

## GOVERNMENT PROFILE OF URUGUAY

**Political System** Uruguay is politically organized as a unitary republic, geographically divided into 19 departments (districts), in accordance with a Constitution last reformed in 1967, under which the members of the government are elected every five years under a system of universal suffrage. The executive power is in the hands of the President and a Cabinet of 11 ministers. The legislative power is represented by the general Assembly, or parliament, composed of two chambers: the Senate with 31 members elected on a nation wide basis, and the Chamber of deputies (Commons), of 99 members with their seats being all located on the basis of proportional representation of each department. Justice is exercised by the Supreme Court, whose members are elected by the General Assembly, courts of justice and judges on a nation wide basis. Each department elects its own authorities, also under a system of universal voting. The municipal executive branch is represented by a mayor and the legislative power is represented by a municipal chamber. The governments of the departments are essentially responsible for managing their own internal affairs, excluding justice, education, health, security, foreign policy, defense, and primary responsibilities for economy and finance, which are administered on a national basis.

**Judicial System** The Uruguayan legal system is ultimately based upon the Constitution, with written laws passed by the Parliament and executed by the president. The origins of the system are coming from the French Napoleonic Code and Spanish civil law. There are separate judges with jurisdiction on civilian/commercial, labor, penal and family. Although the verdict of a court or a judge may provide guidance for other cases, such verdicts are not a binding precedent as found in countries where, by tradition, jurisprudence is a source of law. The highest court in Uruguay is the Supreme Court; below it are appellate and lower courts and justices of the peace. In addition, there are electoral and administrative ('contentious') courts, an accounts court, and a military judicial system. Located in Montevideo, the Supreme Court of Justice manages the entire judicial system. It prepares budgets for the judiciary and submits them to the General Assembly for approval, proposes all legislation regarding the functioning of the courts, appoints judges to the appellate courts, and nominates all other judges and judicial officials. It has the power to modify any decisions made by the appellate courts and is the only court allowed to declare the unconstitutionality of laws passed by the General Assembly. It alone decides on conflicts affecting diplomats and international treaties, the execution of the rulings of foreign courts, and relations among agencies of the government. The president of the Supreme Court of Justice is empowered to attend meetings of the committees of both chambers of the General Assembly and has a voice in discussion but has no vote. A conference of the two chambers of the General Assembly appoints the five members of the Supreme Court of Justice. The justices have to be between forty and seventy years of age, native-born citizens in full possession of their civil rights, or legal citizens with ten years' exercise of their rights and twenty-five years of residence in the country. They also have to

have been a lawyer for ten years or to have been a judge or member of the Public Ministry for eight years. (The Public Ministry consists of the public attorneys, headed by the 'attorney general of the court and attorney of the country,' who acts independently before the Supreme Court of Justice.) Members serve for ten years and can be reelected after a break of five years. At the appointment of the president, two military justices serve on the Supreme Court of Justice on an ad hoc basis and participate only in cases involving the military.

Each of the appellate courts, also located in Montevideo, has three judges appointed by the Supreme Court of Justice with the consent of the Senate. To be a member, one has to be at least thirty-five years of age, a native-born citizen or legal citizen for seven years, and a lawyer with at least eight years of experience or otherwise engaged in a law-related profession for at least six years. An appellate court judge is obliged to retire by age seventy. These courts do not have original jurisdiction but hear appeals from lower courts. The appellate courts divide responsibilities for civil matters (including matters concerning commerce, customs, and minors), as well as for criminal and labor affairs. In Montevideo Department, the judges of first instance, sometimes referred to as lawyer judges (*jueces letrados*), decide on the appeals to lower-court rulings. Outside Montevideo Department, the first decision on all cases of civil, family, customs, criminal, or labor law is submitted to the municipal judges of first instance. Each department has up to five municipal judges of first instance, located in the major cities. They could rule on most minor cases, with the exception of those that were within the competence of the justices of the peace. Both municipal judges of first instance and the Montevideo Department judges of first instance have to have previously served as justices of the peace. At the lowest level, each of the country's 224 judicial divisions has a justice of the peace court. The Supreme Court of Justice appoints the 224 justices of the peace for four-year terms. They have to be at least twenty-five years of age, native-born citizens or legal citizens for two years, and in full possession of their civil rights. Those who serve in Montevideo Department and the capitals and major cities of other departments have to be lawyers; those in rural areas have to be either lawyers or notaries. Their jurisdiction is limited to cases involving eviction, breach of contract, collection of rent, and all small-claims commercial and business cases. The law recognizes only one category of lawyer. In order to practice law, an individual has to first obtain the degree of law and social sciences from the Faculty of Law and Social Sciences of the University of the Republic (also known as the University of Montevideo). The degree is granted by the university after the successful completion of six years of studies. Candidates have to be at least twenty-one years of age, listed in the Register of Lawyers maintained by the Supreme Court of Justice, not be under indictment for a crime penalized by corporal punishment, and not have been convicted of a crime. A public defender system was established in 1980 with the placing of lawyers in all courts to assist those unable to pay for their services. Public defenders- appointed jointly by the president and the minister of justice - protect the society's interests.