

**Universal Periodic Review**  
**(18<sup>th</sup> session, January – February 2014)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III F, J, K, and P)**

**Uruguay**

**I. BACKGROUND AND FRAMEWORK**

**A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Acceptance 03/05/2004	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 09/03/1989			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 18/01/2007			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 18/01/2007			Right to take part in cultural life

**II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**  
**Right to education**

**Normative Framework:**

2. Constitutional framework: The Constitution of 1966<sup>1</sup> guarantees the right to education. Nevertheless, Article 41 states that the care and education of children so that they reach their entire physical, intellectual, and social capacity is a duty as well as a right of parents. This Article also provides that Parents with many dependent children are entitled to compensatory assistance if they require it.

3. Moreover, according to Article 71, free official primary, intermediate, advanced, industrial, artistic, and physical education is declared to be of social utility, as well as the creation of scholarships for continued study and specialization in cultural, scientific and occupational fields, and the establishment of public libraries.

4. Furthermore, Article 70 provides for compulsory primary education and intermediate, agrarian, or industrial education. It adds that it is a State obligation to promote the development of scientific research and of technical education. According to Article 68, freedom of education is guaranteed.

5. Legislative framework: The **Education Act No. 15739 of 28 March 1985** and **Decree 395/985 of 30 July 1985** were abrogated by the **Education Act No. 18.437 of 12 December 2008**<sup>2</sup>. Indeed, a project to reform the General Law on Education was designed in 2008, in order to amongst others, assure equity, inclusion and quality of education; create a National System of Education; include human rights, environmental and linguistic education in the curriculum; promote education integrated to work; establish democratic participation in Educational Councils. **Article 1** enshrines education as a fundamental human right and **Article 4** recognizes that human rights shall be of fundamental importance for Education in general and for teachers. **Article 6** establishes the principle of non-discrimination by providing that all the inhabitants shall have the right to education without any distinction. According to **Article 7** of this Law, initial education for children of 4-5 years old, primary education and secondary education (basic and superior) is compulsory. Parents have the duty to enrol their children in school and ensure their attendance. **Article 8** promotes diversity and inclusive education, which ensures the right to education to minorities and persons in situation of vulnerability. **Article 10** enshrines the freedom of teaching. With regard to public education, **Article 16** provides for free education, **Article 17** provides for secular education and **Article 18** provides for equal opportunities to access education.

6. **Law No. 17.015 of 1998**<sup>3</sup> established the principal norms with regard to initial education for children fewer than 6 years of age.

7. **The Code of Children and Adolescents** (el Código de la niñez y de la adolescencia) was approved by the **Law No. 17.823 of 7 September 2004**<sup>4</sup>. **Article 9** provides that every children and adolescent has an intrinsic right to education. The Code established the creation of the National Honorary and Consultative Council of Children and Adolescents' Rights.

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<sup>1</sup> <http://www.parlamento.gub.uy/constituciones/const004.htm>

<sup>2</sup> [http://www.ces.edu.uy/ces/index.php?option=com\\_content&view=article&id=569%3Aley-no-18437-ley-general-de-educacion-160109&catid=55%3Anormativa&Itemid=78](http://www.ces.edu.uy/ces/index.php?option=com_content&view=article&id=569%3Aley-no-18437-ley-general-de-educacion-160109&catid=55%3Anormativa&Itemid=78)

<sup>3</sup> <http://www.anep.edu.uy/documentos/ley17015.pdf>

<sup>4</sup> <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17823>

8. **Organic Law on University of the Republic No. 12.549 of 29 October 1958**<sup>5</sup> (ley orgánica de la Universidad de la Republica) establishes that the University shall be in charge of the public higher education at all levels.

9. In February 2010, it was suggested to elaborate a **new Law to set a minimum number of school days per year**. In Uruguay, there are 155 days of class per year, compared to 240 days in Asia. A political leader, Pedro Bordaberry, announced that he will present a bill to set a minimum of 200 days of class per year in 2013. The initiative is gradual as it is planned to set a minimum of 180 days of class for 2011 and a minimum of 190 in 2012.<sup>6</sup>

10. Compulsory education and school attendance: According to Article 7 of Education Act No. 18.437 of 12 December 2008, initial education for children of 4-5 years old, primary education and secondary education (basic and superior) is compulsory.

11. Non-discrimination and gender equality: In line with the social policies, in 2007 a Plan of Equity<sup>7</sup> was elaborated in order to improve access and quality of education. This Plan aimed to reach universal initial education (4-5 years) and promote education for youths that are out of the education system. One of the main goals of this Plan is to enable 2/3 children from poor urban areas who are between 0 and 3 years old to attend public early childhood programmes.<sup>8</sup>

12. Teachers: Article 4 of Education Act No. 18.437 of 12 December 2008 recognizes that human rights shall be of fundamental importance for Education in general and for teachers and Article 10 enshrines the freedom of teaching.

13. The Central Executive Council of the National Administration of Public Education (ANEP) approved the Status of Official Teachers by Resolution of 7 March 1986, in line with Article 204 of the Constitution. The status was revised in 1994 and modified by the Resolutions of the Central Executive Council on 31 July 2008.

#### **Policy measures:**

14. Free Education: In 2007, Uruguay launched a programme to provide one laptop per school-aged children, as well as for teachers.<sup>9</sup>

15. Environmental Education: Uruguay is very much involved into environmental education and a National Plan was launched in May 2011 on this issue. The objective is not only to reach the students but to sensitize all the population on environmental issues.<sup>10</sup>

16. Inclusive education: One targeted programme to disadvantaged schools in Uruguay is credited with improving learning outcomes in the last grade of primary school by combining financial and pedagogical support.<sup>11</sup>

17. Vocational and technical education: According to Article 70 of the Constitution, it is a State obligation to promote the development of scientific research and of technical education.

18. **Cooperation**: Uruguay is party to the 1960 UNESCO Convention against Discrimination in Education. However, it did not report within the framework of the:

- a) Sixth Consultation of Member States (covering the period 1994-1999)

<sup>5</sup> <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=12549&Anchor=>

<sup>6</sup> <http://www.elobservador.com.uy/noticia/109268/mujica-anuncio-ley-para-fijar-minimo-de-dias-de-clase/>

<sup>7</sup> [http://www.mides.gub.uy/innovaportal/file/913/1/plan\\_equidad\\_def.pdf](http://www.mides.gub.uy/innovaportal/file/913/1/plan_equidad_def.pdf)

<sup>8</sup> International Conference on Education; 48th; Geneva; 2008, El Desarrollo de la educación: informe nacional de Uruguay, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/uruguay\\_NR08\\_sp.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/uruguay_NR08_sp.pdf)

<sup>9</sup> International Conference on Education; 48th; Geneva; 2008, El Desarrollo de la educación: informe nacional de Uruguay, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/uruguay\\_NR08\\_sp.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/uruguay_NR08_sp.pdf)

<sup>10</sup> <http://www.larepublica.com.uy/comunidad/450149-educacion-ambiental-en-uruguay-tendra-su-plan-nacional-este-ano>

<sup>11</sup> EFA Global Monitoring Report 2010, p. 199, <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>

b) Seventh Consultation of Member States (covering the period 2000-2005)

c) Eight Consultation of Member States (covering the period 2006-2011)

19. Uruguay did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

20. Uruguay reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

21. Uruguay is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

22. Constitutional and Legislative Framework: The Constitution of the Oriental Republic of Uruguay guarantees freedom of expression in Article 29.

23. Uruguay started an open discussion to review the media regulatory framework. A multi-stakeholder process debated the principles of a new Audiovisual Media Service Law.

24. A law regulating Community Broadcasting was approved in 2007, since then many stations have been licensed through a democratic and plural process. However, a key issue still to be addressed is the funding and financial sustainability of this important media sector.

25. The Congress approved a freedom of information law in 2008. The implementation of the law has received some criticism from civil society groups, particularly regarding the lack of independence of the agency in charge of overseeing the implementation of the law.

26. In 2009, a reform amended Article 336 of Uruguay's penal code: criminal penalties for defamation on issues of public interest involving officials were dropped. Other forms of defamation remain criminalized under Articles 333 and 334 of Uruguay's penal code. Those found guilty of defamation face up to three years imprisonment or a fine of 180 adjustable units. Those found guilty of libel face three to eight months imprisonment or a fine of 60 to 300 adjustable units.

27. Media Self-Regulation: Media self-regulatory mechanisms are not yet developed in Uruguay. Nevertheless, with UNESCO support, the major journalists association Uruguayan Press Association (APU), with other civil society groups, have carried out during 2012 a nationwide and pluralistic process of consultations in order to approve the first Code of Ethics for Uruguayan journalists.

28. Safety of Journalists: UNESCO recorded no killing of journalists from 2008 to 2012 in Uruguay.

### **Right to development and environmental issues**

29. In the last decade, Uruguay has proceeded to redefine the entire national system of science, technology and innovation to increase its role in advancing sustainable human development<sup>12</sup>. At present the system operates within the framework of the National Strategic

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<sup>12</sup> <http://unesdoc.unesco.org/images/0018/001898/189823e.pdf>.

Plan for Science, Technology and Innovation (PENCTI, *Plan Estratégico Nacional de Ciencia, Tecnología e Innovación*), formulated in April 2009, which states the strategic lines and priorities of the country in the area of Science, Technology and Innovation (STI). This plan was formulated by the Ministerial Cabinet for Innovation (GMI, *Gabinete Ministerial de la Innovación*). The GMI was created in 2005 by Law 18.084 and was formed by the Ministry of Education and Culture, the Ministry of Economy and Economic Affairs, the Ministry of Industry, Energy and Mining, the Ministry of Livestock, Agriculture and Fishery, and the Director of the board responsible for planning and budget. On the other hand, the National Council for Innovation, Science and Technology (CONICYT, *Consejo Nacional de Innovación, Ciencia y Tecnología*) is the executive and legislative powers consultancy agency. It is formed by 21 members who represent different sectors of civil society, of the public and private institutions related to STI themes. Its more important functions are: to propose plans, guidelines of general policies and priorities related with STI to the GMI, to perform the monitoring of the operation of the different programmes of the National Agency for Research and Innovation (ANII, *Agencia Nacional de Investigación e Innovación*), the PENCTI, promotes the creation and regulation of STI programmes and elaborates strategy proposals, strategic areas and STI policy instruments.

30. There also exist several legislative reforms, among which the following are to be highlighted:

- i. Law 17.930 or Budgetary Law 2005-2009 (2005): It creates the ANII and assigns resources to it;
- ii. Decree 136/05 (2005): It creates the GMI;
- iii. Law of Tax Reform of 2007 (Law 18.083 of January 18 2007), art. 23: It states tax incentives for the performance of R&D activities;
- iv. Law 18.084 (2007): It states the responsibilities of the GMI, the ANII and the CONICYT;
- v. Law 18.172 (2007): It creates the National System of Scholarships (SNB, *Sistema Nacional de Becas*) and the National System of Researchers (SNI, *Sistema Nacional de Investigadores*);
- vi. Decree 166/07 (2007): It sets forth the operation of the ANII;
- vii. National System of Scholarships (SNB, *Sistema Nacional de Becas*): It was created by article 304 of Law 18.172 (2007) in order to formalize and expand the scholarship system. It is divided into the following categories: introduction to research, postgraduate studies in the country and abroad, postgraduates' insertion, return of Uruguayan scientists to the country and link with the productive sector.

31. The reformulation of the innovation national system in Uruguay has resulted in the establishment of the following programmes, aimed at enhancing collaboration and the creation of networks:

- I. Scholarships of mobility: Its objective is to train human resources, in activities connected to the strengthening of networks of scientific-technological cooperation and in strategic areas;
- II. Inter-Institutional and Multidiscipline Weft of On-Line Bibliography Portal (TIMBO, *Trama Interinstitucional y Multidisciplinaria de Bibliografía Online*, ANII): It intends to make available on-line access to the main specialized publications at the international level and to patents banks;
- III. Support to internships and presentation of works in congresses and workshops abroad (ANII). 272 Science Policy Studies and Documents in Latin America and the Caribbean. (Vol. 1. National Science, Technology and Innovation Systems in Latin America and the Caribbean)/

32. Human Resources for Science, Technology and Innovation The strengthening of human resources in the STI fields is made possible through the funding of scholarships of postgraduate studies in Science and Technology, the support to the international mobility, and the university curricular design in STI postgraduate programmes. The main instruments used in Uruguay to strengthen its human capital in STI are:

- a. National System of Researchers (SNI, *Sistema Nacional de Investigadores*): Its objective is to strengthen and expand the scientific community, to categorize and periodically evaluate researchers and to establish a system of incentives, awarded by contests;
- b. Support to Young Entrepreneurs (ANII): It has a double pronged objective, on the one hand, to guide and help innovating enterprises of short life in the maturing process, and on the other hand, to promote the creation and development of new enterprises that consider the commercialization of innovating products or services;
- c. CEIBAL Plan: It provides access to computer knowledge for all Uruguayan children. It is in the final stage and includes the following components: One laptop per child and per teacher in all public primary schools, education programmes for teachers, generation of digital didactic resources and support to families in the area of the Information and Communications Technologies (ICTs);
- d. Support to national postgraduate programmes (ANII): Seeks to create or strengthen national postgraduate programmes in priority areas;
- e. Education for master degrees and doctorate degrees in basic sciences within the framework of the Basic Sciences Development Programme (PEDECIBA, Programa de Desarrollo de las Ciencias Básicas),
- f. UDELAR-MEC: Its objective is to support the education of high level professionals in the different basic scientific-technical disciplines, to enable their insertion into the academic community and the productive sector;
- g. Postgraduate Programme in the framework of Programme of Development in Sciences and Technologies of Livestock and Agriculture and Agro-Industry (PEDEAGRINDANII): It is focused on the education of human resources with capacity to improve the livestock, agricultural and agro-industrial production and the development of science and technology for the agriculture;
- h. Programmes of Return Scholarships and Hiring of Researchers Coming from Abroad (CSIC and UDELAR).

#### Co-operation:

33. The UNESCO's Regional Office for the Sciences in Latin America and the Caribbean, located in Montevideo, carries out a regional sciences programme the activities of which cover thirty three countries. Uruguay benefits from this regional programmes in many ways, mainly through activities related to hydrology, ecological science and science, technology, engineering and innovation. Among those it is worth mentioning: i) activities of the International Hydrological Programme (IHP) of UNESCO in Uruguay, which has focused on the following priorities: the generation of knowledge on water resources and their management in the country and in the sub-region, with special attention to the cross-border Guaraní water resources; the launch and subsequent activities pertaining to the Water Education Project (WET) in Latin

America; Transboundary aquifers: within the UNESCO/OAS ISARM 28 Americas Programme, several activities have been developed in order to identify the transboundary aquifers and to gather information on the hydro-geological, legal, institutional, socio-economic, and eco-hydrological features of these aquifers; ii) the strengthening of the Hydrology for the Environment, Life and Policy (HELP) 29 demonstrative basins in the Latin American and Caribbean region and promotion of the HELP network both at regional and global level.

34. Regarding Ecological Sciences, the main thrust of activity has been the Man and the Biosphere programme (MAB), which continued work on the stocktaking and protection of reserves and the planning of their manifold use. Special attention was paid to the promotion of sustainable and responsible tourism. In addition, capacity-building activities were conducted in the area of earth sciences, and work carried out in the field of renewable energies. Of special interest is the Bañados del Este Biosphere Reserve, located in the North-Eastern part of the country, which could be considered as a learning laboratory for sustainable development.

35. As for Science, Technology and Innovation, a number of capacity-building workshops with key academics and experts contributed to building the critical mass necessary for the development of the “*Uruguay productivo*” and of the “*Uruguay innovador*”. The focus of Basic and Engineering Sciences activities has been on strengthening university departments of science, adding value on the Basic Science Programme and building capacities in engineering.

36. Similarly, UNESCO-Montevideo’s action in the Social and Human Sciences area has a regional outreach, and consequently, Uruguay is benefiting from the projects implemented by UNESCO. One of the most remarkable achievements in this regard is the recognition of Montevideo as the leading city of the Latin American and Caribbean Regional Coalition of Cities against Racism and Discrimination since October 2006. Several activities of the Coalition took place in Montevideo, resulting in an increased awareness of the authorities about alternative ways to tackle poverty through targeted action. Uruguay has also been coordinating the Forum of Social Development Ministers of Latin America, a high-level dialogue on social policies.

37. In the context of the Management of Social Transformations programme (MOST), UNESCO organized the International Forum on Social Science and Policy Nexus (IFSP), which contributed to the strengthening of the links between academic research and social policy. Uruguay hosted the Annual meeting of the professional network of cities, organized together with the CLAEH (*Centro Latinoamericano de Economía Humana*), which continues to be a central partner in the implementation of the MOST Programme. The country is also developing an information and management centre for youth migration, aiming at developing alternative choices for young people who are considering migrating. UNESCO-Montevideo has also been taking action to encourage ratification by Uruguay of the International Convention against Doping in Sport<sup>13</sup>.

### **Cultural rights**

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<sup>13</sup> <http://unesdoc.unesco.org/images/0018/001835/183588e.pdf>.



38. Normative Framework: constitutional and legislative frameworks: In addition to UNESCO's culture conventions, recognition of cultural rights has been enacted in four laws: Law 17.817 adopted in 2004 "Fight against Racism, Discrimination and Xenophobia," which explicitly mentions condemning of discrimination based on "race, colour of skin, religion, national or ethnic origin" (article 2); Law 18.059 adopted in 2006: "National Day for Candombe, Afro-Uruguayan culture and Racial Equity" which establishes in its article 2 that the State recognizes and values "the contribution of the Afro-descendent people to national construction and their contribution to establishing the cultural identity of the Eastern Republic of Uruguay"; "Immigration Law 18.250" adopted in 2008 which states that "the State shall respect the cultural identity of immigrants and their families and encourage them to maintain links with their countries of origin" (article 14); and in 2009 a bill was also approved on "Day of Resistance of the Charrua Nation and Indigenous Identity" whereby "recognition of the contribution by the indigenous presence in the process of shaping our nation" was promoted

39. Institutional framework: Two main institutions are responsible for matters regarding the right to participate in cultural life in Uruguay: the **National Culture Directorate** and the **Commission for the Nation's Cultural Heritage** of the Ministry of Education and Culture. The National Culture Directorate is responsible for cultural development throughout the national territory and for promoting cultural citizenship and citizens' cultural rights. It guides and plans cultural public policies, generates mechanisms for interaction among public and private bodies, creates different mechanisms for training, research and fostering of creation in the artistic and cultural sector. It fosters democratization of production and the professionalism of artists and cultural managers as well as dialogue of Uruguayan culture with the region and the rest of the world. The mission of the Commission for the Nation's Cultural Heritage is to identify goods or assets to be declared national monuments, to safeguard their conservation and their appropriate promotion throughout the country and abroad, to propose a plan to carry out and publish an inventory of the historical artistic and cultural tangible and intangible heritage of the nation. It develops strategies aimed at identifying, safeguarding, promoting and transmitting Uruguay's intangible cultural heritage, in particular through research, documentation, drawing up inventories, records and dissemination.

40. Policy measures: In 2009 the Area of Cultural Citizenship was established, implementing actions with the purpose of promoting the cultural rights of all individuals through the full participation of people and communities in the enjoyment, production and distribution of cultural goods and services. Its main objectives are social inclusion, community participation including in policies development, training in arts education, promotion of cultural participation and access to cultural goods and services. A Socio-cultural Integration Programme was established in April 2009 to promote artistic and cultural actions aimed at integrating inhabitants socially at risk with varying profiles and characteristics, such as teenagers and young people who are at risk due to the drug consumption, homeless population, people living with HIV/AIDS and handicapped people. The Department for Creative Industries (DICREA) was set up in 2007. DICREA works with different agents and institutions comprising local/national industrial-cultural actors, both public and private. In the field of crafts, the Ministry of Industry, through its Crafts Division promotes and facilitates the participation of craftspeople from all the Departments in design and crafts events and in national and international fairs as a way of improving channels for marketing Uruguayan crafts.



41. Work with civil society: Cultural “Factories” are regional centres equipped with studios for recording music and audio-visual production in order to promote citizens’ creative potential based on new technologies. Five Funds exist to encourage the participation of Civil Society in cultural life : i) the Fund to Encourage Artistic Training and Creation, ii) the Competitive Fund for Culture, iii) Funds for Cultural Incentives, iv) Funds for the Development of Cultural Facilities outside the Capital City and v) Fund to Support the Strengthening of Artistic Institutions in Uruguay.

### **III. RECOMMENDATIONS**

#### **Right to education**

42. Uruguay is encouraged to submit state reports for the periodic consultations of UNESCO’s education related standard-setting instruments.

43. Uruguay is encouraged to continue its social programmes and plans towards the education of people living in extreme poverty.

44. Uruguay is encouraged to continue to strengthen current measures to guarantee greater social inclusion in the national education system.

45. Uruguay is encouraged to step up efforts to address the problem of high school dropout rates particularly in the secondary schools and continue to invest in education.

#### **Freedom of opinion and expression**

46. Uruguay is encouraged to initiate the introduction of the Audiovisual Media Service Law, with provisions in accordance with international standards.

47. Uruguay is encouraged to review the Freedom of Information Law in order to guarantee the independence of the oversight authority.

48. UNESCO recommends developing the media self-regulatory mechanisms in Uruguay.

49. Uruguay is encouraged to continue with its positive steps to decriminalize defamation, especially in regards to the Penal Code's Article 333 and Article 334.

#### **Right to development and environmental issues**

50. With regard to contribution of science and technology to development, Uruguay is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and

fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.