

# URUGUAY 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with an elected president and a bicameral legislature. The country has a multiparty electoral system with three major parties. In November 2009, in a free and fair runoff election, Jose Mujica won a five-year presidential term and his Frente Amplio party won a majority in parliament. Mujica assumed office in March 2010. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

Principal human rights problems included widespread use of extended pretrial detention that caused severe overcrowding and harsh conditions in the prison system, violence against women, trafficking in persons, and societal discrimination against Afro-Uruguayan and lesbian, gay, bisexual, and transgender (LGBT) persons.

The government took steps to prosecute officials who committed abuses, and there were no reports of impunity during the year.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and there were no reports government officials employed them.

The Ministry of the Interior reported an average of 100 police officers are dismissed each year for corruption, including bribe solicitation, extortion, and trafficking drugs in detention centers.

### **Prison and Detention Center Conditions**

Prison and detention center conditions continued to be harsh and life threatening in some facilities. The rising crime and high recidivism (60 percent) rates, as well as widespread use of extended pretrial detention, put the system at 125 percent of capacity. Understaffing in some facilities remained a problem.

Other problems included police corruption, firearms, and drugs in prison facilities; narcotics trafficking and extortion by prison gangs; poor building maintenance and services; excessive use of force and solitary confinement as disciplinary measures; and inadequate medical attention.

Physical Conditions: The government reported 9,535 prisoners (665 women), of whom 65 percent were awaiting trial. Facilities had a capacity of approximately 8,900 inmates. Public mental health hospitals in Vilardebo, Colonia Etchepare, Santin Carlos Rossi, and elsewhere in the interior held 350 prisoners. Authorities held together pretrial detainees and convicted criminals, while juvenile, female, and male prisoners were held in separate facilities. Prison conditions for women, juvenile offenders, and men did not differ appreciably. There were separate detention centers for female juvenile criminals to be processed and held. The Uruguayan Institute for Children and Adolescents (INAU) Adolescent Offenders' Division (SIRPA) reported 600 juveniles were incarcerated in facilities with a capacity for 350. Assisted by INAU staff, 26 women at El Molino prison kept their children with them. Another 39 children were in 13 other detention centers. Prisoners with disabilities faced difficulties in receiving the specialized medical care they needed.

There were 17 prison deaths in 2012 from homicide and suicide. Six prisoners died of tuberculosis and three of HIV/AIDS-related diseases. Some facilities had inadequate sanitation, ventilation, temperature control, lighting, and access to potable water. Prisoner handcrafted heaters that could set makeshift partitions on fire continued to pose fire hazard risks. Most facilities lacked formal security clearance from the fire department and lacked many basic necessities. Prisoners depended on visitors for clothing and enough food to reach the daily minimum caloric intake. Female prisoners often received no support from their families.

Prisoner-on-prisoner violence continued, partially due to the lack of a separate, high-security prison for violent criminals.

Those incarcerated in the public mental health hospitals Vilardebo, Colonia Etchepare, Santin Carlos Rossi, and some facilities in the interior had an average age of 30, and most of those detained reportedly were drug addicts.

Authorities held military and police officers sentenced for human rights violations committed during the military regime (1973-85) at the Domingo Arena Prison, where conditions differed greatly from those of the other prisons. Cells were furnished and included cable television and a refrigerator. Prisoners had free access to public telephones.

There were reports of excessive use of force at the Colonia Berro facility, and in some facilities inmates suffered inhuman and degrading conditions as a result of overcrowding. In August prisoners were immediately evacuated after setting fire to mattresses and destroying the premises of Module II of Comcar. In October three prisoners died during a riot in Module I of Comcar. According to an investigation, quarrels among drug dealers sparked the riot. Two prisoners died from shots fired by police and one prisoner died from injuries sustained during the six-hour riot. The prison ombudsman's report presented to congress concluded the deaths were extrajudicial killings.

The Union of Police Officers claimed underpaid prison guards worked excessive hours in subhuman conditions and faced constant lethal threats. The prison ombudsman report stated the prisoner-to-guard ratio was dangerously high (in some prisons one guard supervised 250 prisoners) and that long hours and harsh working conditions caused extreme stress among the prison guard staff.

Administration: The Ministry of Interior's National Rehabilitation Institute (INR) was responsible for national detention centers, their reorganization, and implementation of probation and rehabilitation measures for prisoners. The INR's recordkeeping on prisoners was adequate and included files on each inmate, which included personal, police record, and sentencing information.

Judicial authorities used few alternatives to incarceration for nonviolent offenders. The Office of Probation Measures (OSLA) lacked sufficient human and financial resources to work in most interior provinces and only operated within 24 miles of Montevideo.

The General Assembly elects a prison system ombudsman who is responsible for monitoring and reporting annually to parliament on prison conditions in the country's 29 detention centers. Representatives from the Office of the Ombudsman made 413 visits to prisons in 2012. The ombudsman coordinates work with the National Institution of Human Rights. The ombudsman receives complaints from prisoners and may present reports and recommendations but may not act on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding. The confinement of juvenile offenders is not within its mandate.

The government investigated and monitored prison and detention center conditions. Visitors had reasonable access to prisoners and detainees, and prison officials permitted prisoners religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions.

Independent Monitoring: The government allowed general prison visits by independent human rights observers, nongovernmental organizations (NGOs), religious congregations, and foreign diplomats, and such visits occurred unimpeded during the year.

Former UN special rapporteur against torture Manfred Nowak visited Montevideo in March. He noted improvements in some facilities such as Punta de Rieles, the building of new facilities, and the repair or closing of outdated facilities. He acknowledged some progress in the government's plan gradually to transfer penitentiary supervision and staff to the INR. He urged the government to undergo comprehensive judicial reform, stating that "preventive pretrial detention should be an exception and not the rule." Nowak also stressed that the lack of separation between sentenced and unsentenced (60 percent) prisoners was a violation of the right to presumption of innocence.

Improvements: The INR increased inmate capacity by 1,266 in Comcar. The prison ombudsman's May report indicated the application of a law for rehabilitation through work permitted prisoners to reduce their prison sentences by two days for each work or study day completed. The INR signed a contract with the Uruguayan Rowing Federation to have competition rowboats built by Comcar prisoners. OSLA made agreements with the State Waterworks Company and the Postal Service to find job opportunities for prisoners upon release, as well as for their families. Authorities granted only 6 percent of prisoners (mostly women) temporary outings. The ombudsman reported 23 percent of prisoners in the 29

detention centers worked or studied; in some rural prisons, up to 80 percent worked or studied. The INR's hiring of new civilian corrections officers provided the system with additional staff.

#### **d. Arbitrary Arrest or Detention**

The law and constitution prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The National Police under the Ministry of Interior maintain internal security. Civilian authorities maintained effective control over the National Police, and the government has effective mechanisms to investigate and punish abuse and corruption. The armed forces under the Ministry of National Defense are responsible for external security and have some domestic responsibilities as guardians of the outside perimeter of six prisons. There were no reports of impunity involving the police and security forces during the year.

#### **Arrest Procedures and Treatment of Detainees**

Police openly apprehended suspects with warrants based on sufficient evidence (probable cause) issued by a duly authorized official and brought before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. The constitution states a person may not be detained for longer than 24 hours without a judge being informed of the detention. The judge then has another 24 hours to determine whether the subject is to be indicted and sent to prison, indicted with bail, or released for lack of probable cause. Any confession obtained by police prior to a detainee's appearance before a judge and without an attorney present is not valid. A judge must investigate any detainee's claim of mistreatment. A lawyer assigned to each police station reports to the Ministry of the Interior concerning treatment of detainees.

For any detainee who cannot afford a lawyer, the court appoints a public defender at no cost to the detainee. For most persons accused of crimes punishable by at least two years in prison, the criminal procedure code prohibits bail. A judge may set bail if the individual is a first-time offender and there are provisions in place to

prevent the subject from fleeing. Most persons facing lesser charges were not jailed. Officials allowed detainees prompt access to family members.

Pretrial Detention: The use of pretrial detention is mandatory for particular crimes, and lengthy legal procedures, large numbers of detainees, and staff shortages in the judicial system led to trial delays and prison overcrowding. Some detainees spent years in jail awaiting trial, and the uncertainty and length of detention contributed to tension and psychological stress in the prisons.

Amnesty: The judiciary continued to investigate the serious human rights violations committed during the 1973-85 military dictatorship. The law classifies crimes committed during the military dictatorship (1973-85) as crimes against humanity. A June 2011 presidential decree, and the 2011 Inter-American Commission on Human Rights decision (*Gelman vs. Uruguay*), effectively overturned the Expiry Law, which had granted amnesty to officials following the 1985 return to democracy. In February 2012 the Supreme Court ruled the decree unconstitutional, holding that the alleged crimes against humanity fell under the statute of limitations.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

#### **Trial Procedures**

The constitution states no individual may be imprisoned without a prosecution and trial. Defendants have the right to presumption of innocence, to be informed promptly and in detail of charges against them, and to adequate time and facilities to prepare defense. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Defendants have the right to consult an attorney in a timely manner, and those who do not have an attorney are provided one at the state's expense. Only the judge, prosecutor, and defense attorney have access to the written record. Defendants may cross-examine witnesses against them and present witnesses and evidence on their own behalf. Individual judges may elect to hear oral arguments, but most judges chose the written method, a major factor slowing down the judicial process. Defendants have a right of appeal. The law extends these rights to all citizens.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There are transparent administrative procedures to handle complaints of abuse by government agents. An independent and impartial judiciary handles civil disputes, but its decisions were ineffectively enforced. Local police lacked the training and manpower to enforce restraining orders, which often were generated during civil disputes related to domestic violence. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights. The court may order civil remedies including fair compensation to the individual injured.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to provide for freedom of speech and press. The independent media were active and expressed a wide variety of views without formal restriction.

### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports the government monitored e-mail or internet chat rooms without appropriate legal authority. The International Telecommunication Union reported 55.1 percent of the population used the internet and 48.4 percent of households had internet access in 2012.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedom of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Exile: The law provides that in extreme cases of national emergency, an individual may be given the option to leave the country as an alternative to trial or imprisonment, but this option has not been exercised in the last two decades.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of refugee status. Through its refugee commission, the government established a system for adjudicating asylum claims, providing protection to refugees, and finding durable solutions, including resettlement.

## **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.



## **Elections and Political Participation**

Recent Elections: In November 2009 Jose Mujica of the Frente Amplio (Broad Front) coalition won a five-year presidential term in a free and fair runoff election. The runoff followed a series of party primaries in June 2009 and a free and fair first-round election among the four leading parties in October 2009. President Mujica took office in March 2010. In parliamentary elections in October 2009, the Frente Amplio won 16 of 30 seats in the Senate and 50 of 99 seats in the House of Representatives.

Participation of Women and Minorities: Women participated in the political process and government, although primarily at lower and middle levels. Two of 30 senators and 12 of 99 representatives were women. Two of the 13 cabinet ministers were women. There were no members of minorities in parliament and one minority member in the cabinet.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were some formal and informal reports of police and government corruption, which authorities addressed with appropriate legal action.

Corruption: The Board of Transparency and Public Ethics is responsible for promoting transparency in government and implementing preventive measures in the fight against corruption. It serves as an advisory board for the executive branch and collects financial disclosure information from appointed and elected government officials.

Whistleblower Protection: The law and decrees establish protection for citizens in general. The law penalizes anyone who may coerce a witness, and there is a specific provision regarding government employees and agents.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials. Each year the presidentially appointed Transparency and Ethics Board lists the names of government officials expected to file a declaration on its web page and informs the individuals' organizations of those expected to comply. The information in the declarations may be accessed by the incumbent, the judiciary, a special congressional committee, or the ethics board (by majority vote). The board may direct an official's office to retain 50 percent of the

employee's salary until the declaration is presented, and it may publish the names of those who fail to comply in the federal register.

Public Access to Information: The Public Information Access Law, which holds that public access to government information is a human right, promotes transparency of administrative procedures in government agencies and provides for general access to public information. By law public information includes all information held by a government entity except information considered classified. The law requires government agencies to make public their organizational charts, responsibilities, salaries, and budget allotment and to produce regular reports. Authorities effectively implemented the law; however, there were no public outreach activities to encourage its use.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The National Institute of Human Rights and Ombudsmanship was created by law in 2008 as an autonomous branch of congress and began operations in 2012. It is composed of five board members proposed by civil society organizations and approved by a two-thirds vote in the general assembly for a period of five years (renewable one time). In 2012 the institute presented a report on the country's commitments regarding migration, absentee voting, and trafficking in persons. It received 342 complaints from 2012 to October 2013, primarily alleging discrimination against Afro-Uruguayans and persons with disabilities. Institute authorities noted an increase in NGOs approaching it with general issues. One-half of the complaints were resolved through mediation. The institute worked with the prison ombudsman who reported to the General Assembly. It did not deal with human rights violations committed during the military regime (1973-85), which were handled by the Human Rights Secretariat in the Office of the Presidency.

The Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by director for human rights of the Ministry of Education and Culture, includes government, religious, and civil society representatives. From its creation in 2007 to September 2012, the commission investigated 121 cases of alleged

discrimination. The commission has been without an allocated budget since 2010, and the terms of its members have lapsed.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively, although societal discrimination against some groups persisted.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape, and the law was effectively enforced. The Ministry of Interior reported 257 cases of rape in 2012. Ministry officials believed some victims of rape did not report such incidents because they did not understand their rights and due to fear of social stigma or retribution.

The law criminalizes domestic violence, including physical, psychological, and sexual violence, but victims without severe injuries often did not file complaints. Victims requiring hospitalization were more likely to receive follow-up assistance from health care and police authorities. The Interior Ministry reported 23,988 cases of domestic violence in 2012, of which 26 cases resulted in death. The law allows for sentences of six months to two years in prison for a person found guilty of committing an act of violence or making continued threats of violence. Civil courts decided most of the domestic cases during the year. Judges in these cases often issued restraining orders, which were difficult to enforce. In February the judiciary began a pilot program with the Ministry of the Interior to impose the use of electronic bracelets for perpetrators of domestic violence. The double-bracelet sets (one bracelet for the victim and one for the aggressor) track distance between the perpetrator and victim. The program includes awareness training for judges.

The Ministry of Social Development (MIDES), some police headquarters in the interior, INAU, and NGOs operated shelters where abused women and their children could seek temporary refuge. All services were funded and staffed according to the reported prevalence of domestic violence in each location. The Montevideo municipal government and the state-owned telephone company Antel funded a free nationwide hotline operated by trained NGO employees for victims of domestic violence.

Sexual Harassment: The law prohibits sexual harassment in the workplace and punishes it by fines or dismissal. The law establishes guidelines for the prevention of sexual harassment in the workplace, as well as in student-professor relations, and provides damages for victims. In February the Ministry of the Interior approved a specific protocol of action. In September the Human Rights Office of the Public Education Bureau approved a specific protocol for education centers.

Reproductive Rights: Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception, skilled attendance at delivery, and prenatal and postpartum care were widely available. Skilled personnel attended an estimated 75 percent of births.

Discrimination: By law women enjoy the same legal status and rights as men, including rights under family and property law. Women, however, faced discrimination in employment, pay, credit, and business ownership. No gender discrimination cases have ever been litigated. The National Institute for Women supervised the work of the Tripartite Committee on Equal Opportunities and Employment, which included a subcommittee on gender consideration in salaries and benefits. The law does not require equal pay for equal work. Women constituted almost half of the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging 51 percent of those of men for comparable work.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory or through one's parents. The government immediately registered all births.

Child Abuse: The Children's Rights Portal reported abuse within the home and violence against children occurred frequently. The government sponsored awareness campaigns against child abuse. The Integral System for the Protection of Childhood and Adolescence Against Violence (SIPIAV), created in 2007, is led by INAU and includes MIDES, the Ministries of Health and Interior, and the National Education Board. It functions with the cooperation of the UN Children's Fund (UNICEF) and the UN Development Program (UNDP). INAU's hotline received 435 reports of violence against children and adolescents in 2012 (46 percent for boys and 54 for girls). In 2012 the NGOs working for INAU received 804 cases of child victims of violence or sexual abuse. SIPIAV's 2012-15 work

plan includes awareness and training for government and civil society officials working on this matter.

Forced and Early Marriage: The legal minimum age for marriage is 18, but with parental consent it is 12 for girls and 14 for boys. Early marriages were not perceived to be a significant problem.

Sexual Exploitation of Children: The minimum age for consensual sex is 12. When a sexual union takes place with a minor under age 15, violence is presumed and statutory rape laws, which carry a penalty of two to 12 years in prison, may be applied. Minors between the ages of 12 and 15 may legally engage in consensual sex with each other, however. Penalties for pimping children range from four to 16 years in prison. Child pornography is illegal, and penalties range from one to six years in prison. Some children were victims of commercial sexual exploitation including prostitution and pornography sex trafficking. Laws against child pornography were effectively enforced.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_5810.html](http://travel.state.gov/abduction/country/country_5810.html).

### **Anti-Semitism**

The Jewish Central Committee (JCC) estimated the Jewish population at 18,000 to 20,000. There were reports of anti-Semitic acts. Incidents included the vandalizing of a Jewish memorial site, swastikas painted on walls, and the writing of anti-Semitic comments on internet blogs. Jewish leaders reported a flow of biased articles and graphic design covers in three published books. In January the government granted the national official media network time to broadcast a special message in commemoration of International Holocaust Day, and Congress paid homage during a special session. Jewish leaders reported effective cooperation with police investigating incidents of anti-Semitism. The JCC also organized a seminar to raise awareness of antidiscrimination legislation.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, or access to health care. The National Disabilities Honorary Commission of the MIDES oversees implementation of a 2010 law to protect the rights of persons with disabilities. The 2011 national census revealed 15.9 percent of the population (517,771) had some kind of permanent disability of which half of lived in low-income housing. The law mandating accessibility for persons with disabilities was not consistently enforced. The law reserves no less than 4 percent of public sector jobs for persons with physical and mental disabilities, but the quota went unfilled. The government did not monitor compliance and did not effectively enforce provisions or promote programs to provide for access to buildings, information, public transportation and communications. In May the Montevideo municipality and the Union of Taxi Drivers presented the first taxi service (one car) for persons with disabilities, in partnership with the National Program for Disability and the National Institute for the Elderly. This free pilot program for wheelchair users is requested and coordinated by phone. Most public buses did not have provisions for passengers with disabilities, although airports and ports offered accessibility accommodations. The law also provides for tax benefits to private sector companies and grants priority benefits to small and medium-sized companies owned by persons with disabilities.

In May, UNICEF presented a report on the situation of the estimated 9.2 percent (47,779) of children and adolescents with disabilities. The report stated strong social barriers limited the possibilities of these children. Some parks in Montevideo and Canelones offered wheel chair accessible facilities, but much remained to be done. The report stated that since 2002, authorities built or adapted public elementary and high school facilities for the use by wheelchair users, allowing 87.3 percent of children and adolescents with disabilities to attend school, including higher education facilities. The University of the Republic has a program to offer sign language interpreters for deaf students. Some movie theaters and other cultural venues lacked access ramps. The country's One Laptop per Child program continued to offer specially adapted laptops to children with disabilities.

### **National/Racial/Ethnic Minorities**

The country's Afro-Uruguayan minority continued to face societal discrimination. The NGO Mundo Afro claimed the judiciary normally did not accept cases of alleged racism and discrimination on grounds that the cases lacked sufficient basis. In August the government enacted affirmative action legislation granting 8 percent of state jobs to the Afro-Uruguayan minority. The law establishes a timeframe of 10 years, after which a review is to be done to determine the need to maintain the quota. The National Employment Agency is required to include Afro-Uruguayans in future training courses. The law also requires that all future scholarship and student support programs include a quota for Afro-Uruguayans and grants financial benefits to companies hiring them. In July a government decree created a follow-up commission of inter-institutional actions and agreements to eradicate racism and discrimination to be headed by the Ministry of Education and Culture. The Ministry of Foreign Affairs appointed the first ambassador-at-large for Afro Affairs, a position created by law in 2010. The Ministry of Education and Culture requested the National Academy of Letters to eliminate discriminatory idiomatic expressions from the country's dictionary.

A National Bureau of Statistics census report stated that Afro-Uruguayans (8 percent of the population), especially youth, suffered high unemployment and poverty. The NGO Mundo Afro reported that the percentage of Afro-Uruguayans working as unskilled laborers was much larger than for other groups. Afro-Uruguayans were underrepresented in government (only the vice minister of industry, one congressman, and the vice president of the National Postal Service were Afro-Uruguayan), academia, and in the middle and upper echelons of private-sector firms.

The government continued its outreach to the Afro-Uruguayan community by granting 70 scholarships for high school and technical school education, and encouraged Afro-Uruguayan participation in the Quijano Scholarship Program for postgraduate work. Mundo Afro stated this program had little impact, however, since only 1 percent of Afro-Uruguayans attended college. Mundo Afro requested the government focus its education efforts on reducing high school dropouts. The National Police Academy, National School for Peacekeeping Operations of Uruguay, and Ministry of Foreign Affairs' School of Diplomacy included discrimination awareness training as part of their curricula. Mundo Afro's Higher Institute for Afro Training offered courses on sociology, politics, history, anthropology, music, art, and literature related to afro culture.

During the year Mundo Afro's AM radio talk show expanded its outreach to include an "antiracism community communication" campaign through a network of informal AM radio stations; other outreach efforts included regional exhibitions and seminars.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No laws criminalize sexual orientation, and authorities generally protected the rights of LGBT persons. Four cases of transvestites killed in 2012 and two cases during the year were unsolved. Colectivo Ovejas Negras (CON - Black Sheep Collective), an LGBT rights NGO, requested information from authorities about these cases but did not receive an answer. Additionally, CON noted alleged cases of sexual abuse at detention centers and the imminent shutdown of a public hospital change-of-sex service available to the transgender community. There were isolated reports of street violence against LGBT individuals; the police did not intervene in these incidents. CON claimed police occasionally refused to file reports on discrimination and street violence. The NGO also asserted that in the provinces police committed acts of violence and degradation against transgender persons who were legally registered prostitutes. There were occasional reports of nonviolent societal discrimination, including in employment and occupation based on sexual orientation and gender identity.

The Public Health Service Administration in tandem with LGBT NGOs offered workshops and public awareness training for health workers to create health centers free of prejudice and discrimination.

### **Other Societal Violence or Discrimination**

There were isolated reports of societal discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. Civil servants, employees of state-run enterprises, private-enterprise workers, and legal foreign workers may join unions. The law regulates collective



bargaining and grants the government a significant role in adjudicating labor disputes. The law also designates trade unions to negotiate on behalf of workers whose companies are not unionized. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay an indemnity to such workers. In addition, if an employer contracts employees from a third-party firm, the law holds the employer responsible for possible labor infringements committed by the third-party firm. Both foreign and domestic workers in the informal sector were excluded from these protections.

The Collective Bargaining Division of the Ministry of Labor and Social Security (MTSS) investigates antiunion discrimination claims filed by union members. Information on government remedies and penalties for violations were not provided. There were generally effective albeit lengthy mechanisms for resolving workers' complaints against employers. The law establishes a conciliatory process before a trial begins and requires the employer be informed of the reason for a claim and the alleged amount owed to the worker. A 2011 amendment to the law grants the defense more time to respond to the complaint in court and simplifies appeal procedures, thus shortening delays in resolving disputes.

Worker organizations operated free of government and political intervention. Collective bargaining occurred regularly, but some employers refused to negotiate with unions or implement agreements. Workers exercised the right to strike.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The MTSS did not report identifying or investigating cases of forced labor during the year. Information on the effectiveness of inspections and government remedies was not available. Penalties for forced labor varied between two to 12 years depending on the statute used. Foreign workers remained vulnerable to forced labor in agriculture and domestic service. Civil society organizations reported assisting at least one person subjected to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 15, but work permits for those ages 13 to 15 may be issued by INAU under special circumstances specified by the

law. Minors ages 15 to 18 require government permission to work, must undergo physical exams prior to beginning work, and must renew these exams yearly to confirm the work being performed does not exceed the physical capacity of the incumbent. The government maintains a list of hazardous or fatiguing work minors should not perform and for which it does not grant permits. Children ages 15 to 18 may not work more than six hours per day within a 36-hour workweek and may not work between 10 p.m. and 6 a.m.

The MTSS is responsible for overall compliance with labor regulations, but INAU is responsible for enforcing child labor laws. Violations of child labor laws by companies and individuals are punishable by fines of up to 1.2 million pesos (\$60,000) determined by an adjustable government index. Parents of minors may receive a sentence of three months to four years in prison, according to the penal code.

Due to a lack of dedicated resources, enforcement was mixed and particularly poor in the informal economy, where most child labor occurred.

In 2012, the latest year for which data were available, INAU granted 3,931 work permits. The main labor activities deemed nonhazardous were in the food industry (supermarkets, fast food restaurants, and bakeries) and on small farms and poultry farms; typical activities included clerical work, egg sorting, and cleaning. In 2012 INAU worked with the MTSS and the National Insurance Bank to investigate 47 complaints of child labor and worked with the Ministry of Interior to prosecute cases. INAU had 11 trained child-labor inspectors, who completed 3,969 inspections in 2012. During the year INAU continued its efforts to prevent and regulate child labor and provided training on child labor issues.

Child labor continued to be reported in activities such as street vending, garbage collection and recycling, construction, and in agriculture and forestry sectors; generally less strictly regulated and where children often worked with their families. For example, in March, with the support of the UNDP and the Spanish government, MIDES issued a report about the living conditions of children in 1,211 homes in Montevideo where the families sorted garbage and recyclables. The report stated these children lived in precarious, overcrowded houses with limited access to potable water, a bathroom, and sewage services, and consequently they were exposed to diarrhea and other infectious diseases. The report further stated the homes had poor ventilation, had high humidity because of being built in flood risk areas, and exposed residents to sources of contamination.

It concluded that more than 70 percent of these children lived in chronic poverty and were extremely vulnerable.

The most recent data available from the National Committee for the Eradication of Child Labor indicated that of approximately 67,000 working children and adolescents, 8.5 percent performed activities considered hazardous or dangerous. In 2011 the MIDES National Census Bureau survey of child labor estimated 20,000 children were collecting garbage alongside their parents. The same report characterized 75 percent of the work performed by children ages five to 17 as dangerous because it involved the use of machinery or tools and lifting heavy weights. A small percentage of children ages five to 17 begged for a living. Children were also engaged in commercial sexual exploitation (see section 6, children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The monthly minimum wage for all workers was 7,920 pesos (approximately \$342). The official per capita poverty income level was approximately 8,971 pesos (\$388) per month, according to the National Statistics Institute.

The law stipulates that the workweek for those in the industrial and retail sectors may not exceed 44 or 48 hours with half an hour to two-and-a-half hour daily breaks depending on the sector. The law requires workers receive premium pay for work in excess of regular work schedule hours. The law entitles all workers to 20 days of paid vacation after a year of employment and to paid annual holidays, and prohibits compulsory overtime beyond a maximum 50-hour workweek. Employers in the industrial sector are required to give workers either Sunday off or one day off every six days of work (variable workweek). Workers in the retail sector are entitled to a 36-hour block of free time each week.

The MTSS sets occupational safety and health standards. Some regulations cover urban industrial workers more adequately than rural and agricultural workers. The law protects the rights of foreign workers in the formal sector but does not extend protection to the informal economy.

Except in the informal sector, workers, including domestic and migrant workers and workers in the agricultural sector, are covered by laws on minimum wage,

hours of work, and occupational health and safety standards. Agricultural workers have a slightly higher minimum wage.

The MTSS is responsible for enforcing the minimum monthly wage for both public and private sector employees and for enforcing legislation regulating health and safety conditions. The MTSS had 151 general inspectors for labor issues, well below the International Labor Organization standard of one inspector per 10,000 workers. The penalties imposed by the MTSS were not provided and appeared to be insufficient to deter violations of labor laws in all cases. The government monitored wages and other benefits, such as social security and health insurance, through the Social Security Fund and the Internal Revenue Service. The Ministry of Public Health Bureau of Environment and Occupational Work is responsible for developing policies to detect, analyze, prevent, and control risk factors that may affect workers' health. In general authorities effectively enforced these standards in the formal sector but less so in the informal sector.

In addition, the MTSS has a special section to monitor domestic work and may obtain judicial authorization to conduct home inspections to investigate potential labor law violations. The number of inspections conducted was unavailable

Formal-sector companies generally complied with minimum wage regulations, and most workers earned more than the minimum wage. Many citizens and foreign workers were employed informally, however, and thus did not benefit from certain legal protections. Some workers claimed a loss of other privileges at work based on their refusal to work in unsafe conditions. The Ministry of Agriculture is responsible for carrying out safety and health inspections in the agricultural sector. The number of inspections conducted was not available.

There continued to be reports of exploitation of foreign workers in the agricultural sector and in the fishing and lumber industries. Labor accidents, mainly in the construction sector, resulted in approximately one fatality per week. The government estimated there were more than 52,000 labor accidents per year, primarily in the fishing, construction, and manufacturing industries.