

## QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON URUGUAY<sup>1</sup>

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- Suggested questions and recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language. For this particular Guide, references in Spanish found in the Summary have been translated.

**Issues** are highlighted. References in the National Report are *in Italics*.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
<b>Gender identity/ Transsexual persons</b>	Draft bill recognizing right to gender identity without requiring surgery. Right to consistency between identity and name in official documents (76) Incitement to hatred penalized (74)		
<b>HIV/AIDS</b>		Provision of free antiretroviral treatment. Need to strengthen measures to protect children (34)	
<b>Sexual orientation</b>	Physical /moral violence on the grounds of sexual orientation and gender identity penalized (74) Concubinary Union Act for same-sex couples (75)		
<b>Trafficking/sexual exploitation /violence against children</b>	Plans and Policies to eradicate commercial sexual exploitation (40) Penalties for commercial and non-commercial sexual violence (68).	National Code on Childhood, Adolescence and Sexual Exploitation Act. Need to harmonize contradictions between domestic legislation and CRC (3). Increasing in tourist areas and borders.	

<sup>1</sup> These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at [alejandra@mulabi.org](mailto:alejandra@mulabi.org)

		Need to harmonize legislation with CRC and OP-CRC-SC, need to assign further financial and human resources and apply Plan of Action. (Para 20).	
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### **Gender identity/ Transsexual persons**

There is a **bill pending adoption** in Parliament (already approved by the Senate) recognizing the right of every person to the **free development of his personality** in accordance with his **own gender identity** without, in any circumstance, requiring **sex-change surgery**. This right includes **the right to be identified** in such a way that the person's gender can be fully recognized, and **consistency between this identity and the name and sex given in the person's identification documents** (Civil Registry entries and identity, electoral, travel and other documents). In the international arena, the country has been active in promoting and protecting the rights of sexual minorities (Para 76, NR).

The adoption in 2003 of the amendment to article 149 of the Criminal Code penalizing **public incitement to hatred, contempt other forms of physical or moral violence** by reason of ( ) **sexual orientation and/or identity** was a vital step in the struggle against all forms of discrimination ( ) (Para 74, NR).

### **HIV/AIDS**

While welcoming the provision of free anti-retroviral treatment, the Committee on the Rights of the Child (CRC) noted that **prevention and awareness measures were insufficient for adolescents**. (Para 34, Compilation)

### **Sexual orientation**

The adoption in 2003 of the amendment to article 149 of the Criminal Code penalizing **public incitement to hatred, contempt other forms of physical or moral violence** by reason of ( ) **sexual orientation and/or identity** was a vital step in the struggle against all forms of discrimination ( ) (Para 74, NR).

Uruguay is the first Latin American country to have legislated for the **union of same-sex couples**. The **Concubinary Union Act** of 2007, which also covers heterosexual couples, protects and regulates the rights of couples with five continuous years of cohabitation, independently of the sex of the partners (Para 75, NR).

### **Trafficking/sexual exploitation/violence against children**

Uruguay has also established the **Committee to Eradicate Commercial and Non commercial Sexual Exploitation of Children and Adolescents**, comprising national and international governmental and non-governmental organizations, which in 2007 launched the ongoing **Plan to Eradicate Commercial Sexual Exploitation**. It is intended to elaborate a **similar plan** to eradicate **non-commercial sexual exploitation**. In 2007 and 2008, relevant awareness-raising campaigns were launched (Para 40, NR). ( ) In the course of the period, the National Committee for the Eradication of Child Labour drew up a list of **dangerous forms of work** in compliance with ILO Convention No. 182. In 2004 legislation was passed imposing **penalties** of 2 to 12 years' imprisonment for **commercial and non-commercial sexual violence** against children, adolescents ( ) (Para 68, NR).

In 2007, CRC noted with appreciation the adoption, inter alia, of the **National Code on Childhood and Adolescence** in 2004, and the **Sexual Exploitation Act** in 2004. However, CRC noted that the practical application of the Code of Childhood and Adolescence remained a significant challenge, that **several legislative reform proposals were pending** and that further efforts were required to **harmonize different branches of legislation**. UNICEF considered that the Code still contains provisions and regulations that are in **contradiction** with the Convention on the Rights of the Child (Para 3, Compilation). CRC was concerned that **sexual exploitation** and the **sale of children** were growing problems in Uruguay, especially in **tourist areas and along the borders**. An ILO Committee of Experts noted in 2008 that **draft amendments** to the Children and Young Persons' Code concerning the sexual exploitation of children for commercial purposes and the economic exploitation of children **are under consideration**. It asked Uruguay to **supply information** on the progress made on the proposed amendments. (Para 20, Compilation)

#### **Suggested questions and recommendations**

- Congratulate Uruguay for the Bill on Every Person's Free Development of His/Her Personality, that protects the rights of transsexual persons, and recommend that it be approved by the Senate as soon as possible, and then implemented without further delay.
- While congratulating Uruguay on its advances to protect gays, lesbians and transgender persons against discrimination and to secure the rights of same-sex couples, recommend that it increases its advocacy on this matter in international spaces, including the Human Rights Council.

#### **Committee on the Rights of the Child (CRC)**

- To conduct awareness raising campaigns, particularly among those belonging to vulnerable groups, such as children living or working in the street, about measures to protect themselves from contracting HIV/AIDS; and provide adequate financial and human resources for prevention measures and information campaigns to combat discrimination against infected children (Para 19, Compilation)
- To bring legislation fully into compliance with the Convention and OP-CRC-SC; ensure enforcement of the law to avoid impunity, by assigning further financial and human resources to carry out investigations on commercial sexual exploitation and trafficking of children; train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate cases, as well as prosecute and punish those responsible; and implement the National Plan of Action against Sexual Exploitation of children (Para 20, Compilation)