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Presidential Election, Age of Criminal Responsibility Referendum Loom in Uruguay

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Uruguayan voters will head to the polls Oct. 26 for the last in a series of South American elections that also includes contests in Brazil, to be held Oct. 5, and Bolivia, on Oct. 12.

The Frente Amplio (FA), in power since 2005, is hoping its progressive model—introduced by former President Tabaré Vázquez (2005-2010) and continued by the country’s current leader, President José Mujica—will earn the party a third-consecutive term. The FA’s conservative rivals, the Partido Nacional (PN or Blanco) and Partido Colorado (PC), are hoping to re-establish the political hegemony that kept them in power throughout most of Uruguay’s post-independence history (from 1830 to 2005).

Besides choosing between a model of government that prioritizes social inclusion, the defense of state assets, and a more equitable distribution of the country’s wealth, and a model that favors the neoliberal policies that held sway in the region in the late 20th century, voters will also participate in a referendum regarding Uruguay’s age of criminal responsibility, meaning the age at which a suspected criminal can be prosecuted as an adult ([NotiSur, Sept. 30, 2011, and May 23, 2014]). The Blanco and Colorado parties want the age lowered from 18, as established in the country’s Código Penal, to 16.

Opinion polls have the FA candidate, ex-President Vázquez, as the favorite to win the election. He is unlikely, however, to finish with the 50% minimum necessary to avoid a runoff against the projected second-place finisher, PN candidate Luis Lacalle Pou. Pedro Bordaberry of the PC is expected to finish a distant third. The second round, if necessary, will be held Nov. 30.

In the past two elections, the Blanco and Colorado parties "loaned" each other votes in an attempt to defeat the progressive FA, which won regardless. Polls taken during the past several months suggest that Vázquez could capture between 46% and 48% of the votes and that the combined votes of the Blanco and Colorado candidates, plus the candidate for the tiny Partido Independiente (PI), would come in two or three percentage points behind.

Because of the complex manner in which legislative seats are distributed in Uruguay, the FA, even if it receives fewer than half the votes cast, could, as it did in 2004 and 2009, win majorities in both the upper and lower houses of the Asamblea General, made up of 30 senators plus the elected vice president, and 99 deputies, respectively. Assuming it can win the presidential runoff, the FA has a chance of governing with relative ease (i.e. not having to make cross-party alliances) starting March 1, 2015, when the next term officially begins. Lacalle Pou, in contrast, could face a very complex situation should he manage to win the Nov. 30 runoff.

Political legacies at play
Vázquez, 74, is by far the oldest of the three main candidates. Bordaberry is 54, and Lacalle Pou just 41. The relatively young age of the PC and PN contenders marks a shift for the two long-established
parties, which tended in the past to run older, more experienced candidates. The situation has led numerous analysts to speak about a generational renewal among the Blancos and Colorados and to criticize the FA for again presenting voters with an "old" candidate. Never mind that Vázquez is the country’s most positively regarded politician.

Social and political researchers from the faculty of humanities and sciences at the Universidad de la República, however, insist there’s more to the age issue than meets the eye. For starters, they note that the FA selected a relatively young vice presidential candidate: geneticist Raúl Sendic, 52, who has a solid and successful management background as president of the Administracion Nacional de Combustibles, Alcohol y Portland (ANCAP), Uruguay’s state oil company. Sendic’s father was a legendary guerrilla leader of the same name.

Bordaberry and Lacalle Pou are also the offspring of major figures in the country’s past, men whom Uruguayan society ended up questioning and even disavowing. The PC candidate is the son of Juan María Bordaberry, a lawyer who was elected president in 1971 but, in June 1973, transformed himself into a dictator. He was overthrown in 1976. In 2010 he became the first civilian in Uruguay’s history to be convicted and jailed for crimes against humanity, crimes committed during the 1973-1985 civilian-military dictatorship (NotiSur, March 19, 2010). The former dictator died in jail the following year.

Lacalle Pou’s father is former President Luis Alberto Lacalle Herrera (1990-1995), whose political legacy is marked by his imposition of a failed neoliberal model involving economic deregulation, privatization of state assets and entities, free-flowing capital, loosening of labor-protection laws, disinterest in regional integration, and a policy of harsh repression of the country’s labor unions.

Toeing the party line

Until as recently as August, polling firms saw Lacalle Pou as having a real chance to win the likely second-round election. Although none of the candidates ever said so explicitly, past experiences suggested that Bordaberry and the PI would end up "lending" the PN contender their votes. It was also assumed that Lacalle Pou would be able to attract a certain number of FA voters, people who thought of him as a new brand of politician. With his "ser feliz es gratis" (being happy is free) slogan, which is as optimistic as it is vacantly catchy, he came across as someone who avoided confrontation and would be willing to engage all sides in dialogue.

More recently, however, the old-guard Blanco leadership reminded Lacalle Pou that, while his youth and charisma are his to do with as he may, the party apparatus, campaign funds, and perennial party supporters are the exclusive and nontransferable property of the PN’s local caudillos, who want a candidate who will seriously challenge the FA and distinguish himself from the Colorados "the way a good Blanco should," as the aged party stalwart Carlos Juilio Pereyra said in the Sept. 4 issue of the Blanco newspaper El País.

The young Lacalle Pou, as a result, was forced to replace his ever-present smile with a sterner expression and start establishing positions and concepts that tied him, for the first time, to the burdensome legacy of his father.

It was within this context that the PN candidate came out against an FA-backed law establishing an eight-hour workday for rural laborers. He then announced that he would repeal an FA initiative known as the "decrease of occupations," which establishes that police—unless they first obtain
written permission from a judge—cannot forcibly clear workplaces of workers involved in union conflicts. Lacalle Pou promised as well to annul an FA-implemented law that establishes employer responsibility in cases when either the employers or the companies they subcontract violate workplace health and safety norms.

"Lower it to live in peace"

Lacalle Pou also obeyed instructions from his elders when it came to distancing himself from the PC. What the politically inexperienced candidate failed to grasp, however, was that he was supposed to make an exception regarding the Código Penal referendum. He seemed to have forgotten that PC support is essential for winning a second round. In response, Bordaberry is now threatening to withhold his support for Lacalle Pou in an eventual runoff situation. The threat—regardless of whether Bordaberry actually follows through—is problematic for the PN candidate, who with less than a month to go before the election needs all the impetus he can muster.

Like Lacalle Pou’s push for the presidency, the age of criminal responsibility referendum has also undergone a momentum shift of late. Three years ago, when Bordaberry first launched his "por la baja, para vivir en paz" (lower it to live in peace) campaign and received the express support of the Lacalles, both father and son, 68% of Uruguayans backed the "yes" option, meaning they agreed with the proposed age reduction. The campaign maintained that level of support until early this year, even though the country’s major media outlets have shown throughout to have a clear "yes" bias by artificially magnifying the "feeling of insecurity" that supposedly plagues the population. The media attributes the problem to "criminal youth being protected by the Mujica government."

Starting in January, however, the initiative began losing support, which now stands below the 50% that such changes, as dictated by the Constitution, require. Analysts say there are various factors contributing to the shift in public opinion. One is the distance that Lacalle Pou has put between himself and the "yes" campaign—even though he was one of the people leading the original signature drive that allowed the referendum to go forward. The proposed age reduction has also been complicated by opposition from a group of young Blancos allied with the PN’s vice presidential candidate, Jorge Larrañaga. The "no" campaign, backed by the influential PIT-CNT labor union, has helped erode support as well. A final factor, according to analysts, is the increasing attention paid to the issue by the current government.

The people—particularly those within the PC—who want to see children alongside adults in the country’s jails could end up costing the Blanco candidate the election, especially if Bordaberry follows through on his increasingly credible threat to boycott Lacalle Pou in the runoff.

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