

# Uruguay - United States Department of State

## URUGUAY: Tier 2

The Government of Uruguay does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Uruguay remained on Tier 2. These efforts include convicting eight traffickers, opening a new victim services center, and launching expanded public awareness campaigns. However, the government did not meet the minimum standards in several key areas. Law enforcement officials did not proactively and systematically identify victims, and the government did not have adequate victim services or provide consistent access to shelters. Despite increased convictions, efforts to prosecute traffickers remained insufficient. Some victims declined to participate in trials against their traffickers due to doubts about the government's ability to ensure their safety.

## PRIORITIZED RECOMMENDATIONS:

Provide adequate services and shelter for all victims, especially those outside the capital. • Increase training for law enforcement officials, labor inspectors, coast guard, prosecutors, judges, and social workers to proactively identify victims of sex and labor trafficking, particularly among foreign workers and individuals in commercial sex. • Allocate a dedicated anti-trafficking budget and increase funding for victim services. • Establish a facility accessible to victims while shelters are closed during the day. • Expand long-term and reintegration services, including vocational training. • Proactively screen foreign workers for trafficking indicators, including through inspections aboard foreign-flagged vessels in Uruguayan waters and docked at port. • Vigorously investigate and prosecute forced labor, forced commercial sex, and child sex trafficking. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Reinforce the 2018 trafficking law by training judges, law enforcement officials, and prosecutors on the irrelevance of initial consent into prostitution, as well as non-physical coercion. • Revise the definition of trafficking under Uruguayan law to align with the definition in the 2000 UN TIP Protocol. • Consider legislation requiring foreign fishing vessels to register in country and abide by Uruguayan labor laws given reported indicators of forced labor. • Fund the implementation of the anti-trafficking law and the national action plan. • Ensure the safety of victims participating in trials against their traffickers as required by law and inform victims of available protective measures. • Operationalize a centralized database to systematize official statistics on anti-trafficking law enforcement and victim identification efforts. • Enhance international cooperation to investigate cases and protect foreign victims.

## PROSECUTION

The government slightly increased prosecution efforts. Article 78 of the 2008 immigration law criminalized sex trafficking and labor trafficking, prescribing penalties of four to 16 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The penalties were increased by one-third to one-half if the trafficking offense involved a child victim. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, and coercion as aggravating factors rather than as essential elements of the crime.

The government did not collect comprehensive data on anti-trafficking law enforcement efforts and did not maintain a system for tracking court cases. In 2019, the government initiated 18 trafficking investigations—11 for sex trafficking and seven for labor trafficking—compared with 17 in 2018 and 10 in 2017. The government reported initiating four new prosecutions in 2019, compared to the same number in 2018 and 23 in 2017. There were two additional prosecutions for soliciting child sex trafficking victims. The government reported convicting eight traffickers, compared to zero in 2018. Over the previous six years, the government convicted five traffickers out of 43 investigations and 52 prosecutions. The government reported convicting two additional traffickers on pimping charges, but it was not clear if these cases met the definition of trafficking under international law. Judges sentenced three of the eight traffickers to 18 to 22 months' imprisonment; the government did not report sentencing statistics for the other five convicted traffickers. In Montevideo, two gender-based violence units within the attorney general's office focused on investigating and prosecuting crimes related to trafficking and the exploitation of children; there were no specialized units outside of the capital. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government made limited efforts to train law enforcement officials responsible for victim identification and investigation; observers indicated law enforcement officials did not employ systematic procedures to identify victims proactively but displayed an improved understanding of the irrelevance of initial consent. Uruguayan officials cooperated with a foreign government in the arrest of an individual accused of purchasing commercial sex acts from a minor. The government offered some training to strengthen law enforcement and border officials' capacity to identify victims.

## PROTECTION

The government maintained protection efforts. In 2019, the Ministry of Social Development (MIDES) assisted 83 newly identified victims, most of whom were foreign nationals; it was unclear what agency identified these victims or how many were victims of sex trafficking versus forced labor. There were, by comparison, 95 victims identified in 2018. The National Institute for Children and Adolescents Affairs (INAU) reported monitoring 240 incidences of child sex trafficking but did not specify how many victims were involved or how many of these cases were new in 2019. The government had a variety of victim protection protocols and written referral mechanisms on assisting victims. MIDES was the principal provider of services for victims of all crimes, but specialized services for victims of trafficking did not exist in Uruguay. INAU was responsible for assisting child and adolescent victims. Civil society and government agencies worked together to provide services for female victims; however, the government provided services to LGBTI and male victims on a case-by-case basis, and some organizations expressed concern about the lack of formality in victim referral. The government had an interagency response system that established a referral mechanism for cases.

The government and civil society continued to operate a 14-member mobile team of psychologists, social workers, and lawyers that responded to cases located in the interior of the country. During the reporting period, INAU established a program for up to 20 child and adolescent victims. MIDES inaugurated a second victim assistance center in 2019, where it provided services to 21 female victims during the reporting period. The Ministry of Health trained 2,500 health professionals on new protocols for treating potential victims of gender-based violence, including trafficking. The government provided venues, technical support, and allowed staff to attend trainings in victim identification and assistance conducted by an international organization.

The government contracted with NGOs to provide victims services similar to those given to other vulnerable populations, such as the homeless, refugees, and citizens on welfare; there were no specialized services for trafficking victims. Government officials had some facilities that could temporarily house victims; however, civil society expressed concerns about the suitability of these facilities, as they did not meet the needs of trafficking victims. Civil society reported challenges finding shelter for trafficking victims, particularly for those identified outside the capital. Observers identified a need for daytime facilities and programming for victims staying in overnight-only shelters. Civil society reported government services focused mostly on psycho-social and legal assistance, while long-term services, such as housing, vocational support, and job placement, were insufficient. The government did not report on its funding for victim protection and assistance. Although the government had a protocol to provide security and protection measures to victims, observers reported the government did not ensure victims' physical safety, and fear of retaliation prevented victims from participating in trials against their traffickers. Victims could file civil suit to seek compensation from their traffickers, but the government did not report if any victims did so in 2019. Foreign victims were entitled to work permits and permanent residency status and had 180 days to decide whether to stay in the country, return to their country of origin, or resettle in a third country. However, the government did not report issuing residency permits to any foreign victims during the reporting period.

## PREVENTION

The government slightly increased prevention efforts. The national trafficking council, composed of high-level participants and led by MIDES, and its working groups met regularly throughout the reporting period. The council was responsible for the implementation of recommendations from international organizations and institutional oversight on the implementation of law 19.643 and the 2018-2020 national action plan. The national trafficking council conducted an annual review of its anti-trafficking efforts, which it publicized during a World Day against Trafficking event. The government did not allocate funding to implement the trafficking law or the national action plan, and the trafficking council lacked an operational budget. The government distributed informational materials outlining how to identify and report trafficking to the public. Government agencies conducted awareness campaigns that reached more than 800 people via workshops, seminars, social media, print media, and radio broadcasts. The government operated a free, 24-hour hotline directing victims to police or MIDES; the government did not report how many calls involved trafficking cases. MIDES launched a cellphone app version of the hotline to promote its use among younger audiences. The Ministry of Labor's inspectors received training to identify labor trafficking indicators and performed regular labor inspections, including in establishments known to facilitate commercial sex, but lacked

specific procedures to identify trafficking. The government took initial steps to assess vulnerability to sex trafficking in communities near a new industrial complex and encouraged its developers to adopt an anti-trafficking code of ethics. The government made efforts to prevent child sex tourism but did not otherwise make efforts to reduce the demand for commercial sex acts. The government and an NGO collaborated on an awareness campaign to prevent child sex tourism in tourism hotspots.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Uruguay, and traffickers exploit victims from Uruguay abroad. Uruguayan women and girls—and, to a more limited extent, transgender adults and male adolescents—are exploited in sex trafficking within the country. Traffickers force Uruguayan women and LGBTI individuals into commercial sex in Spain, Italy, Argentina, and Brazil. Traffickers exploit women from Cuba, the Dominican Republic, Haiti, and, to a lesser extent, from South American countries, in sex trafficking in Uruguay. Foreign workers, mainly from Bolivia, Brazil, Cuba, the Dominican Republic, Paraguay, and Argentina, are exploited in forced labor in construction, domestic service, cleaning services, elderly care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Sex traffickers exploited migrants from Cuba in border cities. Since 2013, an average of one dead crewmember per month has been associated with Taiwan- and Chinese-flagged fishing vessels docked at the Montevideo port and in Uruguay's waters. Foreign workers aboard these vessels are subjected to abuses indicative of forced labor, including unpaid wages, confiscated identification, and physical abuse, and there are anecdotal reports of murder at sea. Citizens of other countries, including China and the Dominican Republic, may transit Uruguay en route to other destinations, particularly Argentina. Domestic workers employed in the less-monitored interior of the country are at greater risk of trafficking.