**Written submission of the Institutive Assembly on mental health, deinstitutionalization and dignified life, Centre of Archives and Access to Public Information (CAinfo), Legal and Social Studies Institute of Uruguay (IELSUR) to the 59 Pre-Sessional Working Group of the CESCR (10th to 14th October, 2016)**

**Proposal of List of Issues – URUGUAY**

1. Introduction

On the occasion of the celebration of the Pre Session 59a of the Working Group of the Committee on Economic, Social and Cultural Rights (CESCR), CAinfo, IELSUR and Institutive Assembly on mental health, deinstitutionalization and dignified life present a series of issues and suggest certain questions relating to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12) in Uruguay. We thank the Working Group to consider these inputs when developing the list of issues to be sent to the Uruguayan State and during the interactive dialogue with it.

It should be noted that although Uruguay has recently been considered by the UN Committee on the Rights of Persons with Disabilities in August 2016, the Uruguayan government does not have a large number of observations for measures to guarantee the right to the most highest attainable standard of physical and mental health in the country, except for the two observations submitted by the CESCR in 2010 (paragraphs 25 and 26) on the situation of psychiatric colonies, observations which has not been implemented yet, worsen the situation of the people there institutionalized.

The revision of Uruguay by the CESCR in 2017 represents a key opportunity to advance in the incorporation of international standards on mental health in national legislation as well as to proceed in the necessary renewal of care for mental health that involves strict respect for human rights of the persons.

1. List of Issues and questions

Article 12 - The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

**Situation of persons institutionalized in psychiatric Colonies**

Currently, Uruguay has Law 9,581 of Psychopaths dating from August 1936 whose provisions are not harmonized with international human rights standards in the field. In 2010 and from information provided by organizations of civil society, the ESCR Committee (CESCR) of the United Nations noted[[1]](#footnote-1) with concern the situation of persons institutionalized in psychiatric Colonies Bernardo Etchepare and Santin Carlos Rossi, a situation that 6 years later still persists.

In 2015, social organizations and user organizations reported deaths caused by cruel, inhuman and degrading treatment in Colonia Etchepare. This situation resulted, among other seriously facts, in the death of a patient in this Centre after being attacked by a pack of dogs living on the grounds of the Colony[[2]](#footnote-2).

The National Prevention Mechanism (NPM) that works in the orbit of the Human Rights Institution (NHRIs) has observed[[3]](#footnote-3) the executive branch to make progress in improving the situation and quality of life of people institutionalized in hospitals and psychiatric clinics and encouraged authorities to take concrete measures to prevent such situations. While during 2015 the NPM made visits to these centres do not yet have enough infrastructure and budget to fully monitor the situation of people in the Colonies and Clinics.

**Mental Health Law**

During 2015, the Ministry of Public Health (MSP) conducted a consultative process with civil society in order to draft a mental health law harmonized with international human rights standards.

While we recognize that the process was consultative, we understand that the draft submitted to the Legislature for consideration does not include contributions understood as fundamental (among the most serious does not provide for the existence of a independent and autonomous review body, there is no guarantee for internments, and the dignity of the person is not guaranteed as invasive treatments such as electroshock or medication are not controlled and no resources are raised for total system replacement treatment -based in interdisciplinary direction made by social and academic organizations)and thus lacks full human rights approach.

On June 30, 2016 was presented to the public the National Commission for a Mental Health Law, which gathers more than 45 diverse and heterogeneous social organizations, unions, student, academic institutions and individual activists[[4]](#footnote-4) to deepen rights of people with mental illness in our country. This Commission[[5]](#footnote-5) has raised its difference with the text of the bill[[6]](#footnote-6) presented by the Ministry of Public Health (MSP)[[7]](#footnote-7), specifically as regards: i) Monitoring Body on human rights as provided in the bill It has not independence and autonomy as provided by the Convention on the Rights of persons with disabilities; ii) voluntary admissions and; iii) the absence of a schedule that takes effective measures on deinstitutionalization and closure of asylums Institutions and hospitals Monovalent.

**Information System on mental health policy in Uruguay**

In July 2016, CAinfo, IELSUR and Institutive Assembly presented the report "Contributions to the transformation of the model of mental health care in Uruguay"[[8]](#footnote-8). The report highlights the importance of a series of breaches of the Uruguayan State in relation to "take effective measures to improve the level of care provided to people with mental disability measures" as was observed in late 2010 by the CESCR.

The report concludes that Uruguay far from complying with the recommendations arising from this Committee, maintains a model of mental health care that violates the rights of users and their family. The research also reveals a high degree of lack of information persists in the responses of the State public bodies, particularly in the Social Security Bank (BPS), Ministry of Public Health (MSP) and the Administration of Health Services (ASSE). In many cases the bodies mentioned above provide partial, contradictory information or no answer. This situation of lack of statistical data is evident in the Country Report submitted by Uruguay before the Committee, in which no statistical information is presented on the subject.

1. What measures has the Uruguayan State taken to prevent, investigate and punish violations of human rights of persons institutionalized in psychiatric colonies that have been reported since the last revision to the CESCR?
2. What legislative and policy measures has the Uruguayan state taken to harmonize the mental health care system with current international standards in this area?
3. Has the Uruguayan government a system of receiving complaints of ill treatment, cruel, inhuman and degrading treatment in public and private psychiatric centres? What is the scope of the National Preventive Mechanism operating in the orbit of the National Institution of Human Rights (NHRI)?
4. Explain how the Uruguayan state guarantees life and dignity of persons hospitalized in psychiatric colonies, hospitals and psychiatric clinics
5. Has the Uruguayan government a plan and schedule for the gradual closure of monovalent hospitals and the transformation of the mental health care system?
6. Is the creation of an independent and autonomous Monitoring Body in mental health policy contemplated?
7. Has the Uruguayan government a system of statistical information to evaluate the level of implementation of public policy on mental health at the national level and to exercise effective control over it in both the public and private sectors?
8. What measures are being taken to plan the implementation of SDG 3, which aims to ensure a healthy lifestyle and promote wellness for everyone in all ages?
1. E/C.12/URY/CO/3 [↑](#footnote-ref-1)
2. http://inddhh.gub.uy/sobre-jaurias-en-colonias-santin-rossi-y-etchepare/ [↑](#footnote-ref-2)
3. <http://inddhh.gub.uy/informes-y-observaciones-del-mnp/> [↑](#footnote-ref-3)
4. Go to Annex I [↑](#footnote-ref-4)
5. Go to Annex II [↑](#footnote-ref-5)
6. Subbmitted on December 2015 and currently is being disscused at the Health Commission of the Senators Chamber of the Parliament. [↑](#footnote-ref-6)
7. Go to Annex III [↑](#footnote-ref-7)
8. http://www.cainfo.org.uy/2016/07/salud-mental-informacion-publica/ [↑](#footnote-ref-8)