

14. The Committee, while noting the draft law presented to Parliament in 2006, regrets the absence of an independent national human rights institution (NHRI) in order to provide an accessible complaint and monitoring mechanism for the implementation of children's rights.

**15. The Committee recommends that the State party establish an independent national human rights institution, in light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and the Paris Principles (General Assembly resolution 48/134, Annex). This institution should have expertise in children's rights, extend its presence nationwide and be provided with well-trained staff capable of dealing with complaints in a child-sensitive manner and should ensure that all children have easy access to this independent complaints mechanism in case of violations of their rights.**

### **Allocation of resources**

16. The Committee, while recognising the affirmative measures undertaken since 2005, remains concerned that allocations for social expenditure still do not sufficiently benefit children. In particular, the poor and vulnerable sections of society, such as

children of female headed households and Afro-descendants, still do not receive enough allocations, despite new poverty reduction programmes. The Committee notes that the State party recognizes an over-representation of children among the population affected by poverty, as well as by extreme poverty, and the Committee regrets that social expenditure is primarily for protective measures, fails to disaggregate the proportion allocated for children and lacks a child rights-based perspective.

**17. The Committee strongly recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognized in the Convention, ensure a more balanced distribution of resources throughout the country and prioritize and target budgetary allocations to alleviate disparities and ensure implementation of the economic, social and cultural rights of all children, in particular the most vulnerable. The Committee encourages the State party to introduce budget tracking from a child rights-based perspective with a view to monitoring budget allocations for children and to seek technical assistance for this purpose from the United Nations Children's Fund (UNICEF) and the Inter-American Children's Institute in this regard.**

#### **Data collection**

18. The Committee, while welcoming increased efforts to systematize information on the situation of children, remains concerned over the lack of disaggregated data, in particular regarding vulnerable sections in society and disparities between urban and rural areas.

**19. The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex, region and those groups of children who are in need of special protection. The Committee encourages the State party to further its cooperation with UNICEF and the Inter-American Children's Institute in this regard.**

#### **Training/dissemination of the Convention**

20. The Committee recognizes measures undertaken to disseminate information about the content of the Convention and the Code on Childhood and Adolescence to the general public and in particular to children themselves, however it notes that training is lacking for professionals working in areas related to child rights, in particular on the duties and responsibilities stemming from the Convention and the Code.

**21. The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness**

**about its principles and provisions as well as about the Code on Childhood and Adolescence, in particular among children themselves and parents. Cooperation with civil society organizations, academic centres, media and NGOs should be developed for this purpose.**

22. Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. The Committee encourages the State party to seek technical assistance from UNICEF and the Inter-American Children's Institute for the training of professionals.

#### **Cooperation with civil society**

23. The Committee, while recognising the cooperation between State institutions and civil society in the provision of services in order to implement children's rights, regrets that the cooperation between State entities and civil society at the policy planning and evaluation stage is limited.

24. The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and associations of children in the promotion and implementation of children's rights, including, inter alia, their participation in the planning stage of policies and cooperation projects, as well as in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.

### **2. Definition of the child (article 1 of the Convention)**

25. The Committee regrets that the minimum age for marriage remains too low and discriminatory in its application, as the age of 14 years applies to boys, while it is only 12 for girls.

26. The Committee recommends that the State party further review its legislation with a view to establishing the minimum age for marriage at 18 years of age, equally applicable to both boys and girls.

### **3. General Principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

27. The Committee, while recognising anti-discrimination provisions in the Code on Childhood and Adolescence of 2004, remains concerned that children born out of wedlock continue to be stigmatized and discriminated against, as unmarried under age parents may not have custody over their children, and that these children are not assigned the names of their biological parents. Furthermore, the Committee is concerned that children are discriminated against because of their appearance (including their way of dressing) and that Afro-descendant children also suffer discrimination.

**28. The Committee recommends that the State party increase its efforts to monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on gender, ethnic, appearance or any grounds and against all vulnerable groups throughout the country. Particular attention should be given to eliminating discrimination against Afro-descendants as well as children born out of wedlock, by taking measures to ensure that decisions on their custody takes into account their best interests and that they carry the names of their biological parents.**

29. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to provide special protection to vulnerable groups and to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 (2001) on the aims of education and general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.

#### **Best interests of the child**

30. The Committee welcomes the fact that the Code on Childhood and Adolescence of 2004 affirms the best interests of the child as a general principle yet remains concerned that institutional practices still do not comply with this principle.

**31. The Committee recommends that the State party fully incorporate the principle of the best interests of the child in all programmes, policies and judicial and administrative procedures, notably those that affect children in conflict with the law and children in institutions. The principle should also be taken into account in the implementation of the Code on Childhood and Adolescence of 2004, the evaluation of relevant programmes and the development of a future national plan of action.**

#### **Respect for the views of the child**

32. The Committee notes that the Code on Childhood and Adolescence of 2004 affirms the right of the child to be heard as a general principle. The Committee welcomes efforts to encourage child participation within the school environment. However, the Committee remains concerned that the State party fails to ensure this right at the community level and in judicial and civil proceedings.

33. **The Committee recommends that the State party further promote, facilitate and implement in practice, within the family, schools, at the community level, in institutions and in the media, as well as in judicial and administrative procedures, the right of the child to be heard, by respecting the views of children and their right to be heard in all matters affecting them, in accordance with article 12 of the Convention, while taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006. In particular, the Committee notes that the right to legal assistance should not deprive the child of his or her right to be heard. The Committee encourages the State party to seek further cooperation inter alia with NGOs and UNICEF in this regard.**

#### **4. Civil Rights and Freedoms**

**(arts. 7, 8, 13-17 and 37(a) of the Convention)**

##### **Torture and other cruel, inhuman or degrading treatment or punishment**

34. The Committee is concerned over the high number of children deprived of liberty and over reports indicating cases of torture and degrading treatment by law enforcement officials of children while held in detention.

35. **The Committee urges the State party to take effective measures, in accordance with article 37 of the Convention, to protect children from torture and other cruel, inhuman or degrading treatment. The Committee emphasizes the need to investigate and sanction all reported cases committed by law enforcement officials or any person acting in an official capacity. The Committee recommends that the State party ensure that all child victims of torture, cruel, inhuman or degrading treatment are provided with access to physical and psychological recovery support measures and social reintegration as well as compensation, giving due consideration to the obligations enshrined in articles 38 and 39 of the Convention.**

##### **Corporal punishment**

36. The Committee, while recognising pending legislative amendments, regrets that article 16 of the Code on Childhood and Adolescence of 2004 allows for corporal punishment of children. The Committee is concerned over the lack of statistics on the



number of reported cases and that corporal punishment continues to occur in the home, as well as schools and childcare institutions.

**37. The Committee recommends that the State party adopt pending legislation as soon as possible, explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also take all measures to ensure the enforcement of the law, conduct capacity building of professionals working with children, carry out awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of child-rearing and education, while taking due account of general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

## **5. Family Environment and Alternative Care**

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para.4), and 39 of the Convention)**

### **Family support**

38. The Committee, while welcoming the initiatives taken to focus on the family as part of social policy, notes that family support measures still require strengthening, in particular in favour of female headed households, and that maternity leave periods are insufficient.

**39. The Committee recommends that the State party provide further measures and support to families (nuclear and extended and with special emphasis on female headed households) in order to prevent separation of children, e.g. in the form of extended maternity leave, counselling, and financial support, including at the local level, throughout the country.**

### **Alternative care**

40. The Committee is concerned over the high rate of children in institutions and the insufficient provision of family type alternative care measures. The Committee is also concerned over this imbalance in alternative care and that deprivation of liberty is used as a protective measure and not as a last resort.

**41. The Committee recommends that the State party regulate the system for alternative care, seek to de-institutionalize children, continue to promote foster care as a form of alternative care and suggests that institutionalization be used only as a measure of last resort, taking into account the best interests of the child. Furthermore, the Committee recommends adequate resource allocation, functioning and monitoring of the care institutions, including those run by NGOs, and of foster care as well as a periodic review of placement in conformity with**

**article 25 of the Convention and the recommendations made after the day of general discussion on children without parental care in 2005.**

### **Adoption**

42. The Committee welcomes the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption on the 3 December 2003, however is concerned that national legislation regulating its implementation is not in place and that “simple adoption” continues to exist.

**43. The Committee recommends that the State party approve legislation discontinuing the practice of “simple adoption” and take all legislative and administrative measures to ensure that domestic and intercountry adoptions comply with article 21 of the Convention, article 3 of the Optional Protocol on the sale of children, child prostitution and child pornography and the provisions of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.**

### **Violence, abuse, neglect and maltreatment**

44. The Committee, while welcoming measures undertaken to combat domestic violence, regrets the lack of updated information on prevention measures; statistics relating to reported cases of violence, especially sexual and intra-family; the limited number of investigations and sanctions in relation to such cases; and the lack of available physical and psychological recovery and social reintegration measures for victims.

**45. The Committee urges the State party to;**

**(a) Reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, in schools and in institutional or other care;**

**(b) Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**

**(c) Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure their access to adequate services for recovery, counselling and other forms of reintegration;**

**(d) Extend national coverage of a 24-hour three digit toll free child helpline service, in order to be able to reach out to children throughout the country.**

46. With reference to the Secretary-General’s study on violence against children, the Committee recommends the State party to:

(a) **Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations study on violence against children (A/61/299) while taking into account the outcome and recommendations of the regional consultation for Latin America held in Argentina between 30 May and 1 June 2005;**

(b) **Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**

(c) **Seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO) for the above mentioned purposes.**

## **6. Basic Health and Welfare**

**(arts. 6, 18 (para. 3), 23, 24, 26, 27(paras. 1-3) of the Convention)**

### **Children with disabilities**

47. The Committee regrets the lack of information in relation to the situation of children with disabilities and is concerned that the resources available for these children are inadequate, in particular in order to ensure their access to education.

48. **The Committee recommends that the State party, taking into account general comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9):**

(a) **Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 20 December 1993;**

(b) **Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;**

(c) **Pursue efforts to ensure that children with disabilities may exercise their right to education, health, recreation and cultural development to the maximum extent possible. Furthermore, measures should be taken to ensure practical access to buildings and installations;**

(d) **Undertake greater efforts to make available the necessary professional and financial resources, especially at the local level, and to promote and expand community-based prevention and rehabilitation programmes, including parent support groups;**

**(e) Ensure that policies and decisions related to children with disabilities include them in the preparatory process and facilitate their right to express their views.**

### **Health and medical services**

49. The Committee welcomes the overall high rate of access to health care services as well as the low incidence of infant mortality and the high vaccination rates among children. The Committee however notes that further affirmative measures are required in order to ensure equal access to health services in practice among low-income and rural populations.

**50. The Committee recommends that the State party continue and provide further resources for the public health system and enhance the access to medical services in rural areas and among low-income families.**

### **Adolescent health**

51. The Committee, while recognising initiatives taken by the State party to improve adolescent health, remains concerned over the high rate of teenage pregnancies and the criminalization of the termination of pregnancies in relation to the negative impact illegal abortions have on the health of girls. Furthermore, the Committee regrets the lack of adequate and accessible sex education and reproductive health services for adolescents, the persistence of traditional attitudes and the negative impact early pregnancies have upon the right of the girl child to access education. Furthermore, the Committee is concerned over the rapidly rising rate of drug abuse among adolescents.

**52. The Committee recommends that the State party further promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health-care services, taking into due account the Committee's general comment No 4. (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. The Committee urges the State party to raise further awareness among adolescents of the importance of preventing early pregnancies and review its criminalization of the termination of pregnancies. Furthermore, the Committee urges the State party to allocate additional resources for preventive and rehabilitation measures in order to combat the increase of drug abuse among adolescents.**

### **HIV/AIDS**

53. The Committee welcomes the provision of free anti-retroviral treatment, however notes that prevention and awareness measures provided are insufficient for adolescents.

54. **The Committee recommends that the State party:**

(a) **Conduct awareness raising campaigns among adolescents, in particular among those belonging to vulnerable groups, such as children living or working in the street, about measures to protect themselves from contracting HIV/AIDS;**

(b) **Provide adequate financial and human resources for prevention measures and information campaigns to combat discrimination against infected children, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37);**

(c) **Seek technical assistance from inter alia the United Nations Joint Programme on HIV/AIDS and UNICEF.**

#### **Standard of living**

55. The Committee is concerned over disparities in the standard of living and the number of children living in poverty, or extreme poverty, as these conditions represent serious obstacles to their enjoyment of the rights of the Convention. The Committee notes that poverty levels are disproportionately high among female headed households. The Committee regrets the lack of information on the results of the current poverty reduction policy and in particular of the results of the programmes PANES and Infamilia.

56. **The Committee recommends that the State party prioritize and allocate more funds in order to reduce disparities among the various income groups giving priority to families with children and those headed by females. The Committee recommends that the State party design a poverty reduction strategy and provide it with adequate resources (e.g. through a revised taxation policy) for**

**implementation with a rights based perspective. The Committee invites the State party to report on progress achieved in its next periodic report.**

#### **7. Education, Leisure and Cultural Activities**

**(arts. 28, 29 and 31 of the Convention)**

57. The Committee welcomes the nearly universal enrolment rates in primary school and programmes such as *maestros comunitarios*, however it is concerned at the relatively high repetition and dropout rates, in particular among children living in

poverty, boys and Afro-descendants. The Committee regrets that insufficient public expenditure for schooling during the reporting period has affected the quality of education negatively e.g. through increased pupil-teacher ratios and a lack of training opportunities for teachers.

**58. The Committee recommends that the State party;**

**(a) Focus on an overall improvement in the quality of education, including by providing increased budget allocations for the educational sector;**

**(b) Strengthen measures to reduce repetition and dropout rates and evaluate the outcome of such measures;**

**(c) Undertake affirmative action to improve equal access to education, in particular for children belonging to vulnerable groups, including children living in poverty, boys, Afro-descendants and children in rural areas;**

**(d) Compile statistics disaggregated by urban/rural areas, ethnicity and sex in order to monitor repetition and dropout rates as well as the impact of the measures undertaken to combat these problems;**

**(e) Effectively monitor discrimination against female students who are expelled due to pregnancy and sanction those responsible within the educational system;**

**(f) Invest further resources in incorporating human rights education at all levels in the school curricula.**

#### **8. Special Protection Measures**

**(arts. 22, 30, 38, 39, 40, 37 (b)-(d) and 32-36 of the Convention)**

#### **Refugee, asylum seeking and migrant children**

59. The Committee welcomes the adoption of the national refugee law in December 2006, however it notes that in order to implement the new law in practice, adequate material and human resources are required. The Committee regrets the paucity of information on the situation of refugee, asylum-seeking and migrant children in the State party report and in the State party reply to the list of issues.

**60. The Committee recommends that the State party;**

**(a) Ensure prompt implementation of legislation in accordance with international obligations for refugee protection, including by allocating adequate material and human resources;**

**(b) Ensure that refugee, asylum-seeking and migrant children are guaranteed speedy processing of their registration and identity documents and**

**that they be guaranteed access to health services and education while in the territory of the State party;**

**(c) Take all measures to guarantee protection of refugee children in line with international human rights and refugee law, while taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin;**

**(d) Provide adequate information on the situation of refugee, asylum-seeking and migrant children in its next periodic report under the Convention;**

**(e) Seek the advisory services of the Office of the United Nations High Commissioner for Refugees.**

### **Economic exploitation, including child labour**

61. The Committee, while welcoming the ratification of ILO Convention No. 182 on 8 March 2001 and the fact that the minimum age for admission to employment or work has been raised to 15 years, expresses concern over the number of children, especially those living in poverty, who are still victims of economic exploitation.

62. **The Committee recommends that the State party undertake further efforts, including an assessment of the scope, nature and root causes of economic exploitation and by ensuring provision of adequate budget allocations in order to prevent and combat economic exploitation, and also seek the advisory services of the ILO International Programme on the Elimination of Child Labour (ILO/IPEC) and UNICEF for this purpose.**

### **Children living or working on the street**

63. The Committee is very concerned over the high number of children living or working on the street, the lack of social services and reintegration measures available and the stigma they continue to suffer due to their social condition.

64. **The Committee recommends that the State party:**

**(a) Carry out a comprehensive study to assess the scope, nature and root causes of the presence of children living or working on the street throughout the country, in order to develop a policy for prevention and assistance;**

**(b) Provide children living or working on the street with adequate nutrition, housing, necessary health-care and educational opportunities, as well as recovery and social reintegration services, while taking into account gender aspects and the views of the children in accordance with article 12;**

**(c) Develop a policy for family reunification where possible and when in the best interests of the child;**

**(d) Conduct public awareness campaigns to address the stigma attached to children living or working on the street;**

**(e) Collaborate with NGOs and seek technical assistance from, inter alia, UNICEF;**

**(f) Provide the Committee with further information on the situation of children living or working on the street in the next periodic State party report.**

### **Sexual exploitation and sale of children**

65. The Committee, while welcoming the adoption of the Sexual Exploitation Law no. 17.815 of September 2004 and the statement by the delegation referring to the existence of a National Plan of Action against Sexual Exploitation, is concerned that sexual exploitation and the sale of children are growing problems in Uruguay, especially in tourist areas and along the borders. The Committee regrets the paucity of information on the situation of children victims of sexual exploitation in the State party report and in the State party reply to the Committee's list of issues.

66. **The Committee recommends that the State party:**

**(a) Bring legislation fully into compliance with its international obligations under the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography;**

**(b) Ensure enforcement of the law to avoid impunity, by assigning further financial and human resources in order to carry out investigations;**

**(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate cases, in a child-sensitive manner that respects the privacy of the victim, as well as prosecute and punish those responsible;**

**(d) Implement the National Plan of Action against Sexual Exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

**(e) Dedicate further resources to prevention and gender sensitive public awareness raising, in particular on the need to prevent child sex tourism and child pornography and on the importance of protecting the victims;**

**(f) Undertake further in-depth studies on the sexual exploitation of children and sexual tourism in order to assess its scope and root causes and enable effective monitoring and measures to prevent, combat and eliminate it;**



- (g) Continue to provide assistance and social reintegration programmes for sexually exploited and/or trafficked children;**
- (h) Seek further technical assistance, from among others, UNICEF and ILO/IPEC.**

#### **Administration of juvenile justice**

67. The Committee is concerned over the conditions in places of detention, extended periods of pre-trial detention, the absence of a specialized juvenile justice system, the lack of specialized professionals and that the deprivation of liberty of juvenile offenders is resorted to for protection of the public and not as a measure of last resort. The Committee notes that there is a lack of alternative socio-educational measures and further regrets that not all children are provided with free legal assistance and that they are not given the opportunity to express their views in all proceedings affecting them. Furthermore, the Committee notes the lack of recovery and social reintegration programmes for children and that stereotypical and stigmatizing images of juvenile offenders are portrayed in the media.

68. **The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules); the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party in particular:**

- (a) Develop and implement a specialized system of juvenile justice with adequately trained professionals;**
- (b) Ensure that deprivation of liberty is used only as a measure of last resort and that the use of pre-trial detention is minimized. When used as a last resort, detention facilities should comply with the international standards;**
- (c) Take all necessary measures to ensure that every person below 18 deprived of his/her liberty be separated from adults, in accordance with article 37 (c) of the Convention;**
- (d) Ensure that parents or close relatives are informed when the child is detained;**
- (e) Provide the child with free legal assistance;**

(f) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate alleged violations committed by law enforcement personnel and prisons guards, and prosecute and punish those responsible;

(g) Ensure that children deprived of their liberty remain in contact with the wider community, in particular with their families, as well as friends and other persons or representatives of reputable outside organizations, and are given the opportunity to visit their home and family;

(h) Provide a package of effective alternative socio-educational measures and a policy to implement them;

(i) Provide training for penitentiary staff on children's rights and special needs;

(j) Request further technical assistance in the area of juvenile justice and police training from the UN Interagency Panel on Juvenile Justice.

## **9. Optional Protocols to the Convention on the Rights of the Child**

69. The Committee reminds the State party that its initial reports under both the Optional Protocols to the Convention were due in 2005 and encourages their speedy submission, if possible at the same time, to facilitate the review process.

## **10. Follow-up and dissemination**

### **Follow-up**

70. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of relevant Ministries, the Congress and to departmental governments, for appropriate consideration and further action.

### **Dissemination**

71. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available, including through internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children (in a child friendly manner) in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **11. Next report**

**72. The Committee invites the State party to submit a consolidated 3rd, 4th and 5th report, by 19 June 2011 (that is 18 months before the due date of the 5th report). This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

**73. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

-----