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Andrés Gaudín

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Uruguayans Abroad Seek Voting Rights

by *Andrés Gaudín*

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A poll taken in late December revealed that six out of every 10 Uruguayans support the right to vote and to be elected to any post, even president, for fellow citizens who live abroad ([NotiSur, Oct. 28, 2011](#), and [May 18, 2012](#)).

The issue of voting from abroad has been a topic of debate—so far always on the losing side—ever since Uruguay returned to democracy after the civil-military dictatorship of 1973-1985. The debate gained greater urgency in 2005, when the progressive Frente Amplio first attained power.

But the proposal failed when Congress attempted to reform the Constitution, and again when a plebiscite was held coinciding with the 2009 presidential election. Now, pressure from organizations of Uruguayans living abroad for political or economic reasons has put the issue of voting rights on the agenda again, with political commentators pointing out that Uruguay is the only South American nation that doesn't give this basic civic right to its children of the diaspora.

Congress has had a reform project under consideration since 2014. In August 2016, the Council of Ministers approved a framework document on migratory policy that spotlighted that “the exercise of political and citizen rights and the broadening of political participations are fundamental for the integration for emigrated fellow citizens and the reinforcement of their ties to the country,” a concept taken nearly word for word from documents written by collectives of Uruguayans abroad.

In April, the Frente Amplio's policy committee will reconsider the bill presented in 2014, with the goal of putting it on a fast track for the legislative period that President Tabaré Vázquez inaugurated on March 15. Even though the two established conservative parties—the White (or National) and the Colorado—persist in their view that “those who don't live in the country don't have the right to vote because they are not going to suffer the effects of a bad election,” the most recent poll shows that the perception of Uruguayans today is not the restrictive and discriminatory view that prevailed in 2009. To this, add the fact that the Electoral Court, the highest authority on the matter, issued a ruling that substantially alters what until now has been the focus of the debate by signaling that a law—not a change to the Constitution—is all that is needed to establish voting rights for expatriates.

Support strongest among women, younger voters

The poll published in December showed that 59.3% of Uruguayans consider it democratically necessary for their fellow citizens to have the right to vote from wherever they live. The sample was designed by the Grupo de Estudios de Migración e Integración (Migration and Integration Study Group) and financed by the Universidad de la República, Uruguay's public university. The international firm Equipos Mori conducted it. Only one of the answers to the 61 questions in the survey has become known: “Should Uruguayans living abroad be able to vote in national elections without having to travel to Uruguay?”

Among those who answered yes, 61.5% were women and nearly 62% were between 18 and 44 years old. The firm's analysts noted, “The striking thing is that the high percentage of support doesn't only

come from FA voters. While they represent 78% of those who answered affirmatively, there was 54% support among people from the center, while 46.5% those from the right expressed approval.”

No one can accurately specify the exact number of Uruguayans who would gain voting rights if the Frente Amplio’s stated intentions were to come to fruition. According to data gathered in 2014 by the Ministry of Foreign Relations for the last national elections, there are 529,400 first- and second-generation Uruguayans living abroad. There is no information about third generation Uruguayans abroad who are also natural citizens. An internal Frente Amplio document says that emigration affects 15% of the population and, in absolute numbers, it says 600,000 people have left the country since the 1970s.

In her doctoral thesis, Fernanda Mora-Canzani, the Franco-Uruguayan daughter of Uruguayans exiled in France and the coordinator of the civil organization Ronda Cívica por el Voto en el Exterior (Civic Group for the Vote Abroad), doesn’t venture to give a total. Mora-Canzani says that there are 346,880 Uruguayans just across the Argentine border, 73,772 in Spain, and 47,664 in the US. In addition to the difficulty of coming up with a specific number, it’s important to consider that Uruguay, with little more than 2.5 million registered voters—thus the importance that the expatriate vote would have—purges from its voter rolls people who either abstained out of laziness or didn’t vote because they were abroad in two consecutive elections.

Last October, the National Human Rights and Ombudsman Institute (Institución Nacional de Derechos Humanos y Defensoría del Pueblo, INDDHH), an autonomous agency that operates with funding from Congress, presented a report that included the Electoral Court’s ruling and the opinions of the most respected constitutional experts, and concluded that Congress should “approve and establish during the present legislative session a bill that allows the vote from abroad.” It reiterated that message in February.

According to Mirtha Guianze, the INDDHH director, this type of attitude “would reflect the consecration of a right that all citizens have, regardless of where they live.” For Guianze, the rights of Uruguayans “are not suspended, but conditioned by whether they can pay for a ticket to travel to vote, thus this creates a complete inequality between those who have resources and those who don’t.” According to experts from the organization, suffrage rights are “derived directly from the Constitution, and in no place does [the Constitution] state that one must live in the country [to vote] or deny the right to those who are abroad, thus a constitutional reform is absolutely unnecessary,” which is one of the arguments of those against this democratic measure.

Constitutional right and obligation

The INDDHH asked the Electoral Court to determine which modifications should be introduced in the legislation to develop a system of consular or postal vote. Although the court did not rule on that issue, its statement is of particular importance because it implies an explicit recognition of the origin of suffrage rights from abroad. The electoral tribunal agreed with the majority in Uruguay that “the right to vote of the Uruguayan diaspora has constitutional status, and all that is needed is a law to regulate it.”

In the same round of consultations with the INDDHH, Héctor Gros Espiell, a respected Uruguayan constitutionalist, said categorically that “the right to vote of the citizens outside the country is derived directly from the Constitution and it is supported by Article 77, which is the basis of the

constitutional system in matters of elections and the integration of public powers and provides that all citizens belong to the sovereignty of the nation and as such are electors and electable.”

Gros Espiell, a noted member of the Partido Blanco, said in his answer to the INDDHH that “at no time does the Constitution add a requirement for residency in the country or deny this right to those who are outside the country.” Much to the chagrin of his party’s leaders, the expert said, “There is absolutely no need for a constitutional reform, and all that is needed is a law that regulates the way the right to vote abroad is exercised.”

Alberto Pérez Pérez, another constitutionalist consulted by the INDDHH, reaffirmed what Gros said and added that the issue is not just about citizens abroad having the right to vote, but that Uruguay’s “constitutional regime states that voting is mandatory, so that the first question should be how to make it possible for every registered citizen to meet the obligation to vote.”

Those talking about the unconstitutionality of voting from abroad base their arguments on the Constitution’s first article, which defines the republic as “the political associations of the inhabitants.” They understand that, implicit in that statement, is the notion that those who are not present in the country don’t have the right to vote or be eligible for election.

“That argument is easily refutable,” Pérez Pérez said. At present, those who reside abroad can come back for the purpose of voting and then return to where they live and their vote is considered valid. Therefore, according to Pérez Pérez and other experts, denying someone the right to vote would be considered antidemocratic and discriminatory, since it would be based on the ability to travel to vote and not on residency.

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