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1999 Country Reports on Human Rights Practices

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URUGUAY

Uruguay is a constitutional republic with an elected president and a bicameral legislature. In 1994 former President Julio Maria Sanguinetti won a narrow election victory. His 5-year term ends in March 2000. In national elections for the presidency and the legislature on October 31, the left-of-center Broad Front coalition won about 40 percent of the vote in a four-party race, constituting the largest congressional bloc. Jorge Battle of the Colorado Party won the runoff presidential election held on November 28. The judiciary is independent.

The Interior Ministry administers the country's police departments and the prison system and is responsible for domestic security and public safety. The military is responsible for external security within the prison system. The police at times committed human rights abuses.

The economy is a mixture of private and state enterprises and is heavily dependent on agricultural exports and agroindustry. The leading exports are meat, leather, and rice. The Government respects private property rights. The unemployment rate is estimated at 11.4 percent. The economy grew by 4.5 percent in 1998, but growth was estimated to decline by 2 to 2.5 percent in 1999. Annual per capita income was about \$6,560 in 1998.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. However, there were problems in some areas, principally instances of police abuse and mistreatment of detainees, poor prison conditions, and delays in the justice system. Court cases sometimes last many years, resulting in lengthy preverdict detention. Other problems include violence against women and societal discrimination against women and the black minority.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In August guards at the prison in the department of San Jose shot and killed an inmate who apparently was attempting to escape and who ignored warnings to halt.

The investigation into the 1992 murder of Chilean chemist/intelligence agent Eugenio Berrios remained closed. Berrios, who had been called to testify in Chile concerning the assassination of former Chilean Foreign Minister Orlando Letelier, reportedly entered Uruguay under protective military custody. His body was discovered in 1995, after he was last seen alive in military custody in 1992. In March the judge in the case declined to provide the case files to Chilean judicial authorities, as they had requested. He reasoned that releasing such information would jeopardize any future prosecution of the case, should it be reopened. The judge did provide records of telephone calls made by Berrios in Montevideo prior to his disappearance and murder. Also in March, a group of Argentine and Uruguayan journalists filming a documentary about persons who disappeared during the military dictatorship were threatened and beaten while filming outside the house in which Eugenio Berrios had been detained by members of the military. The attacker was a relative of the military officer who owned the house and who had been questioned previously in the Berrios case.

The 1986 Amnesty Law applied to perpetrators of extrajudicial killings, torture, and other abuses during the 12 years of military rule from 1973 to 1985. However, some victims and relatives of victims had success using the civilian courts to seek redress. In March the widow of a criminal suspect who in 1998 died under suspicious circumstances while in police custody filed criminal charges against the personnel of the police unit at which her husband died. In two 1998 rulings, the trial judge ordered the Government to pay a total of \$1.4 million in compensation to the families of a number of victims of torture and, in several cases, extrajudicial execution. Action on the Government's appeal of these rulings is pending.

b. Disappearance

There were no reports of politically motivated disappearances.

Calls for investigations into past disappearances continued. In May, as in prior years, thousands of persons marched in memory of the 159 Uruguayans who disappeared during the rule of the dictatorship (115 in Argentina, 36 in Uruguay, 6 in Chile, and 2 in Paraguay).

The Government continued to disregard a 1992 ruling of the Inter-American Commission on Human Rights, reaffirmed in October 1997, which concluded that the 1986 Amnesty Law was incompatible with the American Convention on Human Rights and which recommended that the Government investigate the disappearances and compensate the families of the victims. Although the Amnesty Law obliges the executive branch to investigate the cases of citizens who were detained and then disappeared under the military regime, all three administrations since the return to democracy have consistently

refused to open official investigations into their fate. The only exception was a cursory, nonpublic inquiry conducted by a military prosecutor that revealed nothing.

Since the 1986 Amnesty Law precludes criminal actions against suspected participants in human rights violations during military rule, some persons have sought justice in non-Uruguayan courts. In March Sara Mendez filed papers in an Argentine court formally accusing five present and former members of the Uruguayan military with the 1976 kidnaping of her infant from her Buenos Aires home. In June the relatives of eight Italian-Uruguayan dual nationals who had disappeared filed charges in an Italian court against four present and former members of the military and one police officer.

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

The Constitution prohibits brutal treatment of prisoners, but the police continued at times to commit abuses. On occasion, such abuse resulted in forced confessions (see Section 1.d.).

The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it is understaffed and can issue only recommendations for disciplinary action. While the courts seldom convicted and punished law enforcement officials for such abuse in the past, such prosecutions are occurring more frequently. In the month of August alone, over 20 police officers were prosecuted for crimes ranging from abuse of authority to bank robbery and murder.

Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes are separated from active service until a court resolves their cases. A Ministry of Interior study reported that 179 police officers had been investigated or convicted by a court, and that 117 of these cases were directly linked to the exercise of their jobs. The 1995 Public Security Law requires a proportional use of force by the police and the use of weapons only as a last resort, in accordance with United Nations codes regarding the use of force.

Some torture victims and relatives of victims continued to use the courts to seek redress for their grievances. The Government is appealing damage awards made in 1998 to the families of a number of persons tortured or murdered in custody during military rule (see Section 1.a.).

In January three small explosions occurred in Montevideo. The authorities arrested two persons, including one former member of a neo-Nazi group, in connection with the bombings. They held the latter in custody at year's end (see Section 5).

Conditions in prisons and juvenile detention facilities for the roughly 3,700 prisoners remain poor but not life threatening. In 1997 a legislative human rights commission presented a report that criticized the "excessive use of force and abuse of authority" by prison guards and officials, and stated that sanitation and health standards in the prison system were "unacceptable." This report reflects the work of a previous commission that in 1996 published a report to the Government citing overcrowding, lack of staff training, corruption, and physical violence as problems. According to press reports and a study

conducted by SERPAJ, a nongovernmental organization (NGO), HIV-positive inmates sometimes received inadequate medical treatment. There were several incidents of prisoner unrest during the year, including a riot in June at the country's only maximum security prison, during which inmates demanded better prison conditions. The riot resulted in severe damage to the substandard facility, requiring a number of prisoners to be transferred to other facilities, some of which were already overcrowded.

The Government permits prison visits by human rights monitors, although prisoner unrest, as well as the requirement to route all such requests through the Ministry of Interior, at times cause delays.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires the police to have a written warrant issued by a judge before making an arrest, and the authorities generally respect this provision in practice. The only exception is when the police apprehend the accused during commission of a crime. The Constitution also provides the accused with the right to a judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. It is during this 24-hour period that police sometimes abuse prisoners, occasionally resulting in forced confessions.

A 1980 law stipulates that police confessions obtained before a prisoner appears before a judge and attorney (without the police present) have no validity. Further, should a prisoner claim that he has been mistreated, by law the judge must investigate the charge.

If the detainee cannot afford a lawyer, the courts appoint a public defender. If the crime carries a penalty of at least 2 years in prison, the accused person is confined during the judge's investigation of the charges unless the authorities agree to release the person on bail. This seldom happens. As a result, approximately 68 percent of all persons incarcerated are awaiting a final decision in their case, down from approximately 90 percent in the past years. This improvement is due to the Government's efforts to improve the functioning of the criminal justice system. Because of the slowness of the judicial process, the length of time prisoners spend in jail before the judge issues a verdict may exceed the maximum sentence for their crime. The uncertainty as to how long one will be imprisoned is a factor creating tension within the country's prisons.

In December 1997, the legislature approved a bill to reform and modernize the Criminal Code. Among its provisions, the new law provides for more oral argument by prosecution and defense attorneys, and less investigative responsibility for judges, which is expected to accelerate the pace of criminal trials. The law was to take effect in 1998, but was delayed until at least February 2001, due to a lack of resources to implement the new system.

The Government does not use forced exile as a means of punishment. e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The Supreme Court heads the judiciary system and supervises the work of the lower courts. A parallel military court system operates under a Military Justice Code. Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial proceedings usually are based on written arguments to the judge, which are not made public routinely. Only the prosecutor and defense attorney have access to all documents that form part of the written record. The courts introduced oral argument in 1990, but individual judges use it at their option. Most judges choose to retain the written method, a major factor slowing the judicial process. There is no legal provision against self-incrimination, and judges may compel defendants to answer any question they pose. The defense attorney or prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

There were no reports of political prisoners.

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

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, but the authorities may abridge these rights if persons are deemed to be inciting violence or "insulting the nation."

All elements of the political spectrum freely express their viewpoints in both print and broadcast media. Montevideo alone has 8 daily newspapers and 6 important weeklies; there are also approximately 100 other weekly and a few daily newspapers throughout the country. Montevideo has one government-affiliated and three commercial television stations. There are about 110 radio stations and 20 television stations in the country.

A 1989 law stipulates that expression and communication of thoughts and opinions are free, within the limits contained in the Constitution, and it outlines methods of responding to "inexact or aggravating information." The law calls for 3 months' to 2 years' imprisonment for "knowingly divulging false news that causes a grave disturbance to the public peace or a grave prejudice to economic interests of the State" or for "insulting the nation, the State, or their powers." The authorities use this law intermittently to set and enforce certain limits on freedom of the press.

Human rights activists and journalists have alleged that state enterprises such as the telephone and electric companies on occasion have withheld advertising from independent media that are critical of the Government and have favored media friendly to the Government with extensive paid advertising.

The national university is autonomous, and the authorities generally respect academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

The Government grants refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government granted first asylum to a Cuban tourist who requested asylum in October 1998. The Government granted asylum to other persons who requested asylum during the year, including Cubans and Colombians.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Uruguay is a multiparty democracy with mandatory voting for those 18 years of age or older, and there are no restrictions regarding race, sex, religion, or economic status. The Colorado party, the National (Blanco) party, the Broad Front coalition, and the New Space Party are the four major political groupings.

Women and blacks face impediments to high-level participation in politics and employment in government. Only 1 of 12 cabinet ministers is a woman. In the legislature, 2 of 30 senators and 8 of 99 deputies were women. In October voters elected 3 female candidates to the Senate and 13 women deputies. There are no female justices on the Supreme Court. There has never been a black parliamentarian or cabinet-level official.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the law prohibit discrimination based on race, sex, religion, or disability. Despite these provisions, discrimination against some groups exists.

Women

Violence against women continues to be a serious problem. A 1999 Ministry of Public Health study projected that within 5 years, domestic violence would constitute the second most prevalent threat to public health, after traffic accidents. In a November 1997 poll of 545 urban and suburban households, 47 percent of respondents reported physical or psychological abuse from their partners, with 23 percent reporting severe abuse. The law provides for sentences of 6 months to 2 years in prison for a person found guilty of committing an act of violence or of making continuing threats to cause bodily injury to persons related emotionally or legally to the perpetrator. The Montevideo city hall's hot line for victims of domestic violence received 4,785 complaints in 1998 and 4,927 in the first 10 months of 1999, reflecting both an increased public awareness of the problem as well as a changing attitude among women. Persons calling the hot line are provided counseling, free legal advice, and may be referred to NGO's that can provide further social services. The Criminal Code covers spousal abuse and spousal rape, although criminal charges rarely are initiated for those crimes. Similarly, although the law prohibits sexual harassment in the workplace, few complaints are ever filed under this provision.

The Government has established an office of assistance for victims of domestic violence that trains police how to resolve complaints of violence against women. A new directorate within the Ministry of Interior instituted a public awareness campaign about domestic violence and founded community assistance centers where abuse victims receive information and referrals to government and private organizations in their area that aid abused women. Both the Ministry of Interior and NGO's operate shelters in which abused women and their families can seek temporary refuge.

Women enjoy equality under the law but face discrimination stemming from traditional attitudes and practices. The work force exhibits segregation by gender. Women, who make up almost one-half the work force, tend to be concentrated in lower paying jobs. Women's salaries average two-thirds those of men; 10 years earlier, this figure was 57 percent. Two-thirds of the students who entered the university system in 1997 were women. Women often pursue professional careers but are underrepresented in traditionally male-dominated professions. In February 1997, the Government approved regulations to implement a 1989 law for equality in the workplace that had previously gone unenforced. In 1997 the Air Force Academy became the first armed services academy to admit women and has 7 female students out of a total student body of 74. The Army Military Academy began admitting women in 1998 and has 19 women enrolled in its 240-member student body.

A small institute in the Ministry of Education coordinates government programs for women. There are a number of active women's rights groups, and many of their activities remained centered on followup to the platform of action of the 1995 U.N. Conference on Women.

Children

The Government generally is committed to protecting children's rights and welfare. An

institute in the Ministry of Interior oversees implementation of the Government's programs for children but receives only limited funding for programs. The Government regards the education and health of children as a top priority and believes it should do more to ensure free education and proper health care for all children. An estimated 40 percent of children under the age of 5 live in the poorest 20 percent of homes. The Government is attempting to extend proper health care and education to them with the help of the United Nations Children's Fund. The Government provides free, compulsory primary and secondary education, and 95 percent of children complete their primary education. Girls and boys are treated similarly.

There is no societal pattern of abuse of children. Minors under the age of 18 are not subject to criminal trial, but receive special treatment with special judges and, when sentenced, stay in institutions run by the National Institute for Minors (INAME) for the period determined by the judge. The Government currently houses all problem minors in INAME-run institutions that emphasize the rehabilitation of minors. The most controversial aspect of the 1995 Public Security Law would allow the Government to put minors with a record of violent crimes in adult prisons if INAME has no room in its own institutions. Even though the law stipulates that minors would occupy separate facilities within the prisons, human rights groups adamantly oppose this provision. As a result, INAME has decided that it will not send minors to adult prisons. INAME runs an extensive network of programs, including shelters for at-risk children. INAME also runs a confidential hot line for children who are victims of domestic abuse.

A Code of the Child, intended to bring the law into compliance with the provisions of the U.N. Convention on the Rights of the Child, was approved by the lower house of Congress in August. The Senate subsequently referred the bill back to committee for further study and modification, and the Senate took no further action before the end of the legislative session.

People with Disabilities

The legislature passed a law covering the rights of the disabled in 1989. A national disabilities commission oversees implementation of the law. Although the law mandates accessibility only to new buildings or public services for people with disabilities, the Government is providing access to a number of existing buildings. The law reserves 4 percent of public sector jobs for the disabled. There is no governmental discrimination against disabled persons in employment, education, or in the provision of other state services. The country has a generally excellent mental health system and an interest in the rights of people with mental disabilities.

National/Racial/Ethnic Minorities

The country's black minority, estimated at 5.9 percent of the population, continues to face societal discrimination. A government study conducted in 1996-97 found that the unemployment rate for blacks was 1.5 times the rate for whites. The National Institute of Statistics found that blacks earn an average of 20 percent less than whites who perform the same job. A 1993 report put the number of black university graduates at 65, and black professionals at fewer than 50. According to a study conducted by Mundo Afro (an NGO), one-half of Afro-Uruguayan women work as household domestics. Blacks are practically unrepresented in the bureaucratic and academic sectors.

Religious Minorities

Isolated neo-Nazi elements have carried out occasional, limited attacks since 1997. One such incident occurred in June 1998, when a Molotov cocktail was thrown into the Ahdut Israel synagogue. Two policemen sustained minor injuries after three small explosions in January in Montevideo. Police subsequently arrested two persons in connection with the explosion, one of whom, a former member of a neo-Nazi group, remained in custody at year's end. In August an intensive police investigation resulted in the arrest of eight persons (including one minor) of a very small neo-Nazi group suspected of creating racist and anti-Semitic Internet websites. The authorities charged five of the suspects with subversive association; two were also charged with inciting hate or violence toward a particular group.

Section 6 Worker Rights

a. The Right of Association

The Constitution states that laws should promote the organization of trade unions and the creation of arbitration bodies. In spite of this provision, there is almost no legislation concerning union activities. Unions traditionally organize and operate free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. An estimated 13 percent of the work force is unionized. Labor unions are independent of political party control but traditionally have associated more closely with the Broad Front, the leftist political coalition.

The Constitution provides workers with the right to strike, and there were numerous strikes during the year. The Government may legally compel workers to work during a strike if they perform an essential service which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society." In May the umbrella labor confederation PIT/CNT organized a one day general strike.

There are mechanisms for resolving workers' complaints against employers, but unions complain that these mechanisms are sometimes applied arbitrarily. The law generally prohibits discriminatory acts by employers, including arbitrary dismissals for union activity. Unions maintain that organizers are dismissed for fabricated reasons, thus avoiding penalty under the law.

There are no restrictions on the right of unions to form confederations or to affiliate with international trade union groups; however, the one national confederation has chosen not to affiliate officially with any of the world federations. Some individual unions are affiliated with international trade secretariats.

b. The Right to Organize and Bargain Collectively

Collective bargaining between companies and their unions determines a number of private sector salaries. The executive branch, acting independently, determines public sector salaries. There are no laws prohibiting antiunion discrimination, but a 1993 executive decree established fines for employers engaging in antiunion activities. The law does not require employers to reinstate workers fired for union activities. However, in cases of legal challenges by union activists, courts tend to impose indemnization levels that are

higher than those normally paid to dismissed workers.

Union members continued to file claims of discrimination with the Ministry of Labor, which has a labor commission that investigates all claims. In some of the cases, employers agreed to reinstate workers, but other cases remained unresolved at year's end.

All labor legislation fully covers workers employed in special export zones. There are no unions in any of these zones, but the few workers in these zones are not in traditionally organizable occupations. Because of the protected status given many of the companies in the free zones and the lack of union presence, occasionally companies will implement labor practices in violation of the law.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The Child Labor Code protects children; the Ministry of Labor and Social Security is responsible for enforcing the law. Illegal child labor is not a major problem. The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). A total of 95 percent of children complete primary school education, which is compulsory and free of charge. By law children under 15 years of age are not allowed to work unless granted a special permit; this is enforced in practice. Children under the age of 18 may not perform dangerous, fatiguing, or night work. Controls over salaries and hours for children are more strict than those for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. However, some children work as street vendors in the expanding informal sector or in the agrarian sector, which generally are regulated less strictly and where pay is lower.

e. Acceptable Conditions of Work

The Ministry of Labor effectively enforces a legislated minimum monthly wage which is in effect in both the public and private sectors. The Ministry adjusts the minimum wage whenever it adjusts public sector wages. The minimum wage, which was set in July at about \$90 (1,040 pesos) per month, functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels, and it would not provide a decent standard of living for a worker and family. The vast majority of workers earn more than the minimum wage.

The standard workweek is 48 hours in industry and 44 hours in commerce, with a 36-hour break each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours and that workers are entitled to 20 days of paid vacation after a year of employment.

The law protects foreign workers and does not discriminate against them. However, in order to receive official protection, the companies that employ foreign workers must

report them as employees. Many workers--both native and foreign--work off the books and thus forfeit certain legal protection.

The Ministry of Labor and Social Security enforces legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions.

f. Trafficking in Persons

There are no laws specifically addressing trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

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