

URUGUAY 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with an elected president and a bicameral legislature. In 2014 in a free and fair runoff election, Tabare Vazquez won a five-year presidential term, and his Frente Amplio coalition won a majority in parliament.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included poor and potentially life-threatening conditions in some prisons, widespread use of extended pretrial detention, and violence against women and children.

The government took steps to prosecute officials who committed abuses, and there were no reports of impunity during the year.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

As of October 18, the UN had received one allegation of sexual exploitation and abuse committed during the year by the country's military personnel serving in UN peacekeeping operations. In March an allegation of transactional sex was made against eight Uruguayan troops serving in the UN Organization Stabilization

Mission in the Democratic Republic of the Congo. As of October the investigation was pending. In the interim the UN suspended its payments to Uruguay.

Prison and Detention Center Conditions

Prison and detention center conditions continued to be poor and potentially life threatening in some facilities. A 2016 report to parliament classified 26 percent of prisons as having conditions of cruel, inhuman, or degrading treatment and 33 percent with insufficient conditions for rehabilitation.

Physical Conditions: Parliament's special rapporteur on the prison system reported that severe overcrowding affected sections of prisons in the departments of Canelones, Maldonado, Tacuarembó, Salto, Artigas, Treinta y Tres, and Cerro Largo as well as the capital city of Montevideo. A report to parliament by the National Mechanism against Torture (MNP) entity, under the country's National Institution of Human Rights (INDDHH), reported that in 2016 the major deficiencies of the prison system were endemic and that prison authorities had not made significant advancements. The report described overcrowding, a high proportion of prisoners without sentences, severe garbage disposal problems affecting hygiene and environment conditions, management problems affecting facilities and services, a lack of socioeducational programs for prisoner reinsertion into society, and inadequate classification of prisoners due to a lack of uniform and coherent criteria (particularly for women).

The situation for female inmates varied around the country. The MNP reported 60 percent of women were located in two facilities in Montevideo, including one for mothers with children. Children accompanying their mothers lived in facilities with problems such as poor planning and design, security concerns due to a lack of prisoner classification, health and environmental concerns for young children, a lack of specialized services and facilities, and undefined and unclear policies for special-needs inmates. The remaining 40 percent of women prisoners were held in separate facilities within male prisons throughout the country. According to the INDDHH, women were located in the worst parts of the units. This led to difficulties in access to food, intimate spaces, and visits with family members as well as difficulties obtaining information and technical and human resources.

The MNP reported that in December 2016 (latest information available) the National Institute for Adolescent Social Inclusion held 470 juvenile offenders in its facilities, of whom 98 were awaiting sentencing. Some were imprisoned at age 17 and remained in prison for up to five years. In July Carolina Barbara, coordinator

for the rights of children of the World Organization Against Torture, visited facilities and reported continued mistreatment of inmates, unresolved understaffing problems, and excessive use of preventive detention.

The special rapporteur reported that 29 of 47 prisoner deaths in 2016 were due to prisoner-on-prisoner violence and 12 prisoner deaths were a result of suicide. In 2016 there were more homicides and suicides in prisons than in any of the previous 11 years. Most deaths (71 percent) took place in Units 3 and 4, the largest prison facilities in Montevideo. The lack of educational and occupational activities for inmates was a major source of fighting and death among inmates. Shortages in personnel and basic elements of control, such as security cameras, made prevention, control, and clarification of facts in security incidents difficult. The rapporteur added that shortages of prison staff to securely transport and accompany inmates affected prisoners' ability to participate in workshops, classes, sports, and labor-related activities. Some lawyers held video conferences with their clients due to the unsafe conditions that prevented them from visiting certain modules in Montevideo.

The special rapporteur noted many inmates had mental health problems that were not treated in prison. He added it was difficult for inmates to access psychological or psychiatric help or to participate in social programs or support groups to prevent suicidal acts. Annual clinics had been discontinued, and often operational difficulties (lack of officials, overwhelming workload, lack of coordination) prevented inmates from being taken to medical appointments. The public mental health hospitals that received prisoners suffered overcrowding and infrastructure problems.

In June a court ruled against the government on a writ of protection case on behalf of seven prisoners suffering from serious malnutrition due to bullying from other prisoners. The court decision established a 72-hour period for the government to relocate the prisoners, provide them proper access to food and hygiene products, and prepare individualized recovery plans, and prison officials complied.

Administration: Independent authorities investigated allegations of inhuman conditions. The Office of Probation Measures continued to lack sufficient human and financial resources to work in most of the country's 19 departments.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, local human rights groups, media, the International Committee of the Red Cross, and international bodies. Parliament's special

rapporteur on the prison system, the INDDHH, and the MNP were also allowed to monitor prisons.

Improvements: The MNP reported that the National Institute for Rehabilitation (INR) closed a maximum-security area in a Montevideo unit because of its poor conditions, following recommendations from the special rapporteur. The INR launched a program to assist migrant and foreign prisoners with legal and psychological counseling, translation and communication services, and socioeducational support. The Gender and Diversity Unit of the INR organized programs for inmates on gender discrimination; gender-based violence; lesbian, gay, bisexual, transgender, and intersex rights; and the role of men in society and the culture of machismo. The diversity unit also implemented a protocol to better address the situation of children of prisoners. In addition, the unit trained INR employees to manage security issues with a gender perspective in mind.

The INR and a local bank signed an agreement to provide banking services to prisoners engaged in small businesses inside Punta de Rieles prison. In August the INR and the National Weather Service signed an agreement for prisoners to do building and maintenance work at weather forecasting stations throughout the country. The INR and the Montevideo municipality agreed to allow prisoners to perform maintenance and repair work in the city.

Punta de Rieles prisoners toured Montevideo neighborhoods to educate youth about the negative personal impact of being in prison and the challenges of facing life after release. Four female inmates in Montevideo opened a delicatessen for prison guards, prisoners, and family members.

d. Arbitrary Arrest or Detention

The law and constitution prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The National Police, under the Ministry of Interior, maintain internal security. The National Directorate for Migration, also under the Ministry of Interior, is responsible for migration and border enforcement. The armed forces, under the Ministry of National Defense, are responsible for external security and have some domestic responsibilities as guardians of the outside perimeter of six prisons.

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 judiciary continued to investigate human rights violations committed during the 1973-85 military dictatorship, which the law classifies as crimes against humanity. In April retired army colonel Rodolfo Gregorio Alvarez Nieto, nephew of the late dictator Gregorio Alvarez Armelino, was indicted for torture and abuse of authority during the dictatorship. Alvarez's victim was Gerardo Riet Bustamante, a member of the Partido por la Victoria del Pueblo (Party for the Victory of the People) and a union leader. Alvarez was a captain and military tribunal judge at the time of Riet's arrest in 1980. Alvarez took Riet's statement at the same location where Riet was physically and psychologically tortured. Riet was forced to sign his deposition, and after he experienced a simulation of his sister's death, he suffered a nervous breakdown. According to press reports, the court decision was the first indictment in the country for a crime against humanity. Alvarez's lawyers appealed the decision. The Court of Appeals subsequently dismissed the torture charge but confirmed the prosecution for physical coercion against detainees.

Arrest Procedures and Treatment of Detainees

Police apprehended suspects with warrants issued by a duly authorized official and brought them before an independent judiciary. Arrests may be made without a judge's order when persons are caught in the commission of a crime. The law provides detainees with the right to a prompt judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. For a detainee who cannot afford a defense attorney, the court appoints a public defender at no cost to the detainee. The apprehended suspect must be brought before a judge within 24 hours so the judge can determine whether a formal investigation must be conducted and whether precautionary measures, including preventive detention, are warranted. If no charges are brought, the case is filed, but the investigation may continue and the case reopened if new evidence emerges.

The possibility of bail exists but was not used. Most persons facing lesser charges were not jailed. Officials allowed detainees prompt access to family members. Confessions obtained by police prior to a detainee's appearance before a judge and

without an attorney present are not valid. A prosecutor leads the investigation of a detainee's claim of mistreatment.

Pretrial Detention: The new criminal procedure code, which the government began implementing in November, aims to lessen the problem of pretrial detention, since cases were processed with greater speed. Observers believed the new system was effective in reducing the rates of pretrial detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Judicial officials received threats from organized crime groups, and the government assigned police protection to them.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to a presumption of innocence, to be informed promptly and in detail of the charges brought against them, to have a trial without undue delay, to be present at their trial, to communicate with an attorney of their choice (or have one provided at public expense if they are unable to afford one), to have adequate time and facilities to prepare a defense, to receive free assistance of an interpreter, to not be compelled to testify or confess guilt, to confront prosecution or plaintiff witnesses and present one's own witnesses and evidence, and to appeal.

Juries are not used; under the previous criminal procedural code, trial proceedings usually consisted of written arguments to the judge and were not normally made public. Only the judge, prosecutor, and defense attorney had access to the written record. Individual judges could elect to hear oral arguments, but most judges chose to rule on a case solely based on an examination of written documents, a major factor slowing down the judicial process.

During the year the government prepared a transition from an inquisitorial system to an accusatory system of criminal justice to address inefficiency, opacity, and the overuse of pretrial detentions, as well as to establish a more fair and transparent judicial system that provides greater advocacy to victims. Parliament approved the reform of the criminal procedure code in 2014 and passed two laws to begin to put the new code into practice. The government trained police, prosecutors, and

judicial personnel throughout the year. The government also carried out numerous interagency training sessions, with support from civil society and international organizations, to train legal and judicial officials on the new code.

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 by government agents. An independent and impartial judiciary handles civil disputes, but its decisions were sometimes ineffectively enforced. Local police lacked the training and staff to enforce restraining orders, which often were generated during civil disputes related to domestic violence. Cases involving violations of an individual's human rights may be submitted through petitions filed by individuals or organizations to the Inter-American Commission of Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights. The court may order civil remedies including fair compensation to the individual injured.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, 66 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Through its refugee commission, the government has a system for adjudicating asylum claims, providing protection to refugees, and finding durable solutions, including resettlement.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2014 Tabare Vazquez of the Frente Amplio (Broad Front) coalition won a five-year presidential term in a free and fair runoff election. The runoff followed a series of party primaries and a free and fair first-round election involving seven political parties. In parliamentary elections in 2015, the Frente Amplio won 15 of 30 seats in the Chamber of Senators and 50 of 99 seats in the Chamber of Representatives.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. While officials sometimes engaged in corrupt practices, authorities addressed them with appropriate legal action, and the country was considered to have a low level of corruption.

Corruption: In September, Vice President Raul Sendic resigned from office amid investigations into acts of corruption and complaints of mismanagement surrounding him. Sendic was under investigation for allegedly making personal expenditures on an official credit card and mismanaging state-owned oil company ANCAP.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials. Each year the presidentially appointed Transparency and Ethics Board lists the names of government officials expected to file a declaration on its website and informs the individuals' organizations of those expected to comply. The government official, the judiciary, a special parliamentary committee, or the board may access the information in the declarations (by majority vote of the board). The board may direct an official's office to withhold 50 percent of the employee's salary until the declaration is presented, and it may publish the names of those who fail to comply in the federal register. There is a requirement for filing, but there is no review of the filings absent an allegation of wrongdoing.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 often were cooperative and responsive to their views.

Government Human Rights Bodies: The INDDHH, an autonomous agency that reports to parliament, is composed of five board members proposed by civil society organizations and approved by a two-thirds vote in parliament for a period of five years (renewable one time). It is tasked with the defense, promotion, and protection of the gamut of human rights guaranteed by the constitution and international law.

Parliament's special rapporteur on the prison system advises lawmakers on monitoring compliance with domestic legislation and international conventions. The special rapporteur oversees the work of the institutions that run the country's prisons and the social reintegration of former prisoners.

The Secretariat for Human Rights of the Office of the President is the lead agency for the human rights components of public policy within the executive. It is led by a governing board composed of the secretary of the Office of the President of the Republic, who acts as chair, and the ministers for foreign affairs, education and culture, interior, and social development. The Secretariat for Human Rights for the Recent Past of the Office of the President has the responsibility to examine and ascertain the truth about human rights violations that occurred between June 1968 and March 1985 under the responsibility or with the acquiescence of the state.

The Honorary Committee Against Racism, Xenophobia, and All Other Forms of Discrimination is tasked with analyzing the situation with regard to racism and discrimination. The committee plans educational campaigns intended to preserve social, cultural, and religious pluralism; to eliminate discriminatory, xenophobic, and racist attitudes; and to promote respect for diversity. It also receives and centralizes information on racist, xenophobic, and discriminatory behavior and provides free and comprehensive advice to persons or groups who consider themselves to be victims of discrimination or racist attitudes. The committee includes government, religious, and civil society representatives. The committee had not been allocated a budget since 2010 but received economic support from the government for some activities.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and domestic violence. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape, and authorities effectively enforced the law. The law criminalizes domestic violence, including physical, psychological, and sexual violence.

The Ministry of Interior reported 117 cases of rape and 19 cases of attempted rape in 2016. The number of rape cases and attempted rape cases increased 29 percent in the first half of the year, compared with the same period in 2016. There were 31,854 reports of domestic violence in the first 10 months of the year. In the first half of the year, reports of domestic violence increased by 12 percent, compared with the same period in 2016. In the first 10 months of the year, 23 women died because of domestic violence perpetrated by their partners or family members. During the year the government applied the electronic bracelet program in 526 cases to address domestic violence.

The law allows sentences of six months' to two years' imprisonment for a person found guilty of committing an act of violence or making continued threats of violence. Civil courts decided most domestic cases, and judges in these cases often issued restraining orders, which were difficult to enforce. The judiciary and the Ministry of Interior continued the use of double ankle-bracelet sets (one bracelet for the victim and one for the aggressor) to track the distance between the two. The ministry reported having trained 15,000 police officers on domestic violence issues since 2012.

The Ministry of Social Development, some police stations in the interior, the National Institute for Children and Adolescent Affairs (INAU), and nongovernmental organizations (NGOs) operated shelters where abused women and children could seek temporary refuge. NGOs and government actors reported the shelters were often overcrowded. The Montevideo municipal government and the state-owned telephone company, Antel, funded a free nationwide hotline operated by trained NGO employees for victims of domestic violence.

The government's 2016-19 Action Plan For a Life Free of Gender-Based Violence provides for interagency coordination on violence prevention, access to justice, victim protection and attention, and punishment of perpetrators. It also promoted social and cultural awareness and provided training for public servants. The Prosecutor General's Office established a specialized gender unit in September

2016 to incorporate a gender perspective in the agency's work, promote greater respect for women's rights, combat gender-based violence, and enhance interagency coordination.

Sexual Harassment: The law prohibits sexual harassment in the workplace and punishes it by fines or dismissal. The law establishes guidelines for the prevention of sexual harassment in the workplace, as well as in student-professor relations, and provides damages for victims. In September the government passed a decree regulating the 2009 law against sexual harassment in the workplace.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides the same legal status and rights for women as for men. Women, however, faced discrimination in employment, pay, credit, education, housing, and business ownership. The law does not require equal pay for equal work. In April the National Institute of Statistics reported the salary of women in the labor market ranged from 10 to 30 percent below that of men.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and/or from one's parents. The government immediately registered all births.

Child Abuse: A total of 2,198 cases of violence against children and adolescents were entered into the INAU information system as of October. INAU reported an increase in its nationwide hotline hours of operation by 45 percent in 2016. The System for the Protection of Childhood and Adolescence Against Violence (SIPIAV) and the NGO Claves implemented awareness campaigns. SIPIAV coordinated interagency efforts regarding the protection of children's rights. In June Jorge Cardona of the UN Committee for the Rights of Children raised concern over high poverty affecting children in the country.

Early and Forced Marriage: The legal minimum age for marriage is 18, but with parental consent it is 12 for girls and 14 for boys.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography; some children were victims, and authorities made efforts to enforce the law. The law does not specifically criminalize prostitution of children as child sex trafficking. The law establishes the minimum age for consensual sex as 12. When a sexual union takes place between an adult and a minor under age 15, violence is presumed and statutory rape law, which carries a penalty of two to 12 years in prison, may be applied. Minors between 12 and 15 may legally engage in consensual sex with each other. Penalties for trafficking children range from four to 16 years in prison. The penalty for child pornography ranges from one to six years in prison, and the law was effectively enforced

In 2016 the National Committee for the Eradication of the Commercial and Noncommercial Sexual Exploitation of Children and Adolescents approved a national plan of action for 2016-21.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Central Jewish Committee reported that the Jewish community had an estimated population of 15,000.

In January the government allocated media network time to broadcast a commemorative message for International Holocaust Day issued by the Ministry of Education and Culture. Parliament also commemorated International Holocaust Day at a widely attended ceremony.

In March the municipality of Paysandu inaugurated a plaque on the corner where Jewish businessman and community leader David Fremd was stabbed to death in March 2016 by a schoolteacher allegedly aligned with anti-Jewish movements. Parliament paid homage to Fremd during a special session. Representatives from Fremd's family, the Red Cross, the Catholic Church, the Jewish community, and social organizations, as well as the Israeli ambassador, attended the ceremonies. The Central Jewish Committee organized a workshop on antidiscrimination legislation attended by government officials, Supreme Court of Justice representatives, and Argentine religious officials.

The Ministry of Defense met with the Central Jewish Committee and political leaders to discuss how to dispose of an 800-pound bronze eagle remnant of the Nazi German World War II-era cruiser *Admiral Graf Spee* that sank off the coast in 1939. While some suggested displaying the piece along with other remnants of the ship in a museum, the Central Jewish Committee and politicians feared that exhibiting the piece could attract and embolden foreign and domestic neo-Nazi supporters.

The Holocaust Memorial in Montevideo was vandalized twice in the span of a week with anti-Semitic graffiti. The memorial was defaced with messages denying the Jewish genocide during World War II. On both occasions local authorities immediately removed the graffiti, condemned the act of vandalism, announced the monument would be monitored, and asked citizens to practice good sense, tolerance, and peace. There were also reports of anti-Semitic graffiti around bus stops.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law prohibits abuse of persons with disabilities in educational and mental facilities. The law also grants persons with disabilities the right to vote and participate in civic affairs without restriction. The government in general did not monitor compliance and did not effectively enforce provisions or promote programs to provide for access to buildings, information, public transportation, and communications.

PRONADIS is the governmental entity responsible for developing actions, programs, and regulations to provide building and facilities access; cultural, sports and recreational opportunities; education; and employment to persons with disabilities. The Ministry of Social Development continued to train government employees on dealing with persons with disabilities.

The law reserves no less than 4 percent of public-sector jobs for persons with physical and mental disabilities. In July a report of the National Office of Civil

Service of the Presidency of the Republic stated that only 0.66 percent of government job vacancies in 2016 were filled by persons with disabilities. Representative Camila Ramirez (an alternate in the National Party), the country's first deaf member of parliament, stated in August she was not allowed to enter the Chamber of Representatives with an interpreter.

Government decrees certify and regulate the use of canes and establish provisions for extending adequate training in their use. Guide dogs legally have full access to public and private premises and transportation. Most public buses did not have provisions for passengers with disabilities other than one reserved seat, although airports and ports offered accessibility accommodations. The law also provides tax benefits to private-sector companies and grants priority benefits to small and medium-sized companies owned by persons with disabilities.

The law grants children with disabilities the right to attend school (primary, secondary, and higher education). Ramps built at public elementary and high schools facilitated access. The state-funded University of the Republic offered sign-language interpreters for deaf students. Some government buildings, commercial sites, movie theaters, and other cultural venues lacked access ramps. Plan Ceibal continued to offer specially adapted laptops to children with disabilities.

In March the government enacted a protocol for the inclusion of persons with disabilities in public education centers. In May a civil court ruling obligated the state to ensure that local television channels have sign language interpretation or subtitles for all local programs.

National/Racial/Ethnic Minorities

The country's Afro-Uruguayan minority continued to face societal discrimination and high levels of poverty. The interagency antidiscrimination committee and the National Institution of Human Rights continued to receive complaints of racism. In June, as head of the government's ethnic and racial equality efforts, the Ministry of Social Development and NGOs jointly commemorated the second annual month of Afro-descendant heritage with cultural and awareness activities. The ministry trained 295 persons on Afro-descendent issues in 2016. The National Police Academy, National School for Peacekeeping Operations of Uruguay, and Ministry of Foreign Affairs' School of Diplomacy included discrimination awareness training as part of their curricula.

NGOs reported “structural racism” in society and noted that the percentage of Afro-Uruguayans working as unskilled laborers was much higher than for other groups. Afro-Uruguayans were underrepresented in government (two representatives in parliament and the president of the National Postal Service were Afro-Uruguayan), academia, and in the middle and upper echelons of private-sector firms. The law grants 8 percent of state jobs to Afro-Uruguayan minority candidates who comply with constitutional and legal requirements. Unemployment of Afro-Uruguayan women remained high. The National Employment Agency is required to include Afro-Uruguayans in its training courses. The law also requires that all scholarship and student support programs include a quota for Afro-Uruguayans, and it grants financial benefits to companies that hire them.

In November the domestic NGO Jovenes Afro-Uruguayos filed a formal complaint regarding a case of racial discrimination involving BSE, a state-owned bank. According to petitioners, the bank kept a list with the names of Afro-Uruguayan customers marked in red, required them to wear a red ribbon on their clothes, and seated them together in one area. Bank officials later publicly apologized for the incident and committed to improving its processes.

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

The law prohibits discrimination based on sexual orientation and gender identity. Authorities generally protected the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, although civil society representatives asserted that generally government mechanisms for protection were weak and ineffective. Leaders of civil society organizations reported that despite the legal advancement of LGBTI issues, societal discrimination remained high. In 2016 the Ministry of Social Development launched a Consultative Council on Sexual Diversity represented by members of various NGOs, which provides recommendations to the government on sexual diversity policies. The ministry reported that 30 percent of transgender persons were unemployed, 65 percent worked in prostitution, and the majority had low levels of education. Members of the transgender community claimed to suffer social discrimination in society and within their families. Michelle Suarez, who in October joined parliament as the country’s first transgender senator, vowed to use her position to expand and protect the rights of transgender persons.

In May the Ministry of Tourism launched an international tourism campaign based on the country's respect for diversity.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The government respected and effectively enforced these rights in practice. The government and employers respected freedom of association and the right to collective bargaining in practice. Civil servants, employees of state-run enterprises, private-enterprise workers, and legal foreign workers may join unions. The law regulates collective bargaining and grants the government a significant role in adjudicating labor disputes. The law also designates trade unions to negotiate on behalf of workers whose companies are not unionized. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay them an indemnity. In addition, if an employer contracts employees from a third-party firm, the law holds the employer responsible for possible labor infringements committed by the third-party firm. Workers in the informal sector were excluded from these protections.

The Collective Bargaining Division of the Ministry of Labor and Social Security investigates antiunion discrimination claims filed by union members. Information on government remedies and penalties for violations was not available. There were generally effective, albeit lengthy, mechanisms for resolving workers' complaints against employers. The law establishes a conciliatory process before a trial begins and requires that the employer be informed of the reason for a claim and the alleged amount owed to the worker.

Worker organizations operated free of government and political intervention. The governing Frente Amplio coalition provided strong political support to labor unions in general, and unions were very active in the political and economic life of the country and in advocating for public policies.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced the law. The law establishes penalties of two to 12 years of prison for forced labor crimes. Penalties were sufficient to deter violations. The labor ministry investigated three cases of forced labor during the year. Information on the effectiveness of inspections and governmental remedies was not available. Foreign workers were vulnerable to forced labor in agriculture, construction, and domestic service.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 15, but INAU may issue work permits for children ages 13 to 15 under circumstances specified by law. Minors ages 15 to 18 must have government permission to work, undergo physical exams prior to beginning work, and renew the exams yearly to confirm that the work does not exceed the physical capacity of the minor. The government maintains a list of hazardous or fatiguing work that minors should not perform and for which it does not grant permits. Children ages 15 to 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.

The Ministry of Labor is responsible for overall compliance with labor regulations, but INAU is responsible for enforcing child labor laws. Violations of child labor laws by companies and individuals are punishable by fines determined by an adjustable government index. Parents of minors involved in illegal child labor may receive a sentence of three months to four years in prison, according to the penal code. These penalties were sufficient to deter violations.

Due to a lack of dedicated resources, enforcement was mixed and particularly poor in the informal economy, where most child labor occurred. The main child labor activities reported in the interior of the country were on small farms, maintenance work, animal feeding, cleaning milking yards, cattle roundup, beauty shops, and as kitchen aids. In Montevideo the main labor activities were in the food industry (supermarkets, fast food restaurants, and bakeries) and in services, gas stations, customer service, delivery services, cleaning, and kitchen aid activities. In 2016, the latest year for which data was available, INAU worked with the Ministry of Labor and the National Insurance Bank to investigate 55 percent more child labor

complaints than in 2015 and worked with the Ministry of Interior to enhance the judiciary's ability to prosecute cases. INAU had seven trained child-labor inspectors (four in Montevideo and three in the interior), who completed 2,649 inspections in 2016. INAU continued its efforts to prevent and regulate child labor and provided training on child labor matters.

Child labor continued to be reported in activities such as domestic service, street vending, garbage collection and recycling, construction in the informal sector, and in agriculture and forestry sectors, which were generally less strictly regulated and where children often worked with their families.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV status, or other communicable diseases. The government in general effectively enforced applicable law and regulations.

Discrimination in employment and occupation occurred with respect to sex and race. The government took steps to prevent and eliminate discrimination (see sections 5 and 6).

e. Acceptable Conditions of Work

The monthly minimum wage for all workers was 11,150 pesos (\$380). The official per capita poverty income level was approximately 10,740 pesos (\$370) per month, according to the National Institute of Statistics.

The law stipulates that the standard workweek for those in the industrial and retail sectors may not exceed 44 or 48 hours with daily breaks of 30 minutes to two and one-half hours, depending on the sector. The law requires that workers receive premium pay for work in excess of regular work schedule hours. The law entitles all workers to 20 days of paid vacation after one year of employment and to paid annual holidays, and it prohibits compulsory overtime beyond a maximum 50-hour workweek. Employers in the industrial sector are required to give workers either

Sunday off or one day off every six days of work (variable workweek). Workers in the retail sector are entitled to a 36-hour block of free time each week.

The Ministry of Labor sets occupational safety and health standards, and the standards were current and appropriate for the main industries in the country. The law and regulations protect the rights of foreign and national workers in the formal sector but does not extend protection to the informal economy or to female foster caregivers for abandoned children who provide services on behalf of INAU.

Formal-sector workers, including domestic and migrant workers and workers in the agricultural sector, are covered by laws on minimum wage, hours of work, and occupational health and safety standards. Agricultural workers had a slightly higher minimum wage. These laws do not cover workers in the informal sector.

The Ministry of Labor is responsible for enforcing the minimum monthly wage for both public- and private-sector employees and for enforcing legislation regulating health and safety conditions. The ministry had 120 labor inspectors. The number of penalties imposed for labor violations was unavailable, and penalties appeared to be insufficient to deter violations of labor laws in all cases.

The government monitored wages and other benefits, such as social security and health insurance, through the Social Security Fund and the Internal Revenue Service. The Ministry of Public Health's Bureau of Environment and Occupational Work is responsible for developing policies to detect, analyze, prevent, and control risk factors that may affect workers' health. In general authorities effectively enforced these standards in the formal sector but less so in the informal sector.

The labor ministry's Social Security Fund monitored domestic work and may obtain judicial authorization to conduct home inspections to investigate potential labor law violations.

By law workers may not be exposed to situations that endanger their health or safety and may remove themselves from such situations without jeopardy to their employment. Government authorities and unions protected employees who removed themselves from such activities. The Ministry of Agriculture is responsible for carrying out safety and health inspections in the agricultural sector.

The Ministry of Labor reported 33,000 labor accidents and 14 labor-related deaths in 2016, compared with 41,000 accidents and six deaths in 2014. The ministry also

reported a reduction of accidents in the construction sector from 6,000 accidents to 3,700. The National Employment and Professional Development Institute and the Construction Training Center trained workers from high-risk areas.