



OMCT E-Bulletin June 2022

73rd Session of the Committee Against Torture

This E-Bulletin is part of the OMCT's Anti-Torture Programme. The OMCT mobilises and coordinates activities of civil society organisations during the sessions of the United Nations Committee Against Torture (CAT). It facilitates the engagement of civil society by building coalitions, sharing information, ensuring timely and effective report submissions, advising on advocacy opportunities and supporting effective access to the CAT. Find out more about our work on our [website](#).

Uruguay

Violence Against Children and Increased Deaths in Detention

During the consideration of the fourth periodic report of Uruguay, the Committee focused in particular on the following issues: violence, death and conditions in detention, use of force by police, violence against children in detention, fundamental safeguards, and the definition and criminalisation of torture.

The Committee was concerned that the State had still not criminalised the crime of torture and that the definition of torture was not in line with article 1 of the Convention. The Committee was concerned by reports that fundamental legal safeguards were reportedly not being observed, such as illegal detentions, searches without warrant and excessive use of force by the police during arrest. The Committee recommended that fundamental legal safeguards be guaranteed to all persons deprived of liberty from the time of arrest, including the right to a lawyer, to independent medical examination, be informed of their rights and reason for arrest, and to be brought promptly before a judge.

The Committee was deeply concerned by police violence, including the new legislation establishing a presumption of 'legitimate defence' by the police, without limitations, as well as by the unconditional official support for police forces. The Committee recommended that the State should take legislative and other measures to ensure that any use of force by the police respects the principles of necessity and proportionality, and to conduct prompt, impartial and effective investigations of all allegations of abuse.

The Committee expressed deep concern about the treatment of children in conflict with the law and in detention, including the toughening of sentences applied to children; reports of violence and ill-treatment against children, as well as the by the reported failure to remove officials accused of abuse from duty. The Committee was also concerned about reports of prolonged

pre-trial detention, use of isolation, poor hygiene conditions and limited socio-educative measures. The Committee recalled its previous recommendation that the State should use detention of children as a last resort, for the shortest time possible; use alternatives to detention as a priority; ensure that detention conditions respect international standards (including the Beijing Rules), and ensure that all allegations of ill-treatment are investigated.

The Committee was highly concerned by reports of violence in detention, and by the 79% increase of deaths in custody in 2021. The Committee recommended that independent investigations be conducted in all allegations of violence and cases of deaths, including potential responsibility of the police, that perpetrators are removed from duty, that sanitary medical assistance is ensured for all detainees, and that all doctors receive specific training to detect cases of torture or other ill-treatment.

The Committee was also concerned that the legislative status of NHRI may be weakened or dismantled, and that the NPM did not have sufficient resources to function. It recommended a sufficient and independent budget for the NPM, and increased implementation of the NPM's recommendations.

Issues for follow-up:

- ❖ National strategy to reform the penitentiary system
- ❖ Development of a strategy for medical and sanitary attention for detainees
- ❖ Development of efficient complaint mechanisms for cases of torture

Read more: [Concluding Observations](#), [Meeting Summary](#) and [webcast](#).

OMCT Submissions

The first joint alternative [report](#) published by the OMCT with partner SERPAJ, focuses on the situation of children in detention in Uruguay, where a weakening of legal safeguards and an increasingly punitive approach has developed in recent years. This is demonstrated by recent increases in sentence-duration and reductions of alternatives to imprisonment. There is an alarming level of ill-treatment, including torture, inflicted on children detainees and investigations into prison staff are rarely carried out. The report issues several recommendations on areas including: legal safeguards for juveniles; training for staff; detention conditions; isolation in cells and providing alternatives to detention. The report also touches on issues involving juveniles detained in mental health facilities and 24-hour protection centres, and children separated from mothers in detention.

The OMCT and SERPAJ also collaborated on a second joint [alternative report](#) which offers a broader analysis of the ways that the Convention is applied in Uruguay. In particular, concerns about detention and police actions are raised. The number of prisoners has grown exponentially over the years resulting in overcrowding problems which have worsened material conditions. In 2021, there were 86 deaths in detention centres, over half of which were violent. Incidences of excessive use of force by police have also increased in recent years. There is concern about impunity for officials who commit torture or other ill-treatment as investigations have not been conducted effectively. Recommendations are also offered on issues including: the legislative definition of torture; legal safeguards in detention for adults; and historical abuses from the civil-military dictatorship of 1973-1985.