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**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## Visite en Uruguay

**Rapport de la Rapporteuse spéciale sur la vente d'enfants,  
l'exploitation sexuelle d'enfants et les abus sexuels sur enfants,  
Mama Fatima Singhateh<sup>\*, \*\*</sup>**

### Résumé

Dans le présent rapport, la Rapporteuse spéciale sur la vente d'enfants, l'exploitation sexuelle d'enfants et les abus sexuels sur enfants, Mama Fatima Singhateh, examine des questions liées à la vente d'enfants, à l'exploitation sexuelle d'enfants et aux abus sexuels sur enfants en Uruguay, à la lumière des normes et des règles internationales relatives aux droits de l'homme. S'appuyant sur les informations recueillies avant, pendant et après sa visite, effectuée du 16 au 26 mai 2023, elle met en lumière les mesures législatives, le cadre institutionnel et les politiques de protection de l'enfance qui ont été mis en place pour prévenir et combattre ces phénomènes, ainsi que les dispositions prises pour assurer la prise en charge, le rétablissement et la réintégration des enfants victimes. Elle formule des recommandations visant à renforcer les efforts déployés pour prévenir et éliminer la vente d'enfants, l'exploitation sexuelle d'enfants et les abus sexuels sur enfants.

\* Il a été convenu que le présent document serait publié après la date normale de publication en raison de circonstances indépendantes de la volonté du soumetteur.

\*\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le corps du rapport, annexé au résumé, est distribué dans la langue de l'original et en espagnol seulement.



## Annexe

### **Rapport de la Rapporteuse spéciale sur la vente d'enfants, l'exploitation sexuelle d'enfants et les abus sexuels sur enfants, Mama Fatima Singhateh, sur sa visite en Uruguay**

#### **I. Introduction**

##### **A. Programme of the visit**

1. At the invitation of the Government, the Special Rapporteur undertook an official visit to Uruguay from 16 to 26 May 2023. The main objective was to assess the situation of the sale, sexual exploitation and sexual abuse of children and to evaluate the national child protection system, with a view to making recommendations to prevent and eradicate those phenomena.

2. During her visit, the Special Rapporteur met stakeholders in Montevideo, Paysandú and Chuy, including officials from the Ministry of Foreign Affairs; the Uruguayan Institute for Children and Adolescents; the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents; the Ministry of Social Development, including the National Institute for Women and the National Council on Preventing and Combating the Trafficking and Exploitation of Persons; the Ministry of Labour and Social Security; the Ministry of the Interior; the Ministry of Tourism and Sports; the Ministry of Education and Culture; the National Administration of Public Education; the Ministry of Defence, including the National School for Peacekeeping Operations; the National Human Rights Institution and Office of the Ombudsman; the Refugee Commission; the Ministry of Public Health; the State Health Services Administration; the Departmental Coordinating Units for Educational Integration; the General Directorate of Environmental Health; the Office of the Attorney General; the Parliamentary Committee on Human Rights; the Parliamentary Committee for the Prison System; municipal authorities; local authorities; the Rocha and Chuy Local Reception Committee; and the Guardianship Council of Chui city, Rio Grande do Sul (Brazil), as well as the Director of the Victims and Witnesses Unit, the President of the Supreme Court and immigration officials.

3. She also met representatives of civil society, including non-governmental organizations, United Nations agencies, academics, lawyers, advocates, child protection service providers, health professionals, educators, members of local communities, faith-based leaders and children, including from the Children's Advisory and Consultative Council. She visited childcare centres and residential care institutions such as Tribal, Magnolia, Alternativa Chuy, Fronteritos, Yapeyu centres, the Travesía Project and an early childhood drop-in centre.

4. The Special Rapporteur is grateful to the Government for its cooperation before and during the mission and for the constructive dialogue with State interlocutors. She expresses sincere appreciation to everyone she met, especially children, service providers and representatives of civil society organizations, for their readiness to engage in open dialogue and for their valuable input. She thanks the United Nations country team for its invaluable support and assistance in preparing and executing the visit.

##### **B. Context**

5. Uruguay is located in south-east South America and has an estimated population of 3.4 million, 19 per cent of whom are children and adolescents aged between 0 and 14 years and 14 per cent are children and adolescents aged between 10 and 19 years.<sup>1</sup>

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<sup>1</sup> See <https://www.unfpa.org/data/world-population/UY>.

6. Almost half of the population – about 1.6 million inhabitants – live in the Montevideo metropolitan area.<sup>2</sup> Uruguay is a Presidential Republic and is divided into 19 departments and 89 municipalities. Disparities between the capital and the interior exist and mainly affect children belonging to groups in marginalized and disadvantaged situations.

7. Uruguay has historically stood out for its adoption of social legislation, including on children's rights. When it entered into force, the 1934 Children's Code was considered a model law for Latin America.<sup>3</sup> In 2023, Uruguay ranked twenty-seventh out of 185 countries on the KidsRights Index.<sup>4</sup>

## II. Scope of the sale and sexual exploitation of children

8. Even though there are no comprehensive, systematically collected, reliable and disaggregated data on each specific manifestation of the sale, trafficking, sexual abuse and exploitation of children in Uruguay, based on discussions with and evidence presented by interlocutors, the Special Rapporteur concluded that the problem was present and real. For example, in 2021, civil society organizations and the Travesía Project suspected that there had been 494 cases of child exploitation, representing an increase of 20.5 per cent from 2020.

### A. Sale and trafficking of children for the purposes of sexual exploitation and forced labour

9. Uruguay remains a transit, source and destination country for children subjected to trafficking for sexual purposes. During her visit to Uruguay in 2010, the Special Rapporteur on trafficking in persons, especially women and children, noted that “trafficking networks operate by identifying potential victims from different localities in Uruguay, recruiting and ‘preparing’ them before selling or transferring them again to other pimps in the network”. That process does not necessarily end with the victim being transferred abroad, which reveals a situation of internal trafficking for the purposes of sexual exploitation.<sup>5</sup>

10. Prostitution is legal and the minimum age for the activity is 18 years of age. Nevertheless, some interlocutors suggested that due to inefficiency, limited resources or even corruption of officials involved in monitoring brothels, discos, bars and other premises to ensure that minors are not recruited or subjected to any form of labour, owners sometimes get advance notice of imminent raids and hide minors or remove them from the premises. If children are found on the premises, the owners are fined and the establishment might be closed down. Criminal charges might also be filed against any adults involved in the exploitation of children. It was unclear how often labour inspections and police raids are carried out.

11. In 2022, the Uruguayan Institute for Children and Adolescents reportedly hired and deployed 13 new officials to identify child labour violations during inspections.<sup>6</sup> Nevertheless, the Special Rapporteur notes that neither the list of hazardous forms of child labour nor the quantitative and qualitative information on the elimination of the problem are up to date.<sup>7</sup>

12. At the time of the Special Rapporteur's visit, it was difficult to ascertain the exact number of children involved in any form of labour and whether such children were also victims of trafficking. The number of prosecutions and convictions, disaggregated by the country of origin of the perpetrator and the nature of the penalties imposed, was also not readily available.

<sup>2</sup> [HRI/CORE/URY/2020](https://www.hri.org/core/ury/2020).

<sup>3</sup> See <https://www.ohchr.org/en/press-releases/2009/10/committee-rights-child-considers-report-uruguay#:~:text=The%201934%20Children%27s%20Code%20was,social%20ills%2C%20etc>.

<sup>4</sup> See <https://www.kidsrights.org/research/kidsrights-index/>.

<sup>5</sup> [A/HRC/17/35/Add.3](#), paras. 8 and 9.

<sup>6</sup> See <https://uy.usembassy.gov/report-on-trafficking-in-persons-2023-uruguay-segment/>.

<sup>7</sup> [CCPR/C/URY/CO/6](#), para. 34 (c).

13. The Special Rapporteur learned that the concept of trafficking was not always fully understood, as there was a tendency to overlook the national dimension and focus more on transnational aspects. According to some interlocutors, as officials do not differentiate victims of trafficking for sexual purposes from victims of other offences, the extent of the problem remains unclear.

14. The Special Rapporteur's visit coincided with testimonies of courageous victims and survivors against a high-level political official. The allegations related to sexual and gender-based violence that victims and survivors had allegedly endured as minors. The case created a much-needed space to break through a silence that is deeply embedded in the society. At the time of writing of the present report, the official was being prosecuted. Sadly, that case was not a one-off. Numerous cases of child sexual abuse and trafficking for the purposes of sexual exploitation were brought to the Special Rapporteur's attention, including Operation Ocean – an ongoing trial against high-level public figures for their sexual contact with and abuse of victims, who at the time were minors.

## **B. Sexual abuse of minors within the circle of trust and within communities**

15. The Special Rapporteur learned of the significant increase in widespread and repeated violence against children. Data from the Integrated System for the Protection of Children and Adolescents from Violence reveal an increase in the level of detection and attention paid to such cases. Throughout 2021, a total of 7,035 instances of violence against children and adolescents was recorded, which suggests that more than 19 incidences per day were detected and registered in the system and interventions conducted. Of the total number of cases in which interventions were conducted, 2,882 (about 40 per cent) concerned situations that were new to the system.<sup>8</sup> The vast majority of cases are chronic and recurrent, and 9 out of 10 aggressors are direct family members or members of the household and intimate circle.<sup>9</sup>

16. Moreover, data provided by the Office of the Attorney General show that a total of 3,030 victims were identified in reports of sexual crimes in 2022. Some 14 per cent were under 6 years of age, 24 per cent were between 6 and 10 years of age, 48 per cent were between 11 and 15 years of age and 15 per cent were between 16 and 17 years of age. Some 79 per cent are girls and the remaining 21 per cent are boys. Some 71 per cent of the total number of victims registered in the computer system of the Office of the Attorney General are under 18 years of age.

17. Children are often intimidated and pressured into not telling their stories or reporting incidences of sexual abuse. They do not speak out from fear of retaliation, being judged or being disbelieved, and often, cases of alleged abuse are concealed to preserve the family's honour or to protect children from stigmatization. There are also communication barriers between parents and children on the topic of sex and sexual abuse. Interlocutors expressed concern about instances in which the name of the victim is leaked to the media even before the perpetrator is apprehended. The safety of victims, witnesses and other cooperating persons must be a paramount concern.<sup>10</sup> In order to uphold their right to privacy, their personal information and their recorded testimony should be disclosed only upon their full and informed consent in order to protect them from reprisals, stigmatization and further victimization. Particular attention must be paid to gender-sensitive security and protection measures for victims, witnesses and sources.<sup>11</sup> The Special Rapporteur learned that the fear of having the child removed from the family under an emergency protection order and placed in foster care or an institution serves as a further deterrent to disclosing any abuse.

<sup>8</sup> See <https://fre.uy/a/bfd3160f/SIPIAVINFORMEdeGESTION2021.pdf> (in Spanish), p. 32.

<sup>9</sup> See <https://www.inau.gub.uy/novedades/noticias/item/3088-sipiav-en-cifras-se-presento-el-informe-de-gestion-2020> (in Spanish).

<sup>10</sup> See <https://www.ohchr.org/sites/default/files/Documents/Publications/Chapter14-56pp.pdf>.

<sup>11</sup> See [https://www.ohchr.org/sites/default/files/Documents/Publications/IntegratingGenderPerspective\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/IntegratingGenderPerspective_EN.pdf).

18. The Special Rapporteur heard about situations in which families from impoverished backgrounds, knowingly or unknowingly and due to ignorance or poverty, pushed their children to work on the streets and seek out relationships with adults for financial gain and economic support, thus normalizing the phenomenon across generations. Such scenarios were also described by children who had been taken in by the false glamorization of early partnerships and so-called sugar daddies. During discussions, the Special Rapporteur learned that some children believed that getting involved with an adult would secure a modern lifestyle for them and support their and their family's needs. Those children failed to understand the abusive nature of such involvement, labelling it as a relationship despite the payments or cashless transactions made for the sexual favours or services they provided. The apparently consensual and voluntary nature of that form of abusive relationship, involving a minor and an older person, is not regarded or seen as a form of exploitation by many families and communities.

19. At the time of the visit, there was no available information on measures taken to monitor informal adoption within extended families and to identify any potential abuse of children. Cohesive data on the number of illegal intercountry adoptions was lacking, which exposed children from vulnerable communities to the risk of sale.

### **C. Child marriage**

20. The prevalence of child marriage, which may amount to sale of children for the purposes of sexual exploitation, forced labour and financial exploitation, is difficult to establish due to the unavailability of comprehensive data. According to the 2013 Multiple Indicator Cluster Survey, that year, 25 per cent of married women between the ages of 20 and 24 were married before the age of 18. It is not possible to access other indicators from marriage records because the country does not publicly report nuptiality data. In addition, given the low incidence of legal marriage among couples who are in unions, information on marriages may lead to an underestimation of the situation.

21. The Special Rapporteur learned that a minor of 16 years of age can have a consensual sexual relationship, including with an adult, and be legally married.<sup>12</sup> She notes, however, that there is a bill on raising the minimum age for marriage to 18 that the parliament has not yet adopted. She suggests that it be given expeditious consideration in order to protect children aged between 16 and 18 years of age from child marriage.

22. Children should not be forced into arranged marriages or early partnerships. Rather, they should be nurtured in order to allow them to develop their full potential. The Government is therefore encouraged to scale up training and awareness-raising programmes on that issue and to step up the implementation of policies that will result in the elimination of arranged marriages and early partnerships.

23. There has been a significant drop in the fertility rate in Uruguay since 2016. Fifty per cent of the decline is explained by the fall in the fertility rate among girls and young women aged between 15 and 23 years of age.<sup>13</sup> According to the 2018 national survey on adolescents and young persons, 30.8 per cent of mothers aged between 18 and 24 years old were mothers before their eighteenth birthday and 23.4 per cent of mothers aged between 18 and 35 years old had their first child before their eighteenth birthday. Poverty, inequality, being out of the educational system, early unions and violence are among the determinants in child and adolescent pregnancy.

### **D. Sexual exploitation in the context of travel and tourism**

24. Sexual exploitation of children in the context of travel and tourism, particularly during the summer season in touristic areas, is also a matter of concern in Uruguay. There have been allegations of women and girls who are recruited in the country's interior and internally

<sup>12</sup> Civil Code (Act No 16.603), art. 91.

<sup>13</sup> See [https://uruguay.unfpa.org/sites/default/files/pub-pdf/unfpa-Maternidad-Implantes\\_2019-10-23-web.pdf](https://uruguay.unfpa.org/sites/default/files/pub-pdf/unfpa-Maternidad-Implantes_2019-10-23-web.pdf) (in Spanish), p. 15.

trafficked to Montevideo or other touristic spots in the country, such as Maldonado and Colonia del Sacramento, for sexual exploitation in clubs, hotels and other touristic premises.

25. During exchanges with the Special Rapporteur, government authorities and other interlocutors acknowledged the problem of sexual exploitation of children in the context of travel and tourism. The Special Rapporteur did not receive disaggregated data on the number of cases of sexual exploitation of children in the context of travel and tourism that had been reported, investigated and prosecuted.

26. According to the authorities, the Ministry of Tourism, in partnership with other stakeholders, has developed of several tools to encourage responsible tourism. A corporate code of conduct established under Decree No. 398/013 obliges tourism service providers to adopt measures to prevent their employees or intermediaries from offering the sexual services of children or adolescents to tourists. They are also obliged to ensure that their promotional programmes are free from any express or implied reference to the commercial sexual exploitation of children and adolescents.

27. The Ministry has also launched numerous campaigns to address sexual exploitation and abuse of children. It has signed cooperation agreements with hotels, travel agencies and other service providers reflecting a commitment to monitor and prohibit those practices within their establishments.

28. The Ministry also continues to conduct ongoing activities that include specialized training for service providers within the tourism industry on how to prevent sexual exploitation of children in the sector and awareness-raising campaigns targeting tourists and local communities to promote responsible practices that respect the rights of children. In addition, it has established mechanisms for reporting incidents of sexual exploitation.

29. In September 2023, the National Code of Conduct for the Prevention of the Sexual Exploitation of Children and Adolescents in Travel and Tourism was officially launched. Work has already begun in the different commissions on the implementation of the third National Action Plan for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (2023–2028).

## **E. Online child sexual exploitation and abuse**

30. As Internet usage continues to expand, the Special Rapporteur notes that combating online child sexual exploitation should become a priority. While the Government did not share data on online child sexual exploitation and child sexual abuse materials during the visit, that does not necessarily mean that the phenomena do not exist in the country. The National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents has identified the use of the Internet as a means of recruitment for the commercial sexual exploitation of children and adolescents.

31. The Special Rapporteur notes there is no information available on measures taken to abide by the regulations on mandatory reporting by information and communication companies of cases of sexual exploitation and abuse of children. There is also no information available on measures taken to protect children from online sexual exploitation and abuse, including on online dating websites.

32. Nevertheless, it is worth noting that the Government, through the State Secretary for Strategic Intelligence, is participating in the European Union project entitled Novel Strategies to Fight Child Sexual Exploitation and Human Trafficking Crimes and Protect their Victims (HEROES). Within that framework, Uruguay is developing tools to facilitate criminal investigations and working to identify victims and criminals through new forensic analysis techniques and to automate investigations that are carried out by undercover police officers, among other activities.

33. Complex cases of online sexual exploitation are investigated by the Cybercrime Unit within the Ministry of the Interior. Nevertheless, the Unit is understaffed, with six officials covering all high-tech offences, including child sexual abuse materials and online child sexual exploitation. The Special Rapporteur recommends funding and strengthening the Unit

by recruiting and training more experts, police officers and lawyers in that field and setting up a special unit for children.

## **F. United Nations peacekeeping**

34. With more than 900 personnel deployed around the world, Uruguay is one of the top peacekeeping contributors, with a long history of participation in various peacekeeping operations. Its largest contingent is with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.<sup>14</sup> According to the Case Management Tracking System of the United Nations, between 2016 and 2022 there were six reported cases of sexual exploitation and abuse of adults and children involving Uruguayan military personnel in the Democratic Republic of the Congo and in Haiti.<sup>15</sup> The consequences of such abuse and violence can be utterly devastating and have a lifelong impact on the health and well-being of victims and survivors.

35. Uruguay has designed and implemented several measures to respond to cases of sexual exploitation and abuse, including signing the voluntary compact on preventing and addressing sexual exploitation and abuse. Its military was the first in the world to develop a child safeguarding policy for troops deployed on United Nations peacekeeping missions (2020).<sup>16</sup> Nevertheless, more can be done. One critical step would be to implement robust child safeguarding measures and continue to strengthen all initiatives relating to international cooperation to combat crimes that transcend borders.

## **G. Root causes and risk factors**

36. There have been positive developments both in legislation and in the establishment of the Uruguayan Institute for Children and Adolescents hotlines for complaints and a victim and witness unit in the Office of the Attorney General. However, existing societal barriers, the perception of sexual abuse of children as a private matter, the related stigma and shame, and negligence or ignorance of children's needs all continue to feed the silence surrounding cases and inhibit their reporting to the authorities. The Special Rapporteur received reports of cases of the sexual exploitation of children in which specific vulnerability factors place children at a particular risk of becoming victims. Such factors include poverty, homelessness, gender inequality, social exclusion, school dropout, limited economic opportunities, dysfunctional families, alcohol and drug abuse, growing consumerism, easy access to new technologies, persistent demands from the sex industry and domestic physical and/or sexual abuse.

37. Such vulnerability is further compounded by what appeared to be weak law enforcement and inadequate child protection responses, in addition to a lack of accessible, confidential, child-friendly and effective channels for reporting cases. In addition, lengthy and cumbersome investigations and judicial proceedings, the limited availability of prompt child-sensitive medical forensic services and child-friendly counselling and insufficient prosecutions and convictions exacerbate the situation. Moreover, there is a need for a meaningful national referral mechanism for child victims of trafficking, including for protection from retaliation and for assistance.

38. The general reticence to acknowledge the fact that abuse of children does indeed occur means that systems are not in place to prevent or quickly respond to violations when they happen. In addition, distrust between institutions, or between institutions and the public, can prevent information-sharing in a timely fashion. The resulting deficit may send a message that perpetrators and facilitators of child abuse are unlikely to face consequences.

39. Social development in Uruguay appears to be unequal and part of the population has remained excluded. Systematic differences persist in both monetary and non-monetary

<sup>14</sup> See <https://peacekeeping.un.org/en/uruguay-0>.

<sup>15</sup> See <https://conduct.unmissions.org/sea-data-introduction>.

<sup>16</sup> See <https://www.keepingchildrensafe.global/blog/2021/08/17/training-peacekeepers-in-child-safeguarding/>.

dimensions of poverty depending on race, age group and residence.<sup>17</sup> Poverty levels are disproportionately high among children, persons of African descent and people living in rural areas.<sup>18</sup> Official data show that children and adolescents and people of African descent face an increased probability of being poor.<sup>19</sup> A fifth of all Uruguayan children continue to live in poverty. In October 2022, through a telephone survey, the United Nations Children's Fund (UNICEF) found that 17.4 per cent of households with children and adolescents were affected by food insecurity.<sup>20</sup> Moreover, the incidence of poverty, food insecurity and lack of access to water, sanitation and adequate housing are key challenges faced by children on the move and in host communities.<sup>21</sup>

40. Although the Uruguayan economic recovery has continued at a firm pace since the coronavirus disease (COVID-19) pandemic,<sup>22</sup> gaps in access to the labour market continue to affect young people, women and people of African descent. In October 2022, the unemployment rate among people aged 14 to 29 was about 27 per cent, among women about 8.9 per cent and among people of African descent about 12.6 per cent.<sup>23</sup>

41. Addressing the sexual abuse and exploitation of children requires a holistic approach, including an inclusive, equitable and high-quality education system that caters to the needs of all children. The total net enrolment of children in education between 2010 to 2022 was 95 per cent in primary education and 83.9 per cent in lower secondary education.

42. In 2017, the Committee on Economic, Social and Cultural Rights expressed its continued concern about the sharp, persistent inequalities that existed in terms of access to education and educational attainment, which had the greatest impact on children of African descent and children belonging to the most socially and economically disadvantaged groups in Uruguay. The Committee was particularly concerned about the country's very high dropout rates, especially at the secondary school level, and about the fact that inclusive forms of education for children with disabilities were still very limited, despite the efforts made to address that situation.<sup>24</sup>

43. The Special Rapporteur is therefore concerned about the limited accessibility and tailoring of sexual and reproductive health services and education.

## H. Children at risk

44. Certain groups of children, including children of African descent, children belonging to LGBTQI+ communities, children in social care and children with disabilities, have specific vulnerabilities relating to abuse and exploitation because they live in riskier settings or have fewer protective structures around them.

45. The Special Rapporteur learned of reportedly rampant racism and discrimination against children of African descent, who tended to be neglected and stigmatized, making them vulnerable to falling victim to grooming and various forms of sexual exploitation.

46. The Special Rapporteur had an opportunity to meet with members of the LGBTQI+ community who highlighted the issue of discrimination and some of the problems faced,

<sup>17</sup> See [https://databankfiles.worldbank.org/public/ddpext\\_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/AM2020/Global\\_POVEQ\\_URY.pdf](https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/AM2020/Global_POVEQ_URY.pdf).

<sup>18</sup> E/C.12/URY/CO/5, para. 34.

<sup>19</sup> See [https://www3.ine.gub.uy/boletin/informe\\_pobreza\\_1er\\_semestre2022.html](https://www3.ine.gub.uy/boletin/informe_pobreza_1er_semestre2022.html) (in Spanish).

<sup>20</sup> See

<https://www.unicef.org/media/136496/file/UNICEF%20Uruguay%20Country%20Office%20Annual%20Report%202022.pdf>.

<sup>21</sup> See

[https://www.unicef.org/lac/media/43306/file/ENG\\_Theory%20of%20change%20and%20strategic%20framework%20on%20children%20in%20human%20mobility%20.pdf](https://www.unicef.org/lac/media/43306/file/ENG_Theory%20of%20change%20and%20strategic%20framework%20on%20children%20in%20human%20mobility%20.pdf).

<sup>22</sup> See <https://www.imf.org/en/News/Articles/2022/06/06/pr22182-imf-staff-concludes-visit-to-uruguay> and <https://www.worldbank.org/en/country/uruguay/overview>.

<sup>23</sup> See <https://www3.ine.gub.uy/boletin/Diferencial/Bolet%C3%ADn-diferencial-oct-2022.html> (in Spanish).

<sup>24</sup> E/C.12/URY/CO/5, para. 57.



especially by transgender young people in schools and in accessing employment. They also reported that the law establishing an employment quota of 1 per cent in the public sector for transgender persons is not being fully implemented and that there was a need for greater access to medical facilities and services for transgender persons throughout the country.

47. It was clear from the Special Rapporteur's discussions with interlocutors that there have been incidences of abuse of children with disabilities. However, they are hardly ever reported, especially in rural areas and areas that State services do not reach. Given the lack of formal reporting of such incidences, the extent of the problem has not been determined.

48. The Special Rapporteur received similar reports of allegations of abuse of children in institutions, excessive use of force, children being locked and restrained in their rooms and about the administration of anti-anxiety medication to juvenile detainees as a means of control. Those problems were also raised by the Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.<sup>25</sup> The Special Rapporteur on the sale, sexual exploitation and sexual abuse of children also notes that in the past, there have been suspicion of and testimonies concerning sexual exploitation, abuse and negligence of children in homes run by the Uruguayan Institute for Children and Adolescents, especially in the country's interior.

49. Children on the move, including children living and working on the streets, refugees, asylum-seekers, stateless and undocumented children, are exposed to high risks of trafficking, forced labour, sexual exploitation, abuse and disappearance. Significant challenges relating to the sale and sexual exploitation of children include the need for a functional identification and referral system. Children migrate from neighbouring countries in pursuit of a better life or short-term employment opportunities and often end up working as street vendors or in low-paid jobs. In 2022, the Human Rights Committee regretted that a comprehensive migration policy that ensured the full integration of refugees and asylum-seekers and their rights to health, housing and work had not yet been implemented. It was especially concerned about: (a) the lack of measures to increase income-generating opportunities and to provide adequate social assistance to returnees, refugees and asylum-seekers, including women, unaccompanied minors and victims of torture or trauma; (b) the lack of effective resources to ensure the local integration of returnees, refugees and asylum-seekers; and (c) the lack of provisions to prevent and protect refugee and asylum-seeking women against sexual and gender-based violence.<sup>26</sup>

50. Some 4.5 per cent of the individuals living in street situations surveyed in 2020 were between 11 and 20 years old.<sup>27</sup> Children are generally driven onto the streets because of low income, poor family relationships and poverty. Those children's living conditions expose them to a host of abuses. It is tragic when children take to the streets because their home is no longer a safe place. While the Special Rapporteur welcomes the implementation of the National Plan for the Provision of Assistance to Children and Adolescents in Street Situations 2020–2030, the reported failure to develop annual operational guidelines for the National Plan and to update quantitative data on the problem of children in street situations throughout the country is a matter for concern.<sup>28</sup>

### III. Measures to combat and prevent the sale and sexual exploitation of children

51. The Government has made significant efforts to improve legislation, policies and practice to protect children from sale and sexual exploitation. Nevertheless, the measures taken have had a limited impact in terms of preventing those phenomena and protecting child victims and survivors. That is largely due to the need for adequate human, technical, financial and administrative resources to effectively tackle the sale and sexual exploitation of children,

<sup>25</sup> CAT/C/URY/CO/3, paras. 12 and 13, and A/HRC/13/39/Add.2.

<sup>26</sup> CCPR/C/URY/CO/6, para. 28.

<sup>27</sup> See <https://www.gub.uy/ministerio-desarrollo-social/indicador/distribucion-porcentual-personas-situacion-calle-imperie-segun-tramos-edad-montevideo> (in Spanish).

<sup>28</sup> CCPR/C/URY/CO/6, para. 34.

including the root causes thereof, and to provide children with recovery, rehabilitation and reintegration services, along with targeted awareness-raising activities.

## **A. International and regional instruments and cooperation with human rights mechanisms**

52. Uruguay has ratified or acceded to most of the major international human rights instruments, including the Convention on the Rights of the Child and its three Optional Protocols, including the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

53. In addition, Uruguay is a party to the fundamental International Labour Organization (ILO) conventions, including the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182). It is a signatory to the Rome Statute of the International Criminal Court and a party to the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness. Uruguay has also ratified the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

54. In terms of regional instruments, Uruguay is party to the American Convention on Human Rights and its Additional Protocol, the Inter-American Convention on International Traffic in Minors, the Inter-American Convention on the International Return of Children, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the Ibero-American Convention on the Rights of Youth and its Additional Protocol, and the Ibero-American Youth Pact.

55. Uruguay has shown strong engagement with international and regional human rights mechanisms, including the United Nations treaty bodies, the universal periodic review and the Special Procedures Branch. It has also extended a standing invitation to all the special procedure mandate holders of the United Nations and the inter-American systems. The creation of the Recommendations Monitoring System to follow-up on recommendations made by international human rights mechanisms is a positive step.

## **B. Domestic legal framework**

56. Uruguay has several laws and statutes that aim to protect children's rights. Act No. 17.815 of 2004 criminalizes commercial or non-commercial sexual violence against children, adolescents and persons with disabilities. The law penalizes anyone involved in the manufacture or production of pornographic materials (art. 1) and the sale and dissemination of materials containing the image of persons not of full legal age or without full legal capacity (arts. 2 and 3). It also prohibits paying or promising payment (financial or otherwise) to minors or persons with disabilities for the performance of sexual or erotic acts of any kind (art. 4). Other crimes penalized under the Act include sexual exploitation or sexual servitude (art. 5) and trafficking of victims for the purposes of sexual exploitation (art. 6).

57. The 2004 Code on Children and Adolescents (Act No. 17.823) establishes a series of fundamental principles guaranteeing the welfare of children as holders of rights, including civil, social, economic, health, educational and cultural rights. Article 15 (a) of the Code is particularly relevant, as it establishes the State's duty to protect children against sexual abuse and prostitution. In addition, the Code provides for the adoption of comprehensive programmes and special services for the prevention of, and medical and psychosocial care for child victims and survivors of neglect, abuse, violence, labour and sexual exploitation, pursuant to article 22 (d). It should be noted that in 2019, Act No. 19.747 introduced amendments to chapter XI of the Code, providing for further comprehensive coverage and guarantees of children's rights. The mistreatment and abuse of a child is understood to be any

form of harm, abuse or physical, mental or humiliating punishment, neglect or negligent treatment, sexual abuse or sexual exploitation in all its forms, which occurs in the family, institutional or community sphere (art. 123 of the Code).

58. Essential principles forming the basis of the Convention on the Rights of the Child are reflected in the Code on Children and Adolescents. For example, article 6 of the Code affirms that the best interest of the child is the basis for interpreting and incorporating the Code and that children's rights shall be exercised. Nonetheless, some aspects of the Code require harmonization as it does not incorporate all the principles that underpin the Convention.

59. Other relevant domestic legislation includes the Criminal Code (Act No. 9.155), Act No. 19.580 on gender-based violence against women, Act No. 19.643 on preventing and combating trafficking in persons, Act No. 18.250 on migration, Act No. 19.682 on the recognition and protection of stateless persons, Act No. 18.026 on reparation for victims, Act No. 19.889 on urgent consideration, Act No. 18.154 on the compulsory nature of preschool education, primary education and the first three years of secondary school, Act No. 18.426 on the protection of the rights to sexual and reproductive health, Act No. 17.515 on sex work, the new Code of Criminal Procedure (Act No. 19.293), the anti-corruption law (Act 17.060), Act No. 18.914 on money-laundering, Act No. 14.294 on narcotic drugs and Act No. 14.005 of the sale of human organs and tissue.

60. The Special Rapporteur notes that, in relation to crimes linked to child sexual abuse material, sexual exploitation or trafficking, the definitions of various offences refer to similar acts, which could give rise to problems of interpretation when applying the provisions. She also notes that Uruguay has not expressly criminalized the offence of the sale of children at the domestic level and that there is no specific legal provision that criminalizes the sexual exploitation or abuse of children in the context of travel and tourism.

61. In May 2023, a bill on shared custody of and joint responsibility for children was passed by the parliament. Many interlocutors, including politicians, civil society, the National Human Rights Institution and Office of the Ombudsman and UNICEF, strongly opposed the bill, arguing that it exposes children to situations of intra-family violence and mistreatment. The bill contradicts existing legislation, namely article 177 of the Code on Children and Adolescents. It would also place additional workload on lawyers, advocates and civil society representatives to submit more reports and information to counteract the harmful consequences the bill would have.

## C. Institutional framework

62. The Uruguayan Institute for Children and Adolescents, sometimes in cooperation with various civil society organizations, is the governing body responsible for providing comprehensive child protection and rehabilitation services to enhance children's overall development. It is also responsible for ensuring the adequate admission, referral, periodic review and subsequent release of children under its care; providing training to families, mentors, caregivers and professionals; guaranteeing medical care, counselling and follow-up to ensure children's recovery and reintegration into society; supporting children under its care to reach adulthood; promoting the well-being of families; and fostering community-based programmes and services.<sup>29</sup> The National Human Rights Institution and Office of the Ombudsman and the National Torture Preventive Mechanism are charged with investigating complaints about potential violations of children's rights by the Uruguayan Institute for Children and Adolescents.

63. In 2004, the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents was created, pursuant to Decree No. 358/2004. Its mission was to serve as an intersectoral body under the auspices of the Uruguayan Institute for Children and Adolescents to implement concrete actions and public policies to address all forms of sexual exploitation of children. It is made up of public

<sup>29</sup> See <https://repositorio.cepal.org/server/api/core/bitstreams/32762b37-b32e-449c-97a7-ace6ce6354af/content>.

agencies, non-governmental organizations, the Inter-American Children's Institute, the International Organization for Migration and UNICEF.

64. Pursuant to the Code on Children and Adolescents, the National Honorary Advisory Council on the Rights of Children and Adolescents promotes, coordinates and integrates sectorial policies for the care of children in different public institutions. It also expresses its views during the drafting of State party reports to the Committee on the Rights of the Child. Upon request, it may issue advice on laws, budgets, accountability, regulations and programmes relating to children and adolescents. It is a consultative body without binding power that does not have its own resources, infrastructure or personnel.

65. The Integrated System for the Protection of Children and Adolescents from Violence works to develop inter-institutional policies to address violence against children and adolescents through awareness-raising, training, detection, treatment and reparation.

66. The National Committee for the Elimination of Child Labour, set up under the leadership of the Ministry of Labour and Social Security, identifies hazardous forms of child labour and carries out inspections of workplaces and the conditions therein.

67. Article 8 of Act No. 19.643 provides for the establishment of the National Council to Prevent and Combat Trafficking in and the Exploitation of Persons to inform and raise awareness of trafficking in and the exploitation of persons.<sup>30</sup>

#### **D. National policies, strategies and programmes**

68. At the time of her visit, the Special Rapporteur was pleased to learn that the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents was in the process of finalizing the third National Plan for the Elimination of Sexual Exploitation of Children and Adolescents (2023–2028). Other strategies and programmes adopted by the Government in relation to children's rights and protection issues include the National Strategy for Children and Adolescents (2010–2030) and its National Plan of Action.

#### **E. Investigation and prosecution**

69. Many of the interlocutors who met with the Special Rapporteur mentioned that it was likely that incidences of child sexual abuse and exploitation were underreported. They also said that when such incidences were reported and successfully prosecuted, the punishment was mild and was not commensurate with the severity of the crime.

70. Children, their families and caregivers do not always have access to the information or services necessary to initiate legal proceedings. They may also face practical challenges, such as a lack of easily accessible reporting mechanisms or of legal assistance. In addition, they face the hurdle of overcoming social stigma, given that child victims and their families often fear that cases of sexual abuse or exploitation will be made public.

71. The Special Rapporteur learned that, even when cases of child sexual exploitation are brought to the authorities' attention, the legal process is very slow at various stages, which can affect the timing and outcome of cases. In particular, interlocutors raised concerns about the delays that occur between the time the police record incidences of abuse and the time they interview witnesses, between the investigation phase and referral for prosecution and between the assignment of a case to a judge and the delivery of a judgment.

72. The adversarial nature of such proceedings places significant weight on the victims' testimony, particularly during cross-examination. Nearly all stakeholders recognized the challenges that exist during the investigation process when child sexual abuse cases are reported. Such challenges include limited resources, limited or insufficiently trained professionals and limited technical capacity to receive, investigate, interact with and address complaints by children in a child-sensitive manner.

<sup>30</sup> CERD/C/URY/24-26, para. 6.

73. The Special Rapporteur also received reports of serious negligence on the part of, and mistrust of local authorities, especially in the country's interior. Allegedly, those authorities themselves participate in the exploitation of children for sexual purposes. She also heard numerous reports of cases in which police officers and judges had allegedly normalized early partnerships, blamed victims and potentially disclosed victims' details within small communities where alleged perpetrators also resided. Such practices contribute to the revictimization of the child. Some interlocutors expressed the concern that members of the public were reluctant to report potential cases of child sexual abuse, even using confidential hotlines, for fear that word would get out within the community and that they would be harassed in turn.

74. The Special Rapporteur noted that one positive step that has been taken is the entry into force in 2017 of the Code of Criminal Procedure (Act No. 19.293), which provides victims with the option to report cases directly to the Attorney General's Office. As a result, there has been an increase in the number of reported cases of sexual abuse. The Special Rapporteur also noted and commended the efforts of the Office of the Attorney General to implement child-friendly measures in criminal proceedings involving child victims and witnesses. They include careful consideration when conducting interviews with children, carrying out assessments prior to trial, having the child testify in a separate room and adjusting questioning so as to eliminate intrusive questions.

75. Nevertheless, the Special Rapporteur noted that those measures are fragmented and have been adopted on an ad hoc basis. Their implementation remains at the discretion of the officials involved and depends on the availability of the necessary resources within departments throughout the country. The Special Rapporteur is concerned about the limited prosecution of certain crimes, such as trafficking in persons, owing to a reluctance to impose severe penalties or the limited capacity to investigate, file additional charges and prosecute such cases.

76. The Special Rapporteur calls on the Attorney General's Office and the judiciary to issue guidelines to all prosecutors, law enforcement officials and judicial officials in the country on measures to ensure that child-sensitive procedures are adopted when dealing with cases involving child victims of sexual abuse and exploitation.

77. The Special Rapporteur noted with concern that there are no specially trained judges to preside over child sexual abuse and exploitation cases or any specialized courts for children.

## **F. Care, recovery and rehabilitation of victims**

78. Although significant measures have been taken to provide child victims with initial support and care, the integration, long-term care and specialized rehabilitation and recovery of child victims of sexual abuse and sexual exploitation is largely in need of improvement.

79. Childcare services are provided through residential programmes, mobile units and day-care centres. They are coordinated with civil society to operate a mobile team of psychologists, social workers, educators and lawyers who respond to cases involving child victims throughout the country. In 2022, the Uruguayan Institute for Children and Adolescents reorganized the teams so as to have one member permanently based in each region.<sup>31</sup>

80. In August 2023, there were 6,612 children in alternative care, 3,900 of whom were in foster care.<sup>32</sup> Some childcare residential centres suffer from overcrowding and extremely poor conditions, which affects the effective functioning of the facility.

81. The inspection mechanism does not provide for sufficiently systematic and regular inspections to evaluate conditions in childcare centres and investigate violations of the existing regulations.

<sup>31</sup> See <https://uy.usembassy.gov/report-on-trafficking-in-persons-2023-uruguay-segment/>.

<sup>32</sup> See <https://www.inau.gub.uy/estudios-de-poblacion-y-proyectos/item/3559-ano-2023>.

82. The Special Rapporteur learned that children in the residential care and protection system faced difficulties transitioning to adulthood and independence. Long-term services such as housing, vocational and psychosocial support and job placements are very rare and inadequate.<sup>33</sup>

83. One significant challenge is the lack of dedicated live-in shelters or one-stop centres where child victims and survivors of sale and sexual exploitation can go through the recovery process and access comprehensive treatment and medical, legal and counselling support, in one centralized location. While there are a few public shelters that take in children in vulnerable situations and victims of all forms of abuse, neglect and exploitation in the capital and in the country's interior, there are currently no specific shelters for child victims of trafficking, sexual exploitation and abuse.

84. The establishment of the Travesía Project by the Uruguayan Institute for Children and Adolescents and the department of Montevideo is a positive step forward. It is a drop-in centre, open during working hours, that provides free and comprehensive services for child victims of trafficking and sexual exploitation.

85. The Uruguayan Institute for Children and Adolescents has reportedly issued a call for bids for a civil society partner to implement a pilot programme for its first overnight shelter for child victims of sexual exploitation, including trafficking. The Special Rapporteur looks forward to receiving updates on the progress of that programme.

86. There is still a need to establish additional shelters for child victims and survivors throughout the country. The centres must be properly funded and staffed by well-trained personnel in order to meet the current demand and to ensure that care is continuous. Many of the staff within the existing facilities are reportedly burned out.

87. The Special Rapporteur was informed that there is an extended waiting period before child victims can receive social and public health services. The backlog restricts access to timely care for child victims and survivors after they experience abuse. It also increases the risk that, owing to limited capacity, child protection and welfare workers may feel under pressure to settle cases hastily, ultimately lowering their care standards and post-adoption review for children leaving the care system.

88. The Special Rapporteur noted with concern that the centres she visited provide support to child victims and survivors and focus mainly on short-term or emergency assistance. She urges the Government to assume its primary responsibility in providing comprehensive, child-centred and rights-based care, recovery and reintegration programmes for child victims. Such programmes require professional, well-trained staff, including psychologists and social workers and the allocation of the resources necessary to support long-term recovery and reintegration, as well as follow-up. That includes the need to provide specialized training for all fixed-term, open-ended and temporary staff within the residential system.

89. Care and recovery services for child victims of abuse and exploitation are provided mainly by civil society, in cooperation with the Uruguayan Institute for Children and Adolescents. There is a need to develop internal structures to support civil society organizations with facilitating access to rehabilitation, housing, medical, legal, employment and educational services to deliver on their promises. The Government can support civil society organizations by providing urgent interim measures in situations where institutions are unable or unwilling to provide transformative, timely and sustainable support to children. Children and civil society should be involved at each phase of the design, formulation and implementation of child protection and child safeguarding initiatives, policies, protocols and programmes to ensure that they are child-, victim- and survivor-centred.

<sup>33</sup> Nevertheless, in September 2023 the Uruguayan Institute for Children and Adolescents signed an agreement with the public transport company (Compañía Uruguaya de Transportes Colectivos S.A.).

## G. Response and prevention

90. Since 2010, Uruguay has been re-engineering its national information systems, which has entailed the creation of the national Child Data System. That system is designed to provide timely, reliable personal data on all children cared for by the Uruguayan Institute for Children and Adolescents or linked to any project run by it, whether on a part- or full-time basis, in community care or in family alternative care. The data include personal identification and general family information, details of schooling, health checks, weight and height, among other variables.

91. Furthermore, in 2008 the Ministry of Social Development established the Integrated Social Sector Information System, which contains personal information on citizens, including their addresses, specific health data and details of their education and social security situation.

92. The actual extent and prevalence of various manifestations of sexual abuse and exploitation is unknown, due to the invisibility and clandestine nature of those offences. That is exacerbated by limited reliable, up-to-date, comprehensive and systematically collected data disaggregated by age, sex, disability, geographic location, race, colour, descent, nationality, ethnic origin and socioeconomic background on the magnitude of the problem and the number of cases reported, investigations, prosecutions and convictions handed down. Such data would facilitate analysis of the human rights situation of all children, particularly those in situations of vulnerability.

93. It is therefore crucial that data be regularly collected, shared and made easily accessible to child protection actors, institutions and representatives of civil society, not only for public policy formulation but also to monitor the human rights situation of children and to evaluate policies, programmes and projects, among other essential information. The Special Rapporteur noted that many inconsistencies and gaps remain in relation to data collection and information systems as they do not cover all the necessary variables, particularly in the manifestation and scope of violence and abuse and in terms of health, juvenile justice, disability, the ethnic background of the child and concerning children without parental care. Challenges also remain in the integration, systematization and use of data.

94. Other shortcomings include limited communication between respective institutions within the Government and civil society, thus making the steady stream of support hard to coordinate and increasing the likelihood of duplication of effort. That is an obstacle to ensuring multisectoral and holistic support for child victims and survivors of sexual abuse.

95. The Special Rapporteur observed that there is a need for stronger coordination among different programmes and agencies working to protect children. The lack of clarity concerning their respective roles and responsibilities may also hinder communication between the various child rights actors. She was left with the impression that most efforts are concentrated on the implementation of and compliance with their respective mandates, rather than focusing on the necessary coordination and formulation on all social policies concerning children.

96. In 2015, the Committee on the Rights of the Child urged Uruguay to provide the Consultative Honorary Council with sufficient authority to coordinate all activities relating to the implementation of the Convention on the Rights of the Child at the cross-sectoral, national, regional and local levels, including civil society organizations working in the field of children's rights. The Committee indicated that Uruguay should ensure that the Council was provided with the necessary human, technical and financial resources for its effective operation.<sup>34</sup> The Special Rapporteur looks forward to learning how the Council will bridge that communication and cooperation gap, including with civil society.

97. Furthermore, the recurring problem of inadequate resources and capacity also has an adverse effect on the effectiveness of all the child protection institutions, which need to be substantially scaled up to ensure sufficiently equipped, child-friendly and decentralized

<sup>34</sup> [CRC/C/URY/CO/3-5](#), para. 12.

shelters, adequate communication, monitoring, supervision and support. That includes the conducting of proper assessment and follow-up of cases, child-friendly interview facilities respecting the confidentiality and privacy of the child, and continued capacity-building and training of gender and child-welfare officers to identify, respond to and investigate child abuse cases.

98. The Special Rapporteur was informed about numerous training programmes and awareness-raising and capacity-building activities carried out on a regular basis on the issue of the sexual exploitation of children. They are targeted at the wider population, students, front-line childcare service providers, law enforcement officials, judges and prosecutors, among others.

99. Uruguay has deployed significant efforts to raise awareness among members of society and different stakeholders. However, unless the Government addresses the root causes of sexual abuse and exploitation of children, the impact of other activities designed to prevent the exploitation and abuse of children such as national days,<sup>35</sup> training of professionals, awareness-raising campaigns<sup>36</sup> and programmes will be extremely limited.

100. Tailored programmes and strategies are needed to address a wide range of issues such as online child sexual abuse and sexual abuse of children in the context of travel and tourism to meet the specific needs of professionals working with or in contact with child victims, including teachers, police officers, judges, prosecutors and health and social workers. Many interlocutors noted the need for more community-based awareness-raising on issues surrounding the different manifestations of the sale, sexual abuse and sexual exploitation of children.

101. The Special Rapporteur notes that the media are not involved in developing awareness-raising programmes regarding the promotion of children's rights and their safety online and offline. The participation of the private sector through public and private partnerships is very important in that regard.

## H. Child participation and empowerment

102. The Special Rapporteur is encouraged by the existence of the Children's Advisory and Consultative Council as a body in consultative status with the Uruguayan Institute for Children and Adolescents. It is composed of children between 13 and 17 years old from each department and meets four times a year with the board of the Institute and the Children and Adolescents Participation Programme. Nevertheless, she is concerned about the Council's limited interaction with the various institutions involved in the implementation of children's rights.

103. Nevertheless, the Special Rapporteur was encouraged by the fact that the children and adolescents involved in child rights advocacy with whom she met demonstrated an excellent understanding of human rights issues within the country, including young people's mental health concerns. They were able to articulate their concerns and highlighted the importance of the Government's commitment to ensuring effective responses to the problem of violence, sexual abuse and exploitation of children within their communities. They also stressed the need to be consulted and engaged in decisions on matters that affected them.

## IV. Conclusions and recommendations

### A. Conclusions

**104. The Special Rapporteur commends the Government of Uruguay for the legislative, institutional and policy measures it has taken to improve the child protection**

<sup>35</sup> 7 December has been designated the national day against the sexual exploitation of children and adolescents.

<sup>36</sup> For instance, the "No hay excusas" (There are no excuses) campaign, conducted in collaboration with UNICEF.



system. In particular, the adoption of the Children's Advisory and Consultative Council constitutes a good practice that should be replicated in other countries.

105. Despite the commitment of the Government, shortfalls remain in the effective enforcement and implementation of some initiatives, as they appear to be uncoordinated, insufficient and unsustainable in the long term, since they are dependent on partners and civil society. That is hampered by several factors, including: (a) limited specific targeted awareness-raising campaigns to inform victims, survivors, families and communities about existing laws, services and penalties against perpetrators in order to curb the silence surrounding child sexual abuse and exploitation; (b) mistrust in the administration of justice; (c) inadequate human, technical, financial and administrative resources to oversee and rapidly respond to suspected or reported cases; (d) insufficient local protection mechanisms that are readily accessible to all children; and (e) significant gaps in the capacity and expertise of holistic and multi-disciplinary team of professionals to undertake adequate early detection, investigation, monitoring and prosecution, as well as to provide victims and survivors with the necessary child-friendly protection, care, recovery and reintegration services and assistance in a swift and timely manner.

106. Furthermore, a lack of disaggregated data on the different forms of sexual abuse and exploitation of children, cohesive data-sharing and coordination among various child protection agencies makes it difficult to engage in evidence-based and informed policy development and interventions. It also hinders the ongoing efforts to combat the root causes and risk factors of those phenomena, which include poverty, discrimination, economic insecurity and deprivation, stigma, exclusion and gender inequality.

## **B. Recommendations**

107. The Special Rapporteur makes the following recommendations on the basis of the above findings, in a spirit of cooperation and dialogue.

108. With regard to the legislative, institutional and policy framework, the Government of Uruguay is encouraged:

(a) To ensure the comprehensive and effective implementation of the Act on Commercial or Non-Commercial Sexual Violence against Children, Adolescents and Persons with Disabilities, the Code on Children and Adolescents, the Comprehensive Act on Gender-based Violence against Women, the Act on Preventing and Combating Trafficking in Persons and the Migration Act, in line with international standards;

(b) To ensure full compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by including in national legislation all forms of the sale and sexual exploitation of children as separate crimes, distinct from child trafficking, and by incorporating into national legislation the full definition of the sale of children, as contained in the Optional Protocol;

(c) To urgently amend article 91 of the Civil Code to raise the minimum age for marriage to 18 years, without exception or distinction as to gender, and to criminalize all forms of marriage with a person under 18 years of age;

(d) To strictly prohibit and to monitor the incidence of early partnerships and to ensure that girls and boys under 18 years of age are not forced or encouraged to enter into relationships with adults;

(e) To implement the third National Action Plan of the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents and to strengthen the capacity of its staff to recognize and detect victims of sale and sexual exploitation in order to foster the expeditious investigation and prosecution of cases;

(f) To adopt and implement a comprehensive child protection strategy for the effective application of legislation and regulations in order to better coordinate interventions to prevent the sale, sexual abuse and sexual exploitation of children;

(g) To put in place vetting procedures within law enforcement and child protection services and to ensure mandatory background screening for anyone dealing with children;

(h) To adopt legislation to address online child sexual exploitation, including grooming, in line with general comment No. 25 (2021) of the Committee on the Rights of the Child, on children's rights in relation to the digital environment;

(i) To reinforce reporting mechanisms and to ensure better coordination between various child protection actors, ministries, departments and service providers to enhance multisectoral cooperation and facilitate data-sharing, and to improve the procedural rules and functioning of the multidisciplinary teams in order to focus on the quality of services provided, particularly in terms of prevention, detection and referral of cases;

(j) To take measures to ensure that child protection actors and multisectoral stakeholders are appropriately structured and resourced, with adequately trained personnel and a comprehensive plan of action in place to effectively prevent and combat the sale and sexual exploitation of children throughout the country, bridging geographic disparities;

(k) To strengthen the National Honorary Advisory Council on the Rights of Children and Adolescents with the economic means and political legitimacy to ensure effective coordination;

(l) To redouble its efforts to eradicate child labour, in particular by updating the list of hazardous forms of child labour and conducting a new survey to compile quantitative and qualitative information.

109. With regard to investigation, prosecution and sanctioning, the Government of Uruguay is encouraged:

(a) To remove all statutes of limitations for crimes against children;

(b) To take measures to strengthen efforts to detect, investigate, prosecute and convict perpetrators of the sale and sexual exploitation of children, with sanctions commensurate with the gravity of the crimes, and to ensure that investigation procedures are child-sensitive and accelerated in order to prevent revictimization and further traumatization;

(c) To ensure that investigations and prosecutions are carried out by specialized and trained investigators, prosecutors and forensic experts in a child-friendly environment and that those professionals have the resources necessary to collect and process evidence;

(d) To ensure the availability and appropriate use of child-friendly interview spaces nationwide and to encourage coordination between child protection departments, investigators, judges and prosecutors to ensure child-friendly proceedings, in accordance with general comment No. 24 (2019) of the Committee on the Rights of the Child, on children's rights in the child justice system;

(e) To ensure the availability of legal aid and of accessible, confidential and child-sensitive justice mechanisms for confidential complaints, reporting and referrals, giving due consideration to strict confidentiality and respect for dignity and privacy, allowing victims to report abuse without fear of intimidation, stigma or revictimization;

(f) To establish a register of child sex offenders and to regularly update information on child victims and survivors, while respecting their right to privacy, and on travelling sex offenders and sharing information on the latter with overseas law enforcement agencies to ensure monitoring of the movement of child sex offenders and accountability;

(g) To strengthen the Cybercrime Unit within the Ministry of the Interior by recruiting at least one cybercrime prosecutor in each department and training more experts and lawyers in that field throughout the country, and strengthening the Unit to enable it to address online sexual violence against children;

(h) To establish children's courts throughout the country to ensure expeditious and child-friendly hearings of cases involving child victims of sexual abuse and exploitation.

110. With regard to the prevention and elimination of the sale and sexual exploitation of children, the Government of Uruguay is encouraged:

(a) To conduct targeted awareness-raising and community-based educational programmes, with the involvement of children, victims and survivors and members of the community on enacted laws and regulations, and to promote peer-to-peer education among children and communities, including in impoverished areas, about criminal networks, traffickers and smugglers that lure children into sex tourism, commercial sexual exploitation and trafficking, including educating young people about the dangers of illegal migration routes;

(b) To put in place regular monitoring and evaluation frameworks to assess the impact and measure the progress of various preventive interventions, including awareness-raising and capacity-building activities;

(c) To conduct comprehensive research on and mapping of the prevalence and the scope of the phenomena, including identifying the underlying root causes and risk factors with a view to informing an evidence-based, targeted preventive and awareness-raising strategy on how they affect vulnerable groups, and to adopt targeted measures to reach those in need, in particular members of marginalized communities;

(d) To train caregivers, teachers, social workers and child protection officers on sexual and reproductive health education and to conduct awareness-raising and comprehensive age-appropriate sex education tailored to the ethnically diverse and multicultural society, and to strengthen training on recognizing signs of sexual abuse and exploitation and referring victims to relevant child protection services;

(e) To take measures to protect the right of all children to privacy and respect for their dignity through ethical reporting by the media, and to take measures to address the stigmatization of victims of sexual abuse and exploitation;

(f) To ensure that refugee children born in the country or who arrive in Uruguay as minors are provided with identification documents to avoid the risk of statelessness and that they can access free education and social services in an accelerated manner, and to establish comprehensive disaggregated data on refugees and asylum-seekers;

(g) To work with and monitor the activities of the private and tourism sectors to detect and report cases of sexual exploitation of children in compliance with the Guiding Principles on Business and Human Rights, the Global Code of Ethics for Tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;

(h) To take effective steps, as a matter of priority, to address the factors that make children more likely to drop out of school, have to repeat grades at secondary school, enter into early partnerships or pregnancy, with particular reference to marginalized and disadvantaged groups.

111. With regard to care for and the recovery and reintegration of child victims, the Government of Uruguay is encouraged:

(a) To strengthen the victim referral mechanism and coordination among law enforcement personnel, social workers and service providers, to support social workers with a focus on the best interests of the child and to provide multidisciplinary services by adopting a systemic approach to the comprehensive rehabilitation and reintegration of child victims;

(b) To provide appropriate facilities and adequate human, technical and financial resources and adequate training to carers of children and personnel in child residential care institutions to ensure the quality of the rehabilitative services and the recovery and social reintegration of child victims in institutional care;

(c) To establish, at a minimum, one new dedicated centre in each department, with a holistic, multisectoral and multidisciplinary approach, for the care, rehabilitation and reintegration of child victims, ensuring coordinated parallel criminal and child welfare investigations and the provision of long-term specialized support, including medical and psychological care, to child victims and survivors;

(d) To work with civil society organizations to ensure the availability of safe, dedicated and decentralized shelters for child victims of sexual exploitation, to ensure that the shelters are properly funded and equipped with adequate means of communication and transportation and staffed by trained personnel, and that they are able to offer comprehensive care, rehabilitation and reintegration services;

(e) To improve the initial identification and referral procedures for unaccompanied and separated children by providing them with efficient interpretation services and training asylum staff and humanitarian officials in interviewing techniques and how to interact with such children;

(f) To ensure that unaccompanied and separated migrant, asylum-seeking and refugee children receive full access to safe and age- and gender-appropriate reception facilities and care, as well as longer-term placement solutions and to services such as health care and psychological assistance that are adapted to their needs;

(g) To allocate adequate support and specialized human resources to families with children with disabilities, to ensure that they have access to services and to ensure the existence of adequate awareness and monitoring mechanisms in education, health and other service centres to prevent sexual abuse of children with disabilities.

112. With regard to cooperation and partnership, the Government of Uruguay is encouraged:

(a) To strengthen the central role, authority and resources of the Uruguayan Institute for Children and Adolescents, the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents, the Integrated System for the Protection of Children and Adolescents from Violence, the Ministry of Social Development, the National Institute for Women and the National Council on Preventing and Combating the Trafficking and Exploitation of Persons, and their regional networks, in the coordination and oversight of child protection policy and delivery of services, including follow-up to cases;

(b) To work closely with civil society organizations in the design, formulation and implementation of child protection strategies, to support their work in hard-to-reach areas and in so-called pockets of poverty and to ensure that they receive sufficient State funding;

(c) To strengthen the meaningful participation of children by consulting them and integrating their views and experiences when devising policies and programmes on matters affecting their lives;

(d) To expand bilateral, regional and international agreements and partnerships with other countries of origin, transit and destination in order to prevent and combat the sale, trafficking and sexual exploitation of children, including crimes facilitated by information and communication technologies and trafficking networks;

(e) To provide consular support, shelter, rescue and repatriation support to migrant and trafficked children abroad;

(f) To strengthen cooperation with United Nations agencies and to continue to seek support from UNICEF, the United Nations Population Fund and the International Organization for Migration;

(g) To work closely with the National Human Rights Institution and Office of the Ombudsman and provide them with adequate budgetary allocation and human resource support to enable them effectively to carry out their functions;

(h) To adopt, in collaboration with development partners, the measures necessary to achieve targets 5.3, 8.7 and 16.2 of the Sustainable Development Goals.

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