

## Uruguay response

April 30, 2014

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### Top issues found:

- Reform of criminal system and new criminal procedural code
- Delay of remaking of criminal codes
  - o We will redistribute the penal code, putting human life above all.
- Justice system was reorganized in 1988-1989
- In 2012, 9,000+ people were listed under “people deprived of liberty”
- Over crowdedness is being dealt with now
- People deprived of liberty are more able to participate

### Health care in the prison system:

- When it comes to health care, ACE – including women’s prisons and in Molino, are assisted
- Health assistance is covered by penitentiary assistance which covers all other departments of Uruguay
- Assistance for PDL is also mentioned here
- Detention centers will have specialized staff in healthcare and healthcare related to adolescents – aided by the 5 million euros given
- Awareness raising has been carried out for healthcare professionals
- National plan in place in 2014 for people deprived of liberty – implemented as a means to improve lives of these people (which was noted as a place of improvement in previous years)
- Istanbul protocol was a key element of a week long course in 2013 in the medical faculties working to train doctors, etc.

### Problems related to fires:

- A fire in Rocha killed 6 persons deprived of liberty – now the facility has closed down.
- Another fire occurred and killed 5 PDL

### Domestic violence:

- Police have been attributed with this
- Uruguay is united to put an end on violence against children and women
- Care for minors:
  - o Interdisciplinary approaches are being strengthened to deal with children
  - o Child population as a secondary victim of domestic violence is important because it causes adverse affects to their development. They must be given importance involved health, education, public security, etc

- Approval of Act 1818 which compensates children who have parents died as a result of domestic violence

## MINORS AND JUVENILES IN CONFLICT WITH THE LAW

- New normative framework on the new adolescents deprived of liberty
- The increase in these numbers has not been due to 1877 laws or 18755
- We are trying to reach the figure of zero
- 1877 extends the period of detention and 18778 extends criminal records for minors – these are special norms that are only used for very harsh behavior – rape / sequestration / murder / etc
- House arrest and provisional internment should not last more than 60 days unless there are extreme cases where it can go up to 90 days. The adolescent after has to be released, unless the person is accused
- The minor must appear in the main procedural actions concerning him or her and one must ensure security of the victim
- Punishments are based on complex nature of the whole subject. Sufficient guarantees need to be ensured when dealing with the deprivation of liberty of an adolescent
- The judge is not obliged to keep this interim procure in place for 90 days – only used when it really needs to be used
  - o The application of these norms has not increased the number of those tried
  - o 1,989 adolescents went through this system in 2012
  - o In 2013, a total of 2008 went through the system – 1,031 deprived of liberty, 633 who were not
- The first year of the application of the norm has gone by and we have seen that the length of time that adolescents stay in the system has changed
- Adolescent is someone who is not fully formed, and we understand that
  - o State must ensure that minors are not excluded from society. To do this, we need to educate and help minor develop good social behaviors and will lead to the adolescent recovering from his rights
  - o In 2011, institution objective was to decrease the escapes. It used to be around 600 in 2010 and now reaches around 0
- The fundamental principle is to ensure the time in the system is not just a period of time of the person serves, but has a real result in the lives and improvement of the minor
- We want to give back the rights of the child who lost them
- Judges handing down sentences without reports from technical teams:
  - o This norm took into the account of more norms being provided. When the time period is up, the judge should not hand down a ruling which is not based on technical report. If the report is not available, the judge must release the minor

- In 2013 a new module with 24 places were made for centers of deprivation. Has solar panel for heating water and each room has 2 people per person. Module 2 which was reported to have bad conditions moved the children to module 4
    - o We are ordering the planning of more renovations to help these conditions
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- We see that better societies and relations with NGO and these organizations can improve problems with youth
- A. GAYE:
  - o The issue of justice for minors is always of concern for the international community
  - o You spoke about the maximum 90 days, but we see a trend in Uruguay that they treat children like adults
  - o Lets establish a better policy to protect minors
- Drugs are seen as a grave problem in prisons, as well as tuberculosis and HIV