



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Western Hemisphere](#) » [Uruguay](#)

2009 Human Rights Report: Uruguay

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

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. On November 29, in a free and fair runoff election, Jose Mujica won a five-year presidential term and a majority in parliament. 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. Instances of 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. Former military dictator, Gregorio Alvarez, and the democratically elected president in office during the first years of the military rule, Juan Maria Bordaberry, were both convicted and sentenced to 25 to 30 years in prison for coauthoring aggravated homicides and disappearances. Alvarez was serving his sentence in a military prison, and Bordaberry was under house arrest due to poor health.

In August 2008 the Office of the Prosecutor requested an extended sentence for imprisoned former foreign minister Juan Carlos Blanco based on new charges regarding his alleged complicity in the forced disappearance of teacher Elena Quinteros, kidnapped by military forces from the compound of the Venezuelan Embassy in Montevideo in 1976. In July Blanco appealed to the Inter-American Commission on Human Rights (IACHR) for temporary release as a presumed innocent presenting little flight risk. There was no known IACHR response to Blanco's request by year's end.

b. Disappearance

There were no reports of politically motivated or other disappearances.

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

The law prohibits such practices; however, the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, Manfred Nowak, reported that during his March visit to the country, he received "credible allegations of ill-treatment and excessive use of force in prisons, police stations, and juvenile detention centers."

The
Affair
the U
Exter
cons:
polici

Prison and Detention Center Conditions

Prison conditions continued to be poor as aging facilities were not adequately maintained. Overcrowding continued to be a problem despite the government's efforts to build more prison facilities. According to government figures, the total prisoner population as of July 31 exceeded design capacity by 1,289 prisoners, reaching a population density of 137 percent of the recommended limit (the prison ombudsman's report defined a 120 percent density as "critical"). Overcrowding and understaffing resulted in sanitation, social, and health problems.

Many prisoners depended on visitors for enough food to reach the daily minimum caloric intake. Although a new clinic in Comcar Prison greatly improved health services during the year, access to medical and dental care, recreation, and training remained deficient. An Honorary Anti-Tuberculosis Commission report confirmed 85 cases of tuberculosis in the prison population in 2008. A high percentage of prisoners reportedly used drugs. A government rehabilitation program trained 40 inmates from two prisons to prepare participants to train other inmates on such topics as health and narcotics-abuse treatment. Ministry officials stated that there were no complaints of police abuse in prisons during the year, which some observers attributed to fear of reprisals from prison staff; however, the prison ombudsman received unofficial reports of maltreatment.

Prisoner-on-prisoner violence continued to be a daily problem, partially due to the lack of a separate, high-security prison for violent criminals. In August five prisoners perished in a cell fire. The government judged that the prison staff's response had been swift and appropriate, but the prison system ombudsman questioned whether the incident had been adequately investigated. There were 22 deaths in prisons reported during the year. In October a prison riot and possible escape attempt led to the deaths of two prisoners. The presiding judge decided not to prosecute a police officer suspected of being responsible for one of the deaths.

In December authorities arrested the chief of the police station and three police officers in connection with the October 2008 strangulation death of a detainee; they awaited trial at year's end.

Government figures from the end of July recorded that there were 7,796 male and 607 female prisoners, of whom 35 percent had been sentenced, while 65 percent were awaiting trial. Pretrial detainees and convicted criminals were held together, but female and male prisoners were held in separate facilities. During the year 32 children lived in prison facilities with their inmate mothers.

The Uruguayan Institute for Adolescents and Children (INAU), which supervises juvenile detention and protects abandoned and orphaned children under age 18, also operated institutions to hold minor detainees. Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resembled traditional jails and had cells. INAU reported that in November 250 juveniles were incarcerated. Conditions in some of these facilities were similar to adult versions, and conditions in others worsened as a result of frequent escape attempts and riots. Judges placed other juvenile offenders in halfway houses that focused on rehabilitation. These facilities, which housed 145 juveniles, provided educational, vocational, and other opportunities, and residents were permitted to enter and leave without restriction. A prison system ombudsman elected by the General Assembly is responsible for monitoring and reporting on prison conditions in the 29 detention centers around the country.

The government permitted general prison visits by independent human rights observers, nongovernmental organizations (NGOs), religious congregations, and foreign diplomats, and such visits occurred during the year. In March at the invitation of the government, the UN special rapporteur on torture visited several prisons. The special rapporteur reported that he found some sections inhuman and degrading, with conditions that included severe overcrowding and a lack of water, sanitation, and access to medical treatment. Many of the problems, the special rapporteur asserted, "were a direct result of the lack of a comprehensive criminal or penitentiary policy."

Responding to the special rapporteur's findings, the government accelerated and amplified existing plans to ease the prison system's chronic overcrowding and doubled the budget allocation for prison improvements. Construction began on a series of projects to create 1,500 to 1,600 additional places in the prison system by the second half of 2010. These efforts included constructing a 312-place facility (on which work began in 2008) and converting an old barrack to create space for approximately 500 prisoners nearing the end of their sentences. Additionally, the government sought to relocate approximately 30 female prisoners with young children.

Despite outlining many concerns, the prison ombudsman's 2009 report identified good practices in some prisons. The report highlighted an increase in prisoners in open prisons where the detainees were involved in maintaining small land holdings, a successful clinic in one of the country's largest prisons, and advances in providing primary education to inmates.

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.

The Ministry of the Interior's Directorate of Internal Affairs operated a hotline for complaints of police abuse. The directorate received 865 complaints of police abuse during the year. Most complaints were due to poor customer service in police offices, mistreatment and abuse, illegal arrests, and corruption, including three allegations of homicide. Such allegations are investigated internally before being presented for trial if evidence so merits.

There were some formal and informal reports of police corruption, which authorities addressed with appropriate legal action. In April, 15 prison guards were prosecuted and imprisoned in the department of Rivera for failing to provide evidence in the investigation of the death of a prisoner who was shot during a failed escape in 2007. In March a 30-year career police officer was convicted of drug and arms trafficking and graft in prisons.

Arrest Procedures and Treatment While in Detention

Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. 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 police prior to a detainee's appearance before a judge and

attorney (without police present) are not valid. A judge must investigate any detainee's claim of mistreatment. A lawyer assigned to each police station reports to the Ministry of the Interior concerning the treatment of detainees.

For a detainee who cannot afford a lawyer, the court appoints a public defender at no cost to the detainee. 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. Detainees were allowed prompt access to family members. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions in the prisons. Trial delays were caused by lengthy legal procedures, large numbers of detainees, and staff shortages.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Defendants have the right to consult an attorney in a timely manner, and those that do not have an attorney are provided one at the state's expense. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. There was 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. Criminal trials are held in a court of first instance. Defendants have a right of appeal. The law extends these rights to all citizens.

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 often generated during 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 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. The International Telecommunication Union reported that in 2008 there were 40 Internet users per 100 inhabitants.

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

There were a few cases of societal violence, harassment, or discrimination against members of religious groups.

Jewish community leaders reported that government officials and society generally respected members of their community, which numbered approximately 20,000 to 25,000. Jewish leaders reported effective cooperation with police investigating incidents of anti-Semitism. Israel's military action in January in the Gaza Strip led to numerous demonstrations at the Israeli Embassy, some which were anti-Semitic and violent. In the early morning of January 13, a Molotov cocktail was thrown at a Jewish community center causing material damage. There were no witnesses, and an investigation uncovered no conclusive evidence regarding the perpetrators. The government strongly condemned the act.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

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 government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, asylum seekers, stateless persons, and other persons of concern. 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 country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. Its laws provide for the granting of refugee status, and the government has established a system for providing protection to refugees. 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. On October 8, the government signed a UNHCR framework agreement to accept 15 additional refugees per year. During the year the government accepted for resettlement 174 refugees, 14 of whom were third-country Colombians resettled from Ecuador. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

On November 29, Jose Mujica of the incumbent Frente Amplio (Broad Front) Party won a five-year presidential term in a free and fair runoff election. The runoff followed a series of party primaries in June and a free and fair first-round election among the four leading parties in October. President-elect Mujica was scheduled to take office on March 1, 2010.

In parliamentary elections on October 25, the Frente Amplio won 16 of 30 seats in the Senate and 50 of 99 seats in the House of Representatives. The National Party won nine Senate and 30 House seats, the Colorado Party won five Senate and 17 House seats, and the Independent Party won two seats in the House.

Political parties operated without restrictions or outside interference.

Women participated actively in the political process and government, although primarily at lower and middle levels. Four senators and 14 representatives were women. Three of the 13 cabinet ministers were women.

Section 4 Official Corruption and Government 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 5 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.

In March the UN special rapporteur on torture visited the country and issued a report on prison conditions (see section 1.c.).

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively, although societal discrimination against some groups persisted.

The Honorary Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of Education and Culture's director of human rights and including government, religious, and civil society representatives, proposes policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Since its creation in 2007, the commission has investigated 60 claims from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. There were 14 cases brought to the commission's attention during the year, only one of which (a harassment case based on sexual orientation) it referred for legal action. The commission considered the other cases not valid for its action or handled them through mediation or other means.

Women

The law criminalizes rape, including spousal rape. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape. According to Ministry of Interior statistics, there were 302 rape cases during the year.

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.

The Ministry of Interior reported 13,712 cases of domestic violence during the year, up 10 percent from 2008. The law allows for sentences of six months to two years in prison for a person found guilty of committing an act of violence or making continued threats to cause bodily injury to persons related emotionally or legally to the perpetrator. 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 Montevideo municipal government funded a free nationwide hotline operated by trained NGO employees for victims of domestic violence. The Ministry of Social Development, INAU, 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 was practiced openly in major cities and tourist resorts. There were no known reports of police abuse of individuals engaging in prostitution. Trafficking in women for prostitution occurred.

The law prohibits sexual harassment in the workplace and punishes it by fines or dismissal. In August a new law established guidelines for the prevention of sexual harassment in the workplace and in student-professor relations and defined a system of damages for victims. Implementing regulations were pending at year's end.

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Under the law women enjoy 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. The law declares a state interest in gender equality and decrees the creation of the National Plan for Equal Rights and Opportunity. During the year the government created, under the National Institute for Women, the Tripartite Committee on Equal Opportunities and Employment, which includes a subcommittee on gender considerations in salaries and benefits. There was some segregation by gender in the workforce. Women constituted almost half of the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging two-thirds those of men.

Children

Citizenship is derived by birth within the country's territory or through one's parents. The government immediately registers all births.

There were few reports of physical and sexual child abuse.

Some minors engaged in prostitution and forced labor. INAU found that they sometimes did so at the request of their families to increase income. The minimum age for consensual sex is 12, although statutory rape laws can be applied starting at age 15 and carry a penalty of two to 12 years in prison. Penalties for pimping children range from four to 16 years in prison. Child pornography is illegal, and penalties range from one to two years in prison. The International Criminal Police Organization (INTERPOL) continued to uncover child pornography material produced in the country and available on the Internet through servers located in central Europe. Interpol and the Ministry of Interior authorities responded promptly to seven child pornography cases that came to light during the year.

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. Assistance to trafficking victims was provided on a case-by-case basis.

The Integral System to Protect Children and Adolescents Against Violence, an interagency workgroup that provided training and awareness-raising campaigns and promoted legislative advancements for the protection of children and adolescents, operated 10 centers to provide assistance to victims of child abuse.

Trafficking in Persons

While laws prohibit all forms of trafficking in persons, the country was a source, transit point, and infrequently a destination for trafficked persons. Men, women, and children were trafficked for purposes of commercial sexual exploitation and forced labor. Most victims were women, girls, and some boys trafficked within the country to border and tourist areas for sexual exploitation. Through use of false job offers, some women were trafficked by organized crime networks to Spain and Italy for commercial sexual exploitation; others worked as drug couriers.

According to informed observers, commercial sexual exploitation of women and children occurred in the departments 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 girls in Montevideo, in the aforementioned border areas, and in the resort areas of Punta del Este and Maldonado. There were also reports of prostitution involving boys.

The 2008 immigration law prohibits all forms of trafficking in persons, with sentences ranging from four to 16 years. The Ministry of Interior has primary responsibility for investigating trafficking cases. As a result of increased training and interagency cooperation, government effectiveness in identifying trafficking victims improved. At year's end two cases had been presented under the new law.

Two courts established during the year have specific jurisdiction on cases involving trafficking in persons, child prostitution, and child pornography.

While the government provided increased assistance to NGOs working in the area of trafficking, the availability of victim services remained spotty, especially outside the capital. The government does not have a formal system for identifying trafficking victims among vulnerable populations, such as women in prostitution or undocumented migrants.

An informal interagency committee to combat trafficking in persons, consisting of representatives from pertinent ministries and civil society groups, began meeting in January. The committee facilitated communication and training aimed at improving the overall government response to the threat of trafficking and victim assistance. The government conducted training for police and community leaders in high-risk areas of the interior to raise awareness and strengthen investigative capabilities, and consular officers received training prior to international assignments.

The government supervised the work of the National Committee to Eradicate Commercial and Noncommercial Sexual Exploitation of Children and Adolescents, which is led by INAU and is responsible for monitoring implementation of a national plan to eliminate the commercial sexual exploitation of children.

Following the November 2008 publication of its report on sexual exploitation in tourist areas, INAU embarked upon a large-scale information campaign, focused on tourist areas, to raise awareness of the issue, particularly the prostitution of minors. Youth activists distributed 50,000 leaflets and 5,000 posters, and INAU representatives delivered programs in schools and in hotels.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

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 reported 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 mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public sector jobs for persons with physical and mental disabilities, but the quota was not filled.

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 percent of the population and indigenous descendants constituted another 3 percent. A July study concluded that 43 percent of Afro-Uruguayans were poor, with 5 percent living in extreme poverty. The study concluded that race is one of the factors responsible for socioeconomic inequality in the country. The NGO Mundo Afro stated that the percentage of Afro-Uruguayans working as unskilled laborers was much larger than for members of other groups in society, despite equivalent levels of education. Afro-Uruguayans were underrepresented throughout government and academia and in the middle and upper echelons of private-sector firms.

As part of a government initiative to increase visibility and improve communication, Mundo Afro was able to name Afro-Uruguayan advocates for appointments in each ministry and in the northern department of Rivera, which has a relatively large population of Afro-Uruguayans. The government also continued its outreach to the Afro-Uruguayan community for participation in the Quijano Scholarship Program for postgraduate work and increased that participation during the year. Afro-Uruguayan community representatives, however, sought programs focused more on undergraduate education, noting that only 1 percent of Afro-Uruguayans attend college. Civil society groups and local governments conducted five regional workshops and one national conference for police and citizens to increase awareness of minority rights and the national and international laws protecting minorities.

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

No laws criminalize sexual orientation, and authorities widely protected the rights of the LGBT community. Several laws enacted during the year addressed specific rights of the LGBT community: specifically, the right to civil union for same-sex couples, the right for same-sex couples to adopt, and the right for transgender individuals to change their gender. Several LGBT groups were active in the country. They enjoyed free association and received wide support from government officials. In March the LGBT community joined with other civil rights and gender-rights groups in a "Diversity March," which drew nearly 10,000 participants. Hate crimes were rare, and no hate crimes related to LGBT issues were reported during the year. Police generally afforded protection to the LGBT community, but there were reports of abuse of some transvestite sex workers. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity.

Other Societal Violence or Discrimination

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

Section 7 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 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."

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.

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

On September 2, the legislature passed a law establishing regulation of collective bargaining, which creates a larger role for the government in adjudicating labor disputes. The bill creates a Superior Tripartite Council made up of 21 officials: nine from the executive branch of government, six from the business community, and six from organized labor. This council administers the salary councils and has authority to make determinations related to labor negotiations. The law also designates trade unions to negotiate on behalf of workers whose companies are not unionized.

The law expressly prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay an indemnity to such workers. The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There were generally effective mechanisms for resolving workers' complaints against employers.

All labor legislation fully covers workers employed in the 12 free trade 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 some child labor occurred.

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 occurred in the informal sector. INAU estimated that 34,000 children were involved in child labor. 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 isolated 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 must undergo physical exams to identify possible exposure to job-related physical harm. Permits are not granted for hazardous or fatiguing work. Children between ages 15 and 18 may not work more than six hours per day within a 36-hour work week and may not work between 10 p.m. and 6 a.m.

Violations of child labor laws are generally punishable by fines but may extend to imprisonment of three months to four years.

INAU implemented policies to prevent and regulate child labor and provided training on child labor issues. INAU also worked closely with the Ministry of Labor and Social Security to investigate complaints of child labor and with the Ministry of Interior to prosecute cases. INAU had five trained inspectors to handle an estimated 1,250 inspections per year.

e. Acceptable Conditions of Work

The Ministry of Labor and Social Security 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 4,441 pesos (approximately \$216) 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. While there are no known mechanisms for enforcement, observers believed companies generally complied with the regulations.

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 citizens and foreign workers were employed informally and thus did not benefit from certain legal protections.

The Ministry of Labor and Social Security enforced 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.