



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Uruguay*

I. Introduction

1. The Committee considered the initial report of Uruguay (CRPD/C/URY/1) at its 269th and 270th meetings (see CRPD/C/SR.269 and 270), held on 15 and 16 August 2016, respectively. At its 288th meeting, held on 29 August 2016, it adopted the following concluding observations.

2. The Committee welcomes the initial report of Uruguay and thanks the State party for its written replies (CRPD/C/URY/Q/1/Add.1) to the list of issues drawn up by the Committee (CRPD/C/URY/Q/1). The Committee welcomes the constructive dialogue with the delegation of the State party and is pleased to note the commitment expressed by the State party, through its delegation, to bring its legislation into line with the Convention.

II. Positive aspects

3. The Committee is pleased to note the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

4. The Committee notes with satisfaction the adoption of legislation and public policies that include provisions on the rights of persons with disabilities, especially Act No. 18651 of 2010, which represents another step towards establishing a system to protect the rights of persons with disabilities.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

5. The Committee notes with concern that the State party's legislation and public policies and programmes still contain provisions on the rights of persons with disabilities and pejorative terms that do not comply with the human rights model of disability.

* Adopted by the Committee at its sixteenth session (15 August-2 September 2016).



6. **The Committee recommends that the State party adopt a plan to amend, repeal, reform and/or adopt laws and policies, including the Constitution, with a view to recognizing persons with disabilities as fully fledged rights holders, in keeping with the Convention.**

7. The Committee is concerned about the status of the National Disability Programme (PRONADIS), which is only a programme administered by the Ministry of Social Development.

8. **The Committee recommends that the State party ensure that the National Disability Programme is granted permanent national institutional status, with adequate, dedicated human and financial resources to allow it to carry out its mandate.**

9. The Committee notes with concern that the concepts covered by articles 1 and 2 and the principles of the Convention are not properly understood and that some criteria used to certify disability are neither standardized nor in accordance with those articles and principles.

10. **The Committee recommends that the State party take steps to review the legal definition of disability with a view to aligning it with the principles and articles of the Convention and, subsequently, to establish a single disability certification system that reflects a human rights model of disability.**

11. The Committee is concerned that there is insufficient consultation with persons with disabilities, through their organizations, on the adoption of policies and programmes that affect them.

12. **The Committee recommends that the State party set up a mechanism for standing consultations with persons with disabilities, including children, through their organizations, on the adoption of laws and policies and on other matters of relevance to them.**

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

13. The Committee is concerned that the State party's legislation does not consider the denial of reasonable accommodation to be a form of discrimination against persons with disabilities in areas other than employment. It is also concerned at the lack of policies to combat multiple and intersectional discrimination. The Committee is concerned that there are no accessible complaints mechanisms for reporting cases of discrimination on grounds of disability or redress mechanisms.

14. **The Committee recommends that the State party recognize and penalize in its legislation the denial of reasonable accommodation as a form of discrimination on grounds of disability in all spheres of life. It also recommends that the State party include multiple and intersectional discrimination in its anti-discrimination legislation. In addition, it recommends that the State party take measures to ensure that accessible methods are made available for reporting acts of discrimination on grounds of disability, as well as redress mechanisms.**

Women with disabilities (art. 6)

15. The Committee is concerned about the lack of a gender equality plan, the fact that disability policies do not specifically cover women and girls and the lack of policies and

strategies on the prevention and punishment of violence against women and girls with disabilities.

16. **The Committee recommends that the State party include women with disabilities in the plans and strategies of the National Disability Programme and the National Institute for Women and revise its policies on disability to include a gender-based approach and its policies on violence against women with a view to introducing a disability dimension. It also recommends that such actions be carried out in consultation with organizations representing women and girls with disabilities. The Committee recommends that the State party bear in mind the linkages between article 6 of the Convention and general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, with a view to eliminating all forms of discrimination and violence against women and girls with disabilities and promoting their full and effective participation in society.**

Children with disabilities (art. 7)

17. The Committee is concerned that laws relating to children do not expressly include the principle of non-discrimination and that this omission disproportionately affects children with disabilities. It is also concerned about the lack of protection measures in place to prevent children with disabilities from being abandoned, the fact that many such children are still in institutions and the lack of data on these children.

18. **The Committee recommends that the State party include the principle of non-discrimination in Act No. 17823 (Code on Children and Adolescents); increase protection for children with disabilities in order to protect their rights and promote equal opportunities for family, community and social inclusion; and provide for the allocation of sufficient resources for the effective implementation of the Act. The Committee recommends that the State party bear in mind the linkages between article 7 of the Convention and targets 10.2 and 10.3 of the Sustainable Development Goals with a view to achieving the full inclusion of children with disabilities, while working to ensure that they enjoy equal opportunities and to promote appropriate legislation, policies and action to combat discrimination.**

Awareness-raising (art. 8)

19. The Committee is concerned that biased views and negative stereotypes of persons with disabilities persist in the State party. It is also concerned by the lack of strategies specifically promoting the content of the Convention and the human rights model of disability and by the existence of private campaigns, such as the Telethon, which reinforce the charity-based approach to disability.

20. **The Committee encourages the State party, in cooperation with organizations of persons with disabilities, to combat discrimination against and stereotyping of persons with disabilities by running campaigns to raise public awareness and to promote persons with disabilities as rights holders that are aimed at society at large, public officials and private actors, including the media.**

Accessibility (art. 9)

21. The Committee notes with concern that the transportation, physical environment, information and communications facilities and services open to the public are not fully accessible to persons with disabilities, especially in areas of the State party away from the main cities. It is also concerned by the fact that there is no national body responsible for monitoring compliance with accessibility standards and imposing penalties for non-compliance.

22. In line with its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party implement an action plan to ensure the accessibility of transportation, the physical environment, information and communications, in accordance with the concept of universal design, in both rural and urban areas. The plan should provide for audits, specific time frames, penalties for non-compliance and the involvement of organizations of persons with disabilities at all stages of its development and implementation, particularly the monitoring of compliance. The Committee recommends that the State party bear in mind the linkages between article 9 of the Convention and targets 11.2, 11.3 and 11.7 of the Sustainable Development Goals.

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned that the National Emergency System (Act No. 18621) does not include any specific protocols for assisting persons with disabilities in national emergencies. It is also concerned about the limited distribution of manuals and practical guides on support for persons with disabilities in disaster risk situations, the lack of awareness among civil protection personnel of the rights of persons with disabilities and the inadequate accessibility of evacuation routes at the national level.

24. **The Committee recommends that the State party provide ongoing training for civil protection personnel on the rights of persons with disabilities. The training should include the distribution of instruments on the inclusion of persons with disabilities in disaster risk reduction strategies and provision for accessibility in the design of infrastructure and evacuation routes.**

Equal recognition before the law (art. 12)

25. The Committee is concerned that various legal provisions of the State party, in particular articles 37 and 80 of the Constitution and some provisions of the Civil Code (as amended by Act No. 17535 on persons subject to general guardianship), are contrary to the Convention and discriminate against and restrict the legal capacity of persons with disabilities.

26. **In line with article 12 of the Convention and general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal any legal provisions that partially or completely restrict the legal capacity of persons with disabilities and take specific steps to replace substitute decision-making models with a system of supported decision-making that respects the autonomy, will and preferences of persons with disabilities.**

27. The Committee is concerned at the restrictions imposed on persons with disabilities in respect of their equal right to own or inherit property, control their own financial affairs and obtain bank loans and other kinds of loans and mortgages.

28. **The Committee recommends that the State party ensure equal access for all persons with disabilities to property ownership and inheritance, loans, mortgages and the full range of financial services.**

Access to justice (art. 13)

29. The Committee is concerned that no procedural adjustments have been made to ensure access to justice for all persons with disabilities. It is also concerned about the barriers, especially of a legal nature, that prevent persons whose legal capacity has been revoked or who live in institutions from effectively participating in legal proceedings.

30. **The Committee urges the State party to allocate sufficient human and financial resources for the implementation of the National Plan on Access to Justice and Legal Protection for Persons with Disabilities, taking into account the provisions of the Convention. It recommends that the State party adopt the necessary legislative, administrative and judicial measures to eliminate all restrictions on the ability of persons with disabilities to participate effectively in proceedings of any kind. It also recommends that the State party make procedural adjustments, including the provision of live assistance and intermediaries, particularly sign language interpreters, to ensure that persons with disabilities can effectively participate, in various capacities, in legal proceedings. The Committee recommends that the State party bear in mind the linkages between article 13 of the Convention and target 16.3 of the Sustainable Development Goals, with respect to ensuring equal access to justice for all.**

31. The Committee is concerned that little has been done to act upon the observations of the Committee on the Rights of the Child concerning the administration of juvenile justice, which has a particular impact on young persons with intellectual or psychosocial disabilities. It is particularly concerned that the Code on Children and Adolescents does not respect the human rights enshrined in the Convention on the Rights of Persons with Disabilities and that, as a result, young persons with disabilities are not properly taken into consideration.

32. **The Committee urges the State party to act on the observations of the Committee on the Rights of the Child regarding juvenile justice (see CRC/C/URY/CO/3-5, para. 70) and to ensure that the Code on Children and Adolescents takes into consideration young persons with intellectual or psychosocial disabilities, in accordance with the Convention. It also recommends that the State party ensure proper access to justice for young persons with disabilities, by providing the reasonable adjustments required on grounds of their disability.**

Liberty and security of the person (art. 14)

33. The Committee is concerned at the continued validity of legislation such as Act No. 9581 of 1936 on mental health, which provides for the deprivation of the liberty of persons with disabilities on grounds of an actual or perceived psychosocial disability. The Committee is also concerned that persons who have been declared not criminally responsible on account of an impairment may be subject to security measures, including indefinite detention. It is also disturbed by the situation of persons with disabilities who are deprived of liberty in prisons and other places of detention.

34. **The Committee urges the State party to review and amend its laws, including the Mental Health Act and the Criminal Code, in order to bring its legislation into line with the provisions of article 14 and to effectively safeguard due process guarantees for persons with disabilities, particularly those with intellectual or psychosocial disabilities, and that it provide them with the necessary support during judicial proceedings. The Committee urges the State party, through the Ombudsman's Office, to legally protect all rights of persons with disabilities, provide them with proper legal assistance and ensure that their right to due process is upheld. It further recommends that the State party take steps to ensure that prisons are accessible and to provide reasonable accommodation for persons with disabilities.**

35. The Committee is concerned about the situation of persons with disabilities who are institutionalized in psychiatric hospitals or other types of long-stay residential centres on the grounds of their disability, without the free and informed consent of the person concerned, and particularly the situation of children with disabilities who have been abandoned and consequently placed in an institution.

36. **The Committee urges the State party to prohibit forced institutionalization on grounds of disability and to take steps to abolish the practice of non-consensual internment or hospitalization. The Committee's guidelines on article 14 of the Convention should be taken into account in fulfilling these recommendations.**

Freedom from torture (art. 15)

37. The Committee is concerned that insufficient resources are allocated to the prevention and monitoring of cases of torture or other cruel, inhuman or degrading treatment at centres where persons with disabilities are deprived of liberty.

38. **The Committee recommends that the State party ensure that sufficient human and financial resources are made available to strengthen the mechanism for the prevention of, and protection from, torture. It also recommends that the State party take measures to train and educate all staff working in such places of deprivation of liberty in order to ensure respect for the human rights of persons with disabilities.**

Freedom from exploitation, violence and abuse (art. 16)

39. The Committee notes with concern that the measures to eliminate violence against women with disabilities set out in the State party's disability policies are not being properly implemented. It is also concerned that other persons with disabilities, especially children and persons living in institutions, are not covered by adequate protection mechanisms against violence and abuse.

40. **The Committee recommends that the State party redouble its efforts and take all necessary legislative and policy measures to ensure the prevention of and protection from exploitation, violence and abuse, for all persons with disabilities, and to ensure the proper rehabilitation of victims in an appropriate environment. It also urges the State party to investigate properly all instances of exploitation, violence and abuse against persons with disabilities, including against women and children, in order to ensure that all instances are identified, investigated and, where appropriate, prosecuted. The Committee requests the State party to regularly collect data and statistics on the situation of persons with disabilities with regard to violence, exploitation and abuse.**

41. It is further concerned about the lack of protocols for recording, inspecting and monitoring conditions in institutions where persons with disabilities still live.

42. **The Committee urges the State party to set up an independent monitoring mechanism, in line with article 16 (3) of the Convention, to record, inspect and monitor conditions in all centres where persons with disabilities live.**

Protecting the integrity of the person (art. 17)

43. The Committee is concerned that the State party continues to implement Act No. 9581 of 1936 on psychiatric care and the mental health regulations issued by the Ministry of Health.

44. **The Committee recommends that the State party amend Act No. 9581 of 1936 and the mental health regulations issued by the Ministry of Health to require in all cases, without exception, the free and informed consent of persons with disabilities, including those whose legal capacity has been revoked, as an essential prerequisite for any surgery or medical treatment, especially those of an invasive nature and whose effects are irreversible, such as sterilization and procedures on intersex children.**

Living independently and being included in the community (art. 19)

45. The Committee is concerned about the absence of concrete initiatives to promote the deinstitutionalization of persons with disabilities and community support for independent living. It is also concerned about the contradiction between the personal assistance programme and the persistence of the medical approach in applying the law on carers.

46. **The Committee encourages the State party in its efforts to halt institutionalization and recommends that it put in place a plan, with specific time frames and an adequate budget, for the deinstitutionalization of persons with disabilities, including persons with intellectual or psychosocial disabilities, that will ensure access by persons with disabilities to necessary services and support, including personal assistance, with the goal of independent living in the community; this is to be done in consultation with organizations of persons with disabilities.**

Freedom of expression and opinion, and access to information (art. 21)

47. The Committee is concerned at the failure to implement standards on the accessibility of official television programmes on elections or in situations of emergencies or natural disasters and at the ineffectiveness of administrative and judicial mechanisms in cases of non-compliance. It is also concerned that standards and procedures on the use of Braille, sign language and other forms of communication are not in compliance with the Convention.

48. **The Committee recommends that the State party take the necessary measures to ensure the implementation of the relevant regulations and to convey all public information intended for the population at large, particularly information concerning national procedures and emergency situations and/or natural disasters, through accessible means, modes and formats of communication.**

Respect for home and the family (art. 23)

49. The Committee is concerned that the Civil Code still contains provisions that prevent persons with intellectual or psychosocial disabilities from marrying and deny persons with disabilities the right to marry and found a family on the basis of their own preferences. The Committee is also concerned about the absence of necessary support to enable persons with disabilities to exercise their reproductive rights on an equal basis with others.

50. **The Committee recommends that the State party repeal provisions that prevent persons with intellectual or psychosocial disabilities from marrying and that it take the necessary measures to support the families of children with disabilities and to enable persons with disabilities, especially women, to exercise their rights to motherhood or fatherhood without discrimination and on an equal basis with others.**

Education (art. 24)

51. The Committee is concerned at the lack of a comprehensive policy on inclusive education and at the fact that special, segregated education, using evaluations based on disability, is the norm at all levels. It is also concerned that there is no training for teachers on inclusive education, which hampers the transition to an inclusive education system.

52. **The Committee recommends that the State party implement a plan with a road map for transitioning towards high-quality inclusive education at all levels up to higher education, which provides for the training of teachers and the necessary support and resources, such as Braille and sign language, and takes into particular consideration persons with intellectual or psychosocial disabilities. It also recommends**

that the State party develop and include training on the rights of persons with disabilities as a mandatory component of teacher training and adopt a policy to prevent exclusion from education on the basis of disability. The Committee also recommends that the State party conduct awareness-raising campaigns aimed at the general public, schools and the families of persons with disabilities, in order to promote high-quality inclusive education. The Committee recommends that the State party bear in mind the linkages between article 24 of the Convention, its general comment No. 4 (2016) on the right to inclusive education and targets 4.1, 4.5 and 4.a of the Sustainable Development Goals.

Health (art. 25)

53. The Committee is concerned that mainstream health services are not accessible to persons with disabilities, particularly away from main cities in the State party. The Committee is also concerned at the lack of health professionals who are trained to ensure the right to free and informed consent, provide inclusive health care and meet the specific needs of persons with disabilities.

54. The Committee recommends that the State party adopt plans and allocate resources to ensure that mainstream health services, including sexual and reproductive health services and information, are accessible to persons with disabilities. It also recommends that health professionals in mainstream health services are trained in communicating with and treating persons with disabilities in health-care settings in the State party, observing the right to free and informed consent and other rights enshrined in the Convention. The Committee recommends that the State party bear in mind the linkages between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals.

Habilitation and rehabilitation (art. 26)

55. The Committee is concerned at the lack of data on persons with disabilities who have access to rehabilitation services and programmes and the absence of such services away from main cities.

56. The Committee recommends that the State party take the necessary measures to ensure that persons with disabilities throughout its territory have access to community-based rehabilitation services and programmes that are oriented towards social and community inclusion.

Work and employment (art. 27)

57. The Committee is concerned at the high levels of unemployment among persons with disabilities. The Committee is also concerned that the civil service employment quota for persons with disabilities has not been met. In addition, it is concerned about the lack of information on jobs and the wage structure for persons with disabilities in the private sector.

58. The Committee recommends that the State party implement specific strategies to increase the employability of unemployed persons with disabilities in the public sector, including through vocational programmes. It also recommends that the State party gather data on employability in the private sector in the open labour market. The Committee recommends that the State party be guided by article 27 of the Convention in implementing target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

59. The Committee notes with concern the number of persons with disabilities living in poverty, especially women, children and older persons.

60. The Committee recommends that the State party take concrete measures to ensure a decent standard of living for persons with disabilities and to mitigate the impact of disability-related poverty, especially its impact on groups in situations of intersectional discrimination, such as women, children and older persons with disabilities. This includes ensuring that disability-related expenses are covered and providing specific assistance for persons with disabilities through poverty reduction strategies and programmes, in close consultation with organizations of persons with disabilities. The Committee recommends that the State party bear in mind the linkages between article 28 of the Convention and targets 1.3 and 1.4 of the Sustainable Development Goals.

Participation in political and public life (art. 29)

61. The Committee is concerned that a revocation of legal capacity might prevent persons with disabilities from exercising their right to vote; it is also concerned at the low number of persons with disabilities — women in particular — who take part in political and public life. The Committee is also concerned that voting materials and polling stations are not sufficiently accessible to persons with disabilities.

62. The Committee recommends that the State party take the necessary measures to ensure that no one is deprived of the right to vote or to participate in political and public life on the basis of an impairment or of restrictions on their legal capacity, and that it step up its efforts to encourage persons with disabilities to seek elected office and posts in the public service. The Committee also recommends that the State party increase its efforts to ensure that its voting procedures, environment, facilities and materials are fully accessible to persons with disabilities.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

63. The Committee is concerned about the lack of disaggregated and comparable data on persons with disabilities in all sectors of the State party and at the lack of human rights indicators in the available data. The Committee is also concerned at the fact that the issues of gender, children and violence are not covered in the statistical data.

64. The Committee recommends that the State party increase the systematic collection, analysis and dissemination of comparable disaggregated data on persons with disabilities in all sectors. It also recommends that, in cooperation with persons with disabilities and their representative organizations, the State party develop a system of human rights indicators. The Committee recommends that the State party be guided by article 31 of the Convention in implementing target 17.18 of the Sustainable Development Goals.

International cooperation (art. 32)

65. The Committee is concerned that the principles and values of the Convention are not systematically incorporated into all the State party's international cooperation policies and programmes. It is also concerned that the rights of persons with disabilities are not mainstreamed in national plans to implement and monitor the 2030 Agenda for Sustainable Development.

66. The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, adopt an international cooperation policy in line with the Convention and mainstream the rights of persons with disabilities in the

national implementation and monitoring of the 2030 Agenda for Sustainable Development, in consultation with organizations of persons with disabilities.

National implementation and monitoring (art. 33)

67. The Committee is concerned by the fact that the Honorary National Commission on Disability serves as both an independent monitoring mechanism and a mechanism for the implementation of the Convention.

68. **The Committee recommends that the State party take steps to designate a monitoring mechanism that is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).**

Technical assistance

69. The State party can seek technical assistance from United Nations specialized agencies in implementing these recommendations.

IV. Follow-up

Dissemination of information

70. **The Committee requests that the State party provide information, within 12 months of the adoption of these concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendation contained in paragraph 68 above.**

71. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, members of the judiciary and relevant professional groups, such as education, medical and legal professionals, as well as to local authorities and the media, using modern social communication strategies.**

72. **The Committee requests the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic reports.**

73. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.**

Next periodic report

74. **The Committee requests the State party to submit its combined second to fourth periodic reports by 11 May 2023 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the**

combined reports of a State party. The replies of a State party to such a list of issues constitute its report.
