

URUGUAY 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with a democratically elected president and a bicameral legislature. In 2014 in a free and fair runoff election, Tabare Vazquez won a five-year presidential term, and his *Frente Amplio* (Broad Front) coalition won a majority in parliament. Legislative elections were also held in 2014.

Civilian authorities maintained effective control over the security forces.

Human rights issues included harsh 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 during the year.

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.

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.

In contrast with 2017, there were no allegations of sexual exploitation and abuse during the year against Uruguayan peacekeeping personnel. In 2017 an allegation of transactional sex was made against eight Uruguayan troops serving as UN peacekeepers in the Democratic Republic of the Congo. After an investigation the case was found to be unsubstantiated due to insufficient evidence and was

subsequently closed. The Ministry of Defense established a protocol on Conduct Related to Reports of Abuse, Sexual Exploitation, and Paternity, and peacekeepers are required to pass a course on human rights and gender issues prior to deployment.

Prison and Detention Center Conditions

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

Physical Conditions: In November the prisons held 10,243 inmates, compared with 10,735 in 2017. The average prison population density (total number of inmates per spaces available) was 103 percent in 2017, with 18 of the 29 prisons surpassing 100 percent; however, two prisons were above 200 percent capacity. Parliament's special rapporteur on the prison system reported overcrowding affected sections of prisons in several of the 19 departments (provinces). The special rapporteur stated 30 percent of inmates suffered from cruel, inhuman, or degrading treatment and that 30 percent of inmates experienced insufficient conditions for social reintegration. The worst prison conditions were in units with high overpopulation rates and the largest overall prison populations. The National Human Rights Institute (INDDHH) reported prisoners sometimes spent 23 hours of the day in their cells, specifically naming Unit 4 and Unit 13. Certain prisons had a lack of hygiene, insufficient access to water, insufficient food and poor quality of food, and very few socioeducational and labor activities. Inmates were sometimes exposed to electrical, sanitary, and other risks due to poor infrastructure.

In its annual report, the INDDHH reported a lack of medical care in prisons, especially in Unit 13 and Unit 26. Medical services were available only for emergencies and did not always include preventive care and routine medical care. The lack of prison personnel limited the ability of inmates to have outside medical appointments. 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 INDDHH and the special rapporteur reported high levels of institutional and interpersonal violence in many prisons. Of 47 prisoner deaths in 2017, 17 were due to prisoner-on-prisoner violence; 10 prisoner deaths were suicides. Overpopulation, isolation, and a lack of socioeducational activities led to high risk

of violence. Shortages in personnel and basic elements of control, such as security cameras, made prevention, control, and the clarification of facts in security incidents difficult. Shortages of prison staff to securely transport and accompany inmates affected prisoners' ability to participate in workshops, classes, sports, and labor-related activities.

The situation for female inmates, who made up 5 percent of the prison population, varied around the country. Children accompanying their mothers in prison lived in facilities with problems such as poor planning and design, security concerns 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. In some cases pregnant women were not given house arrest as an option due to bureaucratic obstacles. Women were located in some of the worst parts of prisons, leading to difficulties in access to food, intimate spaces, and visits with family members as well as difficulties obtaining information and technical and human resources.

Some juvenile offenders were imprisoned at age 17 and remained in prison for up to five years. According to the INDDHH, the prison situation for some adolescents violated human rights, due to verbal and physical abuse by officials. Prisons increased educational services but they remained insufficient, with only three to four hours per week for inmates. Security constraints at prison facilities often interfered with or altogether eliminated educational, recreational, and social activities for juvenile inmates. In some cases socioeducational programs were scarce, fragile, or replaced with confinement.

Juvenile facilities had deficiencies in physical conditions, including sites with crumbling infrastructure and prisons that were not designed or conducive to rehabilitation activities. The INDDHH specifically pointed to the Center for Intake, Study, Diagnostics, and Referrals and the Belloni Complex as prison centers with serious infrastructure problems. In response to recommendations from the UN Committee on the Rights of the Child, the National Institute for Adolescent Social Inclusion closed the intake center in September. 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 April the INDDHH reported an abuse case at a juvenile prison facility. The INDDHH issued a habeas corpus petition for a 16-year-old male inmate in a grave medical state and without access to the necessary services. The INDDHH and the government-funded University of the Republic intervened, citing violations of the

rights to health, individual security, and physical integrity. The juvenile inmate was then transferred to a medical facility for treatment.

Detention centers suffered from poor lighting, ventilation, and hygiene. Centers had inadequate or incomplete records related to the rights and guarantees of detainees. Detention centers lacked basic supplies for detainees, including personal hygiene articles, food, warm clothing, and potable water.

Administration: Independent authorities conducted proper 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. Parliament's special rapporteur on the prison system and the INDDHH were also allowed to monitor prisons.

Improvements: The National Institute for Rehabilitation (INR) improved intake and monitoring procedures, including establishing an intake form, carrying out an initial entry interview, and starting files to track the activities and progress of individual inmates. The INR also developed and distributed clear guidelines on inmate treatment, education goals, and rehabilitation and looked into reports of mistreatment or irregularities.

The INR began providing specialized attention to vulnerable prison populations, including inmates who were disabled or transgender, or who committed sexual crimes. The special rapporteur indicated that the Center for Penitentiary Training was an innovative, best practice model for prison reform, responding with creativity and sensitivity to prison management problems and incorporating human rights principles. Model prisons, such as Unit 6, Unit 10, Unit 18, Unit 28, and Unit 20, served as positive examples for the corrections system.

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, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The National Police, under the Ministry of Interior, maintain internal security. The National Directorate for Migration, also under the Ministry of Interior, 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 as guardians of the outside perimeter of six prisons. As of October the law authorized the armed forces to patrol the country's borders and support agencies that worked along the borders. Civilian authorities maintained effective control over the National Police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

During the year the country hosted a regional training course for national investigation officers to familiarize participants with the processes, procedures, and techniques to improve the effectiveness of conduct and discipline investigations in UN peacekeeping.

The judiciary continued to investigate human rights violations committed during the 1973-85 military dictatorship, which the law classifies as crimes against humanity.

Arrest Procedures and Treatment of Detainees

Police apprehended suspects with warrants issued by a duly authorized official and brought 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 that the detaining authority explain the legal grounds for the detention. For a detainee who cannot afford a defense attorney, the court appoints a public defender at no cost to the detainee. The apprehended suspect 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 is an unusual and little-developed procedure and was seldom 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: The new criminal procedure code reduced the problem of lengthy pretrial detention, since cases were processed with greater speed. According to the special rapporteur, in late 2017, 69 percent of inmates had not been sentenced for a crime and were subject to lengthy pretrial detentions. By October that figure had decreased to 47 percent. All criminal cases originating before January were processed under the old criminal code and remained subject to long periods of pretrial detention. After judicial reforms to the new criminal procedure code, pretrial detention was limited to cases of recidivism, risk of flight, grave crimes, or if an individual poses a risk to society. Prosecutors were required to request pretrial detention, and a judge determined whether to grant it in each case. The INDDHH reported that an individual's presumption of innocence was undermined by the fact that pretrial detention was linked to previous crimes and recidivism.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the executive branch of the government generally respected judicial independence and impartiality. If judicial officials received threats from organized crime groups, the government assigned police protection to them.

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 have one provided at public expense if they are unable to afford one; to have adequate time and facilities to prepare a defense; to receive free assistance of an interpreter; to not be compelled to testify or confess guilt; to confront prosecution or plaintiff witnesses; to present one's own witnesses and evidence; and to appeal. Juries are not used.

During the year the government transitioned from an inquisitorial system to an accusatory system of criminal justice to address inefficiency, opacity, and the overuse of pretrial detentions, as well as to establish a more fair and transparent judicial system that provides greater advocacy to victims. The Prosecutor General's Office went from prosecuting approximately 400 cases per month in November 2017 to prosecuting more than 1,000 cases per month in August. Of the

approximately 8,300 cases processed since the switch to the accusatory system through August, 79 percent went through alternative dispute resolution processes.

A few months after the new criminal procedure code legislation passed, the code was again reformed through legislation that amplified police discretion in the first moments of detention and in the investigations phase and suspended precautionary measures. These changes, according to the INDDHH, undermined human rights guarantees at the moment of detention relating to the right to liberty, right to due process, presumption of innocence, and use of pretrial detention. The second wave of changes to the criminal procedure code also limited the application of conditional release.

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

The government continued to train police, prosecutors, and judicial personnel. The government also carried out numerous interagency training sessions with support from civil society and international organizations to train legal and judicial officials on the new code.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law 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 combined to promote freedom of expression, including for the press.

Freedom of Expression: In February an individual called President Vazquez a “liar,” after he and other representatives from the *Un Solo Uruguay* workers’ organization had consultations with the president. Shortly afterward, the President’s Office posted a communique on its official website with embarrassing, personal information about the individual, which he claimed caused him public ridicule. The President’s Office received a formal complaint from the INDDHH in April stating that the communique violated the individual’s rights to freedom of expression and peaceful protest. As a result, the President’s Office removed the information from its website.

Violence and Harassment: The local nongovernmental organization (NGO) Servicio Paz y Justicia (SERPAJ) reported some cases of harassment and intimidation against journalists. Journalists were subjected to lawsuits and legal threats, sometimes by government officials or associations to discourage them from doing investigative reporting on certain issues. Journalists were also bullied on social media channels. The local NGO CAInfo reported a journalist from the city of Carmelo was brought to trial in March after being charged with defamation and injury by a businessman in the health sector. The journalist reported on suspicions involving public contracts associated with the Artigas Hospital. The judge ultimately dismissed the case. CAInfo also reported some cases of violence against journalists.

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.

According to the International Telecommunication Union, 68 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. SERPAJ reported some increased efforts by the government to delegitimize social movements. According to SERPAJ, the government's "antipicketing decree" had direct consequences on the forms of popular mobilization by limiting protesters' ability to block streets and highways. The government responded that the decree did not affect the right to strike as defined in the constitution. SERPAJ also claimed that the "essential services" decree was being used to stifle protests and union activity. In August the umbrella union organization PIT-CNT organized a general strike against the government's alleged overuse of the essential services decree.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

Protection of Refugees

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 its refugee commission, the government has a system for adjudicating

asylum claims, providing protection to refugees, and finding durable solutions, including resettlement.

Section 3. Freedom to Participate in the Political Process

The law provides 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 2014 Tabare Vazquez of the Frente Amplio coalition won a five-year presidential term in a free and fair runoff election. The runoff followed a series of party primaries and a free and fair first-round election involving seven political parties. In parliamentary elections in 2014, the Frente Amplio won 15 of 30 seats in the Chamber of Senators and 50 of 99 seats in the Chamber of Representatives.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices, and the government addressed them with appropriate legal action. Authorities sometimes lacked sufficient enforcement resources and mechanisms to adequately identify and address acts of administrative misconduct. The presidentially appointed Transparency and Ethics Board (JUTEP) lacked the permanent staff needed to operate effectively as an anticorruption agency. Overall, the country was considered to have a low level of corruption.

Corruption: Following former vice president Raul Sendic's resignation from office in September 2017, he was charged in May with the crimes of abuse of authority and embezzlement. Sendic's lawyers appealed the charge, since he was still under a separate investigation by the state-owned oil company ANCAP for allegedly making personal expenditures on an official credit card and mismanaging funds.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials. Each year JUTEP 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 number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. Some local NGOs were highly dependent on government resources and often refrained from criticizing the government to avoid jeopardizing that link. According to the Institute for Communication and Development, in 2016 NGOs received 65 percent of their funding from the government.

Government Human Rights Bodies: The INDDHH, an autonomous agency that reports to parliament, is composed of five board members proposed by civil society organizations and approved by a two-thirds vote in parliament for a period of five years (renewable one time). It is tasked with the defense, promotion, and protection of the gamut of human rights guaranteed by the constitution and international law. The INDDHH had 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 received, investigated, provided resolutions, and did monitoring and evaluations for formal complaints of human rights abuse. The INDDHH was effective in its human rights objectives.

Parliament's special rapporteur on the prison system advises lawmakers on monitoring 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 prisoners. The special rapporteur provided in-depth, independent analysis of the prison situation and carried out his role effectively and constructively.

The Secretariat for Human Rights of the Office of the President is the lead agency for the human rights components of public policy within the executive. The secretariat is led by a governing board composed of the secretary of the Office of

the President of the Republic, who acts as chair, and the ministers for foreign affairs, education and culture, interior, and social development. The Secretariat for Human Rights for the Recent Past of the Office of the President has the responsibility to examine and ascertain the truth about human rights violations that occurred between June 1968 and March 1985 under the responsibility or with the acquiescence of the state.

The Honorary Committee Against Racism, Xenophobia, and All Other Forms of Discrimination is tasked with analyzing the situation with regard to racism and discrimination. The committee includes government, religious, and civil society representatives. The committee had not been allocated a budget since 2010 but received economic support from the government for some activities.

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

Women

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

The government began implementation of a new gender-based violence law passed in December 2017, which builds on existing legislation on domestic violence. The new 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 contacts, the comprehensive, gender-based violence law was not being fully implemented due in part to logistical barriers, particularly in the judicial branch. According to civil society representatives, law enforcement and social services for victims were inadequate.

A separate femicide law modifies aggravating circumstances from a homicide to include whether the crime “caused the death of a female due to motive of hate or contempt.” The law describes femicide as a structural inequality between women and men that uses gender-based violence as a mechanism to oppress women. In May a judge gave two individuals the maximum sentence of 45 years in prison for the rape and murder of a girl in Rivera Department. The government trained officials on aspects of gender-based violence and sexual assault.

The Ministry of Interior reported 191 cases of rape from January to July 2017, a 22 percent increase from the same period in 2016. The government reported 28,927 cases of domestic violence from January to October, a 10 percent increase from the 26,648 cases from January to October 2017. In 2017, 29 women died due to domestic violence perpetrated by their partners or family members, an increase of 21 percent compared with 2016. In 2017 the judiciary investigated 626 police officers implicated in gender-based violence cases. The government applied the electronic bracelet program in 1,657 cases, compared with 526 in the previous year, to address domestic violence. In November the government launched a Gender-Based Violence Observatory to monitor, collect, register, and analyze data on gender-based violence.

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 that shelters for victims were often full and that there was a lack of immediate services and first responders. Services for victims in the interior of the country were even more scarce. The Montevideo municipal government and the state-owned telephone company Antel funded a free nationwide hotline operated by trained NGO employees for victims of domestic violence. Victims can 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 had a specialized gender unit that incorporated a greater awareness of gender as it relates to matters of justice, promoted greater respect for women’s rights, combatted gender-based violence, and enhanced interagency coordination. The Ministry of Interior also had a gender policy unit that designed, evaluated, and monitored policies with a gender perspective incorporated. The unit

ensured a clear policy on gender-based violence in the police force and trained police staff to handle and respond to cases.

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 receives reports of sexual harassment, its labor inspectors investigate claims of sexual harassment, and the ministry issues fines as necessary.

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

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

The law does not require equal pay for equal work. The Ministry of Labor's Tripartite Equal Employment Opportunities Commission promoted the inclusion of gender equality clauses in the negotiations conducted by the wage boards, emphasizing equal pay for equal work of value, equal access to quality jobs and training, elimination of discrimination in selection and promotion processes, and guarantees and protections for maternity and responsibility sharing. According to the local consulting firm CPA Ferrere, the salary of women in the labor market was 23.9 percent below that of men.

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: A total of 3,155 cases of violence against children and adolescents were recorded in the INAU information system in 2017, an increase of 43 percent compared with 2016. INAU provided a free, nationwide hotline. The System for the Protection of Childhood and Adolescence Against Violence (SIPIAV) and NGOs implemented awareness campaigns. SIPIAV coordinated interagency efforts regarding the protection of children's rights.

Early and Forced Marriage: The legal minimum age for marriage is 16, but the law requires parental consent through age 18. In late 2017 INAU reported that one in seven marriages were between persons ages 14 to 19 years. According to the United Nations, 15 percent of women were formally or informally married before age 18, and 7.4 percent of adolescents between age 15 and 19 were married. In June a legislator reported forced marriages were a regular practice in Arab communities on the border with Brazil.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography; some children were victims, and authorities made efforts to enforce the law. The law does not specifically criminalize prostitution of children as child sex trafficking. The law establishes the minimum age for consensual sex as 12. When a sexual union takes place between an adult and a minor under age 15, violence is presumed and statutory rape law, which carries a penalty of two to 12 years in prison, may be applied. Penalties for child sex trafficking range from four to 16 years in prison. The penalty for child pornography ranges from one to six years in prison, and the law was effectively enforced.

The National Committee for the Eradication of the Commercial and Noncommercial Sexual Exploitation of Children and Adolescents continued to implement its national action plan for 2016-21.

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.html>.

Anti-Semitism

The Central Jewish Committee reported that the Jewish community had an estimated population of 20,000.

Jewish leaders reported acts of anti-Semitism, including verbal harassment and aggressive behavior toward Jewish individuals. In January, two young Jewish travelers were denied entry into a youth hostel in Barra de Valizas, Rocha Department, due to their Israeli origins. The hostel owner said they were not welcome in his home because he was opposed to the political situation in Israel.

The Central Israeli Committee of Uruguay said it was a case of discrimination based on both nationality and religion. In October unknown individuals vandalized areas of the city of Melo's Constitution Plaza in the department of Cerro Largo. Offenders painted swastikas on structures and on national symbols within the plaza. Local authorities took immediate measures to clean up the anti-Semitic graffiti.

As in previous years, the Ministry of Foreign Affairs supported activities to commemorate the Holocaust. The parliament organized a special session in January to honor Holocaust victims. Also in January the government issued a nationally broadcast message commemorating International Holocaust Remembrance Day. The "Shoa Project," an online educational tool on the Holocaust, launched a contest during the year for high school students to raise awareness of Holocaust resistance fighters.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law protects the rights 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. The law prohibits abuse of persons with disabilities in educational and mental facilities. According to the INDDHH, persons with disabilities continued to experience human rights abuses. Persons with disabilities living in facilities were unprotected and vulnerable due to lack of effective mechanisms for supervision. One particular center, Aldea de la Bondad, was reported to have poor and sometimes unsafe living conditions, and during the year all of the patients were transferred. There were some cases of sexual abuse of persons with disabilities in institutions by government officials, but the government enforced the law in these cases. In one particular case of human rights abuse, an employee of a center for youth with disabilities in Paysandu was investigated and prosecuted for abusing two children.

The government in general did not monitor compliance and did not effectively enforce provisions or promote programs to provide for access to education, employment, buildings, information, public transportation, health services, and

communications. Civil society representatives said there was a general lack of services for persons with disabilities in the country's interior.

PRONADIS is the governmental entity responsible for developing actions, programs, and regulations to provide building and facilities access; cultural, sports and recreational opportunities; education; and employment to persons with disabilities. The government's interagency National Honorary Committee on Disabilities (CNDH) developed, studied, evaluated, and implemented policies for the promotion, development, and integration of persons with disabilities. The Ministry of Social Development continued to train government employees on dealing with persons with disabilities.

The law reserves no less than 4 percent of public-sector jobs for persons with physical and mental disabilities. In October a report of the National Office of Civil Service of the Presidency of the Republic stated that persons with disabilities filled 4.1 percent of government job vacancies during the year. In October the government passed a new law to reserve 4 percent of private-sector jobs for persons with disabilities in businesses with more than 25 workers. In July, PRONADIS published a guide, *Labor Inclusion for Disabled Persons*, to give companies information on the legal framework on disability rights and guidance on how to implement activities to promote labor inclusion of persons with disabilities. According to PRONADIS, 37 percent of persons with disabilities were able to work. The CNDH reported that 80 percent of persons with disabilities were unemployed. A disabled member of parliament was unable to enter the Chamber of Representatives with disability support staff in order to perform her duties.

Government decrees certify and regulate the use of canes and establish provisions for extending adequate training in their use. Guide dogs legally have full access to public and private premises and transportation. Most public buses did not have provisions for passengers with disabilities other than one reserved seat, although airports and ports offered accessibility accommodations. The local government in Montevideo began implementation of its first accessibility plan with 180 goals to improve living and accessibility conditions for citizens with disabilities. The plan included creating specialized taxi vehicles to transport passengers with disabilities, more brochures with braille and subtitled information campaigns, and an increase of accessibility features in recreational spaces such as beaches, parks, and Carnival parade sites. The law provides tax benefits to private-sector companies and grants priority benefits to small and medium-sized companies owned by persons with disabilities.

The law grants children with disabilities the right to attend school (primary, secondary, and higher education). The state-funded University of the Republic offered sign-language interpreters for deaf students. Ramps built at public elementary and high schools facilitated access, but some government buildings, commercial sites, movie theaters, and other cultural venues lacked access ramps. NGO representatives reported that hospitals and medical services were not always accessible to patients with disabilities. Medical staff often lacked training to deliver primary care and attention to these patients. Plan Ceibal continued to offer specially adapted laptops to children with disabilities. By law open television channels are required to have simultaneous sign-language interpretation or subtitles on informational and some other programs by year's end, or else they could be fined. The National Sports Secretariat, local government, and the Lifeguard Association hosted the third annual Inclusive Surfing Festival. In August the Ministry of Tourism signed an agreement with the Uruguayan Gas Vendors Union to install more disability-accessible bathrooms along highways around the country.

National/Racial/Ethnic Minorities

The country's Afro-Uruguayan minority continued to face societal discrimination, high levels of poverty, and lower levels of education. The interagency antidiscrimination committee and the National Institution of Human Rights continued to receive complaints of racism. NGOs reported "structural racism" in society and noted that the percentage of Afro-Uruguayans working as unskilled laborers was much higher than for other groups.

In July, as head of the government's ethnic and racial equality efforts, the Ministry of Social Development, in conjunction with NGOs, commemorated the third annual month of Afrodescendant heritage with cultural and awareness activities. The ministry launched a National Plan for Racial Equality in December. The committee managing the System for the Protection of Victims of Racism and Racial Discrimination developed a strategic plan for 2018-19. The government issued countrywide seed funding for projects centered on Afrodescendant culture and society. In August the government hosted the third annual Academic Conference on Afrodescendant Issues, with a focus on education, and racial and ethnic equality. 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 representatives in the 130-seat parliament and the president of the National Postal Service were Afro-Uruguayan), academia, and in the middle and upper echelons of private-sector firms. The law grants 8 percent of state jobs to Afro-Uruguayan minority candidates who comply with constitutional and legal requirements. The National Office of the Civil Service oversees compliance with the Afro-Uruguayan employment quota requirements and submits an annual report to parliament. Afro-Uruguayans accounted for 2 percent of all hires during the year. Although the quota was not reached, more organizations had issued compliant vacancy announcements and hired individuals of African descent. In addition the percentage of women of African descent hired was higher than in previous years. 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, UN reports described it was difficult to ensure the ethnoracial perspective was included in all scholarship programs to meet the quotas.

A judge sentenced four gasoline station employees to four to six months of probation for physically and psychologically attacking a learning-disabled colleague in June on racial and religious grounds. The victim was beaten and positioned in a crucifixion pose; his attackers said, “This is how we treat black people in Uruguay.” Civil society organizations criticized the sentence as being too lenient for the crime. The four individuals were fired and charged with aggravated violence and hate crimes after they confessed in an abbreviated trial. The complaint was filed by the gasoline station owner, after he saw viral footage of the attack on social media.

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

The law prohibits discrimination based on sexual orientation and gender identity. Leaders of civil society organizations reported that despite the legal advancement of lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues, societal discrimination remained high. In October the government approved a comprehensive transgender law, which outlines several new rights for transgender persons. The new law provides for access to work (a 1 percent quota for public-

sector jobs), housing, and health; prohibits discrimination; allows persons to self-identify their gender and update their legal name through an administrative--not judicial--process; creates transgender scholarships; and offers payment for transgender persons born before 1975 in an effort to make reparations for those targeted during the dictatorship.

Authorities generally protected the rights of LGBTI persons, although civil society representatives asserted that government mechanisms for protection were weak and ineffective. According to Amnesty International, the country did not have any comprehensive, antidiscrimination policy that protected LGBTI citizens from violence in schools and public spaces or provided for their access to health services. The Latin America and Caribbean Transgender Persons Network (REDLACTRANS) presented a study showing that human rights violations against transgender women 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 described that most transgender women worked in the informal sector, where their social rights (social security and other benefits) were not always guaranteed. They tended to be more vulnerable to dangerous and uncomfortable situations in sexual work and were less likely to file a report on any kind of threat or attack. 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. Transgender individuals claimed to have experienced difficulty accessing or using bathroom facilities, mainly in the workplace and in education centers.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The government and employers respected freedom of association and

the right to collective bargaining in practice. Civil servants, employees of state-run enterprises, private-enterprise workers, and legal foreign workers may join unions. The law regulates collective bargaining and grants the government a significant role in adjudicating labor disputes. The law also designates trade unions to negotiate on behalf of workers whose companies are not unionized. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay them an indemnity. In addition, if an employer contracts employees from a third-party firm, the law holds the employer responsible for possible labor infringements committed by the third-party firm. Workers in the informal sector were excluded from these protections. The government respected and effectively enforced labor laws.

The Labor and Social Security Inspection Division of the Ministry of Labor and Social Security investigates discrimination and workplace abuse claims filed by union members. In 2017 the Ministry of Labor received 318 labor-related claims, including 247 claims of harassment in the workplace, 28 claims of sexual abuse in the workplace, and 28 claims of antiunion discrimination. Information on government remedies and penalties for violations was not available. There were generally effective, albeit lengthy, mechanisms for resolving workers' complaints against employers. The law establishes a conciliatory process before a trial begins and requires that the employer be informed of the reason for a claim and the alleged amount owed to the worker.

Worker organizations operated free of government and political intervention. The governing Frente Amplio coalition provided strong political support to labor unions in general. Labor union leaders were strong advocates for public policies and even foreign policy issues. They remained very active in the political and economic life of the country. In November the International Labor Organization issued a report to the government regarding a complaint by local business chambers of commerce requesting the government change collective bargaining laws.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced the law. The law establishes penalties of two to 12 years in prison for forced labor crimes. Penalties were sufficient to deter violations. The Ministry of Labor investigated two cases of forced labor in 2017 involving a total of 21 victims and one case during the year involving one victim. Information on the effectiveness of inspections and governmental remedies was

not available. Foreign workers, particularly from Cuba, Venezuela, Bolivia, Paraguay, Peru, Brazil, the Dominican Republic, and Argentina, were vulnerable to forced labor in agriculture, construction, domestic service, cleaning services, elderly care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Migrant women were the most vulnerable as they were often exposed to sexual exploitation. Furthermore, North Korean laborers, a population particularly vulnerable to forced labor, were identified as having transited Uruguay to board fishing vessels that operated in international waters off the coast.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and provides for a minimum age of employment, limitations on working hours, and occupational safety and health restrictions for children. The law sets the minimum age for employment at 15, but INAU may issue work permits for children ages 13 to 15 under circumstances specified by law. In 2017 INAU issued 2,619 of these work permits, of which 57 percent were for work in the country's interior. Minors ages 15 to 18 must undergo physical exams prior to beginning work and renew the exams yearly to confirm that the work does not exceed the physical capacity of the minor. Children ages 15 to 18 may not work more than six hours per day within a 36-hour workweek and may not work between 10 p.m. and 6 a.m. The minimum age for hazardous work is 18, and the government maintains a list of hazardous or fatiguing work that minors should not perform and for which it does not grant permits.

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

The main child labor activities reported in the interior of the country were work on small farms, maintenance work, animal feeding, fishing, cleaning milking yards, cattle roundup, beauty shops, at summer resorts, and as kitchen aids. In

Montevideo the main labor activities were in the food industry (supermarkets, fast food restaurants, and bakeries) and in services, gas stations, customer service, delivery services, cleaning, and kitchen aid activities. Informal-sector child labor continued to be reported in activities such as begging, domestic service, street vending, garbage collection and recycling, construction, and in agriculture and forestry sectors, which were generally less strictly regulated and where children often worked with their families.

INAU worked with the Ministry of Labor and the state-owned insurance company BSE to investigate child labor complaints and worked with the Prosecutor General's Office to prosecute cases. INAU reported 32 complaints of child labor incidents, a decrease from 55 in the previous year. The government had 22 trained child-labor inspectors (15 at the Ministry of Labor and seven at INAU). INAU completed 2,649 inspections in 2016, the last period for which information was available. INAU continued its efforts to prevent and regulate child labor and provided training on child labor matters.

d. Discrimination with Respect to Employment and Occupation

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

Discrimination in employment and occupation occurred mostly with respect to sex, race, and nationality. Foreign workers, regardless of their national origin or citizenship status, were not always welcome and continued to face challenges when seeking employment. The government took steps to prevent and eliminate discrimination (see sections 5 and 6).

e. Acceptable Conditions of Work

The law provides for a national minimum wage, and the monthly minimum wage for all workers was 13,430 pesos (\$415). The official per capita poverty income level was approximately 14,550 pesos (\$450) per month in the capital and approximately 9,350 pesos (\$290) per month in the interior, according to the National Institute of Statistics. The government effectively enforced wage laws, and penalties were sufficient to deter violations. Formal-sector workers, including

domestic and migrant workers and workers in the agricultural sector, are covered by laws on minimum wage and hours of work. These laws do not cover workers in the informal sector, who accounted for 24 percent of the workforce. Workers in construction and agricultural sectors were more vulnerable to labor rights violations.

The law stipulates that persons cannot work more than eight hours a day and the standard workweek for those in the industrial and retail sectors may not exceed 44 or 48 hours, with daily breaks of 30 minutes to two and one-half hours. The law requires that workers receive premium pay for work in excess of regular work schedule hours. The law entitles all workers to 20 days of paid vacation after one year of employment and to paid annual holidays, and it prohibits compulsory overtime beyond a maximum 50-hour workweek. Employers in the industrial sector are required to give workers either Sunday off or one day off every six days of work (variable workweek). Workers in the retail sector are entitled to a 36-hour block of free time each week. Workers in the rural sector cannot work more than 48 hours in a period of six days.

The Ministry of Labor is responsible for enforcing the minimum monthly wage for both public- and private-sector employees and for enforcing legislation regulating health and safety conditions. The ministry had 120 labor inspectors throughout the country, which was sufficient to enforce compliance. The number of penalties imposed for labor violations was unavailable.

The government monitored wages and other benefits, such as social security and health insurance, through the Social Security Fund and the Internal Revenue Service. The Ministry of Public Health'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 monitored domestic work and may obtain judicial authorization to conduct home inspections to investigate potential labor law violations. Conditions for domestic workers improved, including labor rights, social security benefits, wage increases, and insurance benefits. Although 37 percent of domestic workers were employed in the informal sector, it was half the percentage of 10 years ago.

By law workers may not be exposed to situations that endanger their health or safety and may remove themselves from such situations without jeopardy to their employment. Government authorities and unions protected employees who removed themselves from such activities. The Ministry of Agriculture is responsible for carrying out safety and health inspections in the agricultural sector.

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

The state-owned insurance company BSE reported 31,622 labor accidents and 25 labor-related deaths in 2017, compared with 33,000 accidents and 14 deaths in 2016. A total of 3,218 accidents were related to construction work. The National Employment and Professional Development Institute had trained 10,000 workers on occupational safety and labor accident prevention. In some cases workers were not informed of specific hazards or employers did not adequately enforce labor safety measures.

The press reported on a case involving nine construction workers who were injured from a fall into a pit at a site in Montevideo in September. One day prior, the Ministry of Labor had issued an order for the work area to be closed. Neither the closure nor the hazards of the area were communicated to the construction workers. The construction workers union filed a formal complaint. The Ministry of Labor was investigating the incident and reported it would apply the necessary penalties.