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**Preliminary Observations of the Special Rapporteur on the Sale, Sexual Exploitation
and Sexual Abuse of Children**

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Country Visit to Uruguay

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Good morning and thank you all for coming today. I would like to begin by extending my gratitude to the government of Uruguay for the invitation accorded to me to undertake this country visit from the 16th to the 26th May 2023. I appreciate the full cooperation extended to my mandate prior to and during my visit. I came to Uruguay with the objective to assess the situation of the sale, sexual exploitation, and sexual abuse of children, take stock of the measures adopted by the country to combat the phenomena, and make recommendations to prevent, protect and rehabilitate the child victims and survivors.

During my eleven-day visit, I had the opportunity to meet with representatives of the executive, legislature and judiciary, local and municipal authorities, UN agencies, representatives of civil society, child protection officers, educators, social workers, psychologists, members of the private sector, children, victims and survivors. I also travelled to Montevideo, Paysandú and Chuy during my visit.

I am grateful to the officials of the government entities who facilitated the meetings and contributed to a rich constructive dialogue. I look forward to continuing my engagement and receiving additional information, including the much-needed data and statistics I requested for. I am also grateful to the UN Country Team for their support in the preparations for the mission and the support provided during the mission.

I thank the representatives of civil society organizations, and, especially the children, whose readiness to engage in an open dialogue shed important light on the issue of sale, sexual exploitation and sexual abuse of children in the country. I appreciate the dedication and commitment of service providers working on the ground to safeguard the rights of the most vulnerable children in Uruguay.

Positive steps and developments

Uruguay has ratified some of the major international and regional legal instruments of relevance to my mandate and it is actively participating with and regularly reporting to UN human rights treaty bodies.

It has made commendable efforts in putting in place robust child protection legal framework that provide for the establishment of an elaborate child protection system as well as with initiatives such as the Travesía Project and the Advisory and Consultative Council of the INAU Board of Directors.

For the purpose of my preliminary observations, I have identified the issues below. These preliminary observations will be further elaborated on in my final report to be presented to the UN Human Rights Council in March 2024.

Uruguay has in place very comprehensive laws such as Law 17.815 which criminalises commercial or non-commercial sexual violence committed against children, adolescents or persons with disabilities, the Code of Childhood and Adolescence (Law No. 17.823), as well as Law No. 19.580 on the Comprehensive Law on Gender-Based Violence against Women (2017); Law No. 19.643 on the Prevention and Combating of Trafficking in Persons (2018); Law No. 18.250 on the Migration Law which regulates the crime of trafficking in person (2008) are but a few laws that protect the most vulnerable including children and adolescents. I also understand that a National Plan for the Eradication of Sexual Exploitation of Children and Adolescents (2023-2028) is in the process of being finalised.

Manifestations

In terms of the manifestations of sale, sexual exploitations, and sexual abuse I have identified the following issues.

- **Child trafficking for the purpose of sexual abuse, forced labour and exploitation.**

Uruguay remains a source, transit, and destination country for victims of forced labour and trafficking for sexual exploitation of women and children. The border areas between the neighbouring countries of Argentina and Brazil are reportedly entry points for women and children temporarily offering sexual services in the country and abroad. Children in Uruguay are also the victims of the worst forms of child labour, where they face high risks of exploitation including in the hazardous work in the demand and supply chain of the business sectors.

The phenomenon of domestic trafficking also exists within Uruguay, but these incidences are hardly investigated much less brought before the courts.

Although Law 18.250 penalizes human trafficking, there is little information on and scale of incidences of the trafficking of children for the purposes of sexual exploitation. I invite the government to provide me with quantitative data before I submit my report.

- **Sexual exploitation in the context of travel and tourism:**

Uruguay is a well-known tourist destination. Although the phenomenon of sexual exploitation of children in the context of travel and tourism exists in Uruguay, I was not able to determine its extent and prevalence. There are no explicit legal provisions in the laws that penalize and punish all forms of sexual exploitation of children in travel and tourism.

The Ministry of Tourism in partnership with other stakeholders has however developed a number of tools to encourage responsible tourism. A code of conduct established by Decree No. 398/013 obliges tourism service providers to implement measures to prohibit their employees and intermediaries from offering sexual services to children and not to offer, expressly or tacitly, commercial sexual exploitation of children in their tourism promotion programs.

The Ministry has also launched numerous campaigns against the sexual exploitation and abuse of children, and these include the signing of cooperation agreements with hotels, travel agencies and other service providers to commit to monitor and prohibit these practices within their establishments. Leaflets include a hotline number to contact INAU in case an issue arises.

The Ministry also has ongoing activities that includes specialized training for service providers within the tourism industry on how to prevent sexual exploitation of children in the sector, awareness-raising campaigns targeting tourists and local communities to promote responsible practices that respect the rights of children; the establishment of mechanisms for reporting incidents of sexual exploitation.; and are also working on a National Code of Conduct and National Plan for the Eradication of the Sexual Exploitation of Children through CONAPEES.

- **Sexual exploitation through transactional sex**

From the discussions I held with interlocutors, I learnt that sexual exploitation through transactional sex is very common especially with adolescents to the point of being normalised. There is however a culture of silence within communities and in many cases, families tend to encourage this phenomenon. The exact scope of the problem is however difficult to quantify given limited or unavailable data.

This phenomenon is closely tied to the issue of arranged partnerships which involves relationships between adolescent girls and very elderly men. From discussions held this phenomenon is very common and normalized for economic reasons.

- **Child marriage**

Child, early and forced marriage unions have been reported to be most prevalent in rural parts of Uruguay and among Afro and other ethnic minority groups, especially from poorest communities. Around 25% of girls in Uruguay are married before the age of 18. While both girls and boys are affected by the practice of child marriage, girls however face disproportionate impacts including in their sexual and reproductive health and productive well-being.

Concerns have been raised, including by the human rights mechanisms, that the law allows 16-year-old children to contract marriages. I understand that the legal reform process has begun to raise the age limit of child marriage to 18 years, I strongly recommend that such legal reform, be backed by equally strong policies and programmes to deter child marriage, protect children impacted by the phenomena and support the families in need, for the effective implementation of the laws.

- Other manifestations of sexual exploitation and sexual abuse identified during discussions with interlocutors include sexual abuse within families and closed circle of trust; the prevalence of teenage pregnancies which may sometimes be as a result of sexual abuse and or exploitation; high incidences of drug abuse and addiction which not only makes adolescents vulnerable to abuse but also sex is sometime used to feed their addictions.

Marginalized groups

- **The trans community**

I had an opportunity to meet with some members of the LGBTQI+ community who highlighted the issue of discrimination and some of the problems faced especially by trans youths in schools and in accessing employment, that the trans-quota law is not being fully implemented. They also speak of the need for a greater access to medical facilities and services across the country.

- **Children from African descent**

Other marginalized groups who face discrimination and extreme poverty include people of African descent. Women of African descent in Uruguay are in a disadvantaged situation in most socio-economic indicators and continue to see the exercise of their most fundamental rights violated. They have the highest unemployment rates and are also victims of racial discrimination in accessing jobs, promotions, and salaries. They start their reproductive life early and have higher fertility levels than non-Afro-descendant women. Studies have indicated that school environments need to improve for these minorities for example their exclusions in after-school activities, which contributes to an increase in the early school dropout rates. I learned that teenage pregnancy for people of African descent is at 14.6%, double the national rate, and for Afro descendant girls in the bottom quintile of the income distribution the rate is over 25%, which is triple the national average. I also learned that 16-19% of children particularly those from people of African descent are affected by poverty and this increases their risk to and exposes them to sexual abuse and exploitation.

- **Children with disabilities**

The situation of children with disabilities in Uruguay, is correlated with lower labour market participation of the members of the household, which means that children with disabilities and caregivers need to be adequately supported. I note that children with disabilities also have lower levels of school attendance, educational attainment and limited access to technical skills and trainings, thereby posing lifelong risks and vulnerabilities in relation to abuse and exploitation. From discussions with interlocutors there have been incidences of abuse of children with disability but these are hardly reported especially in rural areas, particularly areas where state services do not reach. The extent of the problem has not been determined as these incidences are usually not formally reported.

Child participation

The government has made positive strides in terms of child participation through the Advisory and Consultative Council (CAC) of INAU Board of Directors which is made up of adolescents between 13 and 17 years of age. Their role is to advise and make suggestions to the Board of INAU on the implementation of public policies for children and adolescents. They serve as representatives of each department in the country and are elected by their peers every two years.

Unfortunately, more can be done to empower children especially in terms of consultation with children in the planning and design of policies affecting them as well as informing them and seeking their views on the services being provided for them. Many of the children I spoke with during this visit gave account of how they feel excluded on decisions that affected them.

Response Mechanisms

During discussions with interlocutors, I learnt that about 1,700 children and adolescents are currently in institutions and foster care and are being cared for through what INAU calls the Centre for Family strengthening and protection system. I had an opportunity to visit some of these institutions, particularly the short stay centres and a few 24-hour homes and note that some of the constraints being faced in these institutions include limited budgetary allocation and specialised professionals.

Many of these care homes were designed to be temporary homes for children and adolescents in need but some of these children continue to stay in these homes beyond the maximum period. Some centres suffer from overcrowding which affects the effective functioning of the facility. For example, the Magnolia home has a capacity for 25 occupants but provides shelter for 30 occupants.

For the short term stay homes there is a need to limit the stay period to act swiftly to transfer the child to a more permanent facility to avoid an emotional attachment which can affect further the child's mental health.

There are no specific homes or facilities for victims of sexual abuse and exploitation. There is also the need specific training for professionals working with victims of SEA, children do not receive comprehensive care within these facilities because sexual exploitation has been normalised. Carers also need specific re-education programmes on the impact of SEA on children. I learnt that in some instances youths have suffered violence in the system meant to protect them.

INAU does not have a transit or autonomy program for children living under the CAFF programme/system once they reach maturity and this can create a cycle of abuse and trauma when young adults leave these facilities without adequate emotional, social and financial support.

Many of the staff within these facilities are burned out, there is a need for increased human resources to properly care for the children as well as ensure staff are not overworked.

The government can also do more to vet the profile and background of staff working within these facilities to better assess the competency and ability of each staff to work within these facilities.

I learnt that **children and adolescents on the move**, who were either travelling alone or with one of their parents or guardians through irregular paths, or under situations resembling trafficking, were exposed to vulnerable situations. Uruguay through its laws and protocols ensures that upon arrival, support is provided for them to be temporarily enrolled on to the ASSE system to enable them access information and documentation that would allow them to access public health services whilst they regularized their status. I had an opportunity to visit the border post at Chuy and held discussions with border officials on the protocols in place that allows them to detect or identify and assist any vulnerable child travelling alone or with an adult.

Gaps, Challenges, and Recommendations

- **Data**

During my visit, I requested for concrete data on all forms of sale, sexual exploitation, and sexual abuse of children. The actual extent and prevalence of various manifestations of sexual abuse and exploitation is unknown, due to the fact that many of these abuses are hardly ever reported. It is however important to state that when these cases do get reported, an efficient, comprehensive and reliable data collection system should be deployed to record this information broken down by age, sex, disability, location, race, ethnic origin and socio-economic background and should be systematically collected to include the magnitude of the problem, number of cases reported, investigations, prosecutions and convictions upheld in order to facilitate analysis on the human rights situation of all children, particularly those in situations of vulnerability.

Although Uruguay established an information system for childhood (SIPI) in 1991 that is designed to enter the personal data of all children that are linked to any project of INAU, whether part-time, full-time, community care or family alternative. The data includes personal identification, general family data, schooling, health controls, weight, height, among other variables. In 2008, the Ministry of Social Development also established the Integrated Social Area Information System (SIAS), which contains personal information about citizens, addresses, specific health data, education, and social security. However, there appears to be many inconsistencies and gaps in relation to data collection and those collected do not cover all the necessary variables, particularly in the fields of the incidences and different manifestations of the abuse, health, juvenile justice, disability, those of African descent and concerning children without parental care.

- **Access to a child friendly justice system**

A new criminal procedural code under Law No.19.293 came into effect in 2017. Prosecutors now play a much more important role in the investigation of cases. Victims are also now able to report directly to the prosecutor's office. As a result, there have been a higher rate of reported cases of sexual abuse.

Having said so, it is important to note that the process of accessing a child friendly justice system is incomplete. There are no child specific courts or children's court. Rather initial protection orders for all child related cases are brought before the Family court, then the prosecution of all child sexual abuse or exploitation cases are handled in the criminal court where all other cases are brought, this slows down the justice delivery process. It also causes

extensive delays in the completion of cases because of volume and variety of cases brought before the respective courts. The judicial system appears to be inaccessible for children with limited education, living in poverty and in rural areas, which is the case of many victims and survivors of exploitation and abuse.

Access to justice and remedies for victims and survivors is also hindered by the lack of knowledge of their rights, including on witness protection and compensation.

- **Resource allocation**

Many of the constraints that exist relate to limited human and financial resources, for service providers, the prosecutor's office, Victim's support unit and the Judiciary. Government must do more to allocate adequate resources for the effective delivery of services and especially reparation that will enable the child protection machinery function effectively and efficiently.

- **Training, and awareness raising.**

There is a need for public and nationwide sensitization and awareness raising generally and including with children especially on the cultural factors that fuel sexual abuse and exploitation within communities.

It would also be important to create a national training and awareness raising plan that can provide adequate understanding on the root causes of the victimization of children. It is essential to increase capacities on the monitoring, reporting and handling of the issues at multi-stakeholders' levels across all public and private sectors. This would ensure a more sustained and coordinated process to address the phenomena of the sale, sexual exploitation, and abuse of children.

There is a need for a more and sustained specialised training and capacity building for professionals working with or in contact with children.

- **Capacity enhancement**

There is need for greater understanding of the different manifestation, justice and accountability measures, and gender dimension of sale, sexual abuse, and exploitation of children amongst professionals and officials working with or in contact with children. These include police officers, security personnel including those deployed in missions abroad, social workers, teachers, guidance counsellors, medical professionals, and judges.

There is the need to develop a protection framework in line with international standards to ensure all child protection actors implement the same child safeguarding policy, this would not only enhance the capacity of child protection actors but also ensure consistency in response to sexual abuse and exploitation cases.

- **Cooperation**

There is a greater need for cooperation between government and the civil society. CSOs with contract work with INAU on implementation of programmes and service delivery but not in planning and design of programmes. Those who have not contract with INAU but work with children do not have opportunities to collaborate or share information.

- **Studies and research**

There is a need to conduct a study on the prevalence of teenage pregnancy as there is no centralised data and those available are not accurate as they focus more on records of those that gave birth and not those who had an abortion.

It is also difficult to analyse, and track arranged partnerships because they are not registered or recorded, a study can also determine the prevalence and extent of this phenomenon.

Conclusion

I cannot conclude without raising the issue of the recently enacted law on shared custody and co-responsibility of children. I learned that this law puts the interests of a small group of adults ahead of the child's best interests. It does not address the increasing problem of intra-family violence and leaves children unprotected by exposing them to situations of violence and mistreatment carried out by a family member. I understand that it also contradicts existing laws, namely Article 177 of the Code of Childhood and Adolescence as well as places

additional workload on lawyers, advocates and civil society representatives to submit more reports and information to counter-act the harmful repercussions of this law. I do hope that the government reconsiders this Law or in the alternative, engages with child protection actors to put in place measures that ensure that the best interest of the child will be the primary consideration for any entity applying this law.

Finally, I would like to reiterate my gratitude to the Government of Uruguay for inviting me to visit the country. The invitation, cooperation and collaboration provided during my visit indicates that there is a commitment to address the scourge of the sale, sexual exploitation, and sexual abuse of children in light of the needs of the victims and survivors.

I commend the significant efforts made and work undertaken by the government over the years, and I am hopeful that the efforts will be advanced further subsequent to my visit.

I do hope that my forthcoming report will assist the country in making further progress as well as in sustaining the important gains made thus far.

Thank you for your kind attention.

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