

# URUGUAY 2020 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 2019 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. Legislative elections were also held in October 2019.

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. Members of the security forces committed some abuses and were brought to justice.

Significant human rights abuses included harsh and potentially life-threatening 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. The Office of the Prosecutor investigates whether security force killings were justifiable and pursues prosecutions.

On July 10, President Lacalle Pou signed into law an omnibus reform bill that introduces an expansion of the right to self-defense. Previous legislation restricted legitimate defense as a legal defense to attacks within the household, while the new law extends it to gardens, garages, and sheds or similar facilities close to the household. The new law introduces the presumption of legitimacy and lawfulness

of the use of force by police and the military. The National Human Rights Institution (INDDHH), independent but overseen by the legislative branch, expressed concern that the reforms put property rights above the right to life. The institution also said the extension of these regulations to law enforcement officials increases police discretionary powers and reduces guarantees of civil liberties.

### **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: On November 20, the prison population was 13,021, reaching 128 percent of designed capacity. The situation in each of the 27 prisons varied greatly, with 13 prisons above 100 percent capacity, and five prisons above 120 percent designed capacity. Parliament's special rapporteur on the prison system (special rapporteur) and the National Torture Preventive Mechanism (NPM) under the INDDHH each reported that overcrowding also affected specific sections of prisons with an average population below their full capacity. For example, inmates slept on the floor and had fewer social and educational activities. The special rapporteur stated 26 percent of inmates suffered from cruel, inhuman, or degrading treatment and that 47 percent of inmates were improperly prepared for social integration after their release. According to the special rapporteur and the NPM, the worst prison conditions were in units with high overpopulation rates and the largest prisons.

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 cell, 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 July a fire in a prison cell left six inmates injured, but the cause of the fire was unknown. As of November prison authorities had not identified the cause of the fire.

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 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 were 20 homicides as a result of prisoner-on-prisoner violence, in addition to nine suicides. The homicide rate in prisons was 18 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 varied for female inmates, who made up 5 percent of the prison population. 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. 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 poorly designed facilities with 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 the Universidad de la Republica concluded that children detained with their mothers did not have access to proper nutrition.

The special rapporteur filed a number of corrective habeas corpus actions for different violations of prisoner rights ranging from the lack of access to education or health care to inhuman conditions of detention in specific prison modules. In May 2019 the rapporteur filed a habeas corpus action requesting the closure of two sections of a prison, in view of the inhuman detention conditions presented therein. On May 15, a judge ordered the closure of these sections as well as the implementation of a plan to reorganize the prison. The Ministry of Interior challenged the decision, but in August an appeals court ratified the lower court's ruling.

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 was not designed for or conducive to rehabilitation activities. 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.

In July 2019 the National Institute for Adolescent Social Inclusion reported there were 196 suicide attempts in juvenile detention facilities, although none were successful.

With the outbreak of the COVID-19 pandemic, authorities established specific sanitary protocols in prisons, including restricting visits, temperature controls for anyone entering facilities, suspension of education activities, use of facemasks, distribution of cleaning products and sanitizing gel, and reserved sectors for potential quarantine needs. As of November only one case of COVID-19 was reported among inmates in adult prisons, and no cases in juvenile prisons.

An omnibus reform bill passed in July introduced security reforms including stronger sentencing for juvenile and adult offenders and restrictions on parole,

early release and sentence-reduction mechanisms as well as changes to criminal procedure. The special rapporteur and the INDDHH expressed their concerns that measures adopted could contribute to further increase the already oversized prison population, affecting overcrowding and possibilities for rehabilitation. This law also makes work mandatory for convicted inmates.

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: The Prisons Administration began restructuring one of the biggest and most violent prisons containing more than 3,000 inmates, subdividing it into five smaller subunits to provide more personalized service than before and improve rehabilitation conditions.

In an effort to improve sexual and reproductive rights of women in prison, authorities signed and implemented an agreement with a local nongovernmental organization (NGO) to conduct routine exams, such as pap smear tests, colposcopies, and mammograms, among others, on 100 percent of the female prison population within seven months. Authorities took further steps to strengthen programs for women imprisoned with children.

Inmates with psychiatric conditions were transferred to a module with better conditions than their previous accommodation.

The Ministry of Interior and the Ministry of Social Development opened an office of the Ministry of Social Development inside one of the most populated prisons in the country to work with inmates and their families six months before their release, strengthening their support network and preparing them for reentry to society.

#### **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 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 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: 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. In July the government passed an omnibus reform bill that 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 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 1,639 cases during the first half of the year.

An omnibus reform bill passed in July introduced further changes to the criminal procedure code, including restrictions to the use of plea bargaining and the introduction of a new simplified legal procedure, referred to as the "simplified process," consisting of a middle ground solution between plea bargaining and oral trial. These changes had not yet been 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 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. 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 on July 29, 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, 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 combine to promote freedom of expression, including for the press.

Violence and Harassment: The NGO CAInfo reported several cases of journalists subjected to lawsuits and legal threats, sometimes by government officials or associations to discourage them from doing investigative reporting on certain matters. The judicial branch usually dismissed these cases.

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. There were some reports of defamation claims filed by public figures against journalists, but the Prosecutor General's Office usually sought agreements between the parties or dismissed the accusations entirely.

Nongovernmental Impact: In June a well known journalist received a death threat for his investigations on narcotics trafficking. He was provided police protection, and the Ministry of Interior met with the Uruguayan Press Association to discuss the situation.

#### **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**

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 (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status through a refugee commission, which adjudicates asylum claims, provides protection to refugees, and provides them with durable solutions such as access to housing and livelihoods. As of November there were 559 pending asylum claims from Venezuelans in Uruguay, according to UNHCR. In September, UNHCR reported 10 Venezuelan asylum seekers entered from Argentina. The government tested them for COVID-19 and requested UNHCR's support in providing them with shelter and food while they were under quarantine.

Durable Solutions: The government accepts refugees for resettlement within the framework of a resettlement program implemented jointly with UNHCR. The program involves 28 families from Guatemala, El Salvador, and Honduras. In

previous years the program increased by an average of three families per year; however, COVID-19 prevented the arrival of new families, and there were no prospects of new arrivals in the near future. The program includes arranged housing and employment solutions for these families before their arrival to the country.

There were also asylum seekers arriving outside these specific programs. They have freedom of movement during the regular asylum application process and receive a provisional identification document until their application process is completed, when they get 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, and 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 has never exceeded 25 percent of members, and women have 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. Officials sometimes engaged in corrupt practices 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. 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. The unit conducts training and awareness-raising activities on transparency and access to information. Overall, the country was considered to have a low level of corruption.

Corruption: As of December 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. In December the prosecutor's office requested a prison sentence of 18 months, a four-year disqualification from working in public positions of trust, and a fine.

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 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 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 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 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 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, 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 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 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 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 the need to include gender-based violence in the university curriculum, especially in the health sector.

The 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. Since its establishment, the unit had 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 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 700 more electronic anklets, reaching 1,500 anklets in total. 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 capacity was insufficient. 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. 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 police forces and trains police staff to handle and respond to cases. The omnibus reform bill passed in July established the creation of a National Gender Policies Directorate within the Ministry of Interior. The Prosecutor General's Office has special prosecutorial teams to investigate and prosecute gender-based violence cases, separate from those working on domestic violence cases. These units focus on the various forms of violence defined in the new law as well as human trafficking cases.

There is also a National Gender Council headed by the Women's Institute (Inmujeres) of the Ministry of Social Development and with representatives of 26 government and nongovernmental bodies, including the 12 ministries, judicial branch, health administration, INDDHH, academia, civil society, and other actors. The aim of the council is to contribute to the design, assessment, and implementation of policies with a gendered perspective. The council met in an extraordinary session after the outbreak of the COVID-19 crisis to address effects of the pandemic on domestic violence victims. In June it had its first ordinary session, to establish the lines of effort for the 2020-25 period, which would focus on gender-based violence, financial independence of women, decentralization of gender policies, and participation of women in decision-making positions.

With the coronavirus outbreak in March and the resulting isolation measures implemented by the government, civil society began a public messaging campaign warning about the increased risk of gender-based violence and domestic violence victims resulting from confinement. Authorities of the Women's Institute under the Ministry of Social Development initially detected a drop in reports during the first two weeks of isolation, with a sharp increase after the third week. Measures adopted by the government included strengthening support hotlines, conducting awareness-raising campaigns about reporting channels available, and encouraging the population to be alert to possible abuse cases in their communities. The Ministry of Health designed a protocol to help health staff visiting homes and working in emergency rooms to detect and report possible cases of gender-based violence. The Ministry of Interior and its Gender Policies Division worked to ensure 911 response was available for gender-based violence cases and announced reporting channels for abuses. In addition the Ministry of Social Development increased slots in shelters for mothers with children, and the judicial branch automatically extended precautionary measures that were close to expiration, such as restraining orders that use electronic monitoring anklets.

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 on part of the government authorities.

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. According to a study published by the Economic Commission for Latin America and the Caribbean (ECLAC) and UN Women in August, women experienced a 42 percent decrease in their monthly salary 10 years after having their first child, compared with women in similar circumstances who did not have any children.

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 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.

## **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. In March, SIPIAV disseminated to relevant stakeholders a protocol with guidelines for prevention, detection, of violence against children up to age three, and their protection.

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 age 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 made efforts to enforce the law.

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.

The alleged suicide of an 18-year-old girl in 2019 prompted an investigation by the Prosecutor's Office. The inspection of her cell phone records, which went back to before she turned 18, resulted in the charging of 32 persons for the crime of compensation or offer of compensation in exchange for sexual favors from minors, and to the identification of 18 victims as of September. Most of the accused were businessmen or professionals older than age 50. As of September the first one of the accused was convicted through plea bargaining to three months of house arrest, three months of house arrest at night, 18 months of probation, loss of custody rights to his children, and the payment of a reparation to the victim. This man had only online contact with the victim via the WhatsApp messaging application, not physical contact. The remaining 31 defendants had not yet been tried. As a result of this case, the Prosecutor General's Office established a special hotline to receive reports of sexual exploitation of minors from victims who had any information.

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 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.

### **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. According to an August report on social inclusion published by the World Bank, persons with disabilities faced numerous obstacles, especially in the labor market, education, and public spaces. 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 72.5 percent. 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, 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 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 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 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. Plan Ceibal 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.

### **Members of National/Racial/Ethnic Minority Groups**

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. According to a World Bank report published in August, Afro-Uruguayans had almost twice the likelihood of residing in informal settlements with the worst social-economic 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 30.5 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. 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.

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 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.

### **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 lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues, societal discrimination remained high. 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. According to Amnesty International, however, 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 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 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 or 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, 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 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 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 pickets that prevent the free circulation of persons, goods, or services in public spaces or private spaces of public use are not allowed. Unions had been vocal in their assertion that this is a limitation to the right to protest.

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 June 2019 the International Labor Organization (ILO) selected the country 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, in practice it was mandatory. During the international labor conference in June 2019, the committee called on the government to review and change the country's legislation on collective bargaining before November.

#### **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, elderly care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Domestic workers employed in the less-monitored interior of the country were at

greater risk of trafficking. Cuban and Venezuelan 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. 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 an NGO representative, since 2013 an average of one dead crewmember per month from these vessels had been recorded, 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 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. 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, 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 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. According to INAU, there were an estimated 60,000 children and adolescents working in informal and illegal activities.

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 effectively 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, paid women decreases 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 ECLAC and UN Women in August, 10 years after having their first child, women experienced a 42 percent decrease in their monthly salary, compared with women in similar circumstances who did not have any children.

According to a report on social exclusion published by the World Bank in August, 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 14.1 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 in history.

The August World Bank report also stated that participation in the labor market among persons with disabilities amounted to 59.5 percent, 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 1.3 percent of civil service hires were persons with a disability. The requirement for the private sector was very recent and would be implemented gradually, so there were no figures available during the year. 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 of 1 percent, but the National Office of the Civil Service reported that only 0.03 percent of civil service hires corresponded to transgender persons.

Foreign workers, regardless of their national origin or citizenship status, were not always welcome and continued to face challenges 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**

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. These 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.

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, 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. 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 (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.