



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

10 June 2015

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Uruguay (CAT/C/URY/3) by this Committee, at its 52nd session, held from 28 April to 23 May 2014. At the end of that session, the Committee's concluding observations (CAT/C/URY/CO/3) were transmitted to your Permanent Mission. In paragraph 25 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 23 May 2015, further information regarding areas of particular concern identified by the Committee in paragraphs 9, 12 and 13 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Uruguay on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Jens Modvig

Rapporteur for Follow-up on Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/URY/CO/3)

URUGUAY

(...)

C. Principal subjects of concern and recommendations

(...)

Allegations of torture and ill-treatment in prisons

9. The Committee finds it regrettable that, notwithstanding the “dozens of criminal complaints of ill-treatment or failure to care for persons deprived of their liberty” submitted by the Parliamentary Commissioner for the Prison System (CAT/C/URY/3, para. 539), the State party has not provided precise information on the number of allegations, investigations, trials or convictions involving cases of torture or ill-treatment during the reporting period. What little information exists mentions charges of torture being brought against two warders at the Canelones prison in 2012 and a number of complaints concerning warders at various prisons for having inflicted “personal injury” upon prisoners (arts. 2, 12, 13 and 16).

The State party should:

- (a) Take appropriate steps to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated and that those responsible are tried and, if found guilty, punished in accordance with the seriousness of their acts;**
- (b) Ensure that investigations into allegations of torture or ill-treatment are carried out by an independent body that has the necessary resources at its disposal;**
- (c) Evaluate the effectiveness of the complaints mechanisms available to persons deprived of their liberty;**
- (d) Provide detailed information on any cases of torture or ill-treatment that occurred during the reporting period, including disaggregated information on the number of complaints, investigations, trials and judgements and on reparation granted to victims.**

(...)

Juvenile justice

12. The Committee is concerned about the call for a referendum on 26 October 2014 on the proposal to lower the minimum age of criminal responsibility to 16 and try young people in conflict with the law as adults in cases involving serious crimes, as a means of combating crime in the State party. The Committee is also concerned by information that it has received which indicates that the tightening of criminal legislation applicable to juvenile offenders has led to a significant increase in the number of minors deprived of their liberty and that this has resulted in a deterioration in their conditions of detention at Adolescent Criminal Responsibility System (SIRPA) facilities. Although the State party has not provided information on occupancy levels in these centres, information at the Committee's disposal indicates that there is overcrowding at the SER and Las Piedras centres in Colonia Berra and that this situation is made worse by the fact that these young people are confined to their cells for up to 23 hours a day, with no access to educational or recreational activities. Conditions of detention at the Admissions Centre for Female Adolescents (CIAF) and the Cepirli Detention Centre, in Montevideo, are also very poor, with problems with regard to the water supply and sanitation facilities being noted, in particular. The Committee is also concerned by information indicating that the adoption of more stringent measures to prevent escapes from these centres has considerably restricted inmates' opportunities for contact with the outside world (arts. 2, 11 and 16).

The State party should ensure that its juvenile justice system is fully in line with international standards, especially the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). In particular, the Committee urges the State party to:

- (a) Ensure that the minimum age of criminal responsibility is in accordance with internationally established standards;**
- (b) Ensure that minor offenders are deprived of their liberty only as a last resort and for the shortest amount of time possible and that their detention is reviewed periodically with a view to putting an end to it;**
- (c) Use alternatives to pretrial detention wherever possible;**
- (d) Ensure that conditions of detention in juvenile custodial centres are consistent with the Convention and other international human rights standards and that the minors in these centres receive care, protection, an education and job training;**
- (e) Redouble its efforts to alleviate overcrowding in juvenile detention centres.**

Juvenile facilities

13. The Committee is gravely concerned by reports of ill-treatment of minors in SIRPA facilities. According to the information submitted, there are documented cases of ill-treatment in the form of beatings, the use of stress positions such as the “*paquetito*” or “package” (shackling hands and feet behind the back), abusive or humiliating punishments, including forced nudity, collective punishments, strip searches, invasive body searches and the use of coercive measures within these facilities. While welcoming the additional information provided by the delegation, according to which SIRPA has opened 16 files on cases of ill-treatment, sexual abuse and irregularities in restraint procedures since 2012, and criminal complaints have been brought in 3 cases arising in the SER centre, the Committee finds it regrettable that the information does not include the number of alleged victims or their sex and age, the place of detention concerned or the protective measures taken in each case. Notwithstanding the delegation’s statement in which it categorically denied all allegations that psychopharmaceutical substances are administered as a means of restraint, the Committee remains concerned by reports indicating that there are irregularities in this regard, particularly in respect of female juvenile detainees. Lastly, the Committee is concerned by reports that reprisals have been taken against victims, their families and officials in these centres who have reported ill-treatment of this kind (arts. 2, 12, 13 and 16).

The Committee urges the State party to:

(a) Set up an effective, independent and accessible complaints mechanism that will ensure that reports of torture or ill-treatment of minors held in SIRPA centres are investigated promptly, thoroughly and impartially. Such investigations should be carried out by an independent agency;

(b) Investigate the alleged irregularities in the administration of medicines to juvenile detainees;

(c) Ensure that, in cases of alleged torture or ill-treatment, suspects are immediately suspended from duty for the duration of the investigation, particularly if there is a risk that those actions might be repeated or the investigation obstructed;

(d) Protect victims and witnesses of torture or ill-treatment from reprisals;

(e) Provide victims of torture and ill-treatment with redress, including just and adequate compensation and the fullest possible rehabilitation, taking due account of the Committee’s general comment No. 3 (2012) on the implementation of article 14 by States parties (CAT/C/GC/3).

(...)

25. The Committee requests the State party to furnish it with information by 23 May 2015, at the latest, on the action that it has taken in response to the

recommendations in paragraphs 9, 12 and 13 of these concluding observations that it:
(a) ensure or reinforce safeguards for persons who have been deprived of their liberty;
(b) undertake prompt, impartial and effective investigations; (c) prosecute suspected perpetrators and punish those found guilty of having committed torture or ill-treatment.

(...)
