



## U.S. DEPARTMENT of STATE

### Uruguay

#### Country Reports on Human Rights Practices - [2007](#)

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The Oriental Republic of Uruguay, with a population of approximately 3.4 million, is a constitutional republic with an elected president and a bicameral legislature. In October 2004, in free and fair multiparty elections, Tabare Vazquez, leader of the Broad Front or Frente Amplio (FA) coalition, won a five-year presidential term and a majority in parliament. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the rights of its citizens. Prison conditions continued to be poor. Violence against women and discrimination against some societal groups continued to challenge government policies of nondiscrimination. Some trafficking in persons occurred.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

The government continued to investigate the serious human rights violations committed during the 1973-85 military dictatorship. In September the Appeals Court confirmed the 2006 convictions of both Juan Maria Bordaberry and former foreign minister Juan Carlos Blanco on charges of homicide during Bordaberry's de facto 1973-76 presidency.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them. The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse.

#### Prison and Detention Center Conditions

Prison conditions continued to be poor, as aging facilities were not adequately maintained. Many prisoners remained in crowded cells 23 hours or more each day, and prisoner-on-prisoner violence continued. Detainees rarely filed complaints, but the government investigated those complaints that were filed.

The government improved conditions in the country's detention centers, including renovation of 380 cells at the Libertad prison. Despite these improvements, government officials acknowledged that funding for food, bedding, and clothing continued to be insufficient. Access to medical care, recreation, and training were poor. Prisons in the interior, with fewer prisoners, were reportedly better maintained and afforded better conditions.

Continued overcrowding resulted in sanitation, social, and health problems at major facilities. The government continued to hold some prisoners in modified shipping containers that lacked running water and posed sanitation problems.

The penal system also suffered from understaffing and corruption. Authorities did not always separate prisoners according to the severity of their crimes. Narcotics, arms, ammunition, and cell phones were smuggled into facilities, allegedly

through bribes to prison guards. Prison officials took steps to regularize family visitation, but access problems remained.

Female and male prisoners were held in separate facilities except for the Artigas prison, where women were held in a separate facility within the prison. In general, conditions for female prisoners were significantly better than for male prisoners, due to the small population and the availability of training and education opportunities.

The Uruguayan Institute for Adolescents and Children (INAU) operated institutions to hold minor detainees. Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resemble traditional jails and have cells. Conditions in some of these facilities were as poor as in the adult versions, with some youths permitted to leave their cells only one hour per day.

Judges placed most juvenile offenders in halfway houses that focused on rehabilitation. These facilities provided educational, vocational, and other opportunities, and the residents could enter and leave without restriction.

Pretrial detainees were held together with convicted prisoners.

The government permitted general prison visits by independent human rights observers as well as inmate visitation and visits from foreign diplomats. A Prison System Ombudsman elected by the General Assembly is responsible for monitoring and reporting to both Congress and the government on prison conditions.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions in practice. The law requires police to have a written warrant issued by a judge before making an arrest (except when police apprehend the accused during commission of a crime), and authorities generally respected this provision in practice.

#### Role of the Police and Security Apparatus

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.

#### Arrest and Detention

The law provides detainees with the right to a prompt judicial determination of the legality of detention, which was not always respected, 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. The law stipulates that confessions obtained by the police prior to a detainee's appearance before a judge and attorney (without the police present) are not valid. Further, a judge must investigate any detainee claim of mistreatment.

For a detainee who cannot afford a lawyer, the courts appoint a public defender. Judges rarely granted bail for persons accused of crimes punishable by at least two years in prison. Most persons facing lesser charges were not jailed. Between 60 and 65 percent of all persons incarcerated were awaiting final decisions in their cases. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions in the prisons.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

The Supreme Court heads the judicial 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 Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Human rights groups reported some difficulty in maintaining confidentiality between client and attorney. Individual judges may hear oral arguments at their option, but most judges choose the written method, a major factor slowing the judicial process. Defendants enjoy a presumption of innocence. Criminal trials are held in a court of first instance. Defendants have a right

of appeal.

#### 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 against government agents. An independent and impartial judiciary handles civil disputes, but its decisions were ineffectively enforced. Local police lacked the training and manpower to enforce restraining orders, which were the most common result of civil disputes.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

#### Internet Freedom

There were no government restrictions on the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

#### Societal Abuses and Discrimination

Jewish community leaders reported that government officials and society generally respected members of their community, which numbered approximately 24,000. Jewish leaders noted no significant increase in the level of anti-Semitic graffiti across the country and reported effective cooperation with police investigating incidents of anti-Semitism. Authorities charged four persons who wrote graffiti in 2006.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The law provides that in extreme cases of national emergency an individual may be given the option to leave the country as an alternative to trial or imprisonment, but this option has not been exercised in at least two decades.

## Protection of Refugees

The law provides for the granting of refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government granted refugee status and 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. During the year the government accepted 14 refugees for resettlement. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

### Elections and Political Participation

In October 2004 Tabare Vazquez of the FA coalition won a five-year presidential term in free and fair elections. The FA won 16 of 30 seats in the Senate and 52 of 99 seats in the House of Representatives. President Vazquez took office on March 1, 2005.

Political parties could operate without restrictions or outside interference.

Women participated actively in the political process and government, although primarily at lower and middle levels. Four of 30 senators and 11 of 99 representatives were women. Three of the 13 cabinet ministers were women. There was one Afro-Uruguayan among the 99 representatives.

### Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Public officials are subject to financial disclosure laws. A government commission on economic and financial matters collects sworn financial statements from public servants, including the president.

Although there is no general public disclosure law, the government requires all government agencies to produce regular public reports. All agencies complied with these reporting requirements.

## Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 were generally cooperative and responsive to their views.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, or disability; however, societal discrimination against some groups existed.

### Women

The law criminalizes rape, including spousal rape. From January to September, police received 213 accusations of rape nationwide and 566 accusations of other sex crimes. Based on first trimester statistics from Montevideo (the most populous department) domestic violence was responsible for 39 percent of rape and 14 percent of attempted rape.

Authorities believed that some victims of spousal rape did not report such incidents because of failure to understand their rights and fear of social stigma.

Violence against women continued to be a significant problem, increasing 50 percent over 2006. Of the 29 female victims of homicide in the year ending October, 17 died in situations related to domestic violence; 60 percent of the killings were committed by the victim's partner or ex-partner. From January to September, the Ministry of the Interior reported 7,577 cases of domestic violence, with the highest incidence concentrated in Montevideo and the neighboring department of Canelones. The law provides for sentences of six months to two years in prison for a person found guilty of committing an act of violence or of making continued threats to cause bodily injury to persons related emotionally or legally to the perpetrator; however, civil courts decided most of the domestic cases during the year. Judges in these cases often issued restraining orders, which were difficult to enforce. In many instances, courts did not apply criminal penalties.

The state-owned telephone company provided a free nationwide hot line answered by trained nongovernmental organization (NGO) employees for victims of domestic violence. A directorate within the Ministry of Interior operated community assistance centers where abuse victims received information and referrals to government and private organizations for aid. Both the Ministry of Interior and NGOs operated shelters in which abused women and their families could seek temporary refuge.

Prostitution is legal for persons over the age of 18, and prostitution was visible in major cities and tourist resorts. There were no known reports of police abuse of individuals engaging in prostitution. Trafficking in women for prostitution was a problem.

The law prohibits sexual harassment in the workplace and punishes it by fines or imprisonment; however, women filed few such complaints, a circumstance attributed to a lack of women's understanding of their rights.

In the judicial system, women enjoyed the same rights as men, including rights under family and property law. However, they faced discrimination stemming from traditional attitudes and practices, and no gender discrimination cases have ever been litigated. There was some segregation by gender in the workforce. Women constituted almost one-half the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging two-thirds those of men. Women often pursued professional careers, and approximately 60 percent of public university students were women.

#### Children

The government was committed to protecting children's rights and welfare, and it regarded the education and health of children as a top priority. The INAU oversees implementation of the government's programs for children. The government provided free compulsory kindergarten, primary, and secondary education, and 95 percent of children completed their primary education. Girls and boys were treated equally. Free education was available through the undergraduate level at the national university.

Boys and girls had equal access to state-provided health care, which was free for all citizens.

There was no societal pattern of abuse of children.

Polls and arrest data indicated that exploitation of children for prostitution was a problem.

#### Trafficking in Persons

While laws prohibit trafficking in minors and trafficking-related abuses, no specific provisions address the trafficking of adults across international borders. Evidence existed of trafficking from, through, and within the country.

The country was a source and transit point and infrequently a destination for trafficked persons. Internal trafficking, predominantly related to prostitution, was also reportedly a problem. Porous borders facilitated transit to and from Argentina and Brazil. Women were also reportedly trafficked to Spain and Italy for purposes of sexual exploitation. A local NGO estimated that the number of persons who were trafficked both from and through the country increased, but there were no reliable estimates on the numbers involved or on the proportion coerced into prostitution by fraud or subjected to conditions approaching servitude.

According to police sources, commercial sexual exploitation of women and children occurred in the provinces closest to the borders with Argentina and Brazil, notably in Paysandu, Salto, and Colonia. Child welfare organizations and independent research groups expressed concern about possible prostitution rings exploiting children in Montevideo, in the aforementioned border areas, and at the resort areas of Punta del Este and Maldonado. There were also reports of prostitution involving boys. The INAU found that minors engaged in prostitution often did so to assist their families, who in many cases allowed or actively promoted the activity.

The laws criminalize trafficking of minors and provide penalties ranging from six months to 12 years in prison. Activities related to trafficking in adults can and have been prosecuted as a combination of crimes already included in the penal code, such as corruption, conspiracy, fraud, and forced labor. The Ministry of the Interior has primary responsibility for investigating trafficking cases and maintained a database of all related activities. Authorities responded promptly to two trafficking cases that came to light during the year. In May authorities detained 16 Peruvians who were transiting the country en route to Europe and seized false Venezuelan, Colombian, and Ecuadorian passports they were using. At year's end, the individuals remained incarcerated pending completion of an investigation into a suspected connection with drug smuggling. In June the government collaborated with Interpol to detect and dismantle an operation to traffic Chinese laborers through the country to Europe; four Chinese citizens were repatriated to China.

The Organization for International Migration and INAU continued efforts to raise awareness on trafficking issues and increase local, provincial, and federal capacity to combat trafficking in tourist areas and along the loosely controlled border with Brazil. The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation continued to work with the INAU to protect victims and witnesses but reported a lack of resources to pursue these objectives.

The INAU provided funding for a number of NGOs that had programs to assist at-risk children, as well as victims of domestic violence and sexual exploitation. There are no specific programs to assist victims; assistance is provided on a case-by-case basis.

The Ministry of Education and Culture produced antitrafficking public service announcements, which were aired on national television. The government disseminated information and trained members of the police force on antitrafficking legislation.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but the government did not effectively enforce these provisions. Local entities did not devote resources to provide appropriate accommodations. Persons with disabilities regularly experienced discrimination in employment despite government efforts to assist in individual cases. The government did not discriminate against persons with disabilities and provided additional services as resources allowed; however, difficulties in transportation inhibited some persons from accessing these services.

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandates accessibility for persons with disabilities to new buildings or public services, but the law was not consistently enforced. The law reserves 4 percent of public sector jobs for persons with disabilities, but the quota was not filled. The country has a generally excellent mental health system and an interest in the rights of persons with mental disabilities.

#### National/Racial/Ethnic Minorities

The country's Afro-Uruguayan minority continued to face societal discrimination. A National Bureau of Statistics study stated that Afro-Uruguayans comprised 9.1 percent of the population and indigenous descendants constituted another 2.9 percent. The report concluded that 50 percent of Afro-Uruguayans were poor and suffered discrimination. The NGO Mundo Afro confirmed this information, stating that a much larger percentage of Afro-Uruguayans worked as unskilled laborers than members of other groups in society despite equivalent levels of education. Afro-Uruguayans were practically unrepresented in the legislature or the cabinet, the bureaucratic and academic sectors, or the mid and upper echelons of private-sector firms.

#### Other Societal Abuses and Discrimination

There were limited reports of occasional nonviolent societal discrimination based on sexual orientation and against persons with HIV/AIDS.

### Section 6 Worker Rights

#### a. The Right of Association

The constitution grants the right of association, and the law promotes organization of trade unions and creation of arbitration bodies and protects union leaders and negotiators from workplace discrimination. Unions traditionally organized and operated free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. Unionization was higher in the public sector (more than 42 percent) than in the private sector (approximately 10 percent).

The law expressly prohibits antiunion discrimination. The law requires employers to reinstate workers fired for union activities and requires employers to pay an indemnity to such workers. The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There are generally effective mechanisms for resolving workers' complaints against employers; however, there were no new developments in the 2005 complaint by workers that a media company dismissed several workers for their prounion activities.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right. The law also protects collective bargaining, and it was freely practiced. The constitution provides workers with the right to strike, and workers exercised this right in practice.

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." The government invoked this power in May during a work stoppage of air traffic controllers and in August during a work stoppage of anesthesiologists.

Collective bargaining between companies and their unions determines a number of private-sector salaries. The executive branch, acting independently, determines public-sector salaries.

All labor legislation fully covers workers employed in the eight special export zones. No unions operated in these zones, but the government did not prohibit their formation.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children against exploitation in the workplace, including a prohibition of forced or compulsory labor, and the Ministry of Labor and Social Security is responsible for enforcing it. Enforcement was difficult due to a lack of resources and because most child labor was in the informal sector. Some children worked as street vendors in the informal sector or in agricultural activities, areas generally regulated less strictly and where pay was lower than in the formal sector. There were reports of parents turning their children over to third parties for domestic service or agricultural work in exchange for food and lodging.

The law prohibits minors under the age of 15 from working, and this was generally enforced in practice. Minors between the ages of 15 and 18 require government permission to work, and such permission is not granted for dangerous, fatiguing, or night work. All workers under age 18 must undergo a physical examination to identify job-related physical harm. Children between age 15 and 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.

Permission to work is granted only to minors who have completed nine years of compulsory education or who remain enrolled in school and are working to complete compulsory education. Controls over salaries and hours for children are stricter than for adults. Children have the legal right to dispose of their own income.

The INAU implements policies to prevent and regulate child labor and provides training on child labor issues. The INAU also works closely with the Ministry of Labor and Social Security to investigate complaints of child labor and with the Ministry of Interior to prosecute cases. The INAU has seven trained inspectors to handle an estimated 2,000 inspections per year.

#### e. Acceptable Conditions of Work

The Ministry of Labor enforces a legislated minimum monthly wage that covers both the public and private sectors. The ministry adjusts the minimum wage whenever it adjusts public sector wages. The monthly minimum wage of \$137 (3,244 pesos) functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels; it did not provide a decent standard of living for a worker and family. The vast majority of workers earned more than the minimum wage.

The standard workweek ranged from 44 to 48 hours per week, depending on the industry, and employers were required to give workers a 36-hour block of free time each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours, entitles workers to 20 days of paid vacation after a year of employment, and

prohibits compulsory overtime beyond a maximum 50-hour workweek.

The law protects foreign workers and does not discriminate against them, but official protection requires the companies to report the foreign workers as employees. Many native and foreign workers worked informally and thus did not benefit from certain legal protections.

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 without jeopardy to their employment; the government effectively upheld this right, but some workers claimed a subsequent loss of other privileges at work based on their refusal to work in unsafe conditions.

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