

URUGUAY

A. PROJECT IDENTIFICATION		
1.	PROJECT TITLE	Justice, Access to Public Information and freedom of expression
2.	NUMBER	IPDC/59 UY/01
3.	MEDIA DEVELOPMENT INDICATOR'S CATEGORY	Category III: Media as a platform for democratic discourse. C. Media self-regulation
4.	IPDC PRIORITY AREA	Promotion of freedom of expression. Strengthening of institutional capacity
5.	SCOPE	National
6.	TYPE OF ASSISTANCE REQUESTED	Support for training. Strengthening of institutional capacity
7.	TOTAL COST OF PROJECT	\$ 24.800
8.	AMOUNT REQUESTED OF IPDC	\$ 17.300
9.	BENEFICIARY BODY	Centro de Archivos y Acceso a la Información Pública San José 1330 (Montevideo-Uruguay) (5982) 901215
10.	IMPLEMENTING OFFICE	UNESCO-Montevideo
11.	PROJECT LOCATION	Uruguay
12.	PROJECT PREPARED BY	Tania da Rosa/Fabián Werner Directors, CAINFO

B. PRESENTATION

1. PROJECT JUSTIFICATION:

In the last decade, Uruguay has experienced a significant advance in the updating of its laws regarding international standards of freedom of expression and access to public information. This process led to the decriminalization of media offenses, regulation of community broadcasting sector and the adoption of a Law on Right of Access to Public Information. However the progress made at the policy level have been frequently threatened by various institutional practices at the different branches of government. In recent months the country has been increasing the amount of judiciary pronouncements that threaten freedom of expression and the effective exercise of the right of access to public information. This results

in the citation of journalists by some judges in judicial proceedings in order to prevent them from exercising their profession¹⁸, disclose the identity of their sources of information¹⁹, or subject to prosecution for libel for publishing complaints against public officials²⁰.

Besides, although the Supreme Court of Justice recently reaffirmed the constitutionality of the Law on Access to Public Information, various courts in first and second instance have rejected demands for access to public information by journalists and members of civil society.

At the same time, several national and international organizations involved in the protection of human rights have recently issued recommendations underlining the need to strengthen human rights training for civil servants (including judges and prosecutors) as a fundamental component of positive commitments taken onboard by the State in the matter. This has been noted by the Human Rights Committee²¹, the Human Rights Council of United Nations during the Universal Periodic Review Second Cycle²² and the National Institution of Human Rights in their report for the same instance²³.

Moreover, the Annual Report 2013 of the Special Rapporteurship for Freedom of Expression of the Organization of American States noted that in order to advance the implementation of measures designed to ensure the right of access to information, member states should “Encourage the effective and efficient implementation of norms on access to information, adequately training public employees and informing the citizenry in order to eradicate the culture of secrecy and provide citizens the tools to effectively monitor state activities, public administration and the prevention of corruption, all essential to the democratic process”²⁴.

In consideration of all these elements, the objectives of this project are:

- A. To contribute in the creation of tools for updating and training members of the judiciary in the thematic project.
- B. To promote the application of international human rights law and international standards on freedom of expression and access to public information by the judiciary.
- C. To improve the justice system's response to threats to freedom of expression and the right of access to public information.
- D. To contribute to the creation of conditions that will strengthen the justice system as a guarantor of freedom of expression and right to information.
- E. To facilitate access to technical resources to resolve cases.
- F. To facilitate access to training for judges in the Uruguayan countryside.
- G. To foster positive interactions between the Judiciary, civil society organizations and journalists by contributing to maintaining open channels of dialogue and the sharing of experiences.

2. DESCRIPTION OF THE TARGET GROUP:

The main targets of the project are the stakeholders involved in the judicial system from the central regions of Uruguay judges, prosecutors and lawyers.

¹⁸ APU condena pronunciamiento judicial que implica censura previa. Available in: <http://www.apu.org.uy/destacada/apu-condena-pronunciamiento-judicial-que-implica-censura-previa/>

¹⁹ APU planteó a Suprema Corte de Justicia su preocupación por citación de periodistas para que revelen sus fuentes. Available in: <http://www.apu.org.uy/institucional/comunicados-apu/apu-planteo-a-suprema-corte-de-justicia-su-preocupacion-por-citacion-de-periodistas-para-que-revelen-sus-fuentes/>

²⁰ APU expresa preocupación por juicio contra periodistas de El Eco de Nueva Palmira. Available in:

<http://www.apu.org.uy/noticias/prensa/apu-expresa-preocupacion-por-juicio-contra-periodistas-de-el-eco-de-nueva-palmira/>

²¹ Available in: <http://acnudh.org/2013/10/comite-de-derechos-humanos-%E2%80%93-uruguay-2013/>

²² Available in http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A_HRC_26_7_SPA.DOC

²³ Available in <http://inddhh.gub.uy/wp-content/uploads/2013/10/Informe-INDDHH-de-Uruguay-a-la-2da.-ronda-del-EPU.pdf>

²⁴ Available in <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=840&IID=1>

The aim is to reach 35 individuals among which at least 20 members of the Public Ministry and Judiciary. The selection of individuals to participate will be gender equal, thus striving for a 50/50 balance of male-to-female participants. Additional attention will be paid to ensuring a regional balance among participants, with representatives from the different provinces as well as from the capital.

3. DEVELOPMENT OBJECTIVE:

Contribute to the training of members of the judicial system on international standards of human rights, particularly those related to freedom of expression and access to public information. In addition, contribute to national courts' adherence to international human rights law and to international standards of freedom of expression and access to public information. Finally, promote a fluid dialogue between the judicial system, journalists and civil society organizations to defend freedom of expression and the access to public information.

4. IMMEDIATE OBJECTIVE:

Implementation of a 35 (gender-balanced) high-level training course for judges, prosecutors and lawyers from across the country and the development of an on-line center for legal reference for the members of the judicial system, journalists and civil society organizations so as to defend freedom of expression and access to public information in Uruguay. The center for legal reference will be a sort of clearinghouse offering jurisprudence on access to information cases to member of the judicial system.

5. PROJECT OUTPUTS:

- Engagement of the Judiciary power in a training system for a better understanding of all access to information issues (an agreement will be negotiated with the Uruguayan Center for Judicial Studies CEJU and the Supreme Court of Justice to reach judges across the country get involved and the use of the center for legal reference).
- An online launch of the center for legal reference (taking into account the work of Article19 in Brazil²⁵).

6. ACTIVITIES:

- 6.1. A high-level course in Montevideo (two or three days) with the participation of international experts (closed meeting for operators of judicial system).
- 6.2. 1 day seminar (open activity extended to journalists and civil society organizations).
- 6.3. Development of an online center for legal reference. (4 months)

7. PROJECT INPUTS:

- Main consultant of the project.
- Project assistant.
- Expert consultant in web development.
- Consultant to build the database of center for legal reference.
- 2 x foreign trainers

²⁵ Available in <http://artigo19.org/centro/>

-3 x local trainers (the need for 3 local trainers is because this project will also work as a trainers of trainers opportunity, which means that the local trainers will benefit from the training offered by the international guest.

8. WORK PLAN:

ACTIVITIES / MONTHS	1	2	3	4	5	6	7	8	9	10	11	12
Definition of methodology and course content	X	X	X									
Negotiations to involve the Judiciary, the Public Ministry, the Uruguayan Press Association and others organizations in the project.	X	X	X									
Course content development and recruitment of international and national experts				X	X	X						
Research and construction of the database for the Center for Legal Reference	X	X	X	X	X							
Development and publication online of the Center for Legal Reference				X	X	X	X					
Maintenance and update of website								X	X	X	X	X
Face or virtual meetings with contracted experts for course preparation and coordination of logistics to ensure the participation of international guests							X	X	X			
Mapping of stakeholders of the justice system to promote their participation in the course							X	X	X			
Call for interested parties to participate. Establishment of a list of candidates and selection									X	X		
Coordinating event logistics						X	X	X	X	X	X	X
Public dissemination of the course									X	X	X	X
High level course in Montevideo												X
Evaluation of project results												X

9. INSTITUTIONAL FRAMEWORK:

The project is presented by the Center for Archives and Access to Information (Centro de Archivos y Acceso a la Información - CAinfo²⁶), a civil society organization that will additionally manage the project.

CAinfo (Center for Access to Public Information and Archives) is a nonprofit organization working in Uruguay for the right to information, freedom of expression and democratic communication. Since its founding in 2008 it promotes cultural change, institutional and legislative arrangements for the full and effective implementation of these rights, and participation of all people. CAinfo has received funds from UNESCO, OSF, FES, among others. Its former director, Edison Lanza, is the current OAS Special Rapporteur on Freedom of Expression.

²⁶ www.cainfo.org.uy

In the last few years, CAinfo has developed several projects with UNESCO and several international organizations, which guarantees the realization of the project and reach the targets. As an example one could mention the successful history of development of the Journalists Code of Ethics, the first self-regulation experience for journalism in Uruguay. In this context, a significant number of meetings, workshops and seminars were held in Montevideo and other provinces in order to share the Code's contents, promote its adoption by journalists not affiliated to APU and media, and encourage universities offering journalism and communication courses to address the issue of ethics in the classroom.

On access to public information, CAinfo monitors the implementation of Access to Public Information Law, promotes the use of legal tools by several social stakeholders (including journalists, activists and average citizens) through training courses and the production of guides and other materials.

CAinfo integrates the advisory council of the Access of Public Information Unit UAIP²⁷ representing civil society and maintaining a fluid dialogue with the authorities.

10. SUSTAINABILITY:

A network with strategic partners will take place (Uruguayan Center of Judicial Studies CEJU, Human Rights Consulting Services or Judiciary, National Institution for Human Rights and Uruguayan Press Association) to promote and develop the project. Once the judiciary system has included the access of information issue as part of their training it will make the process more sustainable.

11. FRAMEWORK OF MONITORING AND COMMUNICATION STRATEGY:

Ongoing monitoring of the project will be carried out by UNESCO-Montevideo. CAinfo will deliver progress reports and a final report, along with accountability of funds to the UNESCO office in Montevideo.

The final report will present a breakdown of the results obtained by the project during its implementation in 2015, its activities and a final evaluation.

12. PRIOR EVALUATIONS CARRIED OUT:

CAinfo has worked with several organizations and has been well assessed. It is important to highlight that the previous project with IPDC, which was key for the approval for the Code of Ethics, was well assessed by UNESCO Montevideo Office.

13. FRAMEWORK OF BENEFICIARY AGENCY'S REPORTING:

An intermediate report will be handed in to UNESCO Montevideo Office at the end of the 6th month of implementation. A comprehensive final report (including participants feedback will be submitted at the end of the 11th month. CAINFO directors will be in charge of the whole reporting process.

²⁷ www.uaip.gub.uy

D. BUDGET		
BREAKDOWN OF IPDC CONTRIBUTION (in US dollars)		
ACTIVITIES	DETAILS	US\$
CENTER FOR LEGAL REFERENCE		
Website development	Web interface design, information classification and ways to filter searches 10 hs x week x 4 months x 75 dollars	3.000
Research and database construction	Collection of legal documents, court decisions, national case law and international conventions signed by the country 10 per week x 4 months x 62.5 dollars	2.500
HIGH LEVEL COURSE IN MONTEVIDEO		
Fees for local and foreign trainers	Professional fees for three local (\$125x3x4days of work) and 2 foreign guest trainers (\$250x2x4days) Please note: there will be a 3 days high-level course plus a 1 day open seminar.	3.500
Flight tickets and accommodation for two foreign trainers	Flight tickets and stay in Montevideo for two foreign trainers 2 tickets (approx. 600 each) + 2 per diems (approx. 600 each) x 2 trainers	2.000
Printed materials	Material support for 35 seminar attendees (banners, folders, literature)	500
Rent of location for seminar	1 Suitable room to accommodate 35 participants, members of the organization and attending the workshop open segment	1.000
3 coffee breaks for 35 people (closed meeting)	Approx. 12 dollars per person	1.250
Transportation	Transfer of attendees from the interior of the country (the number depends on the inscriptions, objective is a minimum of ten people)	500
SEMINAR / PUBLIC ACTIVITY		
Coffee break 80 people	Approx. 12 dollars per person	1.000
Printed materials	Material support for 35 attendees and journalists (banners, folders, literature)	250
Flight ticket for Special Rapporteur for Freedom of Expression	Flight Ticket Montevideo/Washington/Montevideo	1.800
TOTAL IPDC U\$S		17.300

BREAKDOWN OF THE BENEFICIARY AGENCY'S CONTRIBUTION (in US dollars)		
ACTIVITIES	DETAILS	US\$
Communication and dissemination	Development of communication strategy, writing press releases and supporting materials for the seminar. Sending press releases and management. 10 hs x week x 4 months	1.500
Project assistant	General assistance for conducting the project. 10 hs x week x 12 months	1.200
Secretariat	Provisions for the projects administrative support service: paperwork, purchase of supplies, hiring, purchasing tickets, hotel reservation, payments to consultants, payment exhibitors. 10 hs x week x 12 months	1.200
Facilities and office expenses	Office stationery, telephone, internet, electricity, transport	3.600
TOTAL BENEFICIARY'S CONTRIBUTION US\$		7.500