

URUGUAY 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with a democratically elected president and a bicameral legislature. In November, in a free and fair general election, Luis Lacalle Pou won a five-year presidential term. No political party won a majority in parliament; consequently, party coalitions will be required to pass legislation. Legislative elections were also held in October.

Under the Ministry of Interior, the National Police maintains internal security, and the National Directorate for Migration is responsible for migration and border enforcement. The armed forces, under the Ministry of National Defense, are responsible for external security and have some domestic responsibilities, including perimeter security for six prisons, and border security. Civilian authorities maintained effective control over security forces.

Significant human rights abuses included harsh and inhuman conditions in some prisons.

The government took steps to investigate and prosecute officials who committed human rights abuses, and there were no reports of impunity. The judiciary continued to investigate human rights violations committed during the 1973-85 military dictatorship, which the law classifies as crimes against humanity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

As of November, three prison guards were awaiting trial on charges of homicide and two other offenses. In October 2018 during a prison riot, a guard shot an inmate with nonlethal ammunition in a situation where the inmate did not pose a threat, according to the parliament special rapporteur for prisons. Medical attention was not provided in a timely manner, and the inmate died from his injuries. Initially the Ministry of Interior reported the inmate died as a result of a knife wound inflicted by another inmate during the commotion, but an

investigation by the special rapporteur revealed this was not the case. The Prosecutor General's Office investigated, and in August the three guards were charged with homicide, failure to render aid, and abuse of authority.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions continued to be poor and inhuman in some facilities due to overcrowding, inadequate sanitary conditions and medical care, inadequate socioeducational programming, and high levels of violence among inmates.

Physical Conditions: In October the prison population was 11,380 inmates, compared with an average population of 10,179 in 2018. With the addition of new facilities, the average prison population density (total number of inmates per spaces available) was 91.3 percent in 2018. The situation in each prison, however, varied greatly--in a total of 27 prisons, six prisons were above 100 percent capacity, two prisons were above 120 percent capacity, and two prisons were above 200 percent capacity. Some prison sections experienced particularly critical overcrowding situations. In addition parliament's special rapporteur on the prison system, the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and the National Torture Preventive Mechanism (NPM) under the National Human Rights Institution (INDDHH) reported overcrowding also affected sections of prisons with an average population below their full capacity. The NPM reported that in one unit, inmates had to negotiate a cell spot and mattress for themselves upon their arrival, leading to violent interactions among inmates. The special rapporteur stated 35 percent of inmates suffered from cruel, inhuman, or degrading treatment and that 39 percent of inmates experienced insufficient conditions for social reintegration. The worst prison conditions were in units with high overpopulation rates and the largest overall prison populations.

Certain prisons lacked hygiene, sufficient access to water, sufficient and/or satisfactory food, and adequate socioeducational and labor activities. Prisoners sometimes spent 23 hours of the day in their cell. The SPT reported inmates in one module remained in their cells for weeks or even months. Inmates were sometimes exposed to electrical, sanitary, and other risks due to poor infrastructure.

In the annual report, the special rapporteur reported a lack of medical care in prisons. Medical services were available only for emergencies and did not always include preventive care and routine medical care. The lack of prison personnel limited the ability of inmates to have outside medical appointments. Inmates were transferred to new prisons without their medical records and medication prescriptions. Mental health services were not adequately available to tend to the population that required attention, monitoring, and treatment. Administrative delays sometimes affected the issuance of medications.

The NPM and the special rapporteur reported high levels of institutional and interpersonal violence in many prisons, particularly the larger facilities. As of September there had been 30 deaths in prison, 20 of which were violent deaths (prisoner-on-prisoner violence or suicide). Prison guards killed one inmate in 2018; an investigation was in process as of October (see section 1.a.).

Overpopulation, isolation, and a lack of socioeducational activities led to a high risk of violence. The homicide rate in prisons was 15 times higher than outside prison walls, while the suicide rate in prisons was four times higher. Shortages in personnel and basic elements of control, such as security cameras, made prevention, control, and the clarification of facts in security incidents difficult. Shortages of prison staff to securely transport and accompany inmates affected prisoners' ability to participate in workshops, classes, sports, and labor-related activities.

The situation for female inmates, who made up 5 percent of the prison population, varied. In mixed-gender prisons, prison authorities assigned women to some of the worst parts of prisons, leading to difficulties in access to food, private spaces, and visits with family members, as well as difficulties obtaining information and technical and human resources. In a purported effort to prevent conflicts among men, guards prevented women from using the prison yard, excluded them from a number of activities, and did not allow them to wear clothes they considered revealing during visits. There was no regular access to routine sexual and reproductive health services. Mothers in prison with their children lived in

facilities with poor planning and design, security problems due to a lack of prisoner classification, health and environmental concerns, a lack of specialized services and facilities, and undefined and unclear policies for special-needs inmates. Research conducted by Universidad de la Republica concluded that children detained with their mothers did not have access to proper nutrition.

As in the previous year, the special rapporteur filed a number of corrective habeas corpus actions for different violations of rights ranging from the lack of access to education or health care to inhuman conditions of detention in specific modules.

Some juvenile offenders were imprisoned at age 17 and remained in prison for up to five years. The NPM reported the situation in juvenile detention centers varied greatly from center to center, reflecting a lack of consistent standards across the system. According to the NPM and SPT, the prison situation for some adolescents violated human rights, due to verbal and physical abuse by officials. Prisons increased educational services, but they remained insufficient, providing only three to four hours per week for inmates. Security constraints at prison facilities often interfered with or altogether eliminated educational, recreational, and social activities for juvenile inmates. In some cases socioeducational programs were scarce, fragile, or replaced with confinement.

Juvenile facilities had deficiencies in physical conditions, including sites with crumbling infrastructure that was not designed for or conducive to rehabilitation activities. Both the NPM and SPT specifically pointed to the Center for Intake, Study, Diagnostics, and Referrals and the Belloni Complex as having serious infrastructure problems. High turnover of staff and leadership in the juvenile prison system, as well as a lack of trained and specialized staff, were causes for concern.

According to the National Institute for Adolescent Social Inclusion (INISA), in 2017 there were 87 suicide attempts in juvenile detention facilities, and by July 2018 there had been 70 suicide attempts (leading to three deaths). After the last suicide in December 2018, the NPM urged the closure of the Centro de Maxima Contencion where one of the adolescents who committed suicide was being held.

In May the director of an INISA juvenile detention center suffered intoxication after drinking juice prepared for detained adolescents that contained the tranquilizer diazepam. INISA authorities assured that only adolescents prescribed with the medication received it. Government authorities condemned this event as a serious crime and initiated an investigation. The Committee for the Rights of the

Child, an alliance of nongovernmental organizations (NGOs) that advocate for juvenile rights, stated that the excessive use of psychotropic drugs as a control method was repeatedly reported by civil society. The NPM also reported this situation.

Administration: Independent authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, local human rights groups, media, the International Committee of the Red Cross, and international bodies. The special rapporteur and the NPM were also allowed to monitor prisons.

Improvements: A new medium-security prison, with capacity for 173 inmates, was inaugurated in the department of Florida.

The National Rehabilitation Institute established a national program for women imprisoned with children. Initial steps were taken to develop programs for inmates with substance abuse and addiction problems and programs for sexual offenders. According to the special rapporteur, the institute also took significant steps to implement response protocols for violent incidents in line with the law and universal human rights.

The Ministry of Interior's National Directorate for Released Inmates, established in 2018, strengthened agreements with various entities to improve education and employment opportunities for released inmates.

The NPM recognized efforts by several INISA detention centers, which tried to implement proposals with a socioeducational rather than a security-focused approach, specifically mentioning centers Desafio, Nuevo Rumbo, Granja, CIAF (a female juvenile detention facility), and Ituzaingo.

d. Arbitrary Arrest or Detention

The law and constitution prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police apprehended suspects with warrants issued by a duly authorized official and bring them before an independent judiciary. Arrests may be made without a judge's order when persons are caught in the commission of a crime. The law provides detainees with the right to a prompt judicial determination of the legality of detention and requires the detaining authority to explain the legal grounds for detention. For a detainee who cannot afford a defense attorney, the court appoints a public defender at no cost. Apprehended suspects must be brought before a judge within 24 hours. If no charges are brought, the case is closed, but the investigation may continue and the case reopened if new evidence emerges.

The possibility of bail exists, but it was undeveloped and rarely used. Most persons facing lesser charges were not jailed. Officials allowed detainees prompt access to family members. Confessions obtained by police prior to a detainee's appearance before a judge and without an attorney present are not valid. A prosecutor leads the investigation of a detainee's claim of mistreatment.

Pretrial Detention: In 2017 the government transitioned from an inquisitorial system to an accusatory system of criminal justice to address inefficiency, opacity, and the overuse of pretrial detentions, as well as to establish a more fair and transparent judicial system that provides greater advocacy to victims. These changes sped up case processing, reducing the problem of lengthy pretrial detention. According to the special rapporteur, in late 2017, 69 percent of inmates had not been sentenced for a crime and were subject to lengthy pretrial detentions. As of October that figure had decreased to 26 percent. Pretrial detention is now limited to cases of recidivism, risk of flight, grave crimes, or if an individual poses a risk to society, all subject to a judge's determination. The INDDHH reported that an individual's presumption of innocence was undermined by the fact that pretrial detention was linked to previous crimes and recidivism.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to a presumption of innocence and to be informed promptly and in detail of the charges brought against them. In addition, they have the right to a trial without undue delay; to be

present at their trial; to communicate with an attorney of their choice or to have one provided at public expense if they are unable to afford one; to have adequate time and facilities to prepare a defense; to receive free assistance of an interpreter; to not be compelled to testify or confess guilt; to confront prosecution or plaintiff witnesses; to present one's own witnesses and evidence; and to appeal. There is no use of juries.

Under the 2017 shift to the accusatory system, the Prosecutor General's Office went from prosecuting approximately 400 cases per month in November 2017 to prosecuting a monthly average of 1,212 cases between February and July.

A few months after the 2017 changes to criminal procedures legislation passed, it was again reformed through legislation that amplified police discretion in the first moments of detention and in the investigations phase, and it suspended precautionary measures. These changes, according to the INDDHH, undermined human rights and due process guarantees at the moment of detention. The second wave of changes to the criminal procedure code also limited the application of conditional release. In September the Senate passed a law that limits the use of probation for recidivists and for persons whose sentence exceeds three years.

With revisions to the law in 2017, human rights monitoring agencies expressed concern that the changes reduced judicial guarantees for juvenile offenders. According to the INDDHH, the revisions reduced medical checks and increased pretrial detention from 90 days to 150 days.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts or through administrative mechanisms established by law. Cases involving violations of an individual's human rights may be submitted through petitions filed 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 or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combines to promote freedom of expression, including for the press.

Violence and Harassment: The NGO CAInfo reported some cases where journalists were subjected to lawsuits and legal threats, sometimes by government officials or associations to discourage them from doing investigative reporting on certain issues.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status through its refugee commission, which adjudicates asylum claims, provides protection to refugees, and finds durable solutions, including resettlement.

Durable Solutions: The government accepts refugees for resettlement within the framework of a resettlement program implemented jointly with the Office of the UN High Commissioner for Refugees. The program involves 28 families from Guatemala, El Salvador, and Honduras and increases by an average of three families every year. The program includes arranged housing and employment solutions for these families before their arrival to the country.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In November, Luis Lacalle Pou won a five-year presidential term in a free and fair general election. In the parliamentary elections, no political party won a majority in either house of parliament, and coalitions will be required to pass legislation.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices, and the government addressed them with appropriate legal action. Authorities sometimes lacked sufficient enforcement resources and mechanisms to adequately identify and address acts of administrative misconduct. The Transparency and Ethics Board lacked the permanent staff needed to operate effectively as an anticorruption agency. The Access to Information Unit intervenes in cases of requests to access classified or sensitive information; however, it has powers only to make recommendations to government bodies, not to force them to disclose information. Overall, the country was considered to have a low level of corruption.

Corruption: As of October the case continued against former vice president Raul Sendic for abuse of authority and embezzlement. He was also under a separate investigation by the state-owned oil company ANCAP for allegedly making personal expenditures on an official credit card and mismanaging funds.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials. Each year the Transparency and Ethics Board lists the names of government officials expected to file a declaration on its website and informs the individuals' organizations of those expected to comply. The government official, the judiciary, a special parliamentary committee, or the board may access the information in the declarations (by majority vote of the board). The board may direct an official's office to withhold 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. There is a requirement for filing, but there is no review of the filings absent an allegation of wrongdoing.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The INDDHH, an autonomous agency with quasi-jurisdictional powers that reports to parliament, is composed of five board members proposed by civil society organizations and approved by a two-thirds vote in parliament for a period of five years (renewable one time). It is tasked with the defense, promotion, and protection of the gamut of human rights guaranteed by the constitution and international law. The INDDHH has six thematic reference teams to cover human rights issues on gender, children's issues, historical human rights abuses, race or ethnicity, environment, and migrants. The INDDHH receives, investigates, and issues recommendations regarding formal complaints of human rights abuse. The National Torture Prevention Mechanism functions within the INDDHH, conducting regular monitoring of detention facilities, and issuing reports and recommendations. The INDDHH was effective in its human rights objectives.

Parliament's special rapporteur on the prison system advises lawmakers on compliance with domestic legislation and international conventions. The special rapporteur oversees the work of the institutions that run the country's prisons and the social reintegration of former inmates. The special rapporteur provided in-depth, independent analysis of the prison situation and carried out his role effectively and constructively.

The Secretariat for Human Rights of the Office of the President is the lead agency for the human rights components of public policy within the executive. The secretariat is led by a governing board composed of the secretary of the Office of the President of the Republic, who acts as chair, and the ministers for foreign affairs, education and culture, interior, and social development. The Working Group for Truth and Justice is an autonomous and independent body responsible for examining human rights violations that occurred between June 1968 and March 1985 under the responsibility or with the acquiescence of the state. The Secretariat for Human Rights for the Recent Past in the Office of the President provides functional and administrative support to the working group.

The Honorary Committee Against Racism, Xenophobia, and All Other Forms of Discrimination under the Ministry of Education and Culture analyzes issues of racism and discrimination. The committee includes government, religious, and civil society representatives. It had not been allocated a budget since 2010 but received economic support from the government for some activities.

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and domestic violence. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape, and authorities effectively enforced the law. The law criminalizes domestic violence and allows sentences of six months' to two years' imprisonment for a person found guilty of committing an act of domestic violence or making continued threats of violence. Civil courts decided most domestic cases, and judges in these cases often issued restraining orders, which were sometimes difficult to enforce.

The government continued with its efforts to implement the 2017 gender-based violence law, which builds on existing legislation on domestic violence. The law includes abuse that is physical, psychological, emotional, sexual, based on prejudice for sexual orientation, economic, related to assets, symbolic, obstetric, labor-related, educational, political, or related to media presence. It also includes street sexual harassment and femicide. The law aims to create an institutional response system and establishes specialized courts. It sets minimum standards of support and assistance to be provided by the government, to include shelters for the victims and immediate family members. The law attempts to avoid revictimization in social and legal procedures and seeks to make the judicial process more agile. According to civil society representatives, the law was not being fully implemented due in part to lack of resources. Specialized courts provided by the law were not established; however, civil society representatives recognized that judges applied criminal definitions included in the new law. NGO representatives underlined the need for more expert training in the field and the need to include gender-based violence in the curriculum of university courses, especially in the health sector.

The 2017 criminal procedure code introduced changes to victims' rights, including guarantees and services during the process, and the creation of a Victims and Witnesses Unit in the Prosecutor General's Office. In the first 18 months since its establishment, the unit focused more than 50 percent of its work on victims of gender-based violence. Civil society representatives saw this as a significant improvement for victims, who received support and guidance during criminal proceedings.

A separate femicide law modifies aggravating circumstances for a homicide to include whether the crime "caused the death of a female due to motive of hate or

contempt.” The law’s explanatory statement describes femicide as arising from a structural inequality between women and men that uses gender-based violence as a mechanism to oppress women. The Ministry of Interior reported 30 femicides in 2018, and as of September there had been 14 femicides.

According to the Ministry of Interior, in 2018 there were 308 reports of rape and 39,950 reports of domestic violence. Thirty-four women died due to domestic violence, and 29 of these crimes were charged as femicides. The government applied the electronic monitoring anklet program for 1,099 cases in 2018 to address domestic violence. The government maintained a Gender-Based Violence Observatory to monitor, collect, register, and analyze data on gender-based violence. During the year the Interior Ministry acquired 100 more electronic anklets, reaching 800 anklets in total. Nevertheless, civil society continued to demand more anklets, since there were 200 more cases in waiting. The Gender Unit of the Ministry of Interior conducted meetings with government agencies and other institutions throughout the country to identify alternative measures to address this issue, avoid overuse of anklets, and develop more permanent solutions. The government trained officials on aspects of gender-based violence and sexual assault.

The Ministry of Social Development, some police stations in the interior, the National Institute for Children and Adolescent Affairs (INAU), and NGOs operated shelters where abused women and children could seek temporary refuge. Civil society reported shelters for victims were of good quality but that a greater capacity was needed. The ministry also funded the lodging of victims in hotels. The Ministry of Social Development together with the Ministry of Housing operated a program that funded two-year leases for approximately 100 victims, pending more permanent housing solutions. According to NGO representatives, immediate and first-response services focused more on providing advice than on offering close and daily support to victims, mainly due to a lack of staffing. Services for victims in the interior of the country were scarcer and more difficult to access, especially for women in isolated rural areas. The Ministry for Social Development and the state-owned telephone company, Antel, maintained a free nationwide hotline operated by trained NGO employees for victims of domestic violence. Victims could also file a report online or at a police station.

The government’s 2016-19 action plan to combat gender-based violence provided for interagency coordination on violence prevention, access to justice, victim protection and attention, and punishment of perpetrators. It also promoted social and cultural awareness and provided training for public servants. The Prosecutor

General's Office has a specialized gender unit that incorporated greater awareness of gender as it relates to matters of justice, promoted respect for women's rights, combated violence, and enhanced interagency coordination. The Ministry of Interior's gender unit seeks to ensure a clear policy on gender-based violence in the police force and trains police staff to handle and respond to cases. In August the unit conducted the VIII National Meeting on Police Response to gender-based violence. The Prosecutor General's Office established a special prosecutorial team to investigate and prosecute gender-based violence cases, separate from those working on domestic violence cases. The unit focused on the various forms of violence defined in the new law as well as human trafficking cases. Civil society saw this as a positive step.

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. The Ministry of Labor received reports of sexual harassment, its inspectors investigated claims of sexual harassment, and the ministry issued fines as necessary.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women as for men. Women, however, faced discrimination in employment, pay, credit, education, housing, and business ownership. According to the United Nations, women's employment was concentrated in a relatively small number of specific occupations and sectors, including services, sales, unskilled labor, domestic work, social services, health services, and education.

The law does not require equal pay for equal work. The Ministry of Labor's Tripartite Equal Employment Opportunities Commission promoted the inclusion of gender equality clauses in the negotiations conducted by the wage boards, emphasizing equal pay for equal work of value, equal access to quality jobs and training, elimination of discrimination in selection and promotion processes, and guarantees and protections for maternity and responsibility sharing. According to the local consulting firm CPA Ferrere, in 2018 the salary of women in the labor market was 23.2 percent below that of men.

According to a report released by the Chamber of Representatives, women's participation in the chamber had never exceeded 25 percent of members, and women had chaired only three legislative periods since 1830.

Children

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

Child Abuse: There are laws against child abuse, and penalties vary according to the type of abuse. Penalties for sexual abuse of minors vary between six months and 12 years of prison, depending on the gravity of the case. Penalties for the crime of assault range from three months to eight years of prison, and the penalty for domestic violence is from six months to two years of prison. According to the report of the System for the Protection of Children and Adolescents against Violence (SIPIAV) of INAU, 4,131 cases of violence against children and adolescents were reported in 2018. INAU provided a free, nationwide hotline. SIPIAV and NGOs implemented awareness campaigns, and SIPIAV coordinated interagency efforts on the protection of children's rights. In March, SIPIAV disseminated to relevant stakeholders a protocol with guidelines for prevention, detection, and protection in situations of violence against children up to three years old.

Early and Forced Marriage: The legal minimum age for marriage is 16, but the law requires parental consent through age 18. In 2017 INAU reported that one in seven marriages were between persons ages 14 to 19 years. In 2018 a legislator reported forced marriages were a regular practice in Arab communities on the border with Brazil. The 2018 human trafficking law defines forced marriage as a form of exploitation.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. Authorities made efforts to enforce the law. In 2018 INAU addressed more than 380 cases of commercial sexual exploitation of children. The human trafficking law defines the use, recruitment, or offering of children and adolescents for sexual exploitation as a form of trafficking. The law establishes the minimum age for consensual sex as 12. When a sexual union takes place between an adult and a minor younger than age 15, violence is presumed and the statutory rape law, which carries a penalty of two to 12 years in prison, may be applied. Penalties for child sex trafficking range from four to 16 years in prison. The penalty for child pornography ranges from

one to six years in prison, and the law was effectively enforced. The National Committee for the Eradication of the Commercial and Noncommercial Sexual Exploitation of Children and Adolescents continued to implement its national action plan for 2016-21.

Institutionalized Children: The NPM reported violations of rights in centers for children and adolescents with disabilities, including their confinement, isolation from their surroundings and communities, and prevention of their inclusion and rehabilitation.

The NPM also reported violation of rights in the temporary processing center El Tribal, where children or adolescents separated from their families are initially sent for first response, diagnosis, and evaluation. Violations included prolonged stays, lack of awareness by children and adolescents of their situation and duration of stay, stressful confinement conditions, and excessive detention measures.

In March the INDDHH filed an *amparo* (a required legal remedy for the protection of constitutional rights) for 16 children and adolescents who were still confined to high-security psychiatric institutions long after being discharged. The court ordered INAU to transfer discharged minors to other specialized centers within a week. Only six of the 16 children and adolescents were transferred by the established deadline. As of May, three of the 16 children remained in psychiatric clinics, and 12 additional children were in psychiatric institutions after their discharge.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Central Jewish Committee reported that the Jewish community had an estimated population of 12,000 to 18,000.

Jewish leaders reported acts of anti-Semitism, including verbal harassment and aggressive behavior toward Jewish individuals.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law protects the rights and prohibits abuse of persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. According to the INDDHH, persons with disabilities continued to experience human rights abuses. Persons with disabilities living in both private and government-run facilities were unprotected and vulnerable due to lack of effective mechanisms for supervision.

The government did not always effectively enforce provisions for persons with disabilities. Civil society representatives said there was a general lack of services for persons with disabilities in the country's interior. The Ministry of Social Development administered several programs that provided assistive devices, temporary housing support, caregiving services, legal assistance, access to transportation, education, vocational training, and employment services.

The law grants children with disabilities the right to attend school (primary, secondary, and higher education). NGOs reported some public schools built after the passing of the law protecting persons with disabilities did not comply with accessibility requirements and usually did not have resources to cater to special needs. An international organization reported there were still "special schools" for children with disabilities, resulting in a situation of segregation for these children. An international organization also reported there were very few adolescents with disabilities in secondary education. Ramps built at public elementary and high schools facilitated access, but some government buildings, commercial sites, movie theaters, and other cultural venues lacked access ramps. NGO representatives reported hospitals and medical services were not always accessible to patients with disabilities. Medical staff often lacked training to deliver primary care and attention to these patients. Plan Ceibal continued to offer specially adapted laptops to children with disabilities. Open television channels are required by law to have simultaneous sign-language interpretation or subtitles on informational and some other programs.

In August the Chamber of Representatives unanimously passed a bill that forces Electoral Boards to ensure access for persons with disabilities to all voting sites, as

a response to complaints about the lack of accessibility during the June primary elections. The Disability Secretariat of the National Association of Labor Unions ran a campaign to improve access to voting sites, including an online form to assess such conditions during primaries, with the aim of improving them for future elections.

The NPM reported violations of human rights in psychiatric institutions, specifically mentioning sections of centers Ceremos and Hospital Vilardebo. The NPM found conditions ranging from acceptable to poor throughout these centers in terms of infrastructure and rehabilitation programs, and they noted difficulties in the assisted discharge of patients. Violations included hazardous sewerage and electricity installations, and the coexistence of patients of a wide range of ages as well as with dissimilar diagnoses.

A 2017 law aims to promote dehospitalization. Authorities committed to close down all psychiatric institutions by 2025 and to create a new care system for chronic patients following a community model, with halfway houses rather than psychiatric hospitals. Although civil society considered the law a big step forward, the required regulatory decree outlining the implementation of the law was not issued, nor did it receive a budget. In September a delegation of representatives of several psychiatrists' organizations expressed their concerns to parliament regarding the lack of implementation of the law two years after approval. They stated that while the law no longer allows some psychiatric institutions to accept new patients, no alternatives were established, generating overpopulation in the centers that continued to take in patients and leaving many persons without required care.

National/Racial/Ethnic Minorities

The constitution and the law prohibit discrimination based on race or ethnicity and government made efforts to enforce the law. Despite this, the country's Afro-Uruguayan minority continued to face societal discrimination, high levels of poverty, and lower levels of education. The INDDHH and Honorary Commission against Racism, Xenophobia, and All Forms of Discrimination continued to receive complaints of racism. NGOs reported "structural racism" in society and noted the percentage of Afro-Uruguayans working as unskilled laborers was much higher than for other groups.

In July the Ministry of Social Development launched a National Plan for Racial Equality for the 2019-22 period. The committee managing the System for the

Protection of Victims of Racism and Racial Discrimination developed a strategic plan for 2018-19. The government issued countrywide seed funding for projects centered on Afro-descendant culture and society. 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. The Ministry of Interior organized workshops to review police protocols and procedures involving ethnicity issues for police around the country. The Ministry of Social Development and the interagency antidiscrimination committee held awareness-raising workshops for their staff.

Afro-Uruguayans were underrepresented in government. Two Afro-Uruguayan representatives served in the 130-seat parliament after the October elections, including the first Afro-Uruguayan to be elected to the Senate. The law grants 8 percent of state jobs to Afro-Uruguayan minority candidates who comply with constitutional and legal requirements. The National Office of the Civil Service oversees compliance with the Afro-Uruguayan employment quota requirements and submits an annual report to parliament. In June the office published a *Guide for the Mainstreaming of African-Descent Issues and the Implementation of the Employment Quota in the State*. It also stated that the percentage of vacancy announcements for positions calling for Afro-Uruguayan applicants had reached the 8 percent required by law for the first time in history. Afro-Uruguayans accounted for 3 percent of all hires during 2018. Although the quota was not reached, more organizations issued compliant vacancy announcements and hired individuals of African descent. The National Employment Agency is required to include Afro-Uruguayans in its training courses. The law requires all scholarship and student support programs to include a quota for Afro-Uruguayans, and it grants financial benefits to companies that hire them. Nonetheless, the United Nations reported it was difficult to ensure the ethnoracial perspective was included in all scholarship programs to meet the quotas.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation and gender identity. Leaders of civil society organizations reported that despite the legal advancement of lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues, societal discrimination remained high. A 2018 comprehensive transgender law outlines several new rights for transgender persons. The new law provides for access to work (a 1-percent quota for public-sector jobs), housing, and health; prohibits discrimination; allows persons to self-identify their gender and update their legal

name (through an administrative--not judicial--process); creates transgender scholarships; and offers payment for transgender persons born before 1975 who suffered human rights violations during the dictatorship due to their transgender identity. As of July, seven reparatory pensions had been approved. On August 4, there was a prereferendum vote to revoke the law, after a campaign opposing the law was able to collect the number of signatures required to initiate this process. The prereferendum vote reached only 8 percent of the 25 percent of votes required to proceed to the following stage in the process, the referendum. Therefore, the law remained in force.

Civil society representatives reported that health staff in the interior of the country were receiving training related to health service access for the LGBTI population. Although there were already existing initiatives, the law reinforced them by making them mandatory. The Montevideo municipal government conducted training in government-operated clinics. NGOs also reported that although the law establishes the right of transgender persons to sex reassignment surgery, this was available only for transgender women (male to female). NGOs reported the commission in charge of name changes was overwhelmed with the workload increase resulting from the new law.

Authorities generally protected the rights of LGBTI persons. In August a young transgender woman reported discrimination in the workplace due to her gender identity. The woman worked at a supermarket when she began her gender transition, which included wearing earrings and painting her fingernails. According to media, her supervisors reacted negatively to these changes, telling her she could not wear earrings to work because she was a man. The union of shop and service workers intervened and filed a claim with the National Work Directorate of the Ministry of Labor and Social Security, which summoned a tripartite hearing with the union, the employer, and the ministry as mediator. According to civil society representatives, the situation was resolved, and the woman was able to return to her job as she continued to undergo her gender transition.

According to Amnesty International, the country did not have any comprehensive, antidiscrimination policy that protected LGBTI citizens from violence in schools and public spaces or provided for their access to health services. The Latin America and Caribbean Transgender Persons Network (REDLACTRANS) presented a study showing that human rights violations against transgender women include discrimination, violence and aggression, theft, violation of the right to access justice, harassment, and homicide, among others. Discrimination toward

transgender women was typically worse in the interior of the country, which tended to be more conservative and had smaller populations.

REDLACTRANS reported most transgender persons did not finish high school and that most transgender women worked in the informal sector, where their social rights (social security and other benefits) were not always guaranteed. They tended to be more vulnerable to dangerous and uncomfortable situations in sexual work and were less likely to report threats or attacks. In 2016 the government reported that 30 percent of transgender persons were unemployed, only 25 percent worked in the formal sector, 70 percent were sex workers, and the majority had low levels of education. Civil society reported it was less frequent for transgender men to be expelled from their home but that there was a high rate of depression and suicide attempts among this population. Observers also noted that, because they did not complete their education, transgender men usually had unskilled and low-paying jobs.

HIV and AIDS Social Stigma

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 constitution and the law, including related regulations and statutory instruments, protect the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The government and employers respected freedom of association and the right to collective bargaining in practice. Civil servants, employees of state-run enterprises, private-enterprise workers, and legal foreign workers may join unions. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay them an indemnity. Workers in the informal sector are excluded from these protections. The government respected and effectively enforced labor laws.

The Labor and Social Security Inspection Division of the Ministry of Labor and Social Security (IGTSS) investigates discrimination and workplace abuse claims filed by union members. In 2018 the IGTSS received 220 claims of harassment and 63 claims of sexual harassment in the workplace and 48 claims of antiunion discrimination. Information on government remedies and penalties for violations

was not available. There were generally effective, albeit lengthy, mechanisms for resolving workers' complaints against employers.

Worker organizations operated free of government and political intervention. Labor union leaders were strong advocates for public policies and even foreign policy issues. They remained very active in the political and economic life of the country. In November 2018 the International Labor Organization (ILO) issued a report to the government regarding a complaint by local business chambers of commerce requesting the government change collective bargaining laws. In June the ILO included Uruguay in the list of 24 countries to be analyzed by the ILO Committee on Application of Standards, due to noncompliance with Convention 98 on collective bargaining. According to the committee, tripartite bodies can negotiate only wages, while terms and conditions of work should be negotiated bilaterally between employers and workers organizations. The convention states collective bargaining should be voluntary; however, the way the law was drafted makes it mandatory in practice. During the international labor conference in June, the committee urged a review of and changes to the country's legislation on collective bargaining before November. The government called the first tripartite meeting to comply with these changes in late June.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced the law. The law establishes penalties of two to 12 years in prison for forced labor crimes. Penalties were sufficient to deter violations. In March the Ministry of Labor investigated a case involving 20 Cuban victims in the rural area of Canelones. Victims performed rural work allocated by an intermediary and then gave their earnings to this intermediary in exchange for housing and food. A report was filed with the municipal government, which referred it to the ministry. The investigation continued as of October. Information on the effectiveness of inspections and governmental remedies was not available. Foreign workers, particularly from Cuba, Venezuela, Bolivia, Paraguay, Peru, Brazil, the Dominican Republic, and Argentina, were vulnerable to forced labor in agriculture, construction, domestic service, cleaning services, elderly care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Venezuelan and Cuban migrant workers were subject to forced agricultural labor in Canelon Chico, north of Montevideo. Migrant women were the most vulnerable, as they were often exposed to sexual exploitation. Furthermore, North Korean laborers were identified as having transited the country to board fishing vessels that operated in international waters off the coast. Foreign workers aboard

Taiwanese- and Chinese-flagged fishing vessels based in the Montevideo port may have been subjected to abuses indicative of forced labor, including unpaid wages, confiscated identification, a complete absence of medical and dental care, and physical abuse. According to an NGO representative, since 2013, an average of one dead crewmember per month from these vessels had been recorded, some due to poor medical care.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and provides for a minimum age of employment, limitations on working hours, and occupational safety and health restrictions for children. The law sets the minimum age for employment at 15, but INAU may issue work permits for children ages 13 to 15 under exceptional circumstances specified by law. In 2018 INAU issued 2,166 work permits for minors between ages 15 and 18, of which 53 percent were for work in the country's interior. Minors ages 15 to 18 must undergo physical exams prior to beginning work and renew the exams yearly to confirm that the work does not exceed the physical capacity of the minor. 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 minimum age for hazardous work is 18, and the government maintains a list of hazardous or fatiguing work that minors should not perform and for which it does not grant permits.

The Ministry of Labor is responsible for overall compliance with labor regulations, but INAU is responsible for enforcing child labor laws. Due to a lack of dedicated resources, enforcement was mixed and particularly poor in the informal economy, where most child labor occurred. Violations of child labor laws by companies and individuals are punishable by fines determined by an adjustable government index. Parents of minors involved in illegal child labor may receive a sentence of three months to four years in prison, according to the penal code. These penalties were sufficient to deter violations.

The main child labor activities reported in the interior of the country were work on small farms, maintenance work, animal feeding, fishing, cleaning milking yards, cattle roundup, beauty shops, at summer resorts, and as kitchen aids. In Montevideo the main labor activities were in the food industry (supermarkets, fast food restaurants, and bakeries) and in services, gas stations, customer service,

delivery services, cleaning, and kitchen aid activities. Informal-sector child labor continued to be reported in activities such as begging, domestic service, street vending, garbage collection and recycling, construction, and in agriculture and forestry sectors, which were generally less strictly regulated and where children often worked with their families.

INAU worked with the Ministry of Labor and the state-owned insurance company BSE to investigate child labor complaints and worked with the Prosecutor General's Office to prosecute cases. INAU reported 55 complaints of child labor incidents, 31 involving children younger than 14 years old and 24 involving teenagers between 15 and 18 working without required permits. INAU completed 2,600 inspections in 2018. INAU continued its efforts to prevent and regulate child labor and provided training on child labor matters.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV status, or other communicable diseases. The government in general effectively enforced applicable law and regulations, and penalties were sufficient to deter violations.

Discrimination in employment and occupation occurred mostly with respect to sex, race, disability, and nationality. According to UN Mujeres, the number of gainfully employed, paid women decreases as they have more children, which does not happen to men. Women earned lower wages than their male counterparts, and only an estimated 20 percent of companies claimed to have women in leadership positions. Foreign workers, regardless of their national origin or citizenship status, were not always welcome and continued to face challenges when seeking employment. The government took steps to prevent and eliminate discrimination (see sections 5 and 6).

e. Acceptable Conditions of Work

The law provides for a national minimum wage, and the monthly minimum wage for all workers was above the poverty line. The government effectively enforced wage laws, and penalties were sufficient to deter violations. Formal-sector workers, including domestic and migrant workers and workers in the agricultural sector, are covered by laws on minimum wage and hours of work. These laws do

not cover workers in the informal sector, who accounted for 24 percent of the workforce. Workers in construction and agricultural sectors were more vulnerable to labor rights violations.

The law stipulates that persons cannot work more than eight hours a day, and the standard workweek for those in the industrial and retail sectors may not exceed 44 or 48 hours, with daily breaks of 30 minutes to two and one-half hours. The law requires that 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 one year of employment and to paid annual holidays, and it 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. Workers in the rural sector cannot work more than 48 hours in a period of six days.

The Ministry of Labor 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 ministry had 120 labor inspectors throughout the country, which was sufficient to enforce compliance. The number of penalties imposed for labor violations was unavailable.

The government monitors 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's 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.

The Labor Ministry's Social Security Fund monitors domestic work and may obtain judicial authorization to conduct home inspections to investigate potential labor law violations. Conditions for domestic workers improved, including labor rights, social security benefits, wage increases, and insurance benefits. Although 37 percent of domestic workers were employed in the informal sector, it was half the percentage of 10 years ago.

By law workers may not be exposed to situations that endanger their health or safety and may remove themselves from such situations without jeopardy to their employment. Government authorities and unions protected employees who

removed themselves from such activities. The Ministry of Agriculture is responsible for carrying out safety and health inspections in the agricultural sector.

The Ministry of Labor sets occupational safety and health standards, and the standards were current and appropriate for the main industries in the country.

The state-owned insurance company BSE reported 32,945 labor accidents and 46 labor-related deaths in 2018, compared with 33,029 accidents and 30 deaths in 2017. In some cases workers were not informed of specific hazards or employers did not adequately enforce labor safety measures.