

# Uruguay 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Uruguay during the year.

Significant human rights issues included credible reports of harsh and potentially life-threatening conditions in some prisons.

The government took credible steps to identify and punish officials who might have committed human rights abuses.

## Section 1. Respect for the Integrity of the Person

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

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### 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, and Other Related Abuses**

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

### **Prison and Detention Center Conditions**

Prison and detention center conditions were poor and inhuman in several facilities due to overcrowding, poor sanitary conditions, inadequate medical care, and high levels of violence among inmates.

**Abusive Physical Conditions:** As of December, the inmate population was 126 percent or more above design capacity. Eleven prisons were above 100 percent capacity, six were above 150 percent capacity, and four above 200 percent capacity. In the most overcrowded prisons, inmates slept on the floor.

Authorities sometimes held men and women in mixed-gendered prisons and assigned women to the worst parts of prisons, with less access to food, private spaces, and visits from family members.

Certain prisons lacked hygiene, sufficient access to potable water, sufficient or satisfactory food, and adequate educational and work opportunities. The special rapporteur and the National Torture Preventive Mechanism (NPM) reported inadequate routine and emergency medical care. Prisons lacked

mental health and substance abuse rehabilitation services.

According to a parliament-appointed special rapporteur, 34 percent of inmates in 2021 suffered from cruel, inhuman, or degrading treatment, and 56 percent of inmates were improperly prepared for social integration upon release.

Authorities sometimes kept prisoners confined in cells for long periods without the opportunity to exercise and without access to showers or sanitary facilities.

The NPM and special rapporteur reported high levels of violence in prisons, both institutional and among inmates, particularly in larger prisons. As of November, there were 11 homicides due to prisoner-on-prisoner violence.

**Administration:** Independent authorities conducted investigations of credible allegations of mistreatment.

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

#### **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in

court. The government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

Police apprehended suspects with warrants issued by a duly authorized official and brought them before an independent judiciary. The law provided for arrests to be made without a judge's order when persons were caught in the act of committing a crime. It required a suspect be brought before a judge within 24 hours and charged with a crime. Detainees were allowed prompt access to a lawyer of their choice, or one provided by the state. These rights were respected; however, the *2021 National Torture Prevention Mechanism Report* stated the government could not always provide a defense attorney to detainees unable to afford a private attorney.

There was a bail system, but it was rarely used. Most persons facing lesser charges were released on their own recognizance. Officials allowed detainees prompt access to family members.

## **e. Denial of Fair Public Trial**

The constitution provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

## **Trial Procedures**

The constitution provided for the right to a fair and public trial, and the

judiciary generally enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.

### **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right.

An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

**Libel/Slander Laws:** Defamation was a criminal offense punishable if convicted by four months to three years in prison, a fine, or both.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provided 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 <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these

rights.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees.

## **Section 3. Freedom to Participate in the Political Process**

The constitution and the law provided 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**

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights cases and publish their findings. Government officials were often cooperative and responsive to their views.

**Government Human Rights Bodies:** The National Human Rights Institution (INDDHH) was an autonomous agency with quasi-judicial powers that reported to parliament. It was composed of five board members nominated by civil society organizations and approved by a two-thirds vote in



parliament for five-year terms that could be renewed once. The INDDHH was tasked with the defense, promotion, and protection of human rights provided for by the constitution and international law. The NPM functioned within the INDDHH, conducting regular monitoring of detention facilities and issuing reports and recommendations. Observers considered the INDDHH independent and effective in achieving its human rights objectives.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalized rape (including of men), including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence, as well as so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law provided for sentences of three to 16 years' imprisonment for a person convicted of rape, and authorities effectively enforced the law. The law criminalized domestic violence and provided for sentences of six months' to two years' imprisonment for conviction of committing an act of domestic violence or making continued threats of violence. Civil courts decided most domestic cases, and judges in these cases often issued restraining orders, which were sometimes difficult to enforce.

The law addressed abuse that was physical, psychological, emotional, sexual, based on sexual orientation and gender identity, economic, related

to assets, symbolic, obstetric, labor-related, educational, political, or related to media presence. It also included sexual harassment and femicide.

According to civil society representatives, the law was not being fully implemented. In February 2022, the government inaugurated the first of the specialized courts provided for by the law, a delay in implementation of five years.

**Other Forms of Gender-based Violence or Harassment:** The law prohibited sexual harassment in the workplace, which was punishable by fines or dismissal. The law established guidelines for the prevention of sexual harassment in the workplace, as well as in student-professor relations, and provided for damages to victims. The Ministry of Labor received reports of sexual harassment, its inspectors investigated claims of sexual harassment, and the ministry issued fines as necessary.

**Discrimination:** The law provided the same legal status and rights for women as for men, and those laws were generally respected. Women, however, faced discrimination in employment, pay, credit, education, housing, and business ownership. According to the United Nations, women's employment was concentrated in a relatively small number of specific occupations and sectors, including services, sales, social services, health services, education, and domestic and unskilled labor. Women earned lower wages than their male counterparts, on average 25 percent less for similar work. Only an estimated 20 percent of companies reported

having women in leadership positions. According to a 2020 study published by the Economic Commission for Latin America and the Caribbean and UN Women, 10 years after having a first child, women's monthly salaries averaged 42 percent lower than that of women in similar circumstances who did not have children. A 2021 study conducted by consultancy company Acrux Partners reported women had less access to credit than men.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government recognized, protected, and promoted sexual and reproductive rights without discrimination. Problems remained, however, in the full implementation of these policies, especially in the interior of the country and for marginalized populations. Adolescents; LGBTQI+ persons; persons with disabilities; and Afro-Uruguayan and other lower-income groups lacked full access to contraception and reproductive medical care.

The government provided for individuals to be informed and have access to safe, effective, and affordable methods of family planning and contraception of their choice. Emergency contraception was available as part of the method mix. The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception as part of clinical management of rape. Teenage girls who were pregnant or were already mothers had lower levels of education, poorer, and more socially vulnerable.

## Systemic Racial or Ethnic Violence and Discrimination

The constitution and law prohibited discrimination based on race or ethnicity, and the government made efforts to enforce the law. Nonetheless, the country's Afro-Uruguayan minority continued to face societal discrimination, high levels of poverty, and lower levels of education. Government efforts to mitigate the problem included a law allocating 8 percent of government jobs to Afro-Uruguayan candidates who comply with constitutional and legal requirements. The quota had yet to be reached by year's end. The law also required all scholarship and student support programs include an 8 percent quota for Afro-Uruguayans, and it provided for financial benefits to companies that hired them. Nonetheless, the United Nations reported difficulties in meeting quotas.

According to a 2020 World Bank report on social exclusion, Afro-Uruguayans earned 20 percent less than the population as a whole for the same work. Afro-Uruguayan women had an unemployment rate of 14 percent, compared with 8 percent for the general population. The law required that 8 percent of government positions be filled with Afro-Uruguayans. The National Office of the Civil Service oversaw compliance with the Afro-Uruguayan (and other) employment quota requirements and submitted reports to parliament. The office reported that although 8 percent of vacancy announcements were designated for Afro-Uruguayan applicants, as of 2021 less than 1 percent of designated positions were filled with Afro-

Uruguayans.

## Children

**Child Abuse:** There were laws against child abuse, and penalties if convicted varied according to type of abuse. The prison sentence for conviction of sexual abuse of children varied from two to 16 years in prison, depending on the gravity of the case. Sentences for conviction of assault ranged from three months to eight years in prison, and for domestic violence from six months to two years in prison. The government enforced laws effectively.

The National Institute for Children and Adolescent Affairs (INAU) provided a free, nationwide hotline. INAU's System for the Protection of Children and Adolescents against Violence, together with nongovernmental organizations (NGOs), implemented awareness campaigns, and the institute coordinated interagency efforts on the protection of children's rights.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage was 16, but the law required parental consent through age 18. The law defined forced marriage as a form of exploitation. The laws were effectively enforced.

**Sexual Exploitation of Children:** The law prohibited the commercial sexual exploitation, sale, grooming or using children for commercial exploitation, including child sex trafficking. The law prohibited child pornography. The legal minimum age for consensual sex was age 15. Authorities enforced the

law.

## **Antisemitism**

The Jewish Studies department of ORT (the Organization for Educational Resources and Technological Training) at the University and the National Israel Council estimated the country's Jewish population ranged from 12,000 to 30,000 persons. Representatives of Jewish organizations reported increased antisemitism in social media during the year, including instances of Holocaust denial and trivialization. They stated antisemitic social-media commentary was particularly common during public events that involved members of the Jewish community. These included the final match of the Uruguayan basketball league between the Nacional and the Jewish-community-founded Hebraica teams and the national Uruguayan soccer team match against the Israeli national team in the semifinals of the U-20 World Cup. In October antisemitic commentary increased substantially following the start of the Israel-Hamas conflict.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or**

## Sex Characteristics

**Criminalization:** The law did not criminalize same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors. Laws concerning statutory rape, immorality, or loitering were not disproportionately applied to LGBTQI+ persons.

**Violence and Harassment:** Police or other government agents did not incite, perpetrate, condone, or tolerate violence or harassment against LGBTQI+ individuals or those reporting abuse. Nevertheless, civil society organizations reported LGBTQI+ persons faced violence and discrimination; 45 percent of transgender persons reportedly suffered violence due to their gender identity.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. It recognized LGBTQI+ individuals, couples, and their families and granted them rights equal to rights of other persons. Leaders of civil society organizations reported, however, that despite the legal advancement of LGBTQI+ rights, societal discrimination remained high. Nonbinary persons reported lack of visibility of this gender identity in legislation and several institutional settings. Authorities enforced the law and endeavored to protect the rights of LGBTQI+ persons.

The Latin America and Caribbean Transgender Persons Network

(REDLACTRANS) presented a study in 2018 that stated human rights abuses of transgender women included discrimination, violence and aggression, theft, violation of the right to access justice, harassment, and homicide. Discrimination toward transgender women was typically worse in the interior of the country, which tended to be more conservative and had smaller populations. REDLACTRANS reported most transgender persons did not finish high school and most transgender women worked in the informal sector, where social benefits were not always provided. They tended to be more vulnerable to dangerous and uncomfortable situations in commercial sex and were less likely to report threats or attacks. Civil society reported it was less frequent for transgender men to be expelled from their homes; however, they suffered from high rates of depression and suicide. Observers also noted they generally did not complete their education and therefore usually had unskilled and low-paying jobs.

A law set an employment quota for transgender persons in the public sector at 1 percent, but the National Office of the Civil Service reported only 0.036 percent of civil service hires in 2021 were transgender persons. A 2020 World Bank Report stated transgender persons, especially transgender men, had the highest level of unemployment in the entire population. Thirty-four percent of the transgender population was unemployed; the unemployment rate among transgender women was 30 percent and 43 percent among transgender men. Among those employed, approximately one-third were commercial sex workers.



**Availability of Legal Gender Recognition:** NGOs reported that although the law established the right of transgender persons to hormone therapies and sex reassignment surgery, there were reports some health-care providers did not offer these options to patients, without any consequence for not complying with the law. Furthermore, civil society reported sex reassignment surgery was available only for transgender women (male to female). The Integral Law for Transgender Persons Act provided for gender recognition, but the only options available were man, woman, transgender man, and transgender woman identifiers. The law did not provide for “nonbinary, intersex, or gender nonconforming” identifiers.

**Involuntary or Coercive Medical or Psychological Practices:** There were no reports of forced or involuntary so-called conversion therapy practiced on adults or children to change sexual orientation or gender identity or expression. Medically unnecessary and irreversible “normalization” surgeries were not performed on children or on nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no restrictions on these freedoms.

## **Persons with Disabilities**

Persons with disabilities did not have access to education, employment, health services, public buildings, and transportation on an equal basis with

others. The law required such access, as well as communication and information in accessible formats. The law provided for the protection of the rights and prohibited abuse of persons with physical, sensory, intellectual, and mental disabilities, including access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. Nevertheless, the law was not effectively or consistently enforced.

Civil society representatives stated there was a general lack of services for persons with disabilities in the country's interior. The Ministry of Social Development administered several programs that provided for temporary housing support, care-giving services, legal assistance, and access to transportation, education, vocational training, and employment services; however, the ministry lacked the capacity to reach all persons with disabilities.

Private and government-run facilities were unprotected and vulnerable due to lack of effective mechanisms for supervision. According to a 2020 World Bank report on social inclusion, persons with disabilities faced barriers to participation in numerous sectors, especially in the labor market, education, and access to public spaces. For example, the mobility of persons with disabilities was limited in Montevideo because only 450 of 1,500 public transportation buses were accessible for persons with disabilities, and those that were accessible operated with limited frequency on routes that did not

include all areas of the city. Government buildings, commercial sites, movie theaters, and other cultural venues as well as many public sidewalks lacked access ramps. NGO representatives reported hospitals and medical services were not always accessible to patients with disabilities. Medical staff often lacked training to deliver primary care and attention to these patients.

The law provided for the right of children with disabilities to attend school (primary, secondary, and higher education). An international organization reported “special schools” existed for children with disabilities, resulting in a de facto segregation for these children. Children with disabilities attended school at significantly lower rates than children without disabilities and their completion rates were significantly lower than those of children without disabilities or children with disabilities in segregated schools. Very few adolescents with disabilities were enrolled in secondary education. NGOs reported some public schools built after enactment of the law protecting persons with disabilities did not comply with accessibility requirements and usually did not have resources to meet the specific needs of students with disabilities.

The NPM monitored abuse in centers for children with mental health disabilities, including physical and verbal mistreatment. Some centers prioritized security, order, and control, and lacked proper channels to report abuse. According to the NPM, some children were held long after being medically eligible for discharge due to the unavailability of adequate follow-

up assistance.

The NPM also reported problems in temporary processing centers where children or adolescents separated from their families were sent for diagnosis, evaluation, and initial care. Abuses included prolonged stays, overcrowding, mistreatment, stressful conditions, and a lack of staff. A 2020 World Bank report stated 59 percent of working-age persons with disabilities participated in the labor market, compared with 76 percent for persons who did not report disabilities. The law required a hiring quota for persons with disabilities in the public and private sectors; however, the National Office of the Civil Service stated only 0.4 percent of civil service hires during 2021 were persons with a disability.

**Institutionalized Children:** The NPM reported on abuse in centers for children with mental health disabilities, including physical and verbal mistreatment. Some centers prioritized security, order, and control, and some lacked proper channels to report abuse. According to the NPM, some children were held long after being medically eligible for discharge due to the unavailability of adequate follow-up assistance.

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## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and the law, including related regulations and statutory instruments, protected the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The government and employers respected freedom of association and the right to collective bargaining. Civil servants, employees of state-run enterprises, private-enterprise workers, and legal foreign workers could join unions. The law prohibited antiunion discrimination and required employers to reinstate workers, including migrant workers, fired for union activities and to pay them an indemnity. Workers in the informal sector were excluded from these protections.

The government effectively enforced applicable labor laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied to violators.

Worker organizations operated free of government and political interference. Labor union leaders were strong advocates for public policies and even foreign policy issues and remained very active in the political and economic life of the country. In May, parliament approved changes to

collective bargaining legislation. The revised law partially complied with International Labor Organization (ILO) recommendations to ensure that collective bargaining was voluntary. The ILO had previously noted the rule under which tripartite bodies were permitted to negotiate wages (terms and conditions of work were negotiated bilaterally between employers and workers organizations) might have constituted mandatory collective bargaining and was inconsistent with relevant ILO conventions.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **d. Discrimination (See section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a national minimum wage, and the monthly minimum wage for all workers was above the poverty line.

Formal-sector workers, including part-time workers, domestic and migrant

workers, and workers in the agricultural sector, were covered by laws on minimum wage and hours of work.

The law stipulated a workday of not more than eight hours a day and a standard workweek for those in the industrial and retail sectors not to exceed 44 or 48 hours, with daily breaks of 30 minutes to two and one-half hours. The law required workers receive premium pay for work more than regular work schedule hours. The law entitled all workers to 20 days of paid vacation after one year of employment and paid annual holidays, and it prohibited compulsory overtime beyond a maximum 50-hour workweek. Employers in the industrial sector were required to give workers either Sunday off or one day off every six days of work (variable workweek). Workers in the retail sector were entitled to a 36-hour block of free time each week. Workers in the rural sector were restricted to not more than 48 hours of work in a period of six days.

**Occupational Safety and Health:** The law proscribed exposure of workers to situations that endangered their health or safety and provided for them to remove themselves from such situations without jeopardy to their employment. The Ministry of Labor set occupational safety and health (OSH) standards, and the standards were current and appropriate for the main industries in the country. OSH experts actively identified unsafe conditions and responded to workers' OSH complaints. Government authorities and unions protected employees who removed themselves from

such activities. In some cases, workers were not informed of specific hazards or employers did not adequately enforce labor safety measures.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor was responsible for enforcing the minimum monthly wage for both public- and private-sector employees and for enforcing legislation regulating OSH conditions. 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 was responsible for developing policies to detect, analyze, prevent, and control risk factors that could affect workers' health. The ministry had 120 labor inspectors throughout the country, which was sufficient to enforce compliance. Penalties were commensurate with those for similar crimes and were regularly applied against violators.

The Labor Ministry's Social Security Fund monitored domestic work and with judicial authorization conducted home inspections, some unannounced, to investigate potential labor law violations and initiate sanctions when necessary. Conditions for domestic workers included labor rights, social security benefits, wage increases, and insurance benefits.

Minimum wage, hour, and OSH laws were not enforced in the informal sector, which accounted for 22 percent of the workforce.