



**World organisation Against Torture**  
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**OPEN LETTER TO Mr JOSE MUJICA  
PRESIDENT OF URUGUAY**

**Mr José Alberto Mujica,**  
President of Uruguay  
Montevideo, URUGUAY

Via: Permanent mission of Uruguay  
in Geneva  
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Geneva, October 4, 2010

**Re: OMCT's concern about the situation of children and adolescents deprived of their liberty in Uruguay**

Your Excellency,

The World Organisation against Torture (OMCT), which coordinates the SOS-Torture network – the largest international network of NGOs fighting against torture, summary executions, forced disappearances and all other forms of cruel, inhuman or degrading treatment – is writing to express its deep concern about the situation of children and adolescents deprived of their liberty in Uruguay.

Although OMCT recognises that Uruguay is one of the most cooperative countries in debating and defending children's rights globally, it considers the situation to be very different where implementing recommendations issued by international human rights mechanisms is concerned - in particular with regard to children in conflict with the law. In spite of recommendations made by a number of these mechanisms in recent years (by the Special Rapporteur on Torture, the Universal Periodic Review, the Committee on the Rights of the Child), the situation of children and adolescents deprived of their liberty has not improved; OMCT can confirm that it has, on the contrary, worsened.

Mr President, on the basis of information received from the Instituto de Estudios Legales y Sociales del Uruguay (IELSUR – a member of OMCT's SOS-Torture

network), OMCT has observed a political shift towards the repression of children in conflict with the law. OMCT, in addition to concerns expressed in recent months (an oral declaration before the UN Human Rights Council and the May 2010 Mission), wishes to draw your attention to two pressing matters.

Firstly, OMCT expresses deep concern about various changes to the legislature's agenda affecting children and adolescents in conflict with the law. According to information received from IELSUR, some legislators are proposing lowering the minimum age of criminal responsibility from 18 to 16, increasing prison sentences for children and adolescents deprived of their liberty from 5 to 10 years and repealing article 222 of the Children and Adolescents' Code which stipulates that criminal records of children should be scrapped when they turn 18.

OMCT reminds you that all these modifications breach international standards on children's rights, such as article 37b of the UN Convention on the Rights of the Child which states that deprivation of liberty may only be used as a last resort and must be for the shortest possible length of time. Furthermore, the UN Committee on the Rights of the Child has consistently stated that all under-18s, from the moment that they are alleged to have committed an offence, must receive treatment which is in conformity with juvenile justice standards.

In addition, OMCT expresses alarm over plans to house children deprived of their liberty in container-like cells which signals declining detention conditions and a refusal in this way to guarantee children's rights.

OMCT urges Your Excellency to make the most of your office's prestige and the unanimous respect that you enjoy on a personal level to prevent the adoption of a more repressive law on the detention of children and adolescents in conflict with the law, and to prevent the approval of plans to imprison children in containers. In this respect, in order to avoid overcrowding in detention centres and the consequent poor conditions, we suggest that files are reviewed with the aim of identifying children whose sentences could be reduced.

Secondly, OMCT draws your attention to a number of cases of abuse of children and adolescents deprived of their liberty which have occurred this year and of which we have been notified by IELSUR. OMCT is particularly concerned about a number of teenage girls deprived of their liberty in the Centro Femenino de Detención de Montevideo, who were victims of rape and sexual abuse carried out at night on multiple occasions. In this respect, OMCT has received information that the centre's director, having been informed of the facts, refused to make them public and delayed an investigation. It has also come to our attention that various officials at the centre who reported these violations are now suffering harassment at work. OMCT expresses serious concern that the officer accused of these violations was allowed to return to work at the centre and to resume contact with the girls the following week.

Your Excellency, OMCT urges you to order the authorities concerned to carry out an effective, exhaustive, independent and impartial investigation into the rape of these girls deprived of their liberty to identify those responsible. The outcome of the investigation must be made public and the perpetrators must be brought before a competent, independent and impartial court and sanctioned as stipulated by law. OMCT also requests that the victims be granted an effective remedy and appropriate reparation, including compensation and rehabilitation.

Finally, OMCT encourages you to adopt without delay the most suitable measures to guarantee the security, protection and rights of all children and adolescents deprived of their liberty in Uruguay, in addition to the recommendations pronounced on this issue by treaty bodies and other UN human rights mechanisms.

Your Excellency, Mr President, trusting in your respect for human rights, we would be grateful if you could give attention to this matter and hope that you will take our requests into account.



Eric Sottas,  
Secretary General

Copy:

- Ministro del Interior: Sr. Eduardo Bonomi
- Presidente del INAU: Sr. Alejandro Javier Salsamendi Ferreira
- Presidente del Parlamento: Sra. Lucía Topolansky
- Presidente de la Cámara de Representantes: Sra. Ivonne Passada
- Presidente de la Cámara de Senadores: Sr. Danilo Astori
- Presidente de la Corte Suprema de Justicia: Dr. Jorge Omar Chediak Gonzales