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## Uruguay

### Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 8, 2006

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. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the rights of its citizens. Human rights groups reported fewer complaints of police brutality than in previous years. There were reports of the following human rights problems:

- harsh prison conditions and abuse of prisoners
- violence against women
- discrimination against women and the Afro-Uruguayan minority
- trafficking in persons

#### 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 political killings.

In September a judge dismissed the 2003 aggravated homicide cases filed against Juan Carlos Blanco and Juan Bordaberry in connection with disappearances and apparent deaths of citizens during the military dictatorship of 1973-85. The judge ruled that the statute of limitations on the case had expired, a decision that the prosecutor in the case has appealed. During the year the government increased its efforts to investigate abuse cases perpetrated during the dictatorship.

###### 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 unlike last year, there were no reports that government officials employed them. The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. Human rights groups reported that police sometimes mistreated detainees. Detainees rarely filed complaints, but the government investigated those complaints that were filed.

##### Prison and Detention Center Conditions

Conditions in prisons were poor and deteriorated during the year, as aging facilities were not adequately maintained. There were numerous reports of abuse of prisoners. There were no new developments in the investigation into a claim that a guard at the Libertad prison tortured two prisoners in 2004. Human rights groups and an organization of the families of prisoners alleged that prisoners were routinely beaten during processing and during searches; that food, bedding, and clothing were of poor quality and insufficient quantity; and that access to medical care was poor. A prison director stated that prisoners received a little more than half of the recommended daily food allowance, and prisoners' families had to provide additional food. A September television report showed 15 prisoners held in a cell designed for 2, deteriorating cells, and unsanitary conditions.

Overcrowding continued due to budget problems and strong minimum sentencing guidelines. Through an early release program enacted in October, the prison population decreased slightly during the year to approximately 6,500 prisoners in facilities designed to hold 2,940. The overcrowding caused sanitation, social, and health problems in the major facilities. The Libertad prison, badly damaged in a riot in 2002, held hundreds of prisoners, despite its official status as a condemned building. In August when a violent storm destroyed part of the roof at the

prison, officials could not provide adequate alternative shelter. The government continued to hold some prisoners in modified shipping containers; the cells lacked running water and posed sanitation problems.

In addition to overcrowding, the penal system suffered from understaffing and corruption. Authorities did not always separate prisoners according to the severity of their crimes. Narcotics and weapons were smuggled into several facilities, allegedly with official collusion. Prison officials complicated family visitation, in which family members provide food to supplement a prisoner's diet, and subjected family members to invasive searches, sometimes under unhygienic conditions.

Disease transmission rates and the extent of HIV infection within the inmate population were unknown.

Female prisoners were held in separate facilities from male prisoners except for the Artigas prison, in which 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 National 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 bad 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 which focused on rehabilitation. These facilities provided educational, vocational, and other opportunities, and the juvenile offenders were able to enter and leave without restriction.

Pretrial detainees were not held separately from convicted prisoners.

The government permitted general prison visits by independent human rights observers as well as inmate visitation and visits from foreign diplomats.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The Ministry of Interior administers the National Police and the prison system and is responsible for domestic security and public safety. The National Police have a hierarchical structure: the chief of police, director of its intelligence unit, and director of the drug unit report to the vice minister of interior.

An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it was understaffed and only could issue recommendations for disciplinary action. Ministry of Interior authorities responded promptly to accusations of alleged police brutality. Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes were separated from active service until a court resolves their cases. The law requires a proportional use of force by the police and the use of weapons only as a last resort; this law was respected in practice.

#### Arrest and Detention

The law provides the accused with the right to a prompt judicial determination of the legality of detention, which is 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 before a detainee appears before a judge and attorney (without the police present) are not valid. Further, a judge must investigate any detainee claim of mistreatment.

If the detainee cannot afford a lawyer, the courts appoint a public defender. Judges rarely granted bail for persons accused of crimes that carry at least two years in prison. Between 60 and 65 percent of all persons incarcerated were awaiting a final decision in their case. Because these procedures applied to only the most serious cases, most persons facing charges were not jailed. The length of time an accused spends in jail pending trial varied and contributed to tension in the prisons.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

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

The Supreme Court heads the judiciary system and supervises the work of the lower courts. Criminal trials are held in a court of first instance. Aggrieved parties have a right of appeal to the appellate court but not to the Supreme Court. 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

Trial proceedings usually are based on 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. Most judges choose the written method, a major factor slowing the judicial process. Defendants enjoy a presumption of innocence. Either the defense attorney or the 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.

#### Political Prisoners

There were no reports of political prisoners.

#### 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 and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The Inter American Press Association (IAPA) reported that during the year, authorities prosecuted seven journalists for the content of their articles. The IAPA added that in the past judges had overturned all such cases upon appeal. All journalists remained free during the investigations, and the IAPA provided legal assistance for these cases.

There were no government restrictions on the Internet.

##### 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 25 thousand. During the year Jewish leaders noted 78 instances of pro-Nazi graffiti around the capital but reported effective cooperation with the police to investigate these incidents. No arrests were made.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

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

The law provides for these rights, and the government generally respected them 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 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 121 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 Senate. President Vazquez took office on March 1. The election ended the domination of the traditional Blanco and Colorado parties and marked the first time in 50 years that any party won an absolute majority in congress.

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

#### Government Corruption and Transparency

There were isolated reports of government corruption during the year.

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 generally were 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

Violence against women continued to be a significant problem. The nongovernmental organization (NGO) National Follow-Up Commission-Women for Democracy, Equality and Citizenship reported that a woman died every nine days as a result of rape or domestic violence. 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, most of six thousand domestic cases this year were decided in civil court. Judges in these cases often issued restraining orders which were difficult to enforce. Women filed many more complaints than in previous years, but in many instances, courts were unwilling to apply criminal penalties.

The state-owned telephone company provided a free nationwide hot line answered by trained NGO employees for victims of domestic violence. A government office of assistance for victims of domestic violence trained police to resolve complaints of violence against women. 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.

The law criminalizes rape, including spousal rape. During the first 11 months of the year, police received 962 accusations of rape nationwide. None of these claims involved spousal rape, but police had anecdotal evidence that spousal rape occurred frequently. Authorities believed that victims did not report such incidents because they did not understand their rights and out of a fear of social stigma.

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 (see section 5, Trafficking).

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 understanding by women 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 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; their salaries averaged two-thirds those of men, continuing a gradual improvement with respect to pay equity. Women often pursued professional careers but were underrepresented in traditionally male-dominated professions, although approximately 60 percent of students at the public university were women. No effective government programs existed to address economic discrimination against 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.

Health care is free for all citizens.

There is no societal pattern of abuse of children.

Although there were few reliable statistics, polls and arrests indicated that exploitation of children for prostitution was a problem (see section 5, Trafficking).

#### Trafficking in Persons

While the law prohibits trafficking in minors, there were some cases involving trafficking to, from, and within the country.

Laws criminalize trafficking of minors and provide penalties ranging from 6 months' to 12 years' imprisonment. No laws specifically prohibit trafficking of adults. In past years suspected traffickers have been prosecuted on charges of corruption, conspiracy, fraud, and other felonies. The Ministry of the Interior has primary responsibility for investigating trafficking cases and maintained a database of all trafficking-related activities. Authorities responded promptly to the one trafficking case that came to light during the year.

The country was a source, destination, and transit point for trafficked persons, and internal trafficking was a problem. Trafficking reportedly occurred primarily to and from Argentina and Brazil across poorly controlled land borders. Based on anecdotal evidence, government and NGO experts estimated that approximately 100 individuals were trafficked in or through the country during the year, but there were no reliable estimates on the number of women engaged in prostitution abroad (generally in Europe, Australia, Argentina, and Brazil) or on the proportion that were induced into prostitution by fraud or were subjected to conditions approaching servitude. Some foreign citizens entered the country to engage in prostitution, but irregular border controls limited the collection of such trafficking statistics. Officials believed that trafficking mostly affected women between the ages of 18 and 24.

In January authorities discovered an alien smuggling ring, which had engineered the illegal entry into the country of more than 100 Chinese citizens, 15 of whom were found to have been subjected to debt bondage. All victims were males between the ages of 20 and 38. Under threat of violence, the victims were forced to work 18 to 20 hours per day on a rice farm while waiting to complete their onward travel to the United States.

According to police sources, commercial sexual exploitation of women and children occurred mostly in the states bordering Brazil. There also was concern about possible prostitution rings exploiting children in Montevideo and the resort areas of Punta del Este and Maldonado, where taxi drivers or hotel staff may be involved. There were isolated reports of prostitution by boys. Anecdotal evidence indicated that, in recent years, commercial sexual exploitation of children through prostitution has increased, and minors often engaged in prostitution alongside adults. Police sources indicated that traffickers often perpetrated other transborder crime such as drug smuggling. Children's rights NGOs received reports that minors resorted to prostitution to survive or to assist their families. INAU estimated that 90 percent of minors engaged in prostitution did so to assist their families who allowed or actively promoted the activity.

On January 30, after discovery of the trafficking of Chinese coerced into debt bondage, the Minister of Interior removed the director of immigration, and the deputy director resigned. An investigation of the Immigration Department led to indictments of nine officials, including the former deputy director.

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation continued to work with INAU to protect victims and witnesses but reported a lack of resources to pursue these objectives.

INAU provided funding for a number of NGOs that have programs to assist homeless children and victims of trafficking. A number of NGOs offered treatment for victims of trafficking, and others provided shelter, food, or education.

There were no known programs to prevent trafficking.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but the government did not effectively enforce these requirements. Local entities lacked resources to provide accommodations to the disabled. There were no reports of discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. Although the law mandates accessibility for persons with disabilities only to new buildings or public services, the government provided access to a number of existing buildings. The law reserves 4 percent of public sector jobs for persons with disabilities. 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, estimated at nearly 6 percent of the population, continued to face societal discrimination. The NGO Afro Mundo reported 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 bureaucratic and academic sectors.

## Section 6 Worker Rights

### a. The Right of Association

The law promotes the organization of trade unions and the creation of arbitration bodies, and in December the government passed a law to protect union leaders and negotiators from workplace discrimination. Unions traditionally organized and operated free of government regulation, and during the year unions made inroads into several new professional groups including doctors and the police. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. Unionization was high in the public sector (more than 80 percent) and low in the private sector (approximately 5 percent). In December an umbrella union federation reported that union membership had increased 75 percent since 2003. Labor unions were independent of political party control but traditionally associated more closely with the Broad Front political coalition.

The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. In August workers alleged that a media company dismissed several workers for their pronoun activities. The ministry did not issue an injunction against the dismissals by year's end, but workers continued to pursue the issue through legislative committees.

There are mechanisms for resolving workers' complaints against employers, but unions complained that courts sometimes applied these mechanisms arbitrarily. Unions maintained that employers dismissed organizers for fabricated reasons, thus allowing employers to avoid penalties under the law. The new labor law sought to alleviate this disadvantage.

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.

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

The constitution provides workers with the right to strike, and workers exercised this right in practice.

Although 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 did not invoke this clause when negotiating with doctors in September.

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. There were no unions 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 (which accounted for 40 percent of total employment in the country). Some children worked as street vendors in the expanding informal sector or in agricultural activities, areas that generally were regulated less strictly and where pay was lower than in the formal sector.

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 6 hours per day within a 36-hour workweek and may not work between 10 p.m. and 6 a.m.

Permission to work is only granted 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 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.

INAU implements policies to prevent and regulate child labor and provides training on child labor issues. 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. INAU has 7 specially trained inspectors to handle an estimated 2 thousand inspections per year; the labor ministry has 109 inspectors to investigate all types of labor complaints. Authorities imposed sanctions in approximately 5 percent of the cases.

A program by INAU and an NGO continued to provide food vouchers of \$58 (1,360 pesos) per month to parents who take their children off the streets and send them to school. This amount approximated what a child might earn working on the street, and the program was considered successful.

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 minimum wage, set in September at approximately \$109 (2,500 pesos) per month, 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 forfeited 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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