

TECHNICAL INFORMATION SHEET
PETITION 1224-07 DAVID RABINOVICH
FRIENDLY SETTLEMENT REPORT No. [103/19](#)
TOTAL COMPLIANCE
(URUGUAY)

I. SUMMARY OF THE CASE

Victim (s): David Rabinovich
Petitioner (s): David Rabinovich, Uruguayan Press Association [*Asociación de la Prensa Uruguaya*] (APU), and the Uruguayan Institute of Legal Studies (ILESUR)
State: Uruguay
Date of start of negotiations: October 1, 2015
Date of signing of the Friendly Settlement Agreement [FSA]: October , 2017
Friendly Settlement Agreement Report N°: [103/19](#), published on July 16, 2019
Memorandum of Understanding: May 3, 2019
Estimated length of the negotiation phase: 4 years
Pertinent Rapporteurship: Rapporteurship for Freedom of Expression.
Topics: Access to public information, journalists and the media, transparency, restriction of rights.

Facts: In the present case, a Uruguayan government entity—at departmental level—prevented the victim from having access to information on management of public accounts, based on a law incompatible with international standards, by permitting the Departmental Board to declare any session secret. The State also violated the victim’s right to access to information, because it destroyed the record containing the information requested.

Alleged rights: The petitioners allege violation of the human rights established in Articles 13 (right to freedom of thought and expression) and 25 (right to judicial protection) of the American Convention.

II. PROCEDURAL ACTIVITY

1. The IACHR issued its Approval Report No. 103/19 on July 16, 2019, indicating total compliance with the agreement.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of compliance
1. The State acknowledges that the refusal of the San José Departmental Board to allow access to the public information requested by Mr. Rabinovich resulted in a limitation of his right to seek, receive, and disseminate information and ideas of any kind, in a context lacking in clear procedures for access to public information, which led him to bring a petition to the Uruguayan Judiciary and subsequently to the IACHR.	Declarative clause

<p>2. The State points out and David Rabinovich acknowledges the progress made with the adoption of the following significant legislative reforms, which have served to strengthen the legal framework that guarantees and gives effect to the right of all persons to seek, receive, and disseminate public information: Law No. 18220 of December 20, 2007, National Archives System; Law No. 18232 of December 22, 2007, Community Broadcasting Service; Law No. 18331 of August 11, 2008, Personal Data Protection and Habeas Data Action; Law No. 18381 of October 17, 2008, Right of Access to Public Information; Law No. 18515 of June 26, 2009, reform of the Uruguayan criminal system with respect to communications crimes; regulation that followed the standards established in the Inter-American Human Rights System, without prejudice to the provisions of the Inter-American Model Law on Access to Public Information (approved by the Assembly of the Organization of American States in June 2010).</p>	<p>Declarative clause</p>
<p>3. The State and the petitioner agree to appear together and personally before the Inter-American Commission on Human Rights at its 154th Period of Sessions, to take place in Montevideo, for the purpose of signing this friendly settlement agreement, and request that entity to close the proceedings and the file on petition 1224-07.</p>	<p>Declarative clause</p>
<p>4. The State and the journalist agree to cooperate to facilitate public dissemination of the agreement reached, with an emphasis on disseminating the regulations in force on access to public information on an ongoing basis.</p>	<p>Total¹</p>
<p>MEMORANDUM OF UNDERSTANDING ON COMPLIANCE WITH THE FRIENDLY SETTLEMENT AGREEMENT Petition No. 1224-07</p>	
<p>1. Organize an academic event, open to the public, related to the Petition and approval of the law on access to public information and other significant rules and regulations on the subject.</p>	<p>Total²</p>
<p>2. Compose jointly a list of guests, to include relevant actors, public agencies, and civil society organizations, the press, and the media.</p>	<p>Total³</p>
<p>3. Ensure that the event is widely disseminated, through a press release by the Foreign Ministry, and that it is recorded. The recording shall be delivered to the petitioners and to the Secretariat of the Office of the President of the Republic, the National Human Rights Institution and the Office of the Public Defender, the Uruguayan Press Association, and the Press Organization of the Interior, which are requested to support its dissemination, to be duly communicated to both the petitioners and to the Inter-American Commission on Human Rights.</p>	<p>Total⁴</p>

V. LEVEL OF COMPLIANCE OF THE CASE

¹ IACHR, Report No. 103/19, Petition 1224 - 07. Friendly Settlement. David Rabinovich. Uruguay. July 16, 2019.

² IACHR, Report No. 103/19, Petition 1224 - 07. Friendly Settlement. David Rabinovich. Uruguay. July 16, 2019.

³ IACHR, Report No. 103/19, Petition 1224 - 07. Friendly Settlement. David Rabinovich. Uruguay. July 16, 2019.

⁴ IACHR, Report No. 103/19, Petition 1224 - 07. Friendly Settlement. David Rabinovich. Uruguay. July 16, 2019.

2. In its Approval Report on the Friendly Settlement Agreement, the IACHR decided to declare full compliance with Clause 4 of the friendly settlement agreement (public dissemination of the agreement) and with items 1 (related to the academic event), 2 (related to joint preparation of the guest list), and 3 (related to dissemination of the event) of the memorandum of understanding signed by the parties, to give content to the State's obligations to comply with the friendly settlement agreement.

3. By virtue of the foregoing, the IACHR declares that the friendly settlement agreement has been complied with in full; thus, it shall hereby end supervision of compliance with this friendly settlement agreement.

VI. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State acknowledged its responsibility.

B. Structural outcomes of the case

- The friendly settlement agreement reached was disseminated.
- The "Seminar on the Impacts of the Friendly Settlement Procedure before the IACHR in the development of national law in Uruguay" was held.
- The standards on freedom of expression and access to information were disseminated. The recording of the event has been made available to the public and distributed among various actors involved with the media.