

FINAL NOTES

The 1,000 Human Rights Advocates Program trained 1,020 persons directly and 5,000 indirectly.

The first two have played an important role in collective decision making in the last two decades. The Constitution was amended by popular initiative through referendums in 1989, 1994 and 2004. In 1996, a plebiscite ratified a partial reform of the Constitution passed by Parliament that focused on the electoral system. In 1989, 1992 and 2003, three laws were submitted to referendum.

Art.72: "The enumeration of rights, duties and warranties made by the Constitution does not exclude others which are inherent to the person or derive from the republican form of government."

Art. 332: "The precepts of this Constitution that recognize rights to individuals as well as those which confer powers and impose duties on public authorities, shall not fail to be enforced due to a lack of the corresponding regulation, but this shall be supplemented using the basis of similar laws, the general principles of law and commonly accepted doctrines."

Law 17,930 of National Budget of December 19, 2005, article 229.

Law 18,446 establishing the National Human Rights Institution on December 24, 2008.

Law 17163, Law of Foundations of September 10, 1999.

Law 17,885, Social Volunteer Law of May 20, 2005.

Law 18,232, Community Broadcasting Law of December 22, 2007.

Law 17,838, Protection Of Personal Data To Be Used In Business Reports And Habeas Data Law of September 24, 2004.

Law 18,381, Access to Public Information Law of October 17, 2008.

Law 18,362, 2007 Fiscal Accountability, Article 302, October 6, 2008.

The Judiciary is exercised by the Supreme Court, the Courts of Appeals and first instance courts of the country. There are magistrates and peace courts in all the capitals of the nineteen provinces and in major cities. The Courts of Appeals (second-instance courts) and the Supreme Court are located in the capital of the Republic. Courts of Appeals are specialized by subject: Civil, Criminal, Family and Labor. Magistrates' courts also specialize in Adolescents, Customs, Competition, Family Specialized (which has jurisdiction in situations of domestic violence) and Organized Crime. There are virtually no judicial offices in towns of less than 5,000 inhabitants. The aims of the Office of the Public Prosecutor are to defend society, defend and represent the state in the instances assigned to it by law, and advise the Executive and the Judiciary when requested. It is a technical-administrative body subordinate to the Executive through the Ministry of Education and Culture, under the direct leadership of the National General Attorney. It consists of the National Prosecutors' Offices, the Deputy Court Prosecutor's Office, the Alternate Prosecutor's Office, the Provincial Prosecutors' Offices and Deputy Prosecutors' Offices; and is technically independent in the exercise of its functions. Prosecutors' Offices are also specialized on the subjects of their interventions.

Law schools provide free legal counseling in the cities where they are located as part of their curriculum. In Montevideo, law students of the Law School of the University of the Republic carry out the legal representation of low income people, supervised by their professors at offices located in impoverished areas.

Both were created by Law 17,897 of Parole and Early Release of September 14, 2005.

These include two dictators still alive, a former Foreign Affairs Minister, and eight senior police and military officers. In his ruling in the case where General (R) Gregorio Alvarez was prosecuted in December 2007, Judge Luis Charles stated that “the notion of crime against humanity did not remain frozen in the Nuremberg Charter, but evolved, was perfected and obtained autonomy, it defined its essential features (imprescriptibility, inadmissibility of amnesty, pardon, grace, political asylum and refugee status) and was materialized in the general principles of international law ranked as jus cogens. Thus, the punishment to the authors of those crimes became a universal imperative.”

Law 17,894 of Absence by Enforced Disappearance of September 14, 2005.

Law 18,026, of Cooperation with the ICC in the Fight Against Genocide, War Crimes and Crimes Against Humanity of September 25, 2006.

Law 15,848, of Expiration of the Punitive Claim of the State, December 22, 1986.

Law 18,435, of National Memory Archives, December 12, 2008.

Law 18,220, of the National Archives System of December 20, 2007.

See notes 10 and 11.

Law 17,949 of Personnel Dismissed, Disenrolled, Discharged, Moved to Reform or Similar Situations, for Political or Ideological Reasons, Modification of Pension Rights, of January 8, 2006.

Law 18,033, of Citizens That Were Barred From Employment For Political Or Labor Union Reasons between February 9, 1973 and February 28, 1985, Recovery Of Retirement And Pension Rights, of October 13, 2006.

Law 18,315 of Police Procedures, Regulatory Framework of July 5, 2008.

By Decree 145/005 of May 2, 2005, the regulations that enabled the Ministry of Internal Affairs to authorize the entry of the police force into businesses, education or health centers, and public bodies occupied by employees, workers, students or anyone else, upon express request by the owner of the company or the competent authorities of the institutions concerned, were repealed. By Decree 109/005 of March 14, 2005, the regulations that allowed the police to use coercive measures to take any involved persons and witnesses to police facilities for the purposes of interrogation, were repealed .

Law 18,362, of 2007 Fiscal Accountability, Article 115, of October 6, 2008.

The procedures performed increased from 403 in 2004 to 817 in 2008 and the number of arrested persons in those years grew from 329 to 668.

Law 18250, of Migrations of January 6, 2008.

In the Report on the Millennium Goals, as national goals for 2015, commitments were made to “the eradication of extreme poverty or indigence, defined as the population whose income is insufficient to afford a basic food basket” and “the reduction the entire population living in poverty to half compared to the levels in 1990.” In 2005, after the economic crisis of 2002, the worst since the third decade of the twentieth century in Uruguay, the new government adopted the elimination of poverty and indigence which included hundreds of thousands of Uruguayans as a key priority. Poverty and indigence had reached unknown levels in Uruguay (30% and 4% respectively), a historically egalitarian country in Latin America, the most unequal continent on the planet.

The PANES integrated a range of targeted programs with diverse results. A campaign for the right to identity in which processed 30,000 identity cards was carried out. More than 96,000 people over 15 years of age with incomplete primary education and 11,052 that had never attended school were detected. Thus,

the program “En el país de Varela, yo sí puedo” implemented, with more than 4,000 participants having attended a literacy course. A monthly transfer of money through a magnetic card, to 62,000 households with children under 18 years of age was implemented for the purchase of food and hygiene items in a network of 500 small businesses across the country. A total of 1,990 patients with visual problems traveled to Cuba for surgery, while in Montevideo, 13,000 students went through ophthalmologic review and 2,000 got their eyeglasses made. More than 2,400 people living on the street received shelter, food, clothing, health care and social support in the network of shelters. Socio-educational, employment and production programs were implemented for 25% of the households that participated in the PANES: 15,000 people performed community work for five months, six hours a day, with compulsory training. Finally, 5,642 participants of these activities were placed in an oral health program.

Law 18,083, Fiscal System Reform of December 28, 2006.

Law 17,866, Creation of the Ministry of Social Development of March 21, 2005.

Examples of this are programs that serve people living on the streets, the assistance to socio-productive projects of urban solid waste informal recyclers, the socio-cultural inclusion life of imprisoned people or the support to guarantee the universal right to identity documents or know how to read and write.

Social Observatory of MIDES: <http://mides.redirectme.net/mides/portalMides/portalMides/portal.php>

Law 18,437, Education Law of December 24, 2008.

Law 18,131, establishing the National Healthcare Fund on May 18, 2007; Law 18,161, creating the Healthcare Services of the State on July 29, 2007; and Law 18,211 implementing the National Healthcare System, December 5 2007.

Health care in this new system is guided by the principles of universality, continuity, timeliness, quality, interdisciplinary and teamwork, centralized regulation and decentralized implementation, social and economic efficiency, humanitarian attention, democratic management, social participation and user's right to informed choice about their situation.

Additional elements are the reduction of co-payments (such as medicine tickets for the general population and the hypertensive population in particular), free access for diabetic population, free pregnancy control tests, free preventive examinations for women, nine free preventive controls for children under 14 months, and attention for drug abusers under 18 and support to their families. Health system reform has launched a process that emphasizes the human right of access to health care through the principle of solidarity contribution, materialized in a strong redistribution of resources between the healthy and the sick, the young and the elderly, the wealthy and the poor, and by region according to their development level. This has enabled universal access to health care and greater social justice in the financial burden of illness. Today, 100% of Uruguayans have a health care provider.

Law 18,335, of Patient Rights of August 15, 2008.

Law 17,940 of Union Leader Immunity, of January 2, 2006.

Laws 18,098, 18,099 and 18,215, of Business Decentralization passed in 2006-2007.

Law 18,065 of Domestic Workers, of November 27, 2006.

Law 18,441 of Limitation of Working Hours of Rural Workers, December 24, 2008.

Law 18,406, establishing the National Institute of Employment and Vocational Training on October 24, 2008.

Law 18,345, of Employees in the Private Sector, Granting of Special Leaves for Certain Cases, of September 11, 2008.

In this four-year period 7,267 new homes were built and delivered and procedures for the construction of 11,424 additional homes were initiated, all aimed at households with lower income. 1,600 credits for the purchase of used houses will be reached by late 2009. The rent guarantee system for private sector workers was implemented and 1,068 rent guarantees for the capital city were granted (the granting of 987 rent guarantees for the cities of the provinces is planned for this period of government), along with 9,600 loans and grants for improvements and expansion of housing.

Article 47 of the Constitution provides that: “the public sanitation and water supply for human consumption services shall be provided exclusively and directly by state legal entities.” Moreover, in 1996, a constitutional reform had given constitutional status to environment protection, through this article, stating that: “Environmental protection is of general interest. People should refrain from any act that may cause deprecation, destruction or serious pollution to the environment. The law shall regulate this provision and may provide for penalties for transgressors.”

Decree 349/05 regulating Act 16,466 of 1994.

Law 17,234, Declaration of General Interest for the Creation and Management of a National System of Protected Areas as a Tool for Implementing Environmental Protection National Policies and Plans, of February 22, 2000.

Law 18,308 of Land Development and Sustainable Development, General Regulatory Framework of June 18, 2008.

Decree 260/07.

The lack of enforcement capacity of the approved regulations and difficulties in negotiating the funding, which by law should be provided by business owners that introduce non-returnable packaging to the market, have delayed the widespread implementation of the new recovery method.

Law 18,284, establishing the Institute of Cinema and the Audiovisual of Uruguay of May 16, 2008.

Law 18,384, Charter of the Artist and Related Trades of October 17, 2008.

Law 18,238, Institución Teatral El Galpón (independent theatre), The Executive is Authorized to Transfer a Certain Sum, December 26, 2007.

The purpose was defined as: “to exercise, as governing body of gender policies, the functions of promotion, design, coordination, articulation, as well as monitoring and assessment of public policies, ensuring equal rights and equal opportunities for women and men, ensuring participation at political, economic, social, territorial and international levels.”

Sanctioned by the ministerial decree of May 15, 2007.

In these four years, significant progress was made in the mainstreaming of gender in public policy through the implementation of a policy on domestic violence, the promotion of social and political participation of women, the territorialization of policies from that perspective, and the strengthening of the governing mechanism of gender policies at international level.

Law 18,104, General Interest Declaration for the Efforts for Equal Rights and Opportunities of Men and Women in the Republic of March 15, 2007.

The following actions were carried out: installation of Provincial Commissions for the Fight Against Domestic Violence in seventeen provinces; training and awareness raising on domestic violence for

judges, prosecutors, lawyers, professional law-enforcement officers, health and education professionals and police officers; opening of specialized public services for the attention of women who suffer domestic violence in different provinces; preparation of Procedure Guidelines for dealing with situations of domestic violence for health care operators and police officers; design of a National Information System On Domestic Violence; coordination and networking with public institutions and civil society organizations to implement measures to fight against domestic violence.

Law 17,815 refers to those who may pay or promise to pay or give an economic advantage or of any other nature to a minor or incompetent person of either sex, in exchange for carrying out sexual acts; as well as to those who may contribute to prostitution, exploitation and/or sex servitude of minors or incompetent persons, with abuse of domestic relations or authority, public or private, or by a police officer being aggravating circumstances. The same penalty is provided for anyone who may in any way encourage or facilitate the entry or exit from the country of minors or incompetent persons, for prostitution or sexual exploitation purposes. The manufacturing, trade and dissemination of pornographic material involving minors or incompetent persons is also punished.

Program approved and declared a priority by the Presidency of the Republic in 2008.

In 2008, they totaled 5,656.

Law 17,817, Fight Against Racism, Xenophobia and Discrimination, of 6 September 2004.

Law 18,246 of Civil Union, Regulation, of December 18, 2007.

A bill granting the right of adoption to civil unions, under discussion in Parliament, has been passed by the Senate and awaits approval at the House of Representatives. In 2007, sex education was introduced in primary and secondary education curricula.

They include: the Honorary Counsel to the President of the Republic in Matters of Racial Equality; the Department of Promotion and Coordination of Public Policies of Affirmative Action for African Uruguayans of the Human Rights Department of the MEC (by Ministerial Resolution in October 2006); the Secretariat for African Uruguayan Women of the National Women's Institute and the Counsel for Issues and Questions of Young African Uruguayans to the Director of the Institute of Youth, both of which are located under the Ministry of Social Development; and the Office of African Affairs at the Ministry of Housing, Land Development and Environment.

Law 18,059, National Day of Candombe, African Uruguayan Culture and Racial Equality, of November 20, 2006.

See note 15.

Law 17,684, Creation of the Parliamentary Commissioner, of August 29, 2003.

Law 18,094 of Disabled People, The Concepts To Refer To Them In Regulations Are Amended And Regulations For Their Admission To The Civil Service Are Established, of January 9, 2007.

See note 29.

This last decision was incorporated by our country by Law 18,349, of Agreement Against the Illegal Trafficking in Migrants Among State Parties of MERCOSUR, September 15, 2008; and Law 18,350 of Agreement Against the Illegal Migrants Among State Parties of MERCOSUR, the Republic of Bolivia and Chile, September 15, 2008.

Law 18,076 of Refugee Statute of December 19, 2006.

Law 18,382 of Convention of Refugee Resettlement of October 7, 2008.

Figure that shows the evolution of public expenditure on human rights by area (2004-2007) in millions of constant 2003 pesos:

