

Uruguay

Incidence and Nature of Child Labor

The ILO estimated that less than 1 percent of children ages 10 to 14 years were working in Uruguay in 2002.⁴¹²⁴ The recent economic crisis in Uruguay, however, has reportedly led to an increase in the incidence of children working in the informal sector.⁴¹²⁵ The majority of child work occurs in the informal sector, where children work in agriculture, street vending, garbage collection, and begging.⁴¹²⁶ Children also reportedly engage in prostitution. In 2002, the state government of Maldonado reported that sex tourism and child prostitution had increased in a number of locations in the state. There are also reports of child prostitution in rural areas with high unemployment rates.⁴¹²⁷ Several types of prostitution have been reported, including of very poor and homeless children around factories and in slums, in downtown bars and pubs, on the street, and through pimps.⁴¹²⁸

Kindergarten, primary, and secondary education are free and compulsory, and the government provides free education through the undergraduate level.⁴¹²⁹ In 2001, the gross primary enrollment rate was 108.3 percent (109.3 percent for boys, 107.1 percent for girls), and the net primary enrollment rate was 89.5 percent (89.3 percent for boys, 89.8 percent for girls).⁴¹³⁰ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Uruguay. As of 2000, 88.6 percent of children who started primary school were likely to reach grade 5.⁴¹³¹

⁴¹²⁴ An estimated 0.7 percent of children ages 10 to 14 years were working in Uruguay in 2002. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

⁴¹²⁵ U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, September 2004, para. 1. The Uruguayan economy was negatively affected by the economic crisis in Argentina that began in December 2001. See World Bank, "World Bank Approves \$300 Million To Help Uruguay Cope With External Shocks, Strengthen Economic Reforms", [online], August 8, 2002 [cited May 26, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20061319~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html#>.

⁴¹²⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Uruguay*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrprt/2003/27922.htm>. See also U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para. 3.

⁴¹²⁷ U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 5.

⁴¹²⁸ Child prostitutes are also found in hotels and massage parlors, at "pornoshows," among domestic servants, and in modeling agencies. See ECPAT International, *Uruguay*, in ECPAT International, [database online] n.d. [cited May 21, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=186&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

⁴¹²⁹ U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 5. However, there are reports that regulations regarding compulsory education are not enforced. See U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para. 5.

⁴¹³⁰ World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁴¹³¹ *Ibid.*

Child Labor Laws and Enforcement

The Children's Code sets the minimum age for employment at 15 years, and at 18 years for hazardous work.⁴¹³² Workers under 18 years must undergo a physical exam in order to identify job-related physical harm, and children between 15 and 18 years may not work more than 6 hours per day or 36 hours per week. Violations of child labor laws are punishable by a fine of up to 2,000 "Readjustable Units," which are calculated based on cost of living. Repeat offenders may be imprisoned, and parents of working children may be subject to fines, imprisonment, or possible limitation or revocation of guardianship.⁴¹³³

Forced or bonded labor, including by children, is prohibited by the Constitution.⁴¹³⁴ The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped law addresses pornography, prostitution, and trafficking involving minors. The production, facilitation, or dissemination of child pornography is punishable by 6 months to 6 years of incarceration. Prison terms for trafficking children in or out of the country or contributing to the prostitution of a child range from 2 to 12 years.⁴¹³⁵ Additionally, prostituting a child for profit is punishable by a minimum jail sentence of 4 years.⁴¹³⁶

The Adolescent Labor Division of the National Institute for Adolescents and Children (INAU) bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.⁴¹³⁷ INAU works with the Ministry of Labor to investigate complaints of child labor, and the Ministry of the Interior to prosecute cases.⁴¹³⁸ However, the U.S. Department of State reported that the lack of resources and concentration of child work in the informal sector make enforcement difficult.⁴¹³⁹ Responsibility for investigating trafficking cases lies primarily with the Ministry of the Interior.⁴¹⁴⁰

⁴¹³² The new Children's Code, Law No. 17.823, was passed by the Uruguayan Senate in September 2004 and replaces the 1937 Children's Code. Hazardous work is defined as work that endangers the health, physical development, or morals of a child. See Poder Legislativo, República Oriental del Uruguay, *Ley No. 17.823*, [online] [cited May 31, 2005] Art. 164; available from <http://www.parlamento.gub.uy/palacio3/index.htm>.

⁴¹³³ *Ibid.*, paras. 2, 3.

⁴¹³⁴ U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 6c.

⁴¹³⁵ The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped law, Law No. 17.815, was passed by the Uruguayan Senate in 2004. See Poder Legislativo, República Oriental del Uruguay, *Ley No. 17.815*.

⁴¹³⁶ See Poder Legislativo, República Oriental del Uruguay, *Ley No. 16.707*.

⁴¹³⁷ The National Institute for Adolescents and Children was formerly known as the National Institute for Minors (INAME). The name was changed in accordance with the 2004 Children's Code. See Poder Legislativo, República Oriental del Uruguay, *Ley No. 17.823*. See also UNICEF Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*, UNICEF, [online] [cited May 24, 2004], Area 7 del Plan de Acción; available from http://www.unicef.org/lac/espanol/informe_regional/uruguay/acciones.htm. See also U.S. Embassy- Montevideo, *unclassified telegram no. 1298*, August 14, 2003.

⁴¹³⁸ There have been claims that the division of responsibility between the Ministry of Labor and INAU vis-à-vis child labor is not always clear, since they both conduct investigations. See U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para. 4.

⁴¹³⁹ U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 6d.

⁴¹⁴⁰ *Ibid.*, Section 6f.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Uruguay, with support from the World Bank, is implementing a project to improve the equity, quality, and efficiency of preschool and primary education.⁴¹⁴¹ The government is also participating in an IDB-funded program that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.⁴¹⁴²

The government is working with ILO-IPEC, other MERCOSUR governments, and the Government of Chile to implement a 2002-2004 regional plan to combat child labor.⁴¹⁴³ The plan's objectives include developing public capacity to prevent and eradicate child labor, and strengthening information systems on child labor.⁴¹⁴⁴ The National Committee for the Eradication of Child Labor (CETI) has a National Action Plan for 2003-2005 to combat child labor. The plan includes measures such as awareness raising, the strengthening of legal protections, reintegration and retention of working children in school, and the development of alternative income generation for families of working children.⁴¹⁴⁵ The issue of child labor has been incorporated into the teacher training curriculum as part of the country's National Action Plan to combat child labor.⁴¹⁴⁶ UNICEF is implementing a project on children's and adolescents' rights that includes a component on child labor.⁴¹⁴⁷

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/2/1977	✓
Ratified Convention 182	8/3/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

⁴¹⁴¹ The five-year project was funded in 2002. See World Bank, *Third Basic Education Quality Improvement Project*, [online] [cited May 24, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070937>.

⁴¹⁴² The five-year program was funded in November 2002. See IDB, *Uruguay: Comprehensive Program for at-risk Children, Adolescents and Families*, UR-134, 2002, 2; available from <http://www.iadb.org/exr/doc98/apr/ur1434e.pdf>. See also IDB, *Approved Projects - Uruguay*, in IDB, [online] November 20, 2003 [cited May 25, 2004]; available from <http://www.iadb.org/exr/doc98/apr/lcuru.htm>.

⁴¹⁴³ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2 Numero 6 (August 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeacciondos.html> [hard copy on file]. See also, generally, ILO-IPEC Sudamérica, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile: 2002-2004*, Lima; available from http://www.oit.org.pe/ipecc/doc/documentos/folleto_mercosur_ultima_version.doc.

⁴¹⁴⁴ Activities focus on areas such as creating or expanding labor inspection systems, adapting legislation, incorporating the issue of child labor into public social policies, and developing direct action programs. See ILO-IPEC Sudamérica, *Plan Subregional para la Erradicación del Trabajo Infantil: 2002-2004*, 15-19.

⁴¹⁴⁵ ILO-IPEC, *Ficha País: Uruguay*; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichauruguay.doc>. See also, generally, Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil en el Uruguay: 2003-2005*, 2003; available from <http://www.cetinf.org/plan.accion.pdf>.

⁴¹⁴⁶ Ministry of Labor and Social Security representative to the National Committee for the Eradication of Child Labor María del Rosario Castro, written communication to Uruguayan Minister of Labor and Social Security Santiago Pérez del Castillo in response to USDOL request for information, 2003.

⁴¹⁴⁷ UNICEF, *At a glance: Uruguay*, in UNICEF, [online] n.d. [cited March 25, 2004]; available from <http://www.unicef.org/infobycountry/uruguay.html>.

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation, along with INAU, has a national plan of action against commercial sexual exploitation of children that includes education programs.⁴¹⁴⁸ In addition, INAU maintains shelters for at-risk children, operates a confidential hotline for child victims of domestic abuse, and cooperates with an NGO to provide food vouchers to parents of street children who are sent to school.⁴¹⁴⁹ INAU also offers various services for adolescents, such as work training and safety programs, and educational and placement services.⁴¹⁵⁰

The government provides parents of working children with monthly payments in exchange for regular class attendance by their children, and offers free lunch to needy children in public schools.⁴¹⁵¹

⁴¹⁴⁸ U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 5.

⁴¹⁴⁹ *Ibid.*, Sections 5, 6d.

⁴¹⁵⁰ U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para.5.

⁴¹⁵¹ *Ibid.*, para. 5.