

# Uruguay

*The Government of Uruguay has enacted laws and designed policies aimed at combating the worst forms of child labor, including protection for domestic workers. However, children continue to work in worst forms of child labor in agriculture and domestic service. Staffing of the labor inspectorate remains low and there is little information on enforcement efforts, while a policy on combating hazardous child labor has yet to be adopted.*

## Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Uruguay are exploited in the worst forms of child labor,<sup>5288</sup> including in agriculture where they may be exposed to dangerous machinery, tools, and harmful pesticides.<sup>5289</sup> Children are also engaged in activities such as domestic service, which can leave children vulnerable to physical and sexual exploitation; and street vending, which leaves children exposed to a variety of dangers including harsh weather and criminal elements. Additionally, street children are reportedly involved in sorting garbage and begging.

Uruguay is a source and transit country for trafficking in persons. There are isolated reports of minors being trafficked within Uruguay, to the border and to tourist areas, for the purposes of sexual exploitation and forced labor.<sup>5290</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for employment at 15. Adolescents between age 15 and 18 require the permission of the Government to work.<sup>5291</sup> Permission is predicated upon passing a physical exam that must be renewed

yearly.<sup>5292</sup> The Government only grants permission to work to minors who have either finished nine years of compulsory education or who are enrolled in school. Work permits are not granted for hazardous, fatiguing, or night work.<sup>5293</sup> In 2006 a new law went into effect regulating the work of domestic workers, who were often being effectively exempted from the wage and hour regulations that protected other workers in Uruguay.<sup>5294</sup>

Uruguay's penal code prohibits forced or compulsory labor.<sup>5295</sup> The law also forbids both child pornography and prostitution.<sup>5296</sup> The Migration Act, adopted in 2008, prohibits the trafficking of persons in or out of the country for the purposes of forced labor or sexual exploitation.<sup>5297</sup> The law also lists trafficking of children or endangering the health of the victim as aggravating circumstances. It is illegal to enlist anyone under the age of 18 into the armed forces, even in time of war.<sup>5298</sup>

In 2009, Decree 321, regulating agricultural work, was passed.<sup>5299</sup> It includes a mandate for the Government to publish an annual list of the 50 most dangerous forms of labor for children and adolescents in agriculture. This list has been periodically published in the past, but is now meant to be published annually.<sup>5300</sup> The types of hazardous jobs classified by

their condition include work with machines, at heights, with hot or toxic substances, handling animals, or with sharp tools. Jobs that are hazardous by their nature include work involving long workdays, isolation, mistreatment or abuse, or exposure to immoral, illegal, or socially unacceptable situations.<sup>5301</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	14
	Free Public Education	Yes

### Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) chairs a Committee for the Eradication of Child Labor (CETI) which monitors national child labor issues. The committee is composed of Government agencies, industry and labor groups, and NGOs.<sup>5302</sup> The Uruguayan Institute for Children and Adolescents (INAU) is the agency with primary responsibility for enforcing child labor laws.<sup>5303</sup> When the MLSS receives complaints concerning children working in hazardous situations, it refers the child labor component of cases to the INAU.

The INAU has only five inspectors and one office worker.<sup>5304</sup> This lack of INAU inspectors has been noted by the ILO Committee of Experts.<sup>5305</sup> In an Individual Direct Request concerning Convention No. 182 the Committee notes the Government having

reported shortages in human resources and subsequent plans to assign ten more inspector positions to the INAU. There were no statistics on INAU inspection activities provided to the ILO in response to the request.<sup>5306</sup>

The Ministry of the Interior (MOI) investigates both child trafficking and the sexual and commercial exploitation of children.<sup>5307</sup> Children who are identified as victims of the worst forms of child labor as part of an MOI investigation can be placed under the protection or custody of the INAU. In 2009, there were five children from three cases placed in INAU custody. Generally, 2 years is the length of time it takes to resolve a case involving the commercial or sexual exploitation of children.<sup>5308</sup>

In 2009, a Specialized Court for Organized Crime was created. The two judges and two public prosecutors who operate this court have the responsibility to carry out investigations regarding all manner of organized crime, including the use of children in narcotics operations, the trafficking of children and the use of children for commercial and sexual exploitation.<sup>5309</sup> The exact number of cases is not known.

### Government Policies on the Worst Forms of Child Labor

The interdepartmental National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (NCESEC), in conjunction with the INAU, has a national plan of action against the commercial sexual exploitation of children.<sup>5310</sup> The goals of this plan are to: strengthen victims' rights; improve protection measures for victims and witnesses; keep children in school; reintegrate those children who had previously left school; and develop alternative income strategies for families.<sup>5311</sup> Further information on its impact could not be obtained.

The Government provided non-monetary support to anti-child labor campaigns by allowing several agencies to dedicate time to meet and develop national plans and strategies on child labor and trafficking.<sup>5312</sup> The INAU and CETI are reported to be drawing up a Plan of Action to address the issue of children working in hazardous conditions.<sup>5313</sup>

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participates in a program funded by the International Development Bank that provides long-term support for the implementation of a National Strategy for Children and Adolescents.<sup>5314</sup> This program includes initiatives to combat the worst forms of child labor, and increases investment in social programs aimed at keeping children in school and improving their performance.

In 2010, the Government is running a publicly funded campaign to distribute flyers and stickers in tourist destinations around the country. The aim is to raise awareness of the presence of exploitative child labor and to discourage participation by children in illegal activities.<sup>5315</sup> In celebration of the June 12 World Day Against Child Labor, the Government conducted an education campaign aimed at informing children about the dangers present in some forms of employment and of their labor rights. Some children continue to lack awareness about the worst forms of child labor and their labor rights.

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uruguay:

#### IN THE AREA OF ENFORCEMENT:

- Follow through on plans to increase the number of INAU inspectors.
- Increase the capacity of the Special Courts of Organized Crime to deal with crimes specifically related to cases of the commercial and sexual exploitation of children.
- Collect, analyze, and make publicly available statistics on inspections and child labor violations, in order to better target enforcement efforts.

#### IN THE AREA OF POLICY:

- Identify, track, and publish implementation statistics on the NCESEC's national plan of action against commercial and sexual exploitation.
- Finalize, adopt, and set implementation priorities for the plan of action to address hazardous child labor.

#### IN THE AREA OF PROGRAMS:

- Expand existing educational campaigns to inform children of the dangers present in some forms of employment and of their labor rights.

<sup>5288</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

<sup>5289</sup> U.S. Department of State, "Uruguay," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119176.htm>.

<sup>5290</sup> Ibid.

<sup>5291</sup> Government of Uruguay, *Código de la niñez y la*

*adolescencia*, (August 2, 2004), article 162; available from [www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17823&Anchor=](http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17823&Anchor=).

<sup>5292</sup> Ibid., article 167, 168.

<sup>5293</sup> Ibid., article 163, 172.

<sup>5294</sup> Government of Uruguay, *Ley 18.065*, (November 27, 2006); available from <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=18065&Anchor=>. See also "Las trabajadoras domésticas tienen derechos," *La Republica*, May 11, 2008; available from <http://www.larepublica.com.uy/mujeres/313191-las-trabajadoras-domesticas-tienen-derechos>.

<sup>5295</sup> Government of Uruguay, *Código penal de la República oriental del Uruguay*, (1986), article 280; available from [http://www.unifr.ch/derechopenal/legislacion/uy/cp\\_ uruguay.htm](http://www.unifr.ch/derechopenal/legislacion/uy/cp_uruguay.htm).

<sup>5296</sup> Government of Uruguay, *Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Niños, Adolescentes o Incapaces, Ley No. 17.815*, (August 18, 2004); available from <http://www.parlamento.gub.uy/Leyes/Ley17815.htm>.

<sup>5297</sup> Government of Uruguay, *Ley No 18.250*, (January 17, 2008), article 77, 78, 81.

<sup>5298</sup> Coalition to Stop the Use of Child Soldiers, “Uruguay,” in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>5299</sup> U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

<sup>5300</sup> *Ibid.*

<sup>5301</sup> U.S. Embassy- Montevideo, *reporting*, December 6, 2008.

<sup>5302</sup> U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

<sup>5303</sup> *Ibid.*

<sup>5304</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Uruguay (ratification: 2001)*, [2010 [cited August 25, 2010]. See also U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

<sup>5305</sup> ILO Committee of Experts, *Direct Request, C138: Uruguay*.

<sup>5306</sup> *Ibid.*].

<sup>5307</sup> U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

<sup>5308</sup> *Ibid.*

<sup>5309</sup> *Ibid.*

<sup>5310</sup> *Ibid.*

<sup>5311</sup> *Ibid.*

<sup>5312</sup> *Ibid.*

<sup>5313</sup> ILO Committee of Experts, *Direct Request, C138: Uruguay*.

<sup>5314</sup> IDB, *Uruguay: Comprehensive Program for At-risk Children, Adolescents and Families*, UR-134, 2002; available from <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=423035>.

<sup>5315</sup> *Ibid.*