

# URUGUAY

## EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with an elected president and a bicameral legislature. The country has a multiparty electoral system with three major parties. In November 2009, in a free and fair runoff election, Jose Mujica won a five-year presidential term and his Frente Amplio party a majority in parliament. Mujica assumed office in March 2010. Security forces reported to civilian authorities.

Principal human rights abuses included severe overcrowding, inhumane conditions, and disrepair in the prison system, as well as violence against women.

Other problems included widespread use of extended pretrial detention, some trafficking in persons, and societal discrimination against the Afro-Uruguayan minority.

The government took steps to prosecute officials who committed abuses, and there were no reports of impunity during the year. On November 1, President Mujica signed a bill into law that classifies crimes committed during the military dictatorship as crimes against humanity, thus eliminating their statute of limitations, which was set to expire that same day.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

The government continued to investigate the serious human rights violations committed during the 1973-85 military dictatorship. In September the Supreme Court of Justice confirmed a 2009 judgement sentencing former military dictator Gregorio Alvarez to 25 years' imprisonment for coauthoring aggravated homicides and disappearances. In June President Mujica issued a proclamation opening the door for judicial investigation into more than 80 human rights violations allegedly committed during the 1973-85 military dictatorship. The decree effectively overturned the Expiry Law that granted amnesty to military and law enforcement officials following the 1985 return to democracy.

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On August 31, an appeals court confirmed the sentences of General Miguel Dalmao and Colonel Jose Chialanza, who were convicted in 2010 for the aggravated murder in 1974 of Nibia Sabalsagaray during the military dictatorship.

In October retired military officers Arturo Aguerre and Antonio Gomez Grana were charged for their involvement in the torture and murder of an Argentine in 1973. Trials were pending at year's end.

### **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 there were no reports that government officials employed them.

Six Uruguayan marines who were part of the UN peacekeeping mission in Haiti were accused of sexually abusing an 18-year-old Haitian boy on July 20. The soldiers were repatriated on September 16 and brought to trial by the Uruguayan Military Tribunal. The military court adopted the preliminary findings of the UN investigation, concluding there were no signs of sexual or physical violence. However, the judge found that the marines had violated several rules of conduct and on September 18 convicted the soldiers of offenses such as “disobedience,” “abandonment of post,” and “omission of service.” The marines, who faced sentences ranging from four months to four years in prison, were also charged by a civilian criminal court, where prosecution was pending at year's end.

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

Prison conditions continued to be poor, posing threats to the health and, sometimes, lives of prisoners. Overcrowding and understaffing in some facilities resulted in problems related to sanitation, ventilation, temperature, lighting, access to potable water, and health. Fire hazards continued due to handcrafted heaters that often set makeshift partitions on fire. Additionally, many basic necessities were lacking; prisoners depended on visitors for enough food to reach the daily

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minimum caloric intake and for clothing. Prisoner-on-prisoner violence continued to be a problem, partially due to the lack of a separate, high-security prison for violent criminals. There were 11 deaths in prisons during the year.

The government reported a total of 9,324 prisoners (8,597 men and 727 women), of whom 35 percent had been sentenced and 65 percent were awaiting trial. Pretrial detainees and convicted criminals were held together, but female and male prisoners were held in separate facilities. Prison conditions for women and men did not differ appreciably. At year's end, 62 children lived in prison facilities with their inmate mothers.

The General Assembly elects a prison system ombudsman, who is responsible for monitoring and reporting to parliament on prison conditions in the nation's 29 detention centers. This ombudsman receives complaints from prisoners and may present reports and recommendations but may not act on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding. The ombudsman presents an annual report with observations and recommendations.

Visitors had reasonable access to prisoners, and detainees and prisoners were permitted religious observance. The government allowed general prison visits by independent human rights observers, nongovernmental organizations (NGOs), religious congregations, and foreign diplomats, and such visits occurred unimpeded during the year.

The government investigated and monitored prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. There was one case of excessive use of force by the police in June. Authorities investigated the allegations, but results were not released.

After a four-day visit in July, Rodrigo Escobar Gil, the OAS Inter-American Human Rights Committee (IACHR) special rapporteur on prison conditions, issued a report noting that overcrowding (prison population at 129 per cent of capacity) was "one of the most serious" prison problems. He also observed that infrastructure, sanitation, and hygiene conditions at the Comcar Prison were "absolutely inadequate for housing human beings." The report described

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conditions at Comcar Prison as inhumane due to extreme overcrowding (3,000 inmates in a facility built for 1,624). Escobar reported drug trafficking and use in prisons, particularly among those ages 18 to 25. The report also criticized the excessive use of “preventive prison” measures—the practice of holding prisoners considered dangerous after the completion of their sentences.

The special rapporteur’s report highlighted government actions to improve the prison system, such as the creation of facilities for 2,000 more inmates in 2010 and the closure of the steel container cells at Libertad Prison in May. The report also commended conditions at Punta de Rieles Prison, which was inaugurated in December 2010.

The prison ombudsman’s report also identified some positive trends. It highlighted an increase in prisoners in open prisons in each province where the detainees were involved in maintaining small land holdings, the continuation of a successful clinic in one of the country’s largest prisons, and advances in providing primary education to inmates. The ombudsman reported that 25 percent of prisoners in the 29 detention centers study or work. In September the government closed the antiquated Cabildo women’s prison. Its 420 inmates were transferred to the National Rehabilitation Center and segregated according to the severity of the crime each had committed.

The law sets forth rules to humanize the prison system and address overcrowding. In 2010 the government enacted a prison emergency law that allocated extra budget and resources to a restructuring of the prison system, including building 2,000 more spaces for prisoners by 2015.

The Uruguayan Institute for Adolescents and Children (INAU) is tasked with protecting abandoned and orphaned children under age 18. INAU employs a mixed system of open and closed facilities according to the seriousness of the crime committed. Due to frequent and often successful escape attempts, INAU increased security measures in its facilities, leading to more overcrowding. INAU reported that 450 juveniles were incarcerated, although the system has a maximum capacity of 330 places. Female juvenile criminals were processed and held in separate detention centers. The prison system ombudsman does not address the confinement of juvenile offenders.

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

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The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

### **Role of the Police and Security Apparatus**

The National Police under the Ministry of the Interior maintain internal security. The armed forces are responsible for external security. 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.

### **Arrest Procedures and Treatment While in Detention**

Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official and brought before an independent judiciary. 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. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. The law stipulates that confessions obtained by police prior to a detainee's appearance before a judge and attorney are not valid. A judge must investigate any detainee's claim of mistreatment. A lawyer assigned to each police station reports to the Ministry of the Interior concerning the treatment of detainees.

For a detainee who cannot afford a lawyer, the court appoints a public defender at no cost to the detainee. Judges rarely granted bail for persons accused of crimes punishable by at least two years in prison. Most persons facing lesser charges were not jailed. Detainees were allowed prompt access to family members.

Pretrial Detention: The IACHR special rapporteur's report expressed concern about the "widespread use of pretrial detention for periods that often exceed what is reasonable." The report cited official data from the Ministry of the Interior indicating that (as of June 30) 65 percent of the country's inmates were awaiting trial. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions and psychological stress in the prisons. The use of pretrial detention is mandatory for particular crimes, and trial delays

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were caused by lengthy legal procedures, large numbers of detainees, and staff shortages.

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

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

### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Defendants have the right to consult an attorney in a timely manner, and those who do not have an attorney are provided one at the state's expense. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Defendants can confront or question witnesses against them and/or present witnesses and evidence on their behalf. Individual judges may elect to hear oral arguments, but most judges choose the written method, a major factor slowing down the judicial process. Criminal trials are held in a circuit court. Defendants have a right of appeal. The law extends these rights to all citizens.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Regional Human Rights Court Decisions**

In March the Inter-American Court of Human Rights condemned Uruguay for the 1976 disappearance of Maria Claudia Garcia, pregnant daughter-in-law of the Argentine poet Juan Gelman, and for the suppression of identity of his granddaughter Macarena Gelman. The court ordered the government to pay compensation to the family, and in September the government agreed to provide a \$500,000 settlement.

### **Civil Judicial Procedures and Remedies**

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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 ineffectively enforced. Local police lacked the training and manpower to enforce restraining orders, which were often generated during civil disputes.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

#### **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

#### **Academic Freedom and Cultural Events**

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

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

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

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### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

Exile: 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**

Access to Asylum: The law provides for the granting of refugee status. Through its Refugee Commission, the government has established a system for adjudicating asylum claims, providing protection to refugees, and finding durable solutions, including resettlement. Most persons in need of international protection may find it under the country's definition of a refugee.

### **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 based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: In November 2009 Jose Mujica of the Frente Amplio (Broad Front) coalition won a five-year presidential term in a free and fair runoff election.



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The runoff followed a series of party primaries in June 2009 and a free and fair first-round election among the four leading parties in October 2009. President Mujica took office in March 2010. In parliamentary elections in October 2009, the Frente Amplio won 16 of 30 seats in the Senate and 50 of 99 seats in the House of Representatives.

Participation of Women and Minorities: Women participated actively in the political process and government, although primarily at lower and middle levels. Four senators and 15 representatives were women. One of the 13 cabinet ministers was a woman. There were no members of minorities in parliament and one minority member in the cabinet.

### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were some formal and informal reports of police corruption, which authorities addressed with appropriate legal action.

Public officials are subject to financial disclosure laws. A government commission on economic and financial matters collects sworn financial statements from public servants, including the president.

The government requires all government agencies to produce regular public reports. All agencies complied with these reporting requirements. The 2008 Access to Public Information Act created the Access to Public Information Unit, an organization that promotes government transparency.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of

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Education and Culture's director for human rights, includes government, religious, and civil society representatives. The commission is responsible for proposing policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Between its creation in 2007 and March 2010, the commission investigated 70 cases of alleged discrimination from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. However, the commission has had no allocated budget since the Mujica administration assumed office in March 2010. NGOs asserted that the commission did not react to several high-profile discrimination cases during the year.

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

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

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape. According to Ministry of the Interior statistics, between January and July, there were 127 reported cases of rape and 42 reported cases of attempted rape. The Ministry of the Interior believed some victims of rape did not report such incidents because of failure to understand their rights and fear of social stigma or retribution.

The law criminalizes domestic violence, including physical, psychological, and sexual violence. In December the Ministry of the Interior reported approximately 12,000 cases of domestic violence, of which 38 cases resulted in killing. The law allows for sentences of six months to two years in prison for a person found guilty of committing an act of violence or making continued threats to cause bodily injury to persons related emotionally or legally to the perpetrator. Civil courts decided most of the domestic cases during the year. Judges in these cases often issued restraining orders, which were difficult to enforce. In many instances, courts did not apply criminal penalties.

The government operates domestic violence units in police headquarters in the interior, which are funded and staffed taking into account the prevalence of

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domestic violence in each province. There are five shelters available to women who are victims of domestic violence, but most services are located in Montevideo. One shelter opened in November in the northeast city of Salto.

The Montevideo municipal government funded a free nationwide hotline operated by trained NGO employees for victims of domestic violence. The Ministry of Social Development, INAU, and NGOs operated shelters in which abused women and their families could seek temporary refuge.

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 and in student-professor relations and defines a system of damages for victims.

Reproductive Rights: Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. An estimated 75 percent of births are attended by skilled personnel. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: Under the law, women enjoy the same rights as men, including rights under family and property law. In practice women faced discrimination stemming from traditional attitudes and practices, and no gender discrimination cases have ever been litigated. The National Institute for Women supervised the work of a Tripartite Committee on Equal Opportunities and Employment, which includes a subcommittee on gender consideration in salaries and benefits. Women constituted almost half of the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging two-thirds those of men.

### **Children**

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

Child Abuse: There were few reports of physical or sexual child abuse.

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Sexual Exploitation of Children: The minimum age for consensual sex is 12. When a sexual union takes place with a minor under the age of 15, violence is presumed and statutory rape laws, which carry a penalty of two to 12 years in prison, can be applied. However, minors between the ages of 12 and 15 can legally agree to consensual sex; if they consent, any presumed violence is waived. Penalties for pimping children range from four to 16 years in prison. Child pornography is illegal, and penalties range from one to six years in prison. Some children were subjected to prostitution.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

The Jewish Central Committee estimated the Jewish population at 18,000 to 20,000. There were few reports of anti-Semitic acts. Incidents included the vandalizing of a Jewish memorial site and the writing of anti-Semitic comments by a blogger on the Web site of a national newspaper. Jewish leaders reported effective cooperation with police investigating incidents of anti-Semitism.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services; however, the government did not effectively enforce these provisions or promote programs to ensure access to buildings, information, and communications. Persons with disabilities reported discrimination in employment despite government efforts to assist in individual cases. While it did not discriminate against persons with disabilities, the government did not provide sufficient services such as accessible transportation.

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The Uruguayan Institute for Educational Psychology reported that school-age children with disabilities, such as blindness or Down syndrome, received specially adapted laptops under Plan Ceibal (the Uruguayan One Laptop per Child program).

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public-sector jobs for persons with physical and mental disabilities, but the quota went unfilled.

### **National/Racial/Ethnic Minorities**

The country's Afro-Uruguayan minority continued to face societal discrimination. A National Bureau of Statistics study found that Afro-Uruguayans comprised 11 percent of the population and indigenous descendents constituted another 3 percent. A 2011 government report indicated that 80 percent of Afro-Uruguayans were poor. The study concluded that race was one of the factors responsible for socioeconomic inequality in the country. The NGO Mundo Afro stated that the percentage of Afro-Uruguayans working as unskilled laborers was much larger than that for members of other groups. Afro-Uruguayans were underrepresented throughout government and academia and in the middle and upper echelons of private-sector firms.

The Mujica administration's five-year budget plan eliminated the advisory positions filled by Mundo Afro under the previous administration in all but two ministries. In 2010 the government created a commission to draft the first National Plan against Racism and Discrimination, but the commission did not produce any results during the year. The government continued its outreach to the Afro-Uruguayan community to encourage participation in the Quijano Scholarship Program for postgraduate work. However, Mundo Afro stated that this program had little impact since only 1 percent of Afro-Uruguayans attended college. The National Police Academy has included discrimination awareness training as part of its curriculum since 2008.

In 2011 Mundo Afro initiated a radio talk show and conducted other activities to raise awareness of racism and discrimination issues. Other outreach efforts

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included a pilot course to raise awareness about discrimination during UN Peace Missions at the National School for Peace Keeping Operations of Uruguay.

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

No laws criminalize sexual orientation, and authorities generally protected the rights of the LGBT community. Hate crimes were rare, but there were isolated reports of street violence against individuals leaving gay bars; the police did not intervene in these incidents. Colectivo Ovejas Negras (Black Sheep Collective), an LGBT rights NGO, claimed that during the year incidents occurred for which police refused to file reports on discrimination and street violence. The NGO also asserted that in the provinces there were acts of violence and degradation by the police against transgender persons who are legally registered prostitutes. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity.

The Public Health Service Administration worked with LGBT NGOs to give workshops and public awareness training for health workers to create health centers free of prejudice and discrimination.

In July two gay men were forced to leave a bar for kissing in public. The men filed a suit against the owner of the bar, but the court dismissed the suit.

On September 15, authorities at the Uruguayan University of Work removed the director of a technical school in Maldonado Province after she defined on a local television show “homosexuality” as a “disease,” adding that “gay teachers should be supervised to prevent them from transmitting the disease to students.” A local NGO filed a legal complaint against her, which was pending at year’s end.

### **Other Societal Violence or Discrimination**

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**

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The law protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. 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 large 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 an indemnity to such workers. 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. The law allows unions to conduct their activities without government interference.

The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There were generally effective albeit lengthy mechanisms for resolving workers' complaints against employers. In 2010 a law that shortened procedures for resolving disputes took effect. Under the law, an employer is informed in advance of the reason for the claim and the alleged amount owed to the worker. However, the Supreme Court of Justice ruled that certain articles of the law are unconstitutional, prompting the enactment of an amendment to the law in November. The amendment grants the defense more time to respond to the complaint in court and simplifies appeal procedures. In practice, the processes to resolve disputes were shorter, but still lengthy.

Worker organizations operated free of government regulation and independent of the government and political parties. Collective bargaining was freely practiced, and workers also exercised the right to strike in practice. There were no reports of antiunion discrimination.

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

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases. The government did not report identifying or investigating any cases of forced labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The law protects children against exploitation in the workplace. The law prohibits minors under the age of 15 from working. Minors ages 15 to 18 require government permission to work and must undergo physical exams to identify possible exposure to job-related physical harm. Permits are not granted for hazardous or fatiguing work. Children 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 and Social Security is responsible for enforcing child labor laws. Violations of child labor laws are generally punishable by fines but may extend to imprisonment of three months to four years. Enforcement was difficult due to a lack of resources and because most child labor occurred in the informal sector.

INAU implemented policies to prevent and regulate child labor and provided training on child labor issues. INAU also worked closely with the Ministry of Labor and Social Security to investigate complaints of child labor, and with the Ministry of Interior to prosecute cases. INAU had five trained child labor inspectors to handle an estimated 1,100 inspections per year.

The government's National Committee for the Eradication of Child Labor implemented public awareness campaigns throughout the country.

Child labor was reported in activities such as street vending, garbage collection and recycling, construction, and in agriculture and forestry, areas generally less strictly regulated and where children work with their families. The Ministry of Social Development estimated there were 20,000 children collecting garbage alongside their parents. The National Census Bureau presented the results of a survey of child labor, which characterized 75 percent of the work performed by children ages five to 17 as dangerous because it involved the use of machinery or tools and lifting heavy weights. The report stated that 0.2 percent of children ages five to 17 begged for a living.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).



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### **d. Acceptable Conditions of Work**

The monthly minimum wage was 6,000 pesos (approximately \$300) , but it functioned more as an index for calculating wage rates than as a true measure of minimum subsistence levels. The official poverty income level varied based on locations and size of family but was approximately 5,940 pesos (\$297) per person per month.

The standard workweek ranged from 44 to 48 hours, 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 per week, entitles workers to 20 days of paid vacation after a year of employment and to paid annual holidays, and prohibits compulsory overtime beyond a maximum 50-hour workweek.

The Ministry of Labor and Social Security sets occupational safety and health standards. However, some regulations cover urban industrial workers more adequately than rural and agricultural workers. Under the law, workers have the right to remove themselves from what they consider hazardous conditions without jeopardy to their employment. The law protects foreign workers and does not discriminate against them, but official protection only extends to formal sector workers.

Workers in all sectors are covered by laws on minimum wage, hours of work, and occupational health and safety standards, including domestic and migrant workers and workers in the agricultural sector, which has a slightly higher minimum wage.

The Ministry of Labor and Social Security (MTSS) 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 151 general inspectors for labor issues. In practice, penalties imposed by the MTSS were not sufficient to deter violations of labor laws. The government monitors wages and other benefits, such as social security and health insurance through the Social Security Bureau 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. These standards were generally effectively enforced in the formal sector but less so in the informal sector.

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In addition, MTSS has a special section to monitor domestic work, and may obtain judicial authorization to conduct home inspections to investigate potential labor law violations.

Formal-sector companies generally complied with the minimum wage regulations, and in practice, the majority of workers earned more than the minimum wage. However, many citizens and foreign workers were employed informally and thus did not benefit from certain legal protections. Some workers claimed a loss of other privileges at work based on their refusal to work in unsafe conditions. The Ministry of Agriculture is the body responsible for carrying out safety and health inspections in the agricultural sector.

There were some reports of exploitation of foreign workers in the agricultural sector, and in the fishing and wood industries. A report issued by a construction workers' union indicated that during the year 60,000 workers suffered labor accidents, mainly in the construction sector. There was approximately one fatality per week due to labor accidents.