



**International Human Rights
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Uruguay*

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I. Land and people

A. Geographic and demographic characteristics

1. The Eastern Republic of Uruguay is located on the left bank of the Río de la Plata and the Uruguay River. It is bounded to the west by Argentina and to the north-east by Brazil and has coasts on the Atlantic Ocean to the south-east and the Río de la Plata to the south. The capital is Montevideo.

2. Most of the population is of European ancestry, mainly the descendants of Spanish, Italian and French immigrants who arrived in the country in massive waves in the late nineteenth and early twentieth centuries. According to data from the 2011 census conducted by the National Institute of Statistics, this group accounts for 93.9 per cent of the country's population. The population of African descent accounts for 8.1 per cent of the total and is highly concentrated in the capital and the northern part of the country, mainly in areas along the border with Brazil. Persons of African descent are thus the country's largest ethnic and racial minority. It is estimated that persons of indigenous descent account for 5.1 per cent of the population, whereas persons of Asian descent account for 0.5 per cent and unspecified others for 0.2 per cent.¹

3. The official language is Spanish and, as stated in article 5 of the Constitution, Uruguay has complete freedom of worship and no State-supported religion.

4. Land area:

- Total area: 318,392 km²
- Land area: 176,215 km² (± 64 km²)
- Island area in the Uruguay River: 105 km² (± 4 km²)
- Area of territorial waters: Uruguay River, 528 km² (± 40 km²)
- Area of territorial waters: Mirim Lagoon, 1,031 km² (± 20 km²)
- Area of territorial waters: Río de la Plata, 15,240 km² (± 20 km²)
- Area of territorial sea: 125,057 km² (± 9 km²)
- Area of Rincón de Artigas: 237 km² (± 6 km²)
- Average altitude: 116.70 m
- Maximum altitude: Cerro Catedral in the Sierra Carapé, 513.66 m
- Coordinates: Latitude: 34°22'58"S
- Longitude: 54°40'26"W

Demographic characteristics²

		<i>Montevideo</i>	<i>Interior</i>
Total population	3 286 314	1 319 108	1 967 206
Male	1 577 725	613 990	963 735
Female	1 708 481	705 014	1 003 467
Percentage of total population	100.0	40.1	59.9

¹ The 2011 census allowed respondents to identify more than one ethnic or national origin, which explains why the total comes to more than 100 per cent. However, there was also a question about what the respondents considered to be their primary ancestry. Ancestry concerns a person's subjective perception of himself or herself; it does not refer to country of origin.

² Source: National Institute of Statistics. 2011 census, final figures.

B. Economic, social and cultural characteristics³

- Nominal gross domestic product (GDP) (at current prices) in 2019: US\$ 56.046 billion (*source*: World Bank)
- Labour force participation rate: 50.8 per cent⁴
- Employment rate: 46.3 per cent⁵
- Unemployment rate: 4.5 per cent⁶
- Underemployment rate: 9.6 per cent⁷
- In 2019 public debt was €33.181 billion, or 66.4 per cent of GDP, and per capita debt was €9,430⁸
- Illiteracy rate of the population aged 15 years and over in 2019: 1.24 per cent.⁹

II. General political structure

A. Political and economic history

5. Uruguay has historically stood out for its adoption of social legislation that is ahead of its time. Special legislation on the rights of the child dates back to 1934, when the Children's Code was promulgated and entered into force.

6. From 1930 to 1960, economic growth indicators were good, and child mortality and literacy rates were major social benchmarks attesting to the living conditions of the majority of the population. Between 1974 and 1985, the country was ruled by a civilian and military dictatorship, which had consequences in terms of respect for human rights and fundamental freedoms.

7. The peaceful solution and non-violent transition in 1985 were the result of a significant effort by all sectors of society. As a result of the changed political situation in the country, the new leaders were able to develop long-term policies that temporarily overcame the country's economic deficits.

8. The 1990s were characterized by structural adjustment programmes, which were applied throughout Latin America to varying degrees, based on recommendations from the major international financial institutions. At the regional level, the Treaty of Asunción establishing the Southern Common Market (MERCOSUR) was signed in 1991 between Uruguay, Argentina, Brazil and Paraguay.

9. The Uruguayan economy experienced growth under the aforementioned conditions until 1999, when, triggered by an unfavourable regional context and exacerbated by domestic macroeconomic measures, a crisis arose. The economic crisis led to an increase in poverty and indigence and to a sharp rise in unemployment and emigration and is therefore considered to be the most severe economic crisis in the country's modern history. It peaked in 2002, when the financial system collapsed and the fallout spread to the economy as a whole. Per capita GDP fell by 30 per cent between 1999 and 2002, inflation surged after several years of stability, and the value of the local currency plunged, while the unemployment rate reached 17 per cent.

10. In the mid-1960s, a protracted downturn in the economy caused Uruguay to become a country of emigration, rather than immigration, for the first time. Emigration peaked in the

³ *Source*: World Bank, Central Bank of Uruguay and National Institute of Statistics.

⁴ *Source*: National Institute of Statistics, 2019.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Source*: Ministry of Economic Affairs and Finance, Sovereign Debt Management Unit.

⁹ *Source*: National Institute of Statistics, continuous household survey, 2019.

mid-1970s, when many people went into political exile or departed owing to the unfavourable economic climate.¹⁰

11. In the past 50 years, emigration has become a structural phenomenon in the country. Periods of increased emigration coincide with those in which the effects of economic crises on employment and on household income are heightened. The existence of established expatriate communities abroad is also a major reason for increased emigration. Accordingly, a high level of emigration was an expected consequence of the crisis experienced by the country in the early 2000s, and its key feature was the large proportion of young emigrants with medium and high education levels. It is estimated that approximately 100,000 people emigrated between 1996 and 2003, while approximately 440,000 people, or about 13.9 per cent of the resident population, emigrated between 1964 and 2004.¹¹

12. Research by the Ministry of Social Development¹² indicates that the migration trend has reversed since 2009 as a result of the combination of three factors: (a) a decrease in emigration flows; (b) an increase in return flows; and (c) increased immigration from Latin American and Caribbean countries.

13. The country's economic recovery began in 2003. By 2004, the unemployment rate had fallen by four percentage points, while between 2006 and 2013 Uruguay posted an average annual growth rate of 5.5 per cent. In July 2013, the World Bank classified Uruguay as a high-income country, as its gross national income per capita came to US\$ 13,580.

14. This economic performance has enabled the country to consolidate the structural improvements made after the 2002 crisis and to protect itself from external shocks such as the international crisis of 2008–2009. Despite the negative effects and global uncertainty, annual economic growth was 4.4 per cent in 2013, rates of unemployment fell to historic lows (6.3 per cent) and substantial progress was made in reducing poverty and indigence: in 2018, 5.3 per cent of households and 8.1 per cent of people were living below the poverty line,¹³ while 0.1 per cent of both households and people were living below the indigence line.¹⁴ Uruguay has diversified its export markets to reduce dependence on its main trading partners and has continued to bring down its public debt-to-GDP ratio. It has also managed to lower the cost of debt, lessen dollarization and extend the maturity profile of its financial obligations.

15. The regional integration arrangements to which Uruguay is a party include the Latin American Integration Association, MERCOSUR and the Community of Latin American and Caribbean States. These entities, within their areas of competence and geographical scope, focus on uniting the Latin American region and forging a shared identity.

B. Structure of the Government

16. Section IV of the Constitution, entitled “Form and branches of government”, contains provisions governing the tasks of the different branches of the State and their relations with each other. Article 82 states as follows: “The nation shall adopt a democratic, republican form of Government. Sovereignty shall be exercised directly by the electorate through elections, initiatives and referendums, and indirectly by the representative branches established by this Constitution, in accordance with the rules contained herein.”

¹⁰ M. Koolhaas and M. Nathan, *Immigrantes internacionales y retornados en Uruguay: magnitud y características. Informe de resultados del Censo de Población 2011*, National Institute of Statistics (Montevideo, 2013).

¹¹ A. Pellegrino and A. Vigorito, *Informe sobre emigración y remesas en Uruguay*, unpublished consultancy report prepared for the Inter-American Development Bank, 2003.

¹² Ministry of Social Development, *Caracterización de las nuevas corrientes migratorias en Uruguay. Nuevos orígenes latinoamericanos: estudio de caso de las personas peruanas y dominicanas*, final report (Montevideo, 2017).

¹³ National Institute of Statistics, *Estimación de la pobreza por el método de ingreso 2018*.

¹⁴ Ibid.

17. Uruguay is a presidential republic divided into 19 departments and 89 municipalities. The central Government is made up of three branches, and the review bodies are the Court of Audit, the Electoral Court and the Administrative Court.

(i) Executive branch

18. Executive authority is exercised by the President of the Republic, acting in agreement with the competent minister or ministers or with the Council of Ministers. The Vice-President of the Republic stands in for the President in the temporary or permanent absence of the latter and presides over the General Assembly and the Senate.

19. Both the President and the Vice-President are directly elected by the people by an absolute majority of votes, and each political party presents a single pair of candidates for President and Vice-President.

20. The President and Vice-President must be natural-born citizens of Uruguay and be at least 35 years of age. Their term of office is five years and they may be re-elected provided that five years have elapsed since the end of their previous term.

21. The Council of Ministers consists of the heads of the various ministries and is exclusively responsible for all acts of government and administration proposed by the President of the Republic or by the ministers on topics relating to their ministries. Membership of the Council is subject to the same requirements and disqualifications as membership of the Senate. At present, Uruguay has the following ministries:

- Ministry of Defence
- Ministry of Economic Affairs and Finance
- Ministry of the Interior
- Ministry of Foreign Affairs
- Ministry of Labour and Social Security
- Ministry of Livestock, Agriculture and Fisheries
- Ministry of Transport and Public Works
- Ministry of Industry, Energy and Mining
- Ministry of Social Development
- Ministry of Health
- Ministry of Education and Culture
- Ministry of Tourism and Sport
- Ministry of Housing and Land Management
- Ministry of the Environment.¹⁵

22. Article 168 of the Constitution establishes the responsibilities of the President of the Republic, acting either with the competent minister or ministers or with the Council of Ministers. They include the following:

- (a) Preserving internal order and peace and external security;
- (b) Exercising supreme command of all the armed forces;
- (c) Publishing and circulating all laws, enforcing them and issuing such special regulations as may be necessary to implement them;
- (d) Informing the legislature of the state of the Republic and of the improvements and reforms that he or she deems worthy of its attention;

¹⁵ Established by article 291 of Act No. 19889 of 9 July 2020.

(e) Objecting to or commenting on bills sent to him or her by the legislature, and proposing new bills or amendments to laws previously adopted;

(f) Appointing consular and diplomatic personnel, with the obligation to seek the agreement of the Senate or, if the Senate is in recess, the standing committee, for heads of mission;

(g) Appointing the Attorney General and the other State prosecutors, with the consent of the Senate or, if appropriate, the standing committee;

(h) Decreeing the severance of relations and, in accordance with a prior resolution of the General Assembly, making a declaration of war, in the event that arbitration or other peaceful means of avoiding war have been unsuccessful;

(i) Concluding and signing treaties, with the approval of the legislature being necessary for their ratification.

(ii) Legislative branch

23. Legislative authority is exercised by the General Assembly. It consists of two houses: the House of Representatives or Deputies and the Senate. The responsibilities of the General Assembly include:

(a) Adopting laws relating to the independence, security, tranquillity and honour of the country, to the protection of all the rights of the individual and to the promotion of education, agriculture, industry and domestic and foreign trade;

(b) Declaring war and adopting or rejecting, by an absolute majority of the full membership of both houses, such treaties of peace, alliance or trade and conventions or contracts of any nature as the executive branch may conclude with foreign Powers;

(c) Introducing the necessary taxation to meet budgetary expenditure; determining its distribution, means of collection and investment; and eliminating, altering or increasing existing taxes;

(d) Electing, in a joint session of both houses, the members of the Supreme Court of Justice, the Electoral Court, the Administrative Court and the Court of Audit.

House of Representatives

24. The House of Representatives has 99 members elected directly by the people, under a system of proportional representation that takes into account the votes cast for each party throughout the country. Representatives hold office for five years.

25. Representatives must either be natural-born citizens or have been naturalized citizens for at least five years and must be at least 25 years of age.

26. Article 93 of the Constitution states that the House of Representatives has the exclusive right of impeachment, before the Senate, of members of either house, the President and the Vice-President of the Republic, ministers of State and members of the Supreme Court of Justice, the Administrative Court, the Court of Audit and the Electoral Court for violation of the Constitution or other serious offences, after having taken cognizance of the matter upon petition by a party or by one of the members, and having decided that there are grounds to proceed.

Senate

27. The Senate has 30 members elected directly by the people in a single voting district under a system of full proportional representation. It also includes the Vice-President of the Republic, who is a full member and presides over both the Senate and the General Assembly. Senators hold office for five years.

28. Senators must either be natural-born citizens or have been naturalized citizens for at least seven years and must be at least 30 years of age.

29. The Senate has the authority to initiate public proceedings against persons impeached by the House of Representatives or by the departmental legislature, as the case may be, and

to deliver judgment, the sole effect of which is removal from office, by a vote of two thirds of the full membership.

(iii) Judiciary

30. Judicial authority is exercised by the Supreme Court of Justice and by the courts and tribunals, as prescribed by law.

31. The judicial hierarchy is as follows:

- Supreme Court of Justice
- Courts of appeal
- Courts of first instance
- Magistrates' courts
- Courts of minor offences

32. The Supreme Court has five members, who are appointed for a period of 10 years by the General Assembly. The Supreme Court is responsible for appointing judges of all other ranks and categories, by an absolute majority of the members.

33. All holders of positions in the judiciary must be qualified lawyers or notaries.

34. Access to the courts is free of charge for persons declared poor under the law.

(iv) Departmental administration

35. The government and administration of each of the 19 departments, with the exception of law enforcement, are the responsibility of a departmental legislature and a governor.

36. The governor is elected directly by the people for a term of five years and may be re-elected only once. Political parties present one gubernatorial candidate each, chosen through primary elections.

37. The governor is responsible for the executive and administrative functions of the departmental government, whereas the departmental legislature is responsible for legislative and oversight functions.

38. The departmental governments have administrative and financial autonomy vis-à-vis the national Government.

39. Municipal elections are held at the same time as departmental elections to elect members of the municipal councils. Each municipal council has five members, who are elected by voters in the corresponding municipal voting district.

40. The first person on the list receiving the largest number of votes of the party with the largest number of votes in the municipal district is appointed as mayor and presides over the municipal council. In order to serve as mayor, a candidate must have been elected and declared a member of the municipal council.

41. The remaining members are known as councillors, who serve without remuneration.

42. The requirements for becoming a member of a municipal council are the same as those for serving as a departmental legislator.

43. Members of departmental legislatures, governors, employees of departmental governments and civil servants, among others, may not become members of municipal councils.

(v) Administrative Court

44. The Administrative Court hears applications to nullify administrative decisions of the Government that are contrary to a rule of law or constitute an abuse of authority. It exercises judicial review over State actions and has five members. Nullification proceedings may be initiated by anyone having a right or a direct, personal and legitimate interest that has been violated or harmed by the administrative decision.

45. When the Court nullifies a decision, the claim for redress must be brought before the ordinary courts to determine the injury caused. Such cases are heard by the ordinary administrative courts.

(vi) Electoral Court

46. The Electoral Court has jurisdiction over all electoral acts and procedures and has supervisory authority over the electoral bodies.

47. It has nine members, of whom five are appointed by the General Assembly and must be citizens whose position on the political spectrum guarantees their impartiality. The other four members are elected by the General Assembly and represent the main political parties.

III. General legal framework within which human rights are protected

48. Fundamental human rights are protected by the Constitution, which provides for civil and political rights (arts. 7–40) and economic, social and cultural rights (arts. 40–71). Article 72 recognizes that the list is not exhaustive, since the other rights that are inherent in the human person or that derive from the republican form of government cannot be excluded from State protection.

49. The fundamental rights set out in the various international human rights instruments to which Uruguay is a State party have thus been enshrined in the Constitution, and the exercise of those rights is, in most cases, regulated by law.

50. In principle, a treaty that is in force and has been ratified by Uruguay is directly applicable under domestic law and may be invoked before the country's courts, unless the treaty itself provides otherwise or the structure of the international standard makes this impossible.

51. For an international standard to be applicable domestically, the executive must express the will of the State by signing or acceding to an international instrument. It is the responsibility of the legislature to adopt and incorporate the instrument into domestic legislation, after which the executive deposits the instrument of ratification or accession. Thus, the procedure for expressing the Uruguayan State's consent to be bound internationally requires the adoption of enabling domestic legislation.

Authorities responsible for ensuring respect for human rights

52. Uruguay has a number of institutional human rights mechanisms, in particular the Human Rights Secretariat of the Office of the President. The Secretariat was created by Act No. 19149 on the statement of accounts for fiscal year 2012 (art. 67) to replace the Human Rights Directorate of the Ministry of Education and Culture. It is run by a governing board composed of the Secretary of the Office of the President, the Minister for Foreign Affairs, the Minister of Education and Culture, the Minister of the Interior and the Minister of Social Development and is responsible for mainstreaming human rights in the public policies of the executive branch.

53. The mission of the Human Rights Secretariat for the Recent Past, which is also part of the Office of the President and is continuing the work of the former Secretariat for Follow-up on the Peace Commission, has been strengthened through an expansion of its mandate and areas of responsibility.

54. Currently, a number of national institutions have offices with specific responsibility for human rights issues in the areas that are within their competence. The Ministry of Foreign Affairs, for example, has a Directorate of Human Rights and Humanitarian Law, an Ethnicity and Race Unit and a Gender Commission, with one of the objectives being to ensure the mainstreaming of these issues in the institutional framework and ministerial decision-making.

55. In addition, in order to implement measures, receive complaints and prevent rights violations, many commissions and councils have been established, including the Honorary

Commission against Racism, Xenophobia and All Other Forms of Discrimination, the National Advisory Council on Domestic Violence, the Honorary Council on the Rights of Children and Adolescents, the National Council on Sexual Diversity, the National Advisory Council for Ethnic and Racial Equity and People of African Descent and the National Council to Prevent and Combat Human Trafficking and the Exploitation of Persons.

56. Act No. 17684 of 29 August 2003 established the position of Parliamentary Commissioner for the Prison System, whose responsibilities include advising lawmakers on monitoring compliance with domestic legislation and international conventions ratified by Uruguay concerning the situation of persons deprived of liberty as a result of judicial proceedings, and supervising the work of the bodies responsible for running the prisons and facilitating the social reintegration of prisoners and released prisoners.

57. The Commissioner, who is independent, is empowered to:

(a) Promote respect for the rights of all persons deprived of liberty as a result of judicial proceedings;

(b) Request information from the prison authorities on the living conditions of prisoners;

(c) Make recommendations to the prison authorities. These recommendations are not binding, but if the authorities decide not to act upon them, they must give their reasons to the Commissioner in writing, by a strict deadline and on pain of liability for negligence;

(d) Receive complaints and allegations concerning violations of prisoners' rights;

(e) Inspect prison facilities;

(f) File applications for remedies of *amparo* or habeas corpus and bring criminal complaints;

(g) Cooperate with entities that promote respect for human rights.

58. In addition, in 2008 the National Human Rights Institution and Office of the Ombudsperson was established as an autonomous institution within the legislative branch, in compliance with the 1993 Paris Principles adopted by United Nations General Assembly resolution 48/134 and with the commitments made under the Vienna Declaration and Programme of Action adopted at the 1993 World Conference on Human Rights.

59. This institution is responsible for the defence, promotion and protection of human rights, and it may recommend institutional mechanisms for ensuring the processing of complaints of human rights violations and take appropriate action. One of its objectives is to provide greater safeguards for individuals' effective enjoyment of their rights and to see that laws, administrative practices and public policy conform to international human rights standards.

60. The National Human Rights Institution and Office of the Ombudsperson obtained A status accreditation in May 2016, demonstrating that it complies fully with the Paris Principles.

61. In September 2019, the Uruguayan Parliament passed Act No. 19822, whereby the National Human Rights Institution and Office of the Ombudsperson was given the mission of searching for persons who were detained and disappeared in the context of the illegitimate action of the State between 13 June 1968 and 26 June 1973 and during the period of State terrorism from 27 June 1973 to 28 February 1985.

62. In 2013, the National Mechanism for the Prevention of Torture, which has worked on the issue of adolescents entering the juvenile justice system, was established as part of the National Human Rights Institution and Office of the Ombudsperson.

63. The Parliamentary Commissioner for the Prison System also acts as a national mechanism for preventing torture in the adult prison system.

64. Finally, it should be noted that the operations of the Parliamentary Commissioner for the Prison System and the National Human Rights Institution and Office of the

Ombudsperson, including their investigations, publication of reports and implementation of budgets, are not subject to any form of control by the State.

International commitments

65. Uruguay has ratified all the fundamental treaties for the protection of human rights and the optional protocols thereto. The country also cooperates with all the bodies of the United Nations system and has extended a standing invitation to the special procedures, while continuing to honour its commitments and to make voluntary contributions to the universal system.

66. In addition, Uruguay is now up to date with the various bodies that monitor the implementation of international human rights treaties. Since its first universal periodic review, in 2009, Uruguay has submitted reports to the Committee on Economic, Social and Cultural Rights (2015), the Committee on the Elimination of Racial Discrimination (2020), the Committee on the Elimination of Discrimination against Women (2015), the Committee against Torture (2018), the Committee on the Rights of the Child (2012), the Committee on Enforced Disappearances (2019), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (2019), the Committee on the Rights of Persons with Disabilities (2013) and the Human Rights Committee (2019).

67. At the regional level, Uruguay has ratified the 1969 American Convention on Human Rights, which established the Inter-American Court of Human Rights and set out the powers and procedures of both the Court and the Inter-American Commission on Human Rights.

68. As a founding member of the United Nations Human Rights Council, Uruguay served two terms (2006–2009 and 2010–2012), playing a leading role and serving as President from June 2011 to December 2012. It is currently serving its third term, for the period 2019–2021.

69. In 2015, Uruguay signed the Inter-American Convention on Protecting the Human Rights of Older Persons, which is the first legally binding international instrument on this issue.

70. In addition, the inter-American system has a rapporteurship on the rights of lesbian, gay, bisexual, transgender and intersex persons. In this regard, Uruguay has made significant progress at the national and international levels, having signed a memorandum of understanding on joining the Global Equality Fund.

71. The country's leadership in the area of human rights and humanitarian law is also demonstrated by its participation in United Nations peacekeeping operations, to which it is one of the chief contributors of troops. Furthermore, Uruguay provides training to forces from other countries, for whom the Uruguayan presence in conflict zones serves as a model. It also promotes greater participation by women and observes a code of conduct that is considered exemplary by the Secretary-General of the United Nations. In this regard, in 2020 Uruguay co-chaired, with Canada, the Women and Peace and Security Focal Points Network. Uruguay is strongly committed to the protection of civilians and contributes tangibly to safeguarding their lives in conflict situations where United Nations peacekeeping operations are deployed. Uruguay has also given priority to strengthening the civilian protection mandates of peace operations. Accordingly, the Ministry of Foreign Affairs and the Ministry of Defence have worked to upgrade training on child protection in peacekeeping operations, for which purpose a memorandum of understanding was signed with the United Nations Children's Fund and the organization Keeping Children Safe.

72. The participation of Uruguay as a non-permanent member of the United Nations Security Council for the period 2016–2017 was a significant demonstration of the respect that Uruguay has earned in the international arena. It also represented a new challenge, half a century after the country's first term as a member of the Security Council (1965–1966).