

# URUGUAY 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with a democratically elected president and a bicameral legislature. In the 2019 national elections, Luis Lacalle Pou won a five-year presidential term in a free and fair election. No political party won a majority in parliament, but the ruling party formed a coalition to pass legislation.

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. There were credible reports that members of the security forces committed some abuses.

Significant human rights abuses included credible reports of harsh and potentially life-threatening conditions in some prisons.

The government took steps to identify and punish officials who committed human rights abuses or engaged in official corruption, 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**

### **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.

## **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.

Impunity for security forces was not a significant problem.

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

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

**Physical Conditions:** As of August 20, the prison population was 13,815, reaching 135 percent of designed capacity. The situation in the 27 prisons varied greatly, with eight prisons above 100 percent capacity, seven prisons above 150 percent designed capacity, and two above 200 percent capacity. Parliament's special rapporteur on the prison system (special rapporteur) and the National Torture Preventive Mechanism (NPM), under the National Human Rights Institution (INDDHH), each reported that overcrowding also affected specific sections of prisons with an average population below their full capacity.

According to the special rapporteur and the NPM, the worst prison conditions were in units with high overpopulation rates and the largest prisons, where inmates slept on the floor and had fewer social and educational activities. The special rapporteur stated 33 percent of inmates suffered from cruel, inhuman, or degrading treatment and that 56 percent of inmates were improperly prepared for social integration after their release. These figures reflected a decrease in the percentage of the prison population offered opportunities for rehabilitation and social reintegration, compared with the previous year (from 27 percent to 11 percent).

The situation varied for female inmates, who made up 5 percent of the prison

population. In mixed-gender prisons, authorities assigned women to some of the worst parts of prisons, leading to difficulties accessing food, private spaces, and visits with family members. In a purported effort to prevent conflicts among men, guards prevented women from using the prison yard, excluded them from some activities, and prohibited them from wearing clothes considered revealing during visits. There was no regular access to routine sexual and reproductive health services. Mothers in prison with their children lived in poorly designed facilities with security problems due to a lack of proper 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 the Universidad de la Republica concluded that children detained with their mothers did not have access to proper nutrition.

The NPM and special rapporteur reported high levels of institutional and interpersonal violence in many prisons, particularly the larger facilities. As of August there were 12 homicides as a result of prisoner-on-prisoner violence (compared with 17 in 2020), in addition to seven suicides (compared with nine in 2020). In 2020 the homicide rate in prisons was 14 times higher than in the general population, while the suicide rate in prisons was six times higher. In September prison authorities became aware of the case of an inmate who was held hostage, tortured, and abused by his cellmates for approximately 60 days. Prison guards did not detect the situation during their weekly monitors of cells in the module. Prison authorities discovered the abuse only upon the release of the leader of the cell where the inmate hostage was held and the victim was moved to another cell, where inmates reported the situation. Prison authorities subsequently reported the situation to the Prosecutor's Office. Medical examinations revealed signs of physical and sexual abuse as well as severe malnourishment. Prison authorities initiated an administrative investigation and removed the director of the prison from his position.

Shortages in personnel and basic elements of control, such as security cameras, made prevention, control, and 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.

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

In their annual reports the special rapporteur and the NPM reported a lack of, or difficulties accessing, medical care in prisons. Medical services 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, as well as substance abuse rehabilitation services, were not adequately available to the population that required attention, monitoring, and treatment. Administrative delays sometimes affected the issuance of medications.

In May the sudden and unexplained death of a 20-year-old inmate with intellectual disabilities, detained in one of the biggest and most populated prisons, led the prison rapporteur to question the judiciary and the Ministry of Interior for sending to prison individuals who should instead receive mental health treatment or other specialized assistance. He submitted a report of his investigation to parliament and demanded changes to the system to prevent similar situations in the future. As a result of the report, the Supreme Court initiated an investigation.

The special rapporteur filed several corrective habeas corpus actions for different violations of prisoner rights ranging from the lack of access to education, health care, and humane conditions in specific prison 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. 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 nonexistent.

Physical conditions were deficient in juvenile facilities, including sites with crumbling infrastructure that were not designed for rehabilitation activities. High turnover of staff and leadership in the juvenile prison system, as well as a lack of trained and specialized staff, were also causes for concern.

**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 other international bodies. The special rapporteur and the NPM were also allowed to monitor prisons.

**Improvements:** The Prisons Administration's National Rehabilitation Institute conducted several emergency actions to address serious infrastructure deficiencies and to provide inmates with cleaning and personal hygiene products, as well as beds and mattresses for prisons where they were lacking.

A new prerelease sector was built in one of the most populated prisons, with an open system where inmates independently managed a personal space, including a kitchen, with civil guards instead of police guards, to offer them an experience similar to the outside as they approach their release date.

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

The law prohibits arbitrary arrest and detention and provides 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 apprehend 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 act 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 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 any detainee claims of mistreatment.

An omnibus reform law passed in 2020 grants police officers a period of four hours to investigate an event before they must inform the Prosecutor's Office. In July the Association of Public Defenders submitted a report to the Supreme Court of Justice noting an increase in police abuse cases in the past year. They attributed the increase to changes introduced by the law, claiming the increase in police discretion, and in particular the time to investigate, directly influenced this increase, since most of the abuse took place during the four-hour period granted by the law, during which public defenders were rarely present.

In March neighbors filmed a video of three police officers threatening a teenager and forcing him to erase a cell phone video recording of a police procedure. The video, which went viral, showed one of the police officers beating the teenager. A formal report was filed, and the three police officers were convicted of abuse of power and received five months' probation, two years' disqualification from the police force, and a fine.

**Pretrial Detention:** Pretrial detention is limited to cases of recidivism, risk of flight, grave crimes, or of an individual posing a risk to society, all subject to a judge's determination. The law makes pretrial detention mandatory due to presumed flight risk for persons charged with rape, sexual abuse, robbery, extortion, kidnapping, and aggravated homicide.

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

The constitution provides for an independent judiciary, and the executive branch 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 the free assistance of an interpreter, to not be compelled to testify or confess guilt, to confront prosecution or plaintiff witnesses, to present their own witnesses and evidence, and to appeal a conviction. There is no use of juries, as judges decide all cases.

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 1,540 cases during 2020.

The 2020 omnibus reform law includes restrictions to the use of plea bargaining and a streamlined legal procedure, referred to as the "simplified process," consisting of a middle ground solution between plea bargaining and oral trial. These changes were not used extensively.

## **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.

## **Property Seizure and Restitution**

The country endorsed the 2009 Terezin Declaration, which called on countries to provide for the restitution of property wrongfully seized during the Holocaust, provide access to archives, and advance Holocaust education and commemoration. There were no known claims for movable or immovable property, and the country has no restitution laws. Nongovernmental organizations (NGOs) noted that there did not appear to be anyone conducting provenance research on 1,670 books it received from the Jewish Cultural Reconstruction Organization. The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

### **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**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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

**Libel/Slander Laws:** Defamation is a criminal offense punishable with four months to three years of prison or with a fine. There were no reports of the government using these laws to restrict public discussion.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible 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 and the Right to Leave the Country**

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

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

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, returning refugees, asylum seekers, stateless persons, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Through a refugee commission, which adjudicates asylum claims, the system provides refugees with protection and durable solutions such as access to housing and livelihoods. Asylum seekers have freedom of movement during the regular asylum application process and receive a provisional identification document until

their application process is completed, when they then receive their permanent document. In addition, they are entitled to access the public health and education systems free of charge and to work legally. They have the same rights and liberties as any other legal resident of the country. Once their refugee status is confirmed, they also have access to a family reunification process.

### **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 2019 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. Coalitions are required to pass legislation.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, but these groups did not participate at the same rate as men and nonminorities.

Female representation amounted to 19 percent in the Chamber of Representatives and 29 percent in the Senate after the 2019 elections. According to the Chamber of Representatives, women's participation in the chamber had never exceeded 25 percent of its membership, and women had chaired only three legislative periods since 1830.

### **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. There were isolated reports of government corruption during the year, and the government addressed them with appropriate legal action. Authorities sometimes lacked sufficient enforcement

resources and mechanisms to identify and address acts of administrative misconduct.

**Corruption:** In May former vice president Raul Sendic was sentenced to 18 months in prison for abuse of authority and embezzlement while he was president of the state-owned oil company ANCAP. Sendic was also fined and received a four-year disqualification from working in public positions of trust. The judge granted Sendic the benefit of conditional suspension of the sentence, which enables the elimination of criminal records if he does not reoffend in the next year.

## **Section 5. Governmental Posture Towards 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 often cooperative and responsive to their views.

**Government Human Rights Bodies:** The INDDHH is an autonomous agency with quasi-judicial powers that reports to parliament. It is composed of five board members proposed by civil society organizations and approved by a two-thirds vote in parliament for five-year terms that can be renewed once. The INDDHH is tasked with the defense, promotion, and protection 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 NPM functions within the INDDHH, conducting regular monitoring of detention facilities and issuing reports and recommendations. The institution is also 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 INDDHH was effective in achieving 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 the 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 Honorary Committee against Racism, Xenophobia, and All Other Forms of Discrimination under the Ministry of Education and Culture analyzes matters 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 and Societal Abuses**

### **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 three to 16 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 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 further implemented the 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. For example, specialized courts provided by the gender law were not established; however, civil society representatives recognized that judges in nonspecialized courts applied criminal definitions included in the new law. NGO representatives underlined the need for more expert training and for inclusion of gender-based violence in the university curriculum, especially in the health sector.

The 2017 criminal procedure code introduced changes to victims' rights, including guarantees and services during criminal proceedings, and the creation of a Victims and Witnesses Unit in the Prosecutor General's Office. 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 hatred or contempt motivated by the fact of being a female." The law's explanatory statement describes gender-based violence as all violent acts against women, in both the private and public spheres, arising from structural inequalities between women and men.

The government maintained a Gender-Based Violence Observatory to monitor, collect, register, and analyze data on gender-based violence. 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 women and children victims of domestic violence could seek temporary refuge. Civil society reported shelters for victims were of good quality but that capacity was insufficient. In August and September, the Ministry

of Social Development opened two new shelters for women with children, providing an additional 260 spaces for victims to receive government services. The ministry also funded the lodging of victims in hotels. The Ministry of Social Development and the Ministry of Housing operated a program that funded two-year leases for approximately 100 victims, pending more permanent housing solutions. The Ministry of Social Development also operated housing programs that offered users access to housing solutions through agreements with the Ministry of Housing and the Housing Agency, as well as through universal housing solutions available to the general population, while they continued to receive support and follow-up from experts from the Ministry of Social Development. 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. In July authorities extended the service, making it available 24/7, and victims could also file a report online or at a police station.

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.

There is also a National Gender Council headed by the Women's Institute of the Ministry of Social Development and with representatives from 26 government and nongovernmental bodies, including the 12 ministries, the judicial branch, health administration, INDDHH, academia, civil society, and other sectors. The aim of the council is to incorporate a gender perspective into the design, assessment, and implementation of policies.

**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.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on part of the government authorities.

The country recognized, protected, and promoted sexual and reproductive rights without discrimination. Problems remained, however, in the full implementation of these policies, especially in the interior of the country and for marginalized populations. Adolescents; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; persons with disabilities; and Afro-Uruguayans suffered discrimination in fully accessing contraception and reproductive medical care.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception as part of clinical management of rape.

**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. There are restrictions on women working in factories. A study conducted in July by Acrux Partners showed that women had less access to credit, and usually for smaller amounts, than men.

During the year 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, equal access to quality jobs and training, elimination of discrimination in selection and promotion processes, and guarantees and protections for maternity and responsibility sharing.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution and the law prohibit discrimination based on race or ethnicity, and government made efforts to enforce the law. Nonetheless, the country's Afro-Uruguayan minority continued to face societal discrimination, high levels of

poverty, and lower levels of education. According to a 2020 World Bank report, Afro-Uruguayans had almost twice the likelihood of residing in informal settlements with the worst socioeconomic indicators, compared with the general population. The report also stated that although Afro-Uruguayans had access to health care, they were more dependent on the public health provider ASSE than the rest of the population. While 30 percent of the population used public health services, the number for Afro-Uruguayans amounted to almost 48 percent. While 63 percent of the population sought prepaid health care from collective medical care institutions, approximately 46 percent of Afro-descendants used these services. Afro-descendants had lower levels of education in general, but the gap was considerably wider for secondary and higher education. NGOs reported structural racism in society and noted the percentage of Afro-Uruguayans working as unskilled laborers was much higher than for other groups.

Afro-Uruguayans were underrepresented in government. Two Afro-Uruguayan representatives served in the 130-seat parliament after the October 2019 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, although the required percentage had not been reached. 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.

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.



## 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 two and 16 years in prison, depending on the gravity of the case. Penalties for the crime of assault range from three months to eight years in prison, and the penalty for domestic violence is from six months to two years in prison. INAU provided a free, nationwide hotline. INAU's System for the Protection of Children and Adolescents against Violence (SIPIAV), together with NGOs, implemented awareness campaigns, and SIPIAV coordinated interagency efforts on the protection of children's rights.

The Ministry of Education coordinated efforts to provide child victims of domestic violence with tools to report abuses using their *One Laptop per Child* program computers.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 16, but the law requires parental consent through age 18. The 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 enforced the law. In March a 54-year-old man was convicted of sexual abuse of two minors ages 12 and 13 and was sentenced to serve a total of four years, two years of prison and two years of probation. In June the Special Crimes Department of the General Directorate for the Fight Against Organized Crime and Interpol arrested a man for attracting minors through social media to perform sexual or erotic jobs in exchange for money. He was sentenced "for a crime of retribution or promise of retribution to minors or persons incapable of carrying out sexual or erotic acts of any kind" to a total of two years – one year in prison and one year of probation. The Special Crimes Department continued a program focused on crimes of child pornography. In total 10 persons were arrested and sentenced for this crime.

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 (older than age 18) 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 sex trafficking range from four to 16 years in prison; penalties were increased by one-third to one-half if the trafficking offense involved a child victim. 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.

In September the Ministry of Tourism, INAU, and UNICEF, with the support of the Uruguayan International Cooperation Agency, signed a memorandum of understanding for the prevention, detection, and remedy of sexual exploitation of children and adolescents in the context of tourism. The Prosecutor General's Office maintained a special hotline to receive reports of sexual exploitation of minors from victims.

**Institutionalized Children:** The NPM reported on violations in centers for minors and adolescents with mental health disabilities, including physical and verbal mistreatment in three centers. Some centers prioritized security, order, and control, and some lacked proper channels to report abuses.

The NPM also reported violations of rights in the temporary processing centers where children or adolescents separated from their families were initially sent for first response, diagnosis, and evaluation. Violations included prolonged stays, overcrowding, stressful confinement conditions, lack of required support staff, and mistreatment.

**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. In May a local council member of the Department of Rocha for the Frente Amplio Party posted the following comment in Facebook in the context of the Israel-Palestine conflict: “Every day I ask myself whether Hitler was so wrong.” He was strongly criticized by other council members, who demanded his resignation, and fellow party members, who submitted the case to the political conduct tribunal of the party and demanded he take a leave of absence. He later resigned from his position.

## **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**

Persons with disabilities did not have access to education, health services, public buildings, and transportation on an equal basis with others. The law requires such access, as well as communication and information in accessible formats, but it was not enforced. The law provides for the protection of 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. According to a 2020 World Bank report on social inclusion, persons with disabilities faced barriers to participation in numerous sectors, especially in the labor market, education, and access to public spaces. According to the study, only 450 of 1,500 buses in Montevideo were accessible to persons with disabilities, and they operated with limited frequency

and in limited areas of the city, significantly restricting mobility of persons with disabilities. The report also emphasized the lack of adequate data to analyze this problem and therefore adequately address the needs of the disability community.

The government did not always effectively enforce provisions for persons with disabilities. Civil society representatives stated 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, care-giving services, legal assistance, access to transportation, education, vocational training, and employment services, but the ministry lacked the capacity to reach all persons with disabilities.

Children with disabilities attended school at all levels at significantly lower rates than children without disabilities. While the national rate of persons who completed only primary education or less was 40 percent, among persons with disabilities it reached 57 percent, and among persons with severe disabilities it was 72 percent. The law grants children with disabilities the right to attend school (primary, secondary, and higher education). NGOs reported some public schools built after enactment of the law protecting persons with disabilities did not comply with accessibility requirements and usually did not have resources to meet the specific needs of students with disabilities. An international organization reported segregated "special schools" existed for children with disabilities, resulting in a de facto 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 as well as many public sidewalks 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. The government-sponsored *Plan Ceibal*, also known as the one laptop per child program, continued to offer 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, which were included.

## **HIV and AIDS Social Stigma**

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

In August a local NGO reported that a hospital in the department of Paysandu did not allow a gay man to donate blood. The report was filed with health authorities and the National Human Rights Institution and gave rise to several similar complaints by other persons. Hospital officials apologized and stated it was due to lack of knowledge of a December 2020 change in regulation. The transfusion regulations in force since 1999, which did not allow men who had had sex with other men to donate blood, was repealed, and sexual orientation was no longer considered as a determining factor in who can donate blood.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Leaders of civil society organizations reported that despite the legal advancement of LGBTQI+ issues, societal discrimination remained high. NGOs also reported that although the law establishes the right of transgender persons to hormone therapies and sex reassignment surgery, there were reports some health providers did not offer these options to patients, without any consequence for their lack of compliance with the law. Furthermore, civil society reported that sex reassignment surgery was available only for transgender women (male to female). NGOs reported the commission in charge of name changes was overwhelmed, which resulted in delays. The Ministry of Social Development informed that as of September the commission had received 148 applications for name changes, of which 47 had been granted.

Authorities generally protected the rights of LGBTQI+ persons. According to Amnesty International, however, the country did not have any comprehensive, antidiscrimination policy that protected LGBTQI+ 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 in 2018 showing that human rights

violations against transgender women included 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 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 latest figures available, the government reported that 30 percent of transgender persons were unemployed. Among the employed, 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.

## **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, bargain collectively, and conduct legal strikes. 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, including migrant workers, fired for union activities and pay them an indemnity. Workers in the informal sector are excluded from these protections.

An omnibus reform bill passed in July 2020 introduced changes that affected the right to strike. The law establishes that strikers may not occupy places of work and prevent nonstrikers and management staff from entering the building. In addition, the law states that the obstruction of free circulation of persons, goods, or services in public spaces or private spaces for public use are not allowed. Unions had been

vocal in their assertion that this is a limitation to the right to protest. The Unions Association and the opposition party Frente Amplio collected enough signatures to call for a referendum to revoke this and other articles of the omnibus reform bill. Observers believed the vote was likely to take place in early 2022.

The government effectively enforced applicable labor laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

Worker organizations operated free of government and political intervention. Labor union leaders were strong advocates for public policies and even foreign policy issues and remained very active in the political and economic life of the country. In 2019 the International Labor Organization selected the country to be analyzed by its 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, in practice it was mandatory. During the international labor conference in 2019, the committee called on the government to review and change the country's legislation on collective bargaining.

## **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 four to 16 years in prison for forced labor crimes. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Information on the effectiveness of inspections and governmental remedies was not available. Foreign workers, particularly from Argentina, Bolivia, Brazil, Cuba, the Dominican Republic, Paraguay, Peru, and Venezuela, were vulnerable to forced labor in agriculture, construction, domestic service, cleaning services, elder care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Cuban nationals working in the country may have been forced to work by the Cuban government. Domestic workers employed in the less-monitored interior of the country were at greater risk of trafficking. Migrant women were the most

vulnerable as they were often exposed to commercial sexual exploitation. Foreign workers aboard foreign-flagged fishing vessels docked at the Montevideo port and in Uruguay's waters 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 official figures, from 2018 to 2020, 17 crewmember deaths were associated with foreign-flagged fishing vessels docked at the Montevideo port and in the country's waters, several 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 age 15 but does not apply to all sectors, such as hazardous work. INAU may issue work permits for children ages 13 to 15 under exceptional circumstances specified by law. Minors ages 15 to 17 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 17 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. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping, or even harsher. 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, work at summer resorts, and as kitchen aids. In Montevideo the main labor activities were in the food industry, including supermarkets, fast-food restaurants, and bakeries, and in the service sector, such as 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. According to INAU, there were an estimated 60,000 children and adolescents working in informal and illegal activities. INAU and ministry authorities stated the child labor situation was likely worsened by the effects of the pandemic and announced measures to address this problem, including hiring more inspectors dedicated to detecting child labor, from seven to 12, and updating statistics on the issue, as the latest figures dated back to 2010.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](http://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings).

#### **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. In general the government enforced applicable law and regulations, and penalties were sufficient to deter violations. The Labor and Social Security Inspection Division of the Ministry of Labor and Social Security investigates discrimination and workplace abuse claims filed by union members.

Discrimination in employment and occupation occurred mostly with respect to sex, race, disability, gender identity, and nationality. According to UN Women, the

number of gainfully employed women decreased as they have more children, which did not happen to men. Women earned lower wages than their male counterparts, an average 25 percent less in similar circumstances, and only an estimated 20 percent of companies claimed to have women in leadership positions. According to a study published by the Economic Commission for Latin America and the Caribbean and UN Women in 2020, 10 years after having their first child, women's monthly salaries averaged 42 percent lower than women in similar circumstances who did not have children.

According to a 2020 World Bank report on social exclusion, Afro-Uruguayans earned 20 percent less than the rest of the population for the same work. Afro-Uruguayan women had the highest unemployment rate, amounting to 14 percent, compared with 8 percent for the general population. The law requires that 8 percent of government positions be filled with Afro-Uruguayans. The National Office of the Civil Service oversees compliance with the Afro-Uruguayan (and other) employment quota requirements and submits reports to parliament. The office stated that in 2019 the percentage of vacancy announcements for positions calling for Afro-Uruguayan applicants had reached the 8 percent required by the law for the first time ever. The office reported that in 2020, fewer than 0.7 percent of positions were filled with Afro-Uruguayans.

The 2020 World Bank report also stated that 59 percent of persons with disabilities participated in the labor market, compared with 76 percent for persons who did not report disabilities. The law requires a 4 percent quota for hires in the public and private sectors. According to reports of the National Office of the Civil Service, only 0.4 percent of civil service hires during 2020 were persons with a disability. Furthermore, the report showed that transgender persons, especially transgender men, had the worst employment indicators in the entire population. Only 66 percent of the transgender population was employed; the unemployment rate among transgender women was 30 percent and 43 percent among transgender men. Among those employed, approximately one-third were sex workers. A law for transgender persons sets an employment quota for transgender persons in the public sector at 1 percent, but the National Office of the Civil Service reported that only 0.016 percent of civil service hires in 2020 corresponded to transgender persons. In 2020 the Ministry of Social Development implemented an

employment program to offer short-term employment to unemployed persons, and of the 3,106 beneficiaries, 61 (2 percent) were transgender.

Foreign workers, regardless of their national origin or citizenship status, were not always welcome and continued to face obstacles when seeking employment. The International Organization for Migration reported that several foreign workers were removed from positions with face-to-face customer interaction due to complaints by customers about their foreign accents. The government took steps to prevent and eliminate discrimination (see sections 5 and 6).

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** 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 commensurate with those for similar crimes, such as fraud. 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.

The law stipulates that a person 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 more than 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.

The Labor Ministry's Social Security Fund monitors domestic work and may obtain judicial authorization to conduct home inspections, some unannounced, to investigate potential labor law violations and initiate sanctions if necessary. Conditions for domestic workers include labor rights, social security benefits, wage increases, and insurance benefits.

**Occupational Safety and Health:** 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 (OSH) inspections in the agricultural sector.

The Ministry of Labor sets OSH standards, and the standards were current and appropriate for the main industries in the country. The government effectively enforced OSH laws. Penalties for violations of OSH laws were commensurate with those for crimes, such as negligence.

In some cases workers were not informed of specific hazards or employers did not adequately enforce labor safety measures.

**Informal Sector:** Minimum wage laws do not cover workers in the informal sector, who accounted for 24 percent of the workforce. Workers in the construction and agricultural sectors were more vulnerable to labor rights violations. In general authorities effectively enforced minimum wage standards in the formal sector but less so in the informal sector. Although an estimated 39 percent of domestic workers were employed in the informal sector, it was half the percentage it was 10 years ago. Lack of awareness of their rights by informal workers coupled with their low visibility to the state led to lower protections provided to them.