

Parallel Report of Uruguayan Chapter - Inter-American Platform for Human Rights, Democracy and Development, to the Committee on Economic, Social and Cultural Rights¹

Abstract

The present parallel report was elaborated by the Uruguayan Chapter of the Inter-American Platform for Human Rights, Democracy and Development: Amnesty International Uruguayan Section, Latin-American Association of Social Medicine, Interdisciplinary Center for Studies on Development, Women Collective Cotidiano Mujer, Observatory of Public Policies on Human Rights in the MERCOSUR, Service Peace and Justice-Uruguay, and Collective Ovejas Negras.

This parallel report develops the articles of the International Covenant on Social, Economic and Cultural Rights, specially 7 articles that are subdivided in the following way: Chapter I-Migrants (Article 2nd,3); Chapter II: Equality (Article 3), Chapter III: Work (Article 7); Chapter IV Family Protection (Article 10); Chapter V: Right to adequate housing (Article 11), Chapter VI: Right to Health (Article 12) and Chapter VII: Education (Article 13 and Article 14).

Chapter I: Migrants (Article 2nd.3)

In this chapter we analyze some of the limitations on the implementation of the Law No. 18.250 of January 6, 2008, and the request from the Network of Protection to Migrants. These are organizations committed to the rights of Uruguayans coming back to the country as a result of the economic crisis experienced in the countries of the main Uruguayan migration, as well as the situation of foreigners residing in Uruguay.

Chapter II: Equality (Article 3rd.)

We work and denounce issues which put into question formal equality. Among them (i) Violence against women and within it domestic violence which has only since 2010 taken the lives of 26 women who were killed by their partners or ex partners, even though many of them had gone to court requesting protection; (ii) violence and discrimination against people because of their sexual orientation or gender identity. (iii) Sexual diversity; and (iv) political participation of women.

Chapter III: Work (Article 7th.)

In this chapter we analyze the gaps in the rate of activity and employment between men and women. We also prioritize the right to work of people denied of freedom taking into

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account the present situation and the recommendations of Mr. Manfred Nowak, the United Nations Special Reporter on Torture and other inhuman, cruel and degrading treatments, in occasion of his visit to Uruguay between the 21 and 27 of March 2009.

Chapter IV: Family Protection (Article 10th)

The Uruguayan State has a pending debt with its children in its lack of harmonization of internal legislation with the international law on human rights regarding minimum age to get married. To that effect the State has received recommendations both by the Committee on the Rights of the Child in 2007 and the Committee on the Elimination of Discrimination against Women in 2008.

Chapter V: Right to Adequate Housing (article 11th)

The lack of enjoyment of the right to adequate housing affects thousands of people in Uruguay. The official data establishes that there is 6% of the population living in precarious settlements. In 2007 it was criminalized the activity of house occupation without taking into account the needs of the people doing the occupation, generating at the same time a diminution in judicial guarantees.

Chapter VI: Right to health (Article 12th)

The centrality of the capital and the middle size cities creates differences with the small towns and rural areas. In the majority of the rural areas there are not health professionals who live there, having only nurse assistant's or rural attendant and a medical rotation which visits the towns with a frequency between 15 days to three months. We emphasize the inhuman situation of mental patients in the psychiatric colonies *Bernardo Etchepare y Santín Carlos Rossi*. There were many public denunciations concerning these institutions, some of them even reaching the courts. We also analyze the situation of children's mental health questioning the abusive use and the importation and manufacture of drugs containing metilfenidin (Ritalin). There is a need to update the Law of Psychopaths, Law No. 9.581 which dates from 1936, and also we denounce the labor discrimination experienced by the people carrying the HIV-AIDS virus.

Chapter VII: Education (Articles 13 and 14).

In this chapter we analyze the factors which affect school attendance in public high schools, between them the cost of transportation, identifying this factor as one of the main reasons from dropping out of school. We also analyze the shortages in night school, the only educational offer for above age students left behind.

We put an emphasis on the discrimination of Uruguayans of African descent, especially among girls and teenagers, in the access to education and the Recommendations of the Committee to Eliminate All Kind of Discrimination against Women in 2008.

Finally, we denounce the deterioration of the schools, which results in the loss of classrooms and threatens the physical integrity of the students and demoralizes them. Only in Montevideo there are more than 36 schools in deplorable condition.

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General Part

We acknowledge that the Uruguayan State has signed and ratified great part of the International Treaties of Human Rights, however it is important to point out that it has pending: (i) the ratification of the Facultative Protocol of the Covenant of Economic, Social and Cultural Rights, after having signed on September 2009, (ii) and the ratification of the Facultative Protocol of the Convention on the Rights of Persons with Disabilities.

Recommendation: (i) That the Executive Power sends the text of the Facultative Protocol of the PDESC to the Congress in order to initiate the process of ratification; (ii) that the Executive Power send again the Optional Protocol of the Convention on the Rights of Persons with Disabilities, in order to restart the process of its ratification because it was removed to the consideration.

Chapter I

Article 2o.3

Migrants

The Uruguayan State has approved the legal framework which recognizes and guarantees the economic and social rights of the foreigners. However, the implementation of Law No. 18.250, of January 6, 2008, presents difficulties. Some of these difficulties had been pointed out by the Network of Protection to migrants.² These organizations request the formation of a Consultive Committee on Migration, subordinated to the Ministry of Interior, composed by social and labor organizations related to topics of immigration, and also convened by the National Board on Migration.

The Migration Law approved an amnesty for foreigners in irregular situation, a fact that was not publicized. Even more, there is no information of how many people took advantage of the law. The National Direction of Migration, subordinated to the Ministry of Interior acknowledges that it lacks the information of people on irregular situation due to the lack of technological resources and personnel to elaborate the statistics.

Recommendation: (i) A Consultive Committee on Migration should be formed in accordance to the law as a space of dialog between the government and the civil society; (ii) The Uruguayan State should modernize the services for the dissemination of the information of the National Direction of Migration in order to properly design, execute and evaluate public policies.

² Constituted by organizations committed to the rights of Uruguayans who returned to the country as a result of the economic crisis in the main countries of Uruguayan migration, as well as the situation of foreigners. These are: Idas y Vueltas; Casa Cesar Vallejo; Entre Soles y Lunas; Observatorio de Políticas Públicas de DD.HH. en el Mercosur; Fundación Polo Mercosur; Asociación de Padres con Hijos en el Exterior, among others.

Chapter II

Article 3rd: Equality

1. Violence against Women

In spite of the advances in the national legislation it is necessary to point out the several limitations that Uruguayan women experience in their daily lives in order to have the right to live free of violence, without discrimination and in equality. In the case of women of African descent, racial violence and social condition is added to gender violence, variables which together create violence in public life.

These limitations had been gathered by Committees of experts and representatives of the States of the International System and the Regional System of Human Rights. Among them, the Recommendation of the Mechanisms to Monitoring to the Inter-American Convention on the Prevention, Punishment and Erradication of Violence against Women CEVI/MESECVI/OEA (2008); in the Final Observation of the Committee for CEDAW (2008); and the Recommendation of the members of the Council of Human Rights in occasion of the Universal Periodic Review, RPU,(2009).

2. Domestic violence

Some of the limitations marked and further recommendations on this matter are related to:

1. Lack of budget for the Law 17.514, law of “Prevention, early detection, taking care and eradication of domestic violence”. This constraint prevents the implementation of the Law on an efficient and complete way.
2. There is lack of an instance specialized in domestic violence and human and material resources in 18 of the departments of the country. The only department which has a Court specialized in the matter is Montevideo.

Recommendation: The Uruguayan State should implement in a complete and efficient manner Law 17.514, providing an adequate budget to the Judicial Power in order for the Courts to have the needed human and material resources to fulfill its task in an appropriate manner.

3. Lack of guarantees from the State to avoid the fulfillment of the preventive measures of Law 17.514, especially was concerning the non proximity of the aggressor to the victim. During this year 25 women died victims of domestic violence, the majority of them had gone to justice and the measures which prohibited the proximity of the aggressor were not carried out.

Recommendation: The Uruguayan State should guaranteed the carrying out of the preventive measures granted by the Judicial Power, mainly in the case of non proximity of the aggressor in order to avoid situations that put in risk the lives of the victims.

4. Lack of coordination in the conduct of the Judges, in according to the prescriptions of the Article 21 of Law 17.514 and the addition 7516 of the Judicial Power from June 10, 2004. In this addition it is argued. “We noticed the existence of difficulties in the carrying on of the implementation of the system of coordination between the different players which intervene in domestic violence such as family, courts and minors (...) After 6 years these difficulties continue to lack the protection needed to the victims of domestic violence.

Recommendation: The Judicial Power should implement the coordination of the different activities necessary to prevent situations of risk to the lives of the victims.

5. Lack of sensitivity and training of the judicial agents who intervene in the initial denunciation and follow up of cases of domestic violence: Police, court appointed lawyers, judges and prosecutors. These faults affect the rights of the victims to get a court resolution without prejudices, stereotypes and according to the law.

Recommendation: The Uruguayan State should guarantee the training of judicial agents, especially judges in matters of international human rights such as ICESCR, its Protocol, the CEDAW, the Protocol of CEDAW and the Interamerican Convention on the Prevention, Punishment and Eradication of Violence against Women, among others.

6. Absence of shelters and crisis centers for women who have been victimized. In spite of having the Recommendation of the Committee of the CEDAW (paragraph 22) since 2008 and what been established by the General Observation No.16 of his Committee and the Rapport of CEVI/MESECVI from 2008 the Uruguayan State had not implemented these services.

Recommendation: The Uruguayan State should establish shelters and crisis centers for women who have been victimized.

3. Violence and discrimination of people because of their sexual orientation and gender identity.

In Uruguay there is no official information concerning cases of violence due to sexual orientation or gender identity. However, the survey conducted during the Gay Pride Parade in 2005³ determined that 65% of the people surveyed experienced some sort of discrimination: 19% was victim of direct aggression (5% physical aggressions, 3% sexual aggressions, 6% was blackmailed and 5% was assailed during encounters). Also, 48% said that they were threatened or verbally insulted at least once due to their sexual orientation of identity in public open spaces, both in educational system or at work.

Recommendation: (i) The Uruguayan state should promote campaigns to raise awareness in non discrimination toward persons of different sexual orientation or identity. (ii) This campaign should be made public through the collection of data by the National Institute of Statistics. (iii) The State should make their agents more sensitive and capable to execute the policy of non discrimination.

4. Sexual diversity

Even though there are many legal advances surrounding the respect toward sexual diversity and the equality of LGBT (lesbians, gays, bisexuals and Trans) these advances

³ Brecha, 20/909/2006, pats 16 and 17. The survey was conducted by the Collective Ovejas Negras, el Area Queer- UBA, el IDES and the Workshop for Sexuality and Citizenship of the Social Sciences Faculty. The statistical information was processed by Nahir Silva, Daniel D Oliver and Ana Zapater. 300 people were surveyed among 600 participants to a march; the sample does not look to be representative of the LGTB community, but of the participants in the march, due to the fact that almost 50% of the participants were surveyed.

had not been translated in the protection and defense of the right to equality, non discrimination or in the elaboration of public policies.

Among these advances we have the modification of the article 149 of the Penal Code, of July 9, 2003, which criminalizes the discrimination for sexual orientation and identity of gender, among others; the Law No. 17.817, "Fight against Racism, Xenophobia, and Discrimination", of August 18, 2004, which declares of national interest the fight against any kind of discrimination. In March 2007 was created the Honorary Commission against Racism, Xenophobia and all kind of Discrimination. This Commission was created by protagonists in the civil society, whose function was to receive denunciations of discrimination and respond to all kind of issues, promote public policies in the area, assist the judicial system and develop educational activities.

Since its creation the Honorary Commission had not proposed or encouraged any type of public policy regarding the respect to sexual diversity, not carrying its mandate even though there were several instances of discriminatory declarations from politicians and from authorities of the Catholic Church. A clear example of this type of inaction is the censorship of the private TV channels 4 and 10 to the campaign "A Kiss is a Kiss"⁴ by the Collective Ovejas Negras- which objective was the elimination of the discrimination of sexual orientation and gender identification.

Recommendation: The National Honorary Commission against racism, xenophobia, and all kind of discrimination should carry on the mandate stipulated in the norm that created the Commission.

In 2009 the Uruguayan State committed itself before the Council for Human Rights, in the framework of the Universal Periodic Review to elaborate and implement a National Plan to Fight against any kind of Discrimination, something which has not been done.

Recommendation: The Uruguayan State should include the non discrimination for sexual orientation and gender identification in the elaboration and implementation of the National Plan to fight against any type of discrimination.

5. Women Political Participation

In October 2008 the Committee on the Elimination of Discrimination against Women urged the Uruguayan State to "adopt and apply, in conformity with the paragraph 1 or article 4 of the Convention and the 25 general recommendation of the committee, special temporary measures, focusing in the areas of women employment and the participation of women in the public sphere. (...)" (p.31).

On March 24 of 2009 it was enacted Law 18.476, "National and Departmental Elective Organs and for the direction of political parties". This norm establish the obligation to include people of both sexes in each group of three (three consecutive places) for candidates (permanent and replacement) in the national and departmental lists. The approval of this law was difficult due to resistance of the lawmakers to application of the Special Temporary Measures pointed out by CEDAW. Afterwards, this norm was executed by the Electoral Court which determined that "for each list that uses the respective or mixed system of replacements (...) the group of three will take into

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http://www.youtube.com/watch_v=tmSpaggU438

account the lists of permanents and replacements. In practice, this interpretation will allow the parties to place women only as replacements in the first two thirds of the list⁵

On May 15, 2009, it was approved an Interpretative Law of Law 18.476 which clearly establishes that the quote should be applied to the lists of permanents and replacements by separate, this norm was promoted by the Bicameral Women Caucus.

This law on quotes is limited and not coherent with the international normative and the recommendations of the Committee of the CEDAW and the Human Rights Council of the United Nations.

Recommendation: The Uruguayan State should harmonize its internal legislation according to the dispositions and international recommendations, mainly with the CEDAW, the 25 General Recommendation of its Committee, and the 16 General Observation of this Committee DESC.

Chapter III

Article 7: Right to Work

1. The gaps in the rates of labor activity between men and women had been reduced, but the gap in unemployment is among its highest levels (between 60 and 80%)⁶. This means that the rate of female employment is 60 or 80 %higher than male unemployment. The information based on geographical areas shows that the levels of activity, employment and unemployment according to sex are very different in small urban and rural areas compared to the city of Montevideo and urban areas with more than 5.000 inhabitants. The rate for total employment for small urban and rural areas is similar to the national average, but there also differences according to gender. The rate of male employment is higher (77% to 70% in the whole country) and the rate of women employment is significantly less (52% in relation to 48,7%).

The rate for total unemployment for small urban and rural areas is less than the national average, and this is true for both men and women. The rate of female unemployment is almost four times higher than male unemployment (7.9% in relation to 2.1%). In the last presidential period, 2004-2009, there has been a reduction in the level of unemployment for all ages and for both sexes.

The rate of unemployment for women is always higher in all ages. Even more, this rate is very high in earlier ages with a tendency to being reduced as age grows. Underemployed in the total of employed according to sex.

In relation to the quality of employment, the rate of female underemployment is higher than the male, in particular in the small urban and rural areas where the female unemployment is higher than the male (9,78% female underemployment and 3,95% male underemployment).

Recommendation. The Uruguayan State should strengthen the programs for training and labor insertion in all the country.

⁵ Johnson y Pérez. Representation (S)elective, una Mirada feminista a las elecciones uruguayas. Cotidiano Mujer, UNIFEM, Montevideo, 2009.

⁶ CIEDUR, Área de Desarrollo y Género. (2010): “Mapa de Género: Trabajo, empleo y negociación colectiva en Uruguay”. CIEDUR / OIT / Departamento de Género y Equidad del PIT-CNT.

In addition to the occupational segregation together, a major problem confronting women in the labor market is trying to conciliate family and work. This effort results sometimes in shorter paying working days but in longer total working days (paid and unpaid) .

Recommendation: The Uruguayan State should provide services that allow the promotion of major equality through the support of domestic labor, especially for poor and vulnerable women.

2. Right to Work and people deprived of freedom

The inmate population in Uruguay has grown in the last three years at an annual rate of 10%. At the end of 2009, the total inmate population was higher than 9.000. Uruguay is third in the regional ranking, according to the indexes of imprisoned people, in spite of being the country with the lowest level of crime. The abusive use of denial of freedom and the structural and sustained crisis of the prison system brings one of the most severe consequences: the overcrowding that experience almost two thirds of the inmate population.

The inmate population is subjected to compulsive idleness compounded by the fact that 71% of this population is younger than 35 years old, stage in which people are at main capacity for labor and study, according to the rapport of performance and evaluation of the Prison National System by the Parliamentary Commissioner.⁷

Through the survey of a statistically representative sample of 1300 persons deprived of their liberty, as SERPAJ and the OSJ informed⁸, only 13% say they are working, and of that percentage, only 7% receive remuneration for the work. That payment, called expense, is operationalized only in the prisons of the Directorate of Prisons and a few dependent subsystems of the Interior Headquarters. For example, people with “commissions” in several of the farms police inside the Republic, received as compensation 60 pesos (3 dollars) a week, for 8-hour workdays. In others, the days are even longer and more people get nothing, no compensation or social security benefits.

Recommendation: The Uruguayan State should properly remunerate work for all people deprived of freedom.

In the Final Rapport of the Mission to Uruguay, which took place between the 21 and the 27 of March of 2009, the Special Reporter to the United Nations on Torture and other mistreatments or cruel penalties, Mr. Manfred Novak recommended: *‘f) Insure that all people denied of freedom are confined in penitentiary centers with minimal sanitary and hygienic international norms and that the inmates see satisfied their basic needs, such as enough room, bed sheets, food and health care. To allow the inmates the possibility to work and study, at the same time to perform activities for recreation and rehabilitation, and the matter of chronic overcrowding should be solved right away’*.⁹

Recommendation: The Uruguayan State should fulfill the sanitary and hygienic international norms in order to adequately satisfy the need of the people denied

⁷<http://www.parlamento.gub.uy/htm/pl/otrosdocumentos/comisionadoparlamentario/Informe2009-01.pdf>.

⁸Servicio Paz y Justicia Uruguay y Observatorio del Sistema Judicial de la Fundación Justicia y Derecho.

⁹Op.cit.

freedom, in order to guarantee their right to work, education and recreation, avoiding situation of overcrowding.

Chapter IV

Article 10th: Minimum age to get married

The minimum age to get married in Uruguay is too low and discriminatory because girls can get married at the age of 12 and boy at 14. In May 2007 the Committee for the Rights of Child recommended to the Uruguay State that “ (...) reforms its legislation to establish the minimum age to get married at 18 equally applicable to boys and girls”⁹¹⁰

Also, in October 2008 the Committee of the CEDAW recommended the Uruguayan State to “(...) reform its legislation to establish the minimum age to get married at 18, applicable both to boys and girls” (p47)¹¹

Recommendation: The Uruguayan State should modify its legislation to establish the minimum age to get married at 18, applicable both for girls and boys.

Chapter V

Article 11st: Right to adequate housing in Uruguay

The problem of the right to the access to adequate housing affects thousands people in Uruguay, where the official data establish that there is a 6%¹² of the population living in precarious housing.

In 2007 the article 254 of the Penal Code was modified in regard to the crime of usurpation. This modification criminalizes the occupation of houses without taking into account the needs of the people generating at the same time a diminution of judicial guarantees.¹³

According to Tedeschi¹⁴ we believe that internal legislation should be compatible with the international standards on evictions. Also, there should be derogated all criminal instances which criminalized people who irregularly occupy public and private land when they have no other alternative to access to housing, or when the State does not provide public programs for access to housing or land. In addition the State should adopt measures to create other legal mechanisms which allow the agreement between parts, enabling for the searching of alternative and sustainable housing for the people.

Recommendation: The Uruguayan State should harmonize the internal legislation with the international standard regarding the right to housing.

There is a lack of a clear and accessible mechanism for all people to find information oriented toward promotion, respect and guarantee of the right to housing. Even though there is an initiative by the Ministry of Housing called Primary Assisting for Housing

¹⁰ CRC/C/URY/CO Observaciones Finales del Comité Niño -al Estado Uruguayo, 5 de Julio 2007.

¹¹ CEDAW/C/URY/CO/7.Observaciones Finales al Estado Uruguayo.14 de Noviembre de 2008.

¹² Informe. Situación de la vivienda en el Uruguay”. (2006), Carlos Casacuberta. Instituto Nacional de Estadística; Encuesta Nacional de Hogares Ampliada Primer trimestre. 2006. <http://www.ien.gub.uy/enha2006>. Relevamiento de Asentamientos Irregulares en Todo el País. (2005-2006). Convenio INE-MVOTMA-Programa de Integración de Asentamientos Irregulares (PIAI). <http://www.ine.gub.uy/piai3/inepai.htm>. “Deficit habitacional y capacidad de acceso a la vivienda en el Uruguay”. (2006), Carlos Casacuberta, Gandelman, Néstor. Contratado por MVOTMA-DINAVI.

¹³ <http://www.cohre.org/store/attachments/download%20pdf%20es.pdf>

¹⁴ Dr. Sebastián Tedeschi, abogado, especialista en Derecho a la Vivienda.

this service is limited and valid only for certain situation. It is important to point out the lack of a broad mechanism of consultation and help which linked the different "windows" of the State where people could originate their requests and receive support concerning the difficulties in access to decent housing.

Recommendation: The Uruguayan State should implement mechanisms of information, consultation and help with the trained personnel and adequate material resources.

On May 24, 2010 the Executive Power created through a decree the Plan for Integration Socio-Habitational called "Plan Juntos",¹⁵ devoted to solve the problems of the population living in precarious social housing. However, there is not yet public information regarding the features of the Plan, its objectives, strategy, etc. Also there is not known the degree of active and independent participation of citizens, taking into account that this Plan foresees the participation of volunteers.

Recommendation: The State should provide public information about the Plan Juntos and also create spaces for the participation of its protagonists.¹⁶

Chapter VI

Article 12th: Right to Health.

1. We acknowledge that the health reform being enacted in the country is an advance regarding to the exercise and guarantees of the right to health. However, the scope of this reform is not same in all the country. The data shows that as long as the distance from the capital grows the less the new health policies are being accomplished.

The centrality of the capital and the middle size cities creates differences with the small towns and rural communities. In the majority of the rural zones there are no health professionals, having only nurse assistants or physicians who visit each place with a frequency from 15 days to three months. This situation creates serious difficulties to access because the rural roads are in very bad shape. This is even compounded with the fact that there is very limited passenger regular transportation in many rural areas.

The CEDAW experts pronounced in 2008 their preoccupation. "with the fact that there is no public institution or any policy which deals with the women in rural areas, in particular regarding employment, health and education".p.42,: As a result they recommend the Uruguayan state to "(...)develop full policies and programs devoted to economically empower women of the rural areas ,in order to ease their access to training, means of production and capital ,as well as health services and social security(p.43)

Recommendation: The Uruguayan State should implement public policies of health toward the population in rural zones guaranteeing their right to equal opportunity.

2. The unification of the Vademecum represents an important advance. However, we ascertain the need to generate a quicker channel for proper care both in terms of treatment and last generation drugs which are not available in the required Vademecum,

¹⁵ <http://www.presidencia.gub.uy/sci/decretos2010/05/consmin83.pdf>

<http://www.presidencia.gub.uy/sci/resoluciones/2010/05/mvtoma.35.pdf>

¹⁶ <http://www.mides.gub.uy./mides/colgado.jsp?condntid=8086&siste=1&channel=blog>

especially related to cancer treatment and or treatment of less frequent diseases. The access to these diseases should be part of the right to health.

Recommendation: The Uruguayan state should generate a quicker way for the right treatment and for last generation drugs which are included in the required Vademecum especially for cancer treatments and for less frequent diseases.

The proper access to therapeutic treatment and quality rehabilitation in mental health is in the majority of the cases limited to persons or families with significant economic resources. At the level of the public sector there is an attempt to increase the rehabilitation centers, but it is not known what the measures that the Uruguayan State has taken to put that into effect. It is required the creation of proper interdisciplinary teams of mental health, guaranteeing the universality of access to health care ,both in the public and private sector, extending in the latter the 30 annual days for hospitalization when needed.

Recommendation: The effective implementation of the National Plan for Mental Health, with human and budgetary resources, which insures mental health care, especially regarding the creation of community teams of mental health, home hospitalization and the abolition of the present limit of 30 annual days of hospitalization.

4. It is worrisome the horrible situation in which are found people with mental diseases, especially those located in the psychiatric colonies "Bernardo Etchepare and Santin Carlos Rossi". There are many public denunciations concerning the inhuman conditions of life in the psychiatric colonies, to be just considered patient complaints. (annex 2). Last August 10, 2010, the authorities of the Minister of Public Health (MSP) and the Association of the State Health Service (ASSE) were compelled to appear in court in a case concerning the protection of the inmates at the psychiatric colonies Etchepare and Santin Carlos Rossi, brought by the prosecutor Enrique Viana.

The National Movement of Consumers of Public and Private Health Services denounced in a public communiqué last March 4, 2010 that: *"the descriptions of the health situation of the 900 patients resembles is dantesque. Three dead people in the last two months. A 70 year old woman was 25 days dead only 100 meters from the Nursing room. There was the case of a patient in the process of being transferred for a tomography who escaped and five days later appeared dead within the territory of the colony. In this communiqué there were many stories dealing with the horrible conditions: "The water pipes get broke, and they use water from a nearby river to wash the dishes. The patients eat with their hands, there are no spoons. They endure summer and winter with the same winter clothes. The bathrooms are broken and in terrible shape. The patients sleep wherever, in the floor, together with many dogs and cats. They are there, without any family support, some of them without even a name"*.

Recommendation: (i) The Uruguayan State should implement the policy and program changes included in the National Program for Mental Health and intervene in the psychiatric colonies. , (ii) Economic resources should be immediately granted to change the most overwhelming situations.

5. Children´s Mental Health

In 2007 the Observer of the Judicial System, from the Gustavo Volpe Movement started a judicial request in order for the MSP to provide information concerning the import and manufacture of drugs with metilfenidin (Ritalin).The Observer presented a second judicial request against the MSP due to the great increase in the import of metilfenidin, because in 2001 only 900 grams were imported and the values increased to 17.000 grams in 2007 (the last data given by the MSP). In further judicial actions the Observer kept on with their requests. Even though the courts ruled in favor of the Observer, the MSP had not provided any answer regarding the expenses done by the state health services in the acquisition of this medication, or even given more information on the volumes imported since 2007. Thanks to the intervention of the Observer, the MSP adjusted the norms regarding diagnosing attention deficit combined with hyperactivity (done by specialized professionals according to international consensus).In addition the giving of the medication there will be an uniform set of prescriptions ,which will include information about the sex and age of the patients.

Recommendation: (i) that the Minister of Public Health provide information concerning the impact of the new norms ;(ii) that the state guarantees the access to the information concerning the importation-production-consumption of all mental health drugs ,and the therapeutic protocol required for dispensing them.

In the situation described above, it has been ignored the daily need of those performing the care, the support of the mental health teams dealing with complicated situations. In many of these cases, the situation of abandonment of the patients is reinforced by the lack of resources plaguing the mental health teams.

Recommendation: The Uruguayan State should develop programs which include the caring of the persons performing the care monitoring periodically the mental health teams.

6. There is general consensus that the Law of Psychopaths, Law No. 9581 from 1936, need to be updated, reevaluating mental health as an integral part of human rights for health. However, sometimes there is very restricted reference to the patients requiring some type of therapeutic assistance.

Recommendation: The Uruguayan State should harmonize the norms existing regarding mental health and derogate as a result Law No. 9581, in an effort to involve a broad basis the participation of civil society.

7. Persons living with VHI-Aids virus

In 1992 it was created the Committee for the Psycho-Social Impact of VHI-AIDS in the Sindicato Médico of Uruguay, which has been documenting numerous cases of discrimination in the work place of people carrying the VHI-AIDS virus. There had been denunciations for indirect discrimination in the work place based in the violation of the principle of medical confidentiality. (Annex 3)

Recommendation: (i) The Uruguayan State should guarantee the non discrimination in the work place for people living with the VHI- AIDS virus;(ii)The State should guarantee the confidentiality in the clinical history and the communication of information to other state instances in the case of people living with VHI-AIDS virus.

The access to proper medication to combat the virus is universal and free, however organizations like the Asociación de Ayuda al Seropositivo (ASEPO) had complained in many instances about the quality of the medications by the state for the consumers in the public sector and the lack of sanitary coverage and the absence of medications for the people deprived of freedom.

Recommendation: The Uruguayan State should secure the universal access to the care of people deprived of freedom and living with the VHI-AIDS virus and the quality of the medications and the lack of proper treatment.

Chapter VII

Articles 13 y 14: Right to Education

1. In regards to secondary basic education, from 65 to 70% of youngsters between the ages of 18 and 20¹⁷, had finished the first segment of secondary education. This measure includes the school lag for a segment which should be complete in average between the ages of 12 and 15. In the case of the second segment which became compulsory since the approval in December 2008 of Education Law No. 18.347, the measure between 21 and 23 year old people shows that only 40% was able to graduate.

The goal fixed by Uruguay for the universalization of secondary education in 2015 is very far from being accomplished. The student drop-out rate in high schools is the result of many factors. Among those factors which affect school attendance, it is been pointed out public transportation for students as one the reasons for the drop-out, because the subsidy for public transportation expires after the youngster reaches the age of 15.

Recommendation: Local governments should extend the subsidies for public transportation which should be based on educational trips and not on age, ensuring that students attending night school have access to the subsidy.

2. The educational offer for secondary students who are behind in their grade is limited to those who attend night school. In night school there are many shortages, such as : (i) the majority of the teachers lack specific pedagogical training to work with young adults; (ii) the student drop-out is around 60%¹⁸; and (iii) the absence of specific official data regarding each school shift.

Recommendation: That the National Administration for Public Education (ANEP) strengthens its educational options for young adults and supports the creation of night schools and for above age students.

3. Both in primary and in basic secondary education there are programs focused in educational involvement, however there are no technical evaluations regarding the impact of these programs.

Recommendation: That ANEP monitors the programs of educational involvement in the country putting an emphasis in focusing in rights and guaranteeing a quality education.

¹⁷ Uruguay, Objetivos del desarrollo del milenio. Informe País, diciembre 2009.

¹⁸ Information provided by reliable source.

4. In the different levels of education there had been initiated programs of sexual education. In order to reinforce the work of the teacher in this field it was implemented a Program of Sexual Education within the framework of a pilot program “*Unidos en la Accion*”; with the support of UNFPA. This program included training and support for teachers in primary, secondary and vocational education and at the same time the creation of a center of documentation and specialized reference. However, this program was closed on June 30, 2010 due to the fact that funding coming from international cooperation ended.

Recommendation: That the State reopens this Program providing it with the necessary human and material resources to assure its continuity according to norms on the matter and developing synergies with organizations of the civil society.

5. There have not been advances in the goal of universalization of college and university education, existing inequalities between the public and the private system, as well as in the relation capital-interior. The number of students enrolling in the university went down in the last few years, showing the same counter cyclical feature of secondary education: with economic growth decreases the number of students, the labor market offers more work options to people with fewer skills. Studies do not show gender discrimination in terms of university admission; however this is not the case regarding the population of African descent. Since 2008 the Uruguayan State had been offering the fellowships “Carlos Quijano” for financial support for postgraduate studies. This offer is an ineffective form of affirmative action because there is very few Uruguayans of African descent that had been able to graduate from college.

In 2008 the CEDA W experts showed to the Committee their concern with the high rate of falling behind the grade by girls in primary education and the high rates of drop out in secondary education, especially among women in rural areas and of African descent.

Recommendation: That the Uruguayan State introduce Special Temporal Measures to reduce the discrimination in the access to education by the African descent population, putting special emphasis on the girls.

6. Admission to university is automatic for Uruguayans after having finished secondary education. In the case of foreigners the situation is different. They need to reside in the country at least three years. In some cases through the support of social organizations and the Student Federation some students were able to overcome this situation.

Recommendation: That the University of the Republic annuls the Resolution 14/1987 of its Central Board.

There is no national plan for education in the area of human rights, even though there had been political will to approve such a plan as shown by the new Law No. 1437.¹⁹

Recommendation: The Uruguayan State should design and execute a National Plan of Education on Human Rights involving the formal and non formal education including all sectors of society.

¹⁹ Uruguay, March 30, 2010, Report presented before the OACDH concerning the non-fulfillment of the commitments assumed in educating for human rights, for the implementation of The World Education Program on Human Rights (2005-2014).

7. Uruguay had achieved the universalization of primary education between the ages of 5 to 12, and is trying now to extend it to boys and girls of 4 years old, which had been progressing in a sustained way. However, the information on academic progress by the Ministry of Education and Culture shows high rates of repetition in the first grade of school. This factor influences the student achievement in secondary education.

Recommendation: That the ANEP strengthens its programs for early and primary education and gathers data concerning the execution of its educational function.

8. The public budget devoted to primary education does not include expenses for regular phone call, which is crucial for the functioning and carrying on the tasks of the school²⁰. The cost of phone calls is covered by Parent Associations. This is striking due to the fact that the phone regular service in Uruguay is provided by a state monopoly, ANTEL which had a successful administration from quite a few years.

Recommendation: That the Uruguayan State through ANEP and ANTEL include in the public budget the expenses for telephone calls.

In the case of rural schools, located in areas where there is no access to electricity, State leaders of the Uruguayan Teachers Union had confirmed that the state enterprise, UTE would extend the service to the school if the school pays for 50% of the cost through the Parents Association. This expense is very high in some localities (in the area of US\$20,000 in some cases):

Recommendation: That the Uruguayan State through ANEP and UTE extends the rural electrification guaranteeing the right to a quality education.

It concerns the deterioration of old schools which require a level of economic investment that had not been present. This deterioration creates serious threats to the health of the students and demoralizes them. Several media outlets had surveyed these schools; there are 36 in Montevideo alone. (Annex 4)

Recommendation: That the Uruguayan State devote adequate budget for keeping up the public schools guaranteeing the right of education.

There is a demand of the population to extend the school day so mothers especially will have easier access to the labor market.

Recommendation: That the Uruguayan State advances in the creation of full day schools.

A new Law of Education has been approved, requiring teachers to specialize in subjects such as sexual education and human rights; however the teachers had not been trained in accordance to the new plans. The training offered until now has been very limited and restrictive.

Recommendation: That the Uruguayan State designs and executes plan of full training to teachers according to local norms and to international law on human rights.

²⁰ For example, the follow up of children who do not attend school by teachers is done by phone calls.

Anexos

Anexo 1

Mujeres y niñas asesinadas por violencia doméstica

Fuente: <http://www.caminos.org.uy/quieneseraninicial.htm>

LIRA G. F.- 82 años - Falleció el 05/01/10

Asesinada por su marido, ADALBERTO ROCHA DE CUADRO, de 84 años, quien como corolario de una situación de violencia conyugal crónica descerrajó dos disparos de arma de fuego contra la víctima. Posteriormente el asesino se suicidó.

Departamento de Montevideo.

DORA C. - 40 años - Falleció el 06/01/10

Asesinada por su compañero, DARÍO MARTÍNEZ, de 25 años, quien le asestó varias puñaladas en presencia de su pequeño hijo, el que también resultó herido en un brazo al intentar defender a su madre. El femicida intentó luego suicidarse, sin éxito. Está preso y fue procesado por "homicidio en reiteración real" y "lesiones personales".

Departamento de Colonia.

NN - Pocas horas de vida - Falleció el 06/01/10 aprox.

Una persona que concurrió a depositar basura en un contenedor ubicado en la zona céntrica de Punta del Este realizó el hallazgo, al ver el cuerpecito de la beba dentro de una bolsa entreabierta depositada en dicho contenedor. El caso fue caratulado como "homicidio", luego de haberse constatado que la beba falleció por inanición. Finalmente se ubicó a la madre de la niña, autora del filicidio, quien fue procesada y enviada a prisión. Punta del Este, Departamento de Maldonado.

L. C. P. - 79 años - Falleció el 28/01/10

Asesinada por su marido, C. G. B., también de 79 años, de un balazo en la cabeza. El femicida posteriormente se suicidó. Departamento de Montevideo.

LUCIANA C. G. S.- 32 años - Falleció el 10/02/10

Asesinada a puñaladas por su ex compañero, D. A. B., de 35 años, porque ella se negaba a reanudar la relación. El femicida había sido denunciado en cuatro oportunidades por la víctima. El asesino huyó pero fue capturado, procesado y encarcelado. Departamento de Paysandú.

CRISTINA L. - 34 años - Falleció el 15/02/10

Asesinada por su ex compañero quien le infirió varias puñaladas en el cuello, hasta degollarla, luego de una discusión por motivos "sentimentales". El asesino, cuya edad y demás datos se desconocen por el momento, fue capturado cuatro días más tarde. Departamento de Montevideo.

JENNIFER C. C. V.- 10 años - Falleció el 22/02/10

Asesinada por el concubino de una tía, hermana de su madre, NELSON SILVA SIQUEIRA, de 29 años, quien luego de violarla la estranguló, procediendo luego a enterrarla a orillas del arroyo Cuñapirú. El delincuente fue procesado por homicidio especialmente agravado.

Departamento de Rivera.

NN - 1/2 hora de vida-Falleció el 22/02/10

Asesinada por su madre, ANA CAROLINA TORRENS MIRANDA, de 33 años, quien luego de dar a luz a su hijita, la asfixió. La filicida fue condenada por "homicidio especialmente agravado".

Paysandú, Departamento de Paysandú.

ANA INÉS P. R.- 36 años - Falleció el 01/03/10

Asesinada por su ex pareja, JUAN GÓMEZ O., de 35 años, quien le infirió varias puñaladas terminando por degollarla, porque ella había decidido dejarlo. ESTEFANI R., una compañera de trabajo de la víctima que se encontraba junto a ella, también fue atacada por el asesino al intentar defenderla, sufriendo gravísimas lesiones que pusieron en riesgo su vida. El femicida se suicidó horas después, al ser rodeada su casa por la policía.

Aiguá, Departamento de Maldonado.

MÓNICA Q. -40 años - Falleció el 09/03/10

Su cuerpo fue encontrado en la orilla de una cantera. El novio de la víctima dijo, al ser interrogado por la policía la primera vez, que ella "se había caído" en una cantera. Posteriormente modificó su versión y dijo a la policía que se encontraban bañando en la cantera con otras dos personas, cuando ella "perdió pie y se ahogó". La policía descartó la hipótesis de homicidio. No se conocen los términos del informe de la pericia forense realizada; sólo trascendió que no se trató de una muerte violenta, pero no se informó por qué se llegó a esa conclusión. El principal sospechoso de estar involucrado en esta muerte quedó preso "por rapiña" cometida contra un adolescente en las cercanías de la cantera y por estar requerido por haberse evadido de un centro de reclusión. Las otras dos personas recuperaron la libertad.

La Paz, Departamento de Canelones.

ALEJANDRA A. P. T. - 48 años - Falleció el 14/03/10

Asesinada por su marido, JORGE ATILIO SARAVIA SARASÚA, quien le infirió 21 profundas puñaladas en distintas partes del cuerpo, terminando por degollarla. También asesinó, baleando y apuñalando varias veces, a su hijastra, CAMILA F. F. P., de 15 años, hija de ALEJANDRA con una pareja anterior, y a su propia hija, AGUSTINA S. P., de 12 años. El triple femicida finalmente se suicidó dentro de su vehículo, descerrajándose un tiro debajo del mentón y otro en la sien.

Departamento de Montevideo.

CAMILA F. F. P. - 15 años - Falleció el 14/03/10

Asesinada por su padrastro, JORGE ATILIO SILVA SARASÚA, de 50 años, de un balazo y 3 puñaladas en el tórax, cuando ella se disponía a auxiliar a su mamá, que había sido salvajemente apuñalada por este asesino, quien a continuación dio

muerte también a su propia hija de 12 años, AGUSTINA S. P., hermanastra de CAMILA. Consumada la masacre, el asesino se suicidó.
Departamento de Montevideo.

AGUSTINA S. P. - 12 años -Falleció el 14/03/10

Asesinada por su padre, JORGE ATILIO SILVA SARASÚA, de 50 años, quien le dio un tiro en la frente y le infirió 5 profundas puñaladas en el tórax, cuando la niña aparentemente pretendía esconderse o escapar para no correr la misma suerte que ALEJANDRA, su mamá, y CAMILA, su hermanastra. Luego, el asesino se suicidó dentro de su vehículo, descerrajándose un tiro debajo del mentón.
Departamento de Montevideo.

NN - 30 años - Falleció el 16/03/10

La víctima, de nacionalidad brasileña, cayó de la terraza de un apartamento ubicado en el décimo tercer piso de un edificio céntrico, en el que se encontraba con su novio. Éste declaró no haber tenido participación en el incidente y no haber estado presente en la terraza en el momento de la caída, por lo que fue dejado en libertad. Sea cual fuere la causa de la muerte de la víctima (suicidio o femicidio) lo cierto es que el hecho ocurrió inmediatamente después de una fuerte discusión con su novio, tal como éste declaró y los vecinos afirmaron haber escuchado.
Departamento de Montevideo. CASO SIN ACLARAR.

MIRTHA R. C.-64 años - Falleció el 23/03/10

Asesinada por su marido, OMAR GUERRA GUERRA, de 67 años, de quien se encontraba separada, quien la degolló, luego de asestarle varias puñaladas. La víctima lo había denunciado dos veces por violencia doméstica. El femicida se suicidó, infiriéndose una profunda puñalada en la garganta.
Ciudad del Plata, Departamento de San José.

MÓNICA M. - 50 años -Falleció el 25/03/10

Asesinada por su compañero, ALFREDO CARBAJAL, de 55 años, quien luego de una discusión le descerrajó dos balazos en la cabeza. El femicida, chofer de una empresa de transporte, se suicidó. La víctima fue internada en el centro de terapia intensiva de una institución médica de la ciudad de Rosario, donde falleció dos días después.
Nueva Helvecia, Departamento de Colonia.

FLAVIA G. C. - 22 años - Falleció el 01/04/10

Asesinada por su ex pareja, L. F. G. H., de 40 años, quien le asestó varias puñaladas con una cuchilla de cocina, una de ellas muy profunda en la garganta, que prácticamente la degolló. Todo esto, en presencia de una pequeña niña de 3 años, hija de ambos. El femicida, que tiene antecedentes penales por hurto, -a pesar de lo cual no se dio a conocer su nombre- fue procesado por un "delito de homicidio".
Departamento de Rocha.

Mª de los ÁNGELES C. B. -39 años - Falleció el 11/04/10

Asesinada de varias puñaladas por su ex pareja, un hombre de 40 años, de iniciales H. I. G., quien le asestó varias puñaladas cuando ella se aprestaba a

ingresar al hospital en que trabajaba, horas después que mantuvieran una violenta discusión. El femicida se entregó luego a la policía. Treinta y Tres, Departamento de Treinta y Tres.

MARIELA G. R. - 34 años- Falleció el 02/05/10

Asesinada de dos disparos de arma de fuego por su marido, F. M. P. L., un policía de 32 años de edad, del que la víctima estaba separada y había iniciado el divorcio, y a quien había denunciado por violencia doméstica, realizándose en esa oportunidad las instancias judiciales correspondientes. Cometido el asesinato, el femicida se suicidó, descerrajándose un balazo en la cabeza.
Departamento de Canelones.

GRISEL P. R. -41 años - Falleció el 10/05/10

Asesinada por su compañero, MIGUEL ARGUIÑARENA GARCÍA, de 48 años, quien le infirió varias puñaladas que acabaron con su vida en presencia de algunas de sus hijas. El femicida ya había protagonizado varios hechos de violencia hacia la víctima, razón por la cual estaban separados y el agresor debía comparecer ante la Justicia en los próximos días. El femicida intentó luego suicidarse, sin éxito.
Casupá, Departamento de Florida.

BRÍGIDA P. - 83 años - Falleció el 15/06/10

Asesinada por su marido, SILVESTRE GUCCIARDO, de 85 años, quien le destrozó el cráneo con un machete y luego se quitó la vida disparándose un balazo en el mentón.
Departamento de Montevideo.

ANA MARÍA D. S. -45 años- Falleció el 17/06/10

Asesinada por su ex pareja, J. M. GIMÉNEZ, un peón rural de 44 años, quien le descerrajó un balazo hiriéndola de muerte por "celos", según adujo cuando fue detenido. Fue procesado por homicidio y está preso.
Departamento de Tacuarembó.

YANELA M. - 47 años - Falleció el 19/07/10

Asesinada de múltiples puñaladas en su cuerpo y en el cuello por su compañero, RUBEN PEREIRA, camionero, de 49 años. El femicida se suicidó.
Treinta y Tres, Departamento de Treinta y Tres.

Mª DE LOURDES R. - 42 años- Falleció el 04/08/10

Asesinada por su marido, HITLER RODRÍGUEZ, de 70 años, quien le efectuó dos disparos de arma de fuego. El femicida intentó luego quitarse la vida. La víctima había radicado denuncias por violencia doméstica en varias oportunidades. Dos días antes de asesinar a su esposa, por disposición judicial, el femicida había recuperado su revólver, "por estar con los papeles en regla".
Departamento de Rivera.

VENESSA E. B. G. -21 años- Falleció el 08/08/10

Asesinada por su ex marido, SERGIO DANIEL SANTICARRO, de 28 años,

quien luego de estrangularla, y cuando estaba inconsciente, la prendió fuego. Tras negar su autoría por varias horas, el asesino terminó declarando: "La maté por amor".

Maldonado, Departamento de Maldonado.

SANDRA F. M. P.- 40 AÑOS- Falleció el 08/09/10

Asesinada por su compañero RÚBEN GUSTAVO LUCAS VERGARA, de 42 años, quien le destrozó el cráneo con el mango de un rebenque frente a los tres hijos de la víctima de 17, 10 y 7 años. El femicida se quitó la vida minutos después.

Lascano, Departamento de Rocha.

Anexo II

Fuente: <http://diarioelcorresponsal.blogia.com/2010/031301-colonia-etchepeare-cuando-un-sufrimiento-es-tan-grande-que-se-torna-insoportable.php>

Colonia Etchepeare: cuando un sufrimiento es tan grande que se torna insoportable



URUGUAY (San Jose - Colonia Etchepeare) *por Carlos Cuagliano*. Moscas, hambre, confusión, excrementos, desmayos, basura, infecciones, calor, desorientación, aguas servidas, diarreas, el repertorio cotidiano de miserias materiales y humanas. Es el preámbulo a la muerte previsible, en la Colonia Etchepeare

La alineación surge como resultado de un sufrimiento tan grande que se torna insoportable; de alguna forma, el paciente psiquiátrico que es internado en estas instituciones ya murió una vez Yolanda Berrutti, una enferma psiquiátrica de 60 años, estaba alojada en una de las 50 “casas de salud” en la ciudad de Santa Lucía, Canelones, casas estas que sin control alguno se encuentran en nuestro departamento.

Yolanda fue trasladada a la Colonia Santín Carlos Rossi, que junto con la Colonia Etchepeare configuran el complejo de Asistencia Psiquiátrica de Salud Pública, sobre la ruta 11, cerca de la localidad de Ituzaingó, en San José. Allí se iba a coordinar una tomografía, Yolanda fue internada en el pabellón 1.

Como ocurre con la mayoría de estos enfermos, quizás la alteración de la rutina, el no encontrar a nadie conocido y la modificación del universo restringido que acota su existencia, provocaron confusión y desestabilización en ella Yolanda caminaba por las calles internas de la colonia con la libertad que otorga la carencia extrema de funcionarios y enfermeros.

Caminaba y se caía. Se levantaba y volvía a caer.

Alguien la vio y fue internada en la “enfermería”, en la que se alojan los pacientes agudos y donde habitualmente un solo enfermero entrega la medicación, realiza las curas, higieniza, da de comer y hasta limpia el lugar.

El discurso de los marginados dice mucho de quienes marginan Víctor Hugo dijo “No hay ni malas hierbas ni hombres malos no hay sino malos cultivadores.” Estudios sociológicos de distintos tipos explican que los sectores marginales son depositarios de los defectos de la sociedad, pero también de frustraciones e inseguridades individuales.

Por que al decir “El es” es una manera de decir “yo no soy”. El viernes 12 de febrero Yolanda fue encontrada extraviada, completamente desorientada, en los predios externos de la colonia por unos policías que buscaban al autor de la faena de un cerdo. Nadie había advertido su ausencia. Fue regresada a la enfermería y al atardecer del otro día, sábado, Yolanda volvió a desaparecer. Funcionarios de la colonia y dos sobrinos de la paciente iniciaron su búsqueda dentro del establecimiento

Mientras la Policía, que había sido alertada, la buscaba por las cercanías, entre los pastizales. En la oscuridad la búsqueda, a la que se sumaron efectivos de bomberos y unos soldados del Servicio de Remonta que accedieron a “dar una mano”, sería irremediamente infructuosa. Ocho horas después la Policía la suspendió. Una versión, cuyo origen no pudo establecerse, indicaba que la paciente había sido trasladada de regreso a la “casa de salud” en Santa Lucía.

Los familiares reclamaron airados, hicieron gestiones ante las autoridades de la colonia, Bomberos y la Policía, pero las gestiones naufragaron en un mar de informaciones contradictorias. El cuerpo de Yolanda fue encontrado la mañana del jueves 18, en unos pastizales dentro del predio de la colonia, ya en estado de descomposición. Los médicos forenses adelantaron que el fallecimiento se había producido presumiblemente el lunes: dos días de agonía entre los pastos.

JUSTIFICACIONES. El episodio no mereció siquiera unas líneas en los diarios de Montevideo; sí hubo referencias en medios radiales del departamento de San José. Cobró cierta notoriedad cuando el cura párroco de Santa Lucía, José Moreira, denunció el caso como una consecuencia del estado de abandono total en que se encuentran los 450 internados de Santín Carlos Rossi.

El director de las colonias psiquiátricas, Osvaldo do Campo, explicó a los familiares de Berrutti que no estaba enterado de los pormenores; no se pudo, por tanto, desentrañar la incógnita sobre el origen de la versión de traslado que justificó la suspensión de la búsqueda. Según los familiares, la Policía habría ordenado a una nurse que comunicara a Bomberos que la paciente había sido trasladada y que por lo tanto no se había “fugado”.

Interpelado por la prensa, Do Campo se negó a formular comentarios. La reacción oficial ante la muerte de Berrutti, que eludió la consideración de la situación extrema de las colonias, las denuncias sobre el descalabro administrativo, la continuidad del estado de desamparo en que se encuentra el millar de pacientes y la indiferencia ante las carencias materiales más elementales, provocó indignación entre funcionarios, médicos y representantes del movimiento de usuarios, que se reunieron en Santa Lucía decididos a divulgar la ignominia de la vida cotidiana en las colonias.

De los testimonios recogidos por el semanario Brecha surge un panorama alucinante de lo que, con propiedad, califican como “depósito de los desechos de la sociedad”.

El registro periodístico de la vida cotidiana que sufren los pacientes y los funcionarios en las colonias de San José recurrentemente enciende la sensibilidad del público, pero ahora los denunciadores advierten

que la situación de abandono e inacción (medida en mugre acumulada en los pabellones, camas sin sábanas, basurales por doquier, instalaciones eléctricas defectuosas, excrementos en los tanques de agua, caños rotos, sillas de ruedas inutilizables, falta de camillas y carencia crítica de personal) se ha acentuado en los últimos tiempos, particularmente en Santín Carlos Rossi.

Como suele ocurrir, la polémica registra dos campanas. Las autoridades reclaman el reconocimiento a las mejoras introducidas en los últimos años en materia de atención a los enfermos psiquiátricos. Se pone el acento en las obras de recuperación y remodelación en tres pabellones de Etchepare, que insumieron 2 millones de dólares, donde los pacientes cuentan con mobiliario nuevo, aire acondicionado, heladeras y microondas.

Las mejoras se realizaron bajo la supervisión de los integrantes de una comisión de apoyo cuyos responsables serían el general Francisco Wins y el periodista Alberto Grille. Para los denunciantes esos tres pabellones –que identifican irónicamente como “el Sheraton”– son la contracara injusta y discriminatoria de la situación deplorable en los 20 restantes que forman el complejo de los dos establecimientos.

Sólo un 10 por ciento de la población de las colonias está internado en el Sheraton; el resto –afirman– “vive literalmente en la mierda que chorrea por las paredes con desagües rotos y que flota en los baños de los excusados tapados”. Los funcionarios y médicos consultados sostienen que se reiteran los brotes de tifoidea y que existen al menos dos casos de pacientes tuberculosos activos.

Incluso el privilegio de las instalaciones remozadas es cuestionable, según dos médicos consultados por Brecha que trabajan en las colonias:

“No necesariamente ese confort mejora la vida cotidiana de los pacientes, que por las características de las enfermedades mentales logran ciertos equilibrios, estabilidad, en la reiteración de rutinas. Resulta importante el lugar donde toman mate, donde se reúnen y pasean; hábitos de contención emocional adquiridos durante toda una vida, porque la mayoría de los pacientes han crecido, desde jóvenes, desde adolescentes, en ese ambiente que reconocen, en los rostros que identifican, en los vínculos reforzados”.

LA TRAMPA DE LOS PASTIZALES. La administración de los recursos y la política administrativa son puntos expresos de cuestionamiento. La falta de diálogo entre los actores es absoluta, afirman los denunciantes.

En enero de 2009, el director Do Campo comunicó a los jefes de servicio que “todo lo concerniente a gestión administrativa y gestión económica financiera es de estricta reserva. La información es estrictamente confidencial y sin autorización de la dirección no puede darse a conocer”, afirma el comunicado 15.

Un memorando elaborado a fines de 2007 y reiterado en 2008 incluía denuncias sobre la gestión. Fue elevado al Sindicato Médico y a las autoridades de ASSE, responsables en última instancia de un establecimiento público de asistencia médica; pero el memorando no fue recibido por las autoridades.

En él se señalaban algunos aspectos específicos, que resultaron premonitorios: se mencionaba, entre otras cosas, la existencia de pastizales dentro de los recintos: “Impiden la visión y facilitan las zoonosis. Se argumenta falta de combustible para el corte de los pastos”. Los pastizales, que dejan atrás los basurales, se convirtieron en una trampa mortal.

“Hay pacientes que efectivamente se fugan. Pero la mayoría no tiene intención de abandonar el establecimiento.

Medicados, y en un estado de confusión, deambulan, se pierden, se desorientan, y con la falta de personal, el estado deplorable de las puertas y los accesos, terminan perdiéndose en los pastizales”, acotaron las fuentes.

Eso fue lo que ocurrió con Yolanda Berrutti, una muerte que podría haberse evitado porque unas semanas antes de su desaparición otra paciente había agonizado entre los pastos.

María Cabrera, de 68 años, una antigua funcionaria de la colonia, internada ahora como paciente psiquiátrica, abandonó el 23 de diciembre de 2009 las instalaciones de la enfermería del Etchepare.

Nadie la vio, nadie registró su ausencia; simplemente caminó y salió. Recién el 27 de enero se encontró su cuerpo; estaba tendida entre los yuyos a 25 metros de las instalaciones.

Fue en principio enterrada como NN, hasta que se confirmó su identificación. Ese antecedente debería haber alertado sobre el peligro de los pastizales y debería haber activado medidas de contención.

No ocurrió, pese a las advertencias.

Eso sí: el pasto fue cortado después que se ubicó el cadáver de Yolanda.

Anexo III

Fuente: <http://www.larepublica.com.uy/politica/420065-sindicato-policial-contr-presunta-discriminacion>

LA REPÚBLICA - Miércoles, 11 de agosto, 2010 - AÑO 11 - Nro.3712

Sindicato Policial contra presunta discriminación

El Sindicato Único de Policías del Uruguay (filial Montevideo) presentará hoy una denuncia administrativa contra las autoridades de la Escuela Nacional de Policía, por la presunta discriminación sufrida por un agente portador del virus del VIH Sida en dicha institución.

El sindicato policial comparecerá sobre las 13:00 horas ante el Ministerio del Interior para presentar la denuncia, por la presunta "persecución" de la cual es objeto un agente, tras haberse detectado que es portador del virus del VIH Sida. El sindicato presentará la totalidad de los informes médicos y las decisiones consideradas arbitrarias y perjudiciales para el agente involucrado.

El joven agente, con tres años de carrera en la Policía, tenía previsto realizar las pruebas de ingreso para la carrera de oficial. Sin embargo, durante los exámenes médicos se detectó su afección, tras lo cual comenzó a ser objeto de traslados y otras decisiones arbitrarias por parte de las autoridades, entre ellas la conformación de una Junta Médica con "motivo reservado". "En vez de cuidarlo lo perjudicaron", indicó el dirigente de SUPU, Oscar de los Santos a LA REPUBLICA.

"Es un tema demasiado grave y por eso vamos a denunciarlos ante el Ministerio, debe establecerse un precedente (porque) un instituto de formación como es la Escuela Nacional de Policía no puede efectuar este tipo de discriminación. ¿Qué imagen se le da al ciudadano si esto se permite en la Policía?", se preguntó De los Santos. SUPU cuenta con el respaldo de la Comisión de Salud Laboral del PIT-CNT, y en las próximas horas el caso será presentado ante la Comisión de Derechos Humanos del Parlamento.

Anexo 4

Fuente: http://www.elpais.com.uy/10/08/29/pnacio_511619.asp

Diario EL PAÍS, 29 de agosto de 2010.

36 locales escolares sin seguridad edilicia

Montevideo. Informe al Consejo de Primaria revela que algunos corren riesgo de derrumbe

Raúl Mernies

La Asociación de Maestros del Uruguay (Ademu) realizó un relevamiento del estado edilicio de las escuelas, del que se desprende que en Montevideo hay, al menos, 36 locales en estado grave, incluso con peligro de derrumbe.

En la escuela Checoslovaquia, en Villa del Cerro, no hubo clases durante toda la semana pasada. Mañana los alumnos volverán, pero en el recreo deberán esquivar andamios.

Primaria cerró ese centro educativo tras las denuncias de los padres ante aparentes "caídas de revoque", situación que provocó la decisión de no permitir el ingreso de los niños "hasta que no arreglen la escuela", contó Gabriela, madre de tres alumnos.

Luego de que algunos arquitectos corroboraron que el edificio -que en este 2010 cumplió 151 años-, estaba en muy malas condiciones, comenzó el trabajo y mañana se habilitarán ocho salones.

Los dos turnos que funcionan en el edificio, de 21 grupos cada uno, completan los 1.000 alumnos y desde mañana habrá clases de hasta 60 niños por salón. Otros grupos tendrán clases en locales del barrio que consiguieron los padres.

Hace algunos meses Ademu envió formularios a los directores de todas las escuelas del país para que respondieran algunas preguntas sobre el estado de los edificios.

Con las respuestas que llegaron, más las recorridas que realizaron los propios maestros, se elaboraron informes divididos por departamento. El País pudo acceder a un resumen del informe de Montevideo, que revela "estado deficitario" en 36 centros de estudio.

"La situación es mucho peor de lo que la gente cree porque a las autoridades no les sirve que se diga, pero todas estas escuelas tendrían que ser cerradas para repararse, sin embargo siguen funcionando", dijo Carla Farías, de Ademu.

Entre las situaciones más graves resaltó lo que sucede en la escuela 324 de Maracaná.

"Como era una escuela provisoria, las paredes son de chapa de durabor. El tema es que ya pasaron 14 años y la escuela nunca dejó de ser provisoria".

Farías contó que allí las paredes están "comidas por las ratas", pese a lo cual nunca dejó de funcionar.

En la muestra de escuelas con problemas de infraestructura queda claro que las realidades son de lo más variadas y "mucho más graves de lo que se lee en las palabras", dice el informe de Ademu. "A estos problemas se suman otros como la falta de auxiliares de limpieza, lo reducido de los espacios y hasta grupos funcionando en los comedores", relata.

En una escuela de la zona de Arroyo Pantanoso hay problemas serios de humedad en varios salones, baños con instalaciones eléctricas por las que corre el agua cuando llueve. En el comedor de esa escuela la instalación de agua es precaria y está en mal estado.

Otro de los ejemplos del citado relevamiento describe la situación en una escuela de Piedras Blancas, en la que algunos techos se gotean cuando llueve, "los pisos se levantan y explotan, quedando huecos en los salones".

En esa misma escuela los niños todavía escriben sobre bancos varelianos que tienen más de 100 años.

Uno de los ejemplos que describe mayor gravedad es el de la escuela de Manga, en la que hay un salón con el techo roto y cuando llueve gotea, y el patio del recreo se inunda permanentemente por el desagote de un pozo negro que se llena con las lluvias.

Allí también hay problemas eléctricos en la dirección, en la secretaría y en otros tres salones que poseen poca iluminación natural. Los baños están en mal estado, faltan puertas y se inundan por problemas estructurales en la obra.

En otras dos escuelas de Manga también hay pozos negros desbordados. Las empresas barométricas habitualmente demoran cinco días en ir a vaciarlos. Hay una en la que funcionan seis grupos en tres salones, compartiendo, incluso, el mobiliario.

En Maroñas las ventanas no cierran y les faltan los vidrios.

En el documento de Ademu elevado al Consejo de Primaria también se incluyeron algunos datos que trascienden los problemas edilicios, como que en la mayoría de las escuelas de la capital hay "serios problemas para cubrir los cargos de maestros, el personal no docente es deficitario y en muchos casos, cuando hay más de dos o tres auxiliares de servicio, alguno está con tareas disminuidas o de licencia".

Problemas van por barrios

Cerro. Edificio muy viejo con caída de revoques.

Maroñas. Edificio antiguo con ventanas que no cierran y carecen de vidrios. Tienen serios problemas con las instalaciones eléctricas.

Prado. Problemas de azotea y patio de baños.

Villa Muñoz. Problemas de desagües e instalación eléctrica.

Pantanoso. Humedad en varios salones. Baños con humedades importantes y con instalación eléctrica por la que corre el agua cuando llueve.

Maroñas. Mobiliario deficiente. Problemas de desagües, baños y aberturas.

Piedras Blancas. Algunos techos se gotean cuando llueve. Los pisos se levantan y explotan.

Bella Italia. Mobiliario deficitario, problemas de desagües, baños y pintura.

P. de la Arena. Pisos, baños y desagües rotos.

Melilla. Edificio anexo con riesgo de derrumbe.

Rincón del Cerro. Problemas en el techo y filtraciones. Se aflojaron las bovedillas.

Paso Molino. Se cae el revoque de los techos.

Prado. Es de discapacitados intelectuales. Problemas edilicios en general.

Manga. Techo roto. Cuando llueve gotea en el salón. Patio del recreo se inunda por desagote de pozo negro.

Casabó. Filtra agua de lluvia, patio extremadamente reducido.

Pueblo Ituzaingó. Agua que corre por los tableros de electricidad. Falta importante de vidrios. Techos sin revoques porque se van cayendo. Cuando llueve se inunda. Cañerías tapadas por las obras de construcción del liceo que queda al fondo.