

1. Who is "human" in the concept of modern human rights?

"Human" includes all human persons, with no distinction on sex, gender, religion, race, nationality, or others. At past, some rights were reserved to Uruguayans only, but now the concept includes all persons, with no difference with foreign persons (the difference is only in order to get some political rights).

Uruguayan Constitution is a iusnaturalism one, so not only the rights that are included textually on it are recognized, but also all that derives from the human personality. So, all human rights are recognized and have constitutional protection.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?

As said, in Uruguay there is no distinction between constitutional rights and other rights. All rights are recognized because of article 72 that states: "*La enumeración de derechos, deberes y garantías hecha por la Constitución, no excluye los otros que son inherentes a la personalidad humana o se derivan de la forma republicana de gobierno*".

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

There is no explicit regulation. However, doctrines such as conventionality control and human rights block ("bloque de derechos humanos") were developed and were also mentioned by the Uruguayan Supreme Court.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

The jurisdiction plays an important role in human rights standards. However, the development is still in a beginning step.

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

I think there are no values uncovered by norms –and to be covered-. As answered before, by article 72 all human rights are covered. However, not all human rights are protected at reality. There are some cases that needs more protection.

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

No. Maybe there are some articles that needs a modification or an interpretation according to reality. For instance, the ones that refers to ways of communication or correspondence (that need to include new ways of communication, such as new technologies or internet) –this can be added by interpretation-.

7. Are there any social realities contradicting international human rights concept based on individualism?

No, in Uruguay there are no indigenous collectives as in other region countries, and there are no other collectives that represents, in reality, an important tradition in which collective values are very dominant or important and with a significant problem.

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

Yes, there are mechanisms. The effectiveness depends on the case, the right, and on the judges.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

There are groups that represents different religions, and also ethnical origins. There are no linguistic identities or groups that defends a split with the nation.

10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

There is not an explicit definition of “minority”. But some minorities are specially protected, also with affirmative actions. In my opinion the concept is very important for constitutional issues and for constitutional regulations, in which minorities shall be protected.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and their view of peoples?

The development of International Human Rights Law was very important not only in international level, but also in national levels. For instance, the work done by Interamerican Court of Human Rights was very important in order to introduce and increase the human rights protection standards. I think the regulation of human rights, the protection –also protection to minorities- has been increasing, and the international law is very important for that.

12. What you think is the most current human rights problem in your country?

Probably the prisons situations, that has been observed by some international organisms. Nowadays, Uruguay has modified the Penal Procedural Code, so it is expected a better treatment of the problem. The judges also issued decisions on this topic, that can be qualified as “structural decisions” (“sentencias estructurales”).

There are also problems with economic and social rights (access to food, housing, education, health in some cases), and also others human rights problems, apart from that. In my opinion all human rights cases are important.