



Convention on the Rights of the Child

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Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2005

Uruguay*

[24 October 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited.

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I. Introduction

1. The initial report of Uruguay to the Committee on the Rights of the Child on matters related to the sale of children, child prostitution and child pornography is submitted in accordance with article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
2. This report was drafted and structured according to the “Revised guidelines regarding initial reports to be submitted by States Parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography” (CRC/C/OPSC/2, of 3 November 2006).
3. The preparation of the initial report was coordinated by the Directorate of Human Rights and Humanitarian Law of the Ministry of Foreign Affairs of Uruguay.
4. Extensive consultations were held with the various State agencies involved in the area, in particular with members of the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (CONAPESE).
5. Open consultations were also held with non-governmental organizations (NGOs) and other civil society bodies working in the field.

II. Characteristics of the commercial sexual exploitation of children and adolescents

6. Uruguay is beginning to find that the commercial sexual exploitation of children and adolescents is taking place much closer to home than people have ever wanted to believe.
7. The causes are manifold and defy simplification. The interplay of certain social, economic, cultural and ethical factors generates asymmetrical power relationships in which children and adolescents are deprived of their status as persons and exploited as tradable goods.
8. The multiplicity of its causes means that the problem must be tackled from every angle by linking up different agencies, areas of expertise and instruments. The involvement of the community and of agents in different segments of the public and private sectors is also essential.
9. The exploitation persists because there are adults interested in engaging in sexual activity with children or adolescents and willing to pay to satisfy their impulses, as well as individuals and organizations that profit from the trade, and also because there are vulnerable, unprotected children and adolescents likely to fall victim to either the former or the latter.
10. These are not isolated, one-off transactions; they form part of a culture which perpetuates belief and value systems that justify domination on the basis of class, ethnicity, gender or social status.
11. This culture “accepts” the exchange of sex for money or other goods or forms of payment, encourages people to renounce their dignity for the sake of financial gain and disregards and discriminates against those born to the poorest members of society, denying them the right to be children.
12. This inexorably leads to sexual exploitation being seen as something “natural”, to the problem being trivialized and to its criminal character being downplayed.

13. These cultural attitudes can be found among large swathes of the population, including among officers of the agencies called upon to intervene when cases of sexual exploitation involving children or adolescents are detected.
14. Such attitudes cause confusion and make it difficult and even impossible for people to intervene when these situations are detected.
15. If they are to succeed, efforts to eliminate sexual exploitation will have to dismantle and change these beliefs.
16. Attitudes that need to be changed include those that tend to criminalize children and adolescents who are induced or forced to perform such acts by exploitative adults. The tolerance shown towards the customers who exploit them and the tendency to blame the victims must be reversed.
17. The exploiters/customers take advantage of the vulnerability and subordinate position of victims, using their economic power to satisfy their impulses at the expense of the dignity and rights of the children. This behaviour on the part of certain adults sustains demand and perpetuates the exploitation of children as a profitable business.
18. The lines of action set forth in the National Plan for the Elimination of Commercial Sexual Exploitation of Children and Adolescents, approved in 2007 and reviewed and revised in 2011, link community awareness-raising efforts with the training given to the officers of the agencies that come into contact with these situations.
19. The aim is not to make them experts in the subject but to provide them with the basic tools needed to equip them to detect and intervene in cases, from their respective locations, by following steps that have been duly defined and agreed from a rights-based perspective.
20. In addition to the essential task of apprehending and punishing the adults involved, victim support strategies must be implemented and the protection systems needed to reduce the vulnerability of children and adolescents and enable them to exercise their rights must be put in place.
21. These lines of action (awareness-raising, training, repression, restitution of rights) must be complemented by ongoing review of the legal framework and how it affects practice, given the fact that criminal activities of this kind tend to have considerable capacity to change and adapt.
22. Uruguay has a National Plan of Action which places it at the same level as other countries in the region that have made headway in tackling the problem.
23. The Plan establishes the actions to be taken, the persons responsible for them, the yardsticks for assessing progress and a timetable for implementation which has already commenced.
24. The work to eliminate the sexual exploitation of children forms part of a comprehensive set of child protection policies that are allowing for further advances in the construction of a country of solidarity, a Uruguay that protects its children and in which children have the right to have rights.
25. The vulnerability of victims is a social phenomenon generated by multiple asymmetries. However, beyond the quantifiable factors such as poverty and neglect, there are other immeasurable ones as well.
26. The ways in which male-female relationships are generally portrayed in society legitimize practices whereby men obtain sex at any cost. Money seems to confer rights over the bodies and wishes of other persons, and the image of the human body as a commodity encourages exploitative practices.

III. Legal and institutional framework of Uruguay

27. In Uruguay the existence of commercial and non-commercial sexual exploitation of children and adolescents was overlooked for many years, as evidenced by the lack of State response to the problem despite the international commitments assumed.

28. Uruguay has ratified all human rights treaties related to the issue. This process has required a considerable advance, in terms of both the legal force of the concepts involved and the change of attitudes these concepts imply.

29. The most important instruments adopted are:

(a) The Convention on the Elimination of All Forms of Discrimination against Women, 1979, adopted by Act No. 15,164 of 4 August 1981, and the Optional Protocol thereto, adopted by Act No. 17,338 of 18 May 2001;

(b) The Convention on the Rights of the Child (1990), adopted by Act No. 16,137 of 28 September 1990;

(c) The Inter-American Convention on International Traffic in Minors (1994), adopted by Act No. 16,860 of 9 September 1997;

(d) The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, adopted by Act No. 16,735 of 5 January 1996;

(e) The International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), adopted by Act No. 17,298 of 15 March 2001;

(f) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002), adopted through Act No. 17,559 of 17 September 2002;

(g) The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, adopted by Act No. 17,861 of 28 December 2004;

(h) Act No. 17,815 on commercial and non-commercial sexual violence against children, adolescents and persons with disabilities, which is aligned with the definitions contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(i) Act No 18,250 on migration, in which the offences of trafficking in human beings and people smuggling are defined.

30. In addition, Uruguay has been an active participant in the World Congresses against Commercial Sexual Exploitation, has adhered to the commitments assumed as a result and organized and hosted the Regional Preparatory Consultation for the Second World Congress in Montevideo in 2001.

31. As a result of this meeting a number of commitments were assumed by countries of the Latin American and Caribbean region with the support of international agencies and national and international NGOs.

32. Participating States undertook to cooperate and coordinate their efforts in this area, to prevent and protect, to facilitate recovery and reintegration, to promote the participation of children and adolescents, to carry out research, to develop indicators and mechanisms for monitoring compliance with commitments and to adopt action plans to meet the goals of the Stockholm Agenda.

33. As a result of these undertakings, by Decree No. 358/2004 (Annex I) issued on 27 October 2004, the National Committee for the Elimination of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (CONAPESE) was created to serve as a permanent body under the auspices of the Uruguayan Institute for Children and Adolescents (INAU). CONAPESE was formally constituted in 2005.

34. CONAPESE is composed of representatives of INAU, which holds the Chair, the Ministry of Education and Culture (including representatives of the Public Prosecution Service), the Ministry of Health, the Ministry of the Interior, the Ministry of Tourism, the Planning and Budget Office, the National Public Education Administration and NGOs.

35. As its permanent advisers, CONAPESE has a representative of the Inter-American Children's Institute, a representative of the United Nations Children's Fund (UNICEF) and a representative of the International Organization for Migration (IOM).

36. CONAPESE was created to serve as an intersectoral collegiate body empowered to plan and propose a targeted public policy to address the issue of sexual exploitation of children and adolescents and to formulate and propose a National Plan of Action for the prevention and elimination of commercial and non-commercial sexual exploitation of children and adolescents covering a period of at least five years.

37. CONAPESE also works to strengthen coordination and cooperation between national and international public- and private-sector institutions working in the field of children's issues, with a view to identifying alternatives and strategies that might prevent situations conducive to sexual exploitation.

38. CONAPESE takes an integrated approach to victim recuperation and rehabilitation which encompasses social interventions and judicial proceedings.

39. Its responsibilities include establishing decentralized forums for action at the departmental and local level, thereby promoting citizen participation and commitment to the proposed objectives, and overseeing implementation of the public policy and the National Plan of Action.

40. CONAPESE develops and manages the services provided under the National Plan and may also administer funds received from international cooperation agencies.

IV. National Plan for the Elimination of Commercial Sexual Exploitation of Children and Adolescents

41. As a participant in the First World Congress against Sexual Exploitation held in Stockholm in 1996 and the Second World Congress held in Yokohama in 2001, Uruguay assumed the international commitment to establish "a global partnership against the commercial sexual exploitation of children".

42. The Stockholm Declaration and Agenda for Action is a call for action which, as a guide to the work to be done, advocates specific actions in the following areas: international coordination; prevention; protection; recovery; and child participation.

43. One of the most important commitments resulting from the World Congresses is the commitment to formulate and implement a national plan which establishes the principal lines of action for preventing and eliminating the phenomenon within the country.

44. In line with this commitment, the State of Uruguay has begun to implement various specific coordinated measures designed to protect child victims of this grave problem and to combat the criminal organizations that cruelly profit from the exploitation of children and adolescents.

45. Thus, by joining the small group of countries that have formulated national plans of action to this end, the Government of Uruguay is giving body to the first tangible indicators of the country's commitment.

46. Since its adoption, the National Plan has become the main source of reference that will guide actions taken to prevent and ultimately eliminate this social problem.

47. The Plan is linked and coordinated with Government efforts to reduce poverty in Uruguay and with other childhood and adolescence-related action plans and policies that have already been developed with a view to ensuring the full development and comprehensive protection of Uruguayan children and adolescents.

48. It should be noted that, while the conceptual framework described below is designed for both action plans that CONAPESE is responsible for implementing – i.e. the plan to address commercial sexual exploitation and the plan to address non-commercial sexual exploitation, this report considers the former only.

49. The general aim of the National Plan is to ensure that all children and adolescents in Uruguay are able to exercise in full the fundamental rights related to sexual violence that are recognized in the Constitution, the Convention on the Rights of the Child and the Code on Children and Adolescents.

50. The Plan's specific objectives are to design, implement and oversee specific actions for eliminating commercial sexual exploitation using a set of coordinated subprogrammes focused on prevention, protection, support and restitution of the rights of children and adolescents (Programme 1).

51. Design, implementation and oversight of specific actions to eliminate non-commercial sexual exploitation using a set of coordinated subprogrammes focused on prevention, protection, support and restitution of the rights of children and adolescents (Programme 2).

52. The direct beneficiaries of the Plan are child and adolescent victims of sexual violence, children and adolescents exposed to risk factors that make them vulnerable to sexual violence, and the families of these children and adolescents.

53. Since 2011 the National Plan has focused on the following objectives:

(a) Prevention: to help to change prevailing social belief systems which sustain activities involving the commercial sexual exploitation of children and adolescents;

(b) Protection: to adapt the legislation and institutional framework currently in place in order to protect children and adolescents against all forms of commercial sexual exploitation; to raise awareness of current national and international legislation on the commercial sexual exploitation of children and adolescents; to help ensure that offences involving the commercial sexual exploitation of children and adolescents are prosecuted;

(c) Support: to coordinate the different institutions working in the area so that they are able to provide the support required in situations of this kind; to strengthen the public- and private-sector system so it is equipped to provide adequate responses to situations in which cases of sexual exploitation are detected;

(d) Restitution: to ensure the full recovery of children and adolescents who have been exploited sexually and of the members of their family group, ensuring that their physical and emotional integrity is respected;

(e) Participation of children and adolescents: to guarantee children and adolescents' right to participate in matters concerning them;

(f) Training and knowledge development: to increase knowledge of the situation in respect of sexual exploitation of children and adolescents in Uruguay; to train human resources for proactive intervention;

(g) Operations and awareness-raising: to make the public aware of the Committee's work; to ensure the Committee's efficient operation;

(h) Monitoring and evaluation: to monitor implementation of the National Plan and make the pertinent adjustments.

V. Budget allocated for implementation of the Optional Protocol

54. The activities performed in implementation of the Optional Protocol are funded from the budget allocated to the Uruguayan Institute for Children and Adolescents, with regular contributions from the Ministry of Tourism and Sport and from other agencies that take part in activities as their own resources allow.

55. The various agencies and institutions must submit specific requests to run prevention, training, disciplinary and support programmes for victims of the sale of children, child prostitution and child pornography.

56. None of the Government agencies and institutions have their own budget, which makes planning measures adopted in implementation of the Optional Protocol difficult at present.

VI. Situation of children and adolescents in Uruguay

57. Based on data from the most recent national census, conducted in 2011, the total population of Uruguay is 3,285,877.

58. The country is ranked in the high human development category of the world index and enjoys a strong third position in the Latin American index.

59. The life expectancy of Uruguayan residents at birth is 76 years. Maternal mortality is 18 (for every 100,000 live births) and infant mortality is 10.5 (for every 100,000 live births).

60. According to data for 2007 from the National Institute of Statistics (relevant data from the 2011 census are yet available), the rate of poverty is 13.7 per cent while the rate of extreme poverty is 1.7 per cent. Both these figures are clear indicators of the downward trend that has been sustained since 2006.

61. However, in spite of this decline, certain processes of a structural nature are continuing, including residential segregation, social exclusion and educational segregation. This is clearly evidenced by the "infantilization" of poverty – a phenomenon which means that the decline in rates of poverty and extreme poverty is greater among adults than among children and adolescents, creating an intergenerational imbalance in access to well-being.

62. Also according to data for 2007, although primary education coverage was 97.4 per cent, education coverage drops sharply from the age of 15 (when a large number of teenagers enter work), to the extent that only 38 per cent of school entrants manage to complete secondary education.

63. With regard to family life, over the last 10 years the number of single person households and the number of single parent households headed by women have increased, while the number of two parent families with children has decreased, with births being concentrated among the poorest segments of the population.

64. Statistics for violence and crime show that the historical rise in certain offences (theft, robberies, homicides) has stagnated but that complaints of domestic violence are becoming more frequent, with an increase in sexual offences, and a change in the form of such offences, in which complaints of attempted rape, indecent assault and sexual affront are rising particularly fast.

65. Rates of both suicide and attempted suicide have also risen.

66. These figures are indicative of a process whereby poverty is becoming concentrated among the younger generations in spite of significant investment being made in public social spending (health, education and social welfare) with a view to guaranteeing the rights of children and adolescents.

67. In view of the above, plus the fact that a large proportion of biological and social reproduction in Uruguay is concentrated among poor families and that the adult members of these families have the lowest levels of education, it is clear that children from these families have little possibility of achieving the educational and family development and labour market integration that is concordant with their status as holders of rights.

68. In short, this is a society of impoverished childhood and adolescence lived out in a context of increasing personal violence in which access to the social and cultural assets of society is insufficient.

69. In this context, public policies for childhood and adolescence that are formulated with reference to the related demographic variables must be designed with these variables very closely in mind if they are to be truly effective, ensuring minimum conditions for the development of children's potential, guaranteeing them access to advancement opportunities and consolidating their status as citizens.

70. This last objective calls for the adoption of a notion of childhood that has as its core children's status as human beings and holders of rights and emphasizes their right to dignity, protection, gender identity, healthy development and, in particular, a healthy sexuality free from all forms of violence.

VII. Data on sexual exploitation in Uruguay

71. Cases of commercial sexual exploitation of children and adolescents in various forms — principally cases of “prostituted” children and adolescents and cases of child pornography on the Internet — have been detected in various parts of Uruguay.

72. Cases of adolescents of foreign nationality (mainly from neighbouring countries) being brought into the country to be sexually exploited in tourist zones and areas of significant commercial traffic have also been known.

73. Quantitative data that would allow for comprehensive measurement of the scale of the sexual exploitation problem in Uruguay is not available. This lack of data is attributable to the specific characteristics of the problem (illegality, criminal activity, the fact that it is an invisible form of exploitation and has come to be viewed as a “survival strategy for poor communities”, among others) and to the difficulties inherent in formulating appropriate methodologies that would allow for measurement of the problem.

74. However, various qualitative research studies have been conducted in recent years which, on the basis of their results, point to the existence of conditions that allow commercial sexual exploitation to take place, revealing, in particular, cases of child and adolescent prostitution, child pornography, domestic and international trafficking and sex tourism.

75. Participatory rapid assessment studies have been carried out within the framework of the Uruguay-Brazil border project (a regional strategy for combating trafficking in children and adolescents for purposes of sexual exploitation).
76. Other studies carried out in areas where there are major productive enterprises, such as the port of Nueva Palmira, are also helping to shed light on the problem throughout the country.
77. Areas in which people converge from different places during certain periods (i.e. during harvests) and areas that serve as places of transit (e.g. for truck drivers, sales representatives and travellers) stand out as hotspots.
78. New, more accurate data for these offences is being generated by monitoring the complaints processed by the Uruguayan Institute for Children and Adolescents (INAU) and the legal proceedings initiated when an offence covered by the Optional Protocol is committed.
79. Between 2007 and 2009 INAU brought 20 complaints before the specialized courts for organized crime.
80. INAU brought 17 complaints in 2010. In 2011 the number of complaints rose to 41.
81. Two interpretations, or a combination of the two, can be drawn from these figures. Either the incidence of the phenomenon is rising, or a more qualified understanding of the problem has been achieved and progress has been made in methods of intervention, or the reality is that sexual exploitation is on the increase but at the same time social actors have found better ways of detecting and addressing the problem.
82. Between 2009 and 2012, 23 cases of sexual exploitation of children and adolescents were taken to court.
83. Eighty-two per cent of these cases were brought by the Specialized Organized Crime Unit of the Office of the Public Defender for Criminal Cases.
84. The prosecutions brought involved the following offences: contributing to sexual exploitation (6); paying persons to perform sexual or erotic acts (6); pornography (6); indecent assault (6); prostitution (1); trafficking (recruitment) (1); laundering money (proceeds of trafficking) (1).
85. The perpetrators of these offences were in most cases male, although four mothers of victims were involved in some of the cases.
86. Fifty-six per cent of the perpetrators were more than 40 years old and almost all of them were from vulnerable socioeconomic backgrounds. There were seven unemployed persons, six odd job men, two retired military officers, one pensioner (domestic worker), two housewives, one barman, one gardener, one labourer, one waste sorter and one contract worker.
87. All of them were first-time offenders but were held in custody during trial, apart from one female pensioner (domestic worker) who was tried for laundering money (proceeds of trafficking).
88. Through Act No. 18,914 (Annex II), which was recently approved in the Parliament of Uruguay, anti-money-laundering legislation had been amended so that cases of commercial sexual exploitation can be heard before the ordinary criminal courts unless the existence of a criminal association of three or more persons, in accordance with the definition of organized criminal group established in Act No. 18,362, is proven.

VIII. Information on the implementation of specific articles of the Optional Protocol

A. Preventive measures (art. 9, paras. 1 and 2)

89. Through various State agencies the Government of Uruguay has launched numerous, ongoing initiatives designed to give greater prominence to prevention issues.

90. The aim of these preventive initiatives is to raise awareness, mobilize, train and strengthen the institutional capacity of the principal actors in the field.

General measures

91. These include emergency plans and equality plans to combat poverty and destitution which incorporate structural components and reforms of the tax system, health care and non-contributory social cash transfer programmes, guided by equity-based considerations.

Training measures for public officials

92. The tasks entrusted to CONAPESE include the organization of regular training courses for Government officials and other persons working to combat child sexual exploitation. Training is provided in the form of day-long workshops held in different cities throughout the country and through a virtual classroom offering ongoing distance learning programmes.

93. A number of training workshops have been held both in the capital and other parts of the country (Departments of Colonia, Florida and Paysandú) between 2008 and the present date and these have been attended by a total of 510 participants.

94. The virtual classroom has been operating since 2010 and has provided training, through distance learning courses, to 102 persons to date.

Awareness-raising campaigns

(i) Zafá de la Calle! (Escape from the Street) awareness-raising campaign (INAU, 2008);

(ii) Campaign to raise awareness of commercial sexual exploitation (INAU, Ministry of Tourism and Sport, 2008);

(iii) Del dicho al hecho: Derecho (From words to deeds: the law) awareness-raising campaign (2008);

(iv) Leafletting campaign to raise awareness of commercial sexual exploitation run by the Ministry of Tourism and Sport and CONAPESE (December 2007);

(v) Campaign to raise awareness of violence (physical, emotional and sexual abuse) towards children and adolescents (INAU, Integrated System for the Protection of Children and Adolescents from Violence, 2008);

(vi) National day of action against the commercial and non-commercial sexual exploitation of children and adolescents, celebrated each year since 2010 on December 7.

Educational measures

95. CEIBAL (Basic Educational Computing Connectivity for Online Learning) Plan and Sex Education. Sex education has been introduced within the framework of the CEIBAL

Plan (one laptop for every student and every teacher), the aim of which is to promote digital inclusion and thus achieve wider and better access to education and culture.

96. Sex Education Programme of the National Public Education Administration (ANEP). In implementation of its executive powers the Central Governing Council of ANEP introduced a sex education programme to the integrated educational curricula for children and adolescents implemented within the formal education system in 2005.

97. The national programme is implemented by each educational subsystem using their autonomous powers to adopt a particular methodology which reflects the specific circumstances of the relevant student population.

98. The duties of the national authorities include forming commissions tasked as their primary objective with ensuring effective implementation of the sex education programme in schools at all levels of the ANEP education system.

99. Under the national programme, sexuality is approached as a fundamental dimension of human beings and an integral part of personality which is closely connected to affective, emotional and family life and is conveyed and expressed in social relationships and the various other bonds that form between members of society.

100. Additionally, as manifest by parents, students and teaching staff at teaching conferences and by significant numbers of political actors, sex education is considered a requirement of society that the public education system must satisfy.

101. Sex education is understood to be a means of fulfilling the commitments that Uruguay assumed in signing and ratifying the Convention on the Rights of the Child and the Optional Protocols thereto.

102. The theoretical and conceptual framework underpinning this understanding places sex education at the confluence of the cross-cutting themes of sexuality, education, development, comprehensive health and human rights.

103. The current situation with regards to sex education in the State education system is described in the following paragraphs.

104. The Educational Training Board has incorporated a compulsory curricular seminar in the common professional training programme of the 2008 training plan for primary, secondary and specialized teachers throughout the country.

105. The Preschool and Primary Education Council has incorporated sex education in curriculum design through the 2008 Preschool and Primary Education Programme. The educational subsystem has 54 inspectors who monitor sex education nationwide.

106. The Secondary Education Council includes sex education in the curriculum in the first, second and third years of the lower secondary cycle and the first year of the upper secondary cycle, irrespective of the type of school or programme (i.e. day, evening, overage, urban, rural).

107. The programme is the responsibility of a sex education advisory teacher who works across the board with teachers of the different subjects in each secondary education centre, with mothers, fathers and adolescents' representatives and, in special workshops, with students.

108. The Vocational and Technical Education Council teaches the subject in the form of weekly two-hour long curriculum workshops in the first and second years of the basic technical education cycle. The workshops are led by teachers trained in the courses that were given under the programme between 2007 and 2010.

109. The position of institutional advisory teacher was created in 2011. Advisory teachers oversee the provision of sex education at all other levels of technical and vocational education. This is a pilot project, currently running in all agricultural schools throughout the country and in some technical schools.

110. The advisory teachers coordinate their work with the teachers of other subjects and give workshops for students, families and the community.

111. Sex Education Programme. The programme entails three strategic lines of action: (a) training for teachers. Since 2007, members of the ANEP Sex Education Committee have been organizing courses for primary and secondary school teachers and teacher trainers with a focus on human rights, sexuality and gender issues, using in-classroom and remote teaching methods; (b) awareness-raising through publications and surveys; (c) establishment of reference centres and departmental groups. These activities are carried out in coordination with the ANEP Sex Education Committee.

112. The University of the Republic has been teaching a master's degree in children's rights and public policy since 2004. The master's degree is an inter-faculty programme involving the faculties of law, social sciences, medicine and psychology. It was initially sponsored and supported by UNICEF but has been funded from the university budget since 2009.

113. The aims of the master's degree are to build knowledge of the issues that threaten children's rights, to train researchers and managers of programmes and services designed to ensure comprehensive protection of children's rights, and to include the issue of children's rights in the basic training provided to university professionals.

114. To date 150 professionals forming part of the child protection system have completed this course. The programme includes analysis and research into the various forms of sexual exploitation of children and adolescents and also into the trafficking of children and adolescents.

Institutional measures

- (i) Creation, in 2007, of the Integrated System for the Protection of Children and Adolescents from Violence, an inter-agency network composed of INAU, ANEP, the Ministry of Social Development, the Ministry of Health and the Ministry of the Interior;
- (ii) Strengthening of institutional capacity to handle complaints received through the Línea Azul hotline (0800 5050);
- (iii) Opening of Rights Protection Centres in the cities of Chuy, Rio Branco, Rivera, Paso de los Toros, Dolores and Bella Unión;
- (iv) Launch of the Child and Adolescent Participation Programme (PROPIA), designed to enable the participation of children and adolescents in the development of initiatives addressing issues that affect them (2006 to 2008);
- (v) Completion of exploratory research into sexual exploitation in Chuy, Rivera, Bella Unión, Rio Branco, Paso de los Toros and Nueva Palmira (INAU, 2006 to 2008);
- (vi) For primary education establishments, design and approval of a specific protocol that establishes a road map for addressing situations of ill-treatment and sexual abuse of children and adolescents in schools (2007);
- (vii) For secondary education establishments, adoption of a protocol for dealing with situations of domestic violence affecting adolescents (2010).

Measures implemented in border areas

115. In border areas Uruguay is implementing a programme funded by the Inter-American Development Bank known as the Regional Strategy for Combating the Trafficking of Children and Adolescents for purposes of Commercial Sexual Exploitation.

116. The programme has five components: (1) situation analysis; (2) formulation of local and binational operating plans; (3) formulation of regional flows and protocols; (4) definition of the regional strategy; (5) experience-gathering and sharing.

117. Although INAU carried out initial analyses in Uruguayan cities in 2007, because the start of the project was delayed until 2010, the analyses had to be repeated.

118. The main problems identified were: the invisibility of the problem; the tendency to deny that it occurs with some frequency; the fact that persons who are not from the local area tend to be blamed, that victims are held responsible and that this is accepted as normal; the perception that “nothing happens” when a complaint is made; and, the “porosity” of the borders.

119. Drawing on these findings and other data, in 2011 work begun on the formulation of local operating plans for each Uruguayan city and on the creation of local committees.

120. This was not an easy task because of delays affecting delivery of the funds needed to ensure the project’s continuity and the broad range of tasks incumbent on the service providers working in the provinces, which caused certain difficulties in bringing other organizations involved in the project together.

121. The local operating plans and local committees mentioned above are currently being finalized within the framework of the Niñosur Initiative led by the Meeting of High-Level Human Rights Authorities of Mercosur. Training workshops have been organized in the capital city and other municipalities and meetings with interested parties in the Brazilian cities concerned will be organized at a later date.

122. This is expected to result in binational committees and their respective operating plans being established.

123. At this stage the impact of the project should be greater than that achieved to date in the areas of implementation. However, combined with other programmes and the work of the National Committee, the project has helped the teams working within INAU to gain a clearer understanding of the problem and has prompted INAU to provide appropriate operational premises for the project.

124. INAU has approved funding for the appointment of two mobile teams to provide a rapid response to situations that arise, supporting the local teams. In parallel, all teams working in the provinces are due to receive training so that, within two years, they will be equipped to respond on their own to situations involving the sexual exploitation of children.

125. There will also be a dedicated team trained for this purpose based in the capital and a number of centres will be selected, from among those already operating, to provide shelter for children when the situation requires.

126. The project has encountered problems in relation to the inflow of funds from the Bank. Throughout the process, interruptions caused because funds have not arrived on time and in the correct manner have affected the advance of project implementation.

127. A certain scepticism as to the project’s continued implementation has also been noted among the parties involved in the different localities.

Measures adopted in the tourism sector

- (i) The Ministry of Tourism and Sport concludes framework agreements with hotels operating in Uruguay, travel agencies, rural lodgings, camp sites and other tourism service providers to encourage the adoption of measures that help to prevent and combat the commercial sexual exploitation of children and adolescents;
- (ii) The comprehensive protection of children and adolescents is thus becoming an integral part of the concept of sustainable and responsible tourism, which is the main objective of the Ministry of Tourism and Sport, and the private tourism sector is sharing responsibility;
- (iii) To date more than 300 framework agreements have been concluded with various tourism service providers. Within the companies concerned these agreements have helped to foster ethical practices with which all directors, managers and employees are required to comply in order to prevent and combat the sale of children, child prostitution and child pornography;
- (iv) Within this framework tourism service providers are also under an obligation to adopt measures to: promote the rights of children and adolescents; prevent commercial sexual exploitation, child pornography and tourism associated with sexual activities with children and adolescents; prevent workers, employees and agents from offering sexual tourism services involving children and adolescents; report any acts and/or promotional activities related to commercial sexual exploitation of children and adolescents to the Ministry of Tourism and Sport, the Ministry of the Interior, and CONAPESE; and ensure that their tourism promotion programmes are free from any express or tacit offer of commercial sexual exploitation of children and adolescents and do not serve as a platform for the dissemination of materials that seek to promote the activities that the agreements are intended to prevent;
- (v) The agreements' efficacy lies in the fact that tourism service providers are under no obligation to sign and each provider deals directly with the Ministry of Tourism, without intermediaries such as the chambers of commerce responsible for the sector being involved;
- (vi) Workshops on the prevention of commercial sexual exploitation of children and adolescents in travel and tourism have been organized.

Measures implemented by the Ministry of the Interior

128. Established in 2010, in implementation of Budget Act No. 18,719, the Directorate-General for Combating Organized Crime and for Interpol works specifically to combat organized crime and related offences, including all forms of sexual exploitation, trafficking in human beings and people smuggling. The Directorate-General consists of two offices, one of which (the sexual exploitation unit) is responsible for intervening in cases of sexual exploitation involving children, adolescents and adults.

129. The Directorate-General works in direct coordination with Interpol, benefiting from access to information and the possibility of issuing international alerts about missing persons, offences linked to organized crime networks, convicted criminals, etc.

130. Since it became operational (i.e. from the start of 2011 until June 2012), the Directorate-General has: investigated 1 case of forced labour involving an adolescent, for which 2 persons were prosecuted; identified 15 minors aged under 18 years' old who had been forced into prostitution, an offence for which 7 persons were tried; and brought 9 prosecutions for offences involving illegal pornographic materials.

131. In addition, the National Directorate for Civil Identification and the National Directorate for Migration, both of which form part of the Ministry of the Interior, monitor the entry and exit of Uruguayan citizens and foreign nationals and, in this way, contribute to the detection, monitoring and prevention of problems associated with trafficking in human beings and people smuggling.

132. At the National Police Academy, study of the specific regulations is an integral part of the syllabus at various levels of instruction. However, in view of the need to raise awareness and increase knowledge of the issues, the curricula for the different levels of police training have been reviewed and proposals formulated for inclusion of the issues covered by this report in various subjects taught on the curricula of the Officer Training School and the Promotional Training School.

133. The proposed changes are described in a document entitled “Proposal for the inclusion of gender mainstreaming, sexual and reproductive health and domestic violence in police education”, published in 2011. Sexual exploitation of children and adolescents and trafficking in human beings for purposes of commercial sexual exploitation are covered in the chapter which proposes the development of an advanced specialization course in security and gender policies.

134. The International Relations Unit of the Ministry of the Interior is the designated focal point for meetings of the Ministers of the Interior and Ministers of Justice of MERCOSUR countries and has exclusive competence to exchange information on an ongoing basis and to increase cooperation in respect of data and indicators related to offences and acts of violence, as defined and assessed by MERCOSUR member States, associate States and other actors in the international community.

135. The Gender Policy Division is responsible for bringing a gender perspective to the design, monitoring and evaluation of institutional policies, promoting strategies that foster equal rights and opportunities for men and women, and assisting and supporting the National Police Headquarters and the National Directorates, continually coordinating its work with other institutions active in the field.

136. Issues linked to gender-based violence have been the main focus of the Division’s work since it was established, although problems linked to the trafficking and commercial and non-commercial sexual exploitation of children and adolescents have been addressed almost exclusively by supporting the work agenda of the coordinating bodies created for this purpose.

137. These bodies are: the Inter-Agency Bureau on the Trafficking and Smuggling of Women; the Inter-Agency Commission for Gender Issues, which forms part of the Ministry of Foreign Affairs; and, CONAPESE.

138. The 19 departmental police headquarters are equipped to take complaints related to sexual offences, procuring, prostitution and child pornography and to carry out the relevant police inquiries and proceedings, in accordance with the instructions of the officiating judge.

139. In order to coordinate the efforts of all the aforementioned bodies and establish a common plan of action and a public policy, by Ministerial Decision issued on 30 December 2011 a working group was established to assume responsibility for: (a) formulating an integrated, institutional strategy for addressing issues related to trafficking in human beings and people smuggling; (b) researching and providing advice on the implementation of instruments, mechanisms and procedures for preventing and investigating such offences; (c) analysing the relevance, timeliness and institutional capacity for the organization of training programmes for public servants working in the area and awareness-raising campaigns for the most vulnerable population segments.

140. The above list of measures clearly demonstrates that the issue of sexual exploitation of children and adolescents has been placed on the public agenda both as a problem that public policies must address and as a violation of the human rights, not only of the victim, but of society as a whole.

B. Victim assistance measures (art. 9, paras. 3 and 4)

141. Uruguay is in the process of developing mechanisms to ensure appropriate assistance to victims of the offences established in the Optional Protocol, including their full social reintegration and their physical and psychological recovery.

142. However, the Government of Uruguay recognizes the many deficiencies and obstacles to be overcome before this goal is achieved.

143. In the process of building a public policy that fits within the framework of the National Strategy for Children and Adolescents, the following advances have been made:

(a) A pilot project providing support services to child and adolescent victims of trafficking for purposes of commercial sexual exploitation ran from June 2011 to October 2012. Under the project, psychological, social and legal assistance was provided by NGOs, drawing on funds made available by the European Union under an agreement with the National Women's Institute and the Ministry of Social Development. Assistance was provided to 20 children and adolescents in the course of a year's work and 3 INAU employees (2 specialists and 1 teacher) received training with a view to building specific skills within the public administration;

(b) In the transitional stages between project formulation and the design of a specialized support mechanism, the INAU team will intervene in any situations involving trafficking for purposes of sexual exploitation that might arise;

(c) A related component has been incorporated within Project O, a current project which addresses commercial sexual exploitation and is financed by the Coherence Fund supported by the United Nations Development Programme (UNDP), UNICEF, IOM, the Ministry of Social Development, INAU and the Uruguayan International Cooperation Agency. The aims of the Project are to map out existing resources in the country and identify legislative obstacles with a view to addressing the problem more effectively and designing a specialist support centre for child and adolescent victims of commercial sexual exploitation;

(d) A programme to combat commercial sexual exploitation has been established under the auspices of the Uruguayan International Cooperation Agency which has the support of a central office and three specialist operating teams – one administrative team and two mobile, regional teams, formed in agreement with NGOs. The core duties of these teams will be training actors in all parts of the country and serving as the first line of support for victims whenever a case is reported;

(e) Local and binational operating plans have been formulated in the "twin towns" encompassed by the PAIR-Mercosur regional strategy for combating the commercial sexual exploitation of children and adolescents in the border cities of Brazil, Argentina, Paraguay and Uruguay.

C. Prohibition and related matters (art. 3; art. 4, paras. 2 and 3; arts. 5, 6 and 7)**Offences defined on the basis of the acts and activities described in the Optional Protocol**

144. Uruguay has enacted legislation based on the definitions given in article 2 of the Optional Protocol, which prohibits offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, the transfer of organs of the child for profit, and the engagement of the child in forced labour.

145. A number of the acts and activities listed in the Optional Protocol have thus been defined as offences under Uruguayan criminal legislation.

146. The State has not yet expressly criminalized the offence of the sale of children and adolescents at the domestic level.

147. However, acts and activities associated with child prostitution or the sexual exploitation of children have been criminal offences under Uruguayan law since 1927.

148. Acts and activities associated with the prostitution and sexual exploitation of children are criminalized in articles 1 and 2 of Act No. 8,080 (on the prohibition of procuring and related offences, dated 27 March 1927), as amended by article 24 of Act No. 16,707 (the Civil Security Act).

149. Article 1 of the amended Act establishes that: "Any person of either sex who exploits the prostitution of another by in any manner abetting it for the purpose of profit, even if with the consent of the victim, shall be sentenced to imprisonment for a term of between 2 and 8 years. In the case of repeat offences, aggravating circumstances shall be applied to the maximum legal term of imprisonment. Any person of either sex who, for the purpose of profit, induces or compels another to engage in prostitution, in Uruguay or in another country, shall be sentenced to a term of imprisonment of between 3 and 12 months."

150. Article 2 of the Act establishes that: "The minimum sentence shall be a prison term of 4 years if the victim is under 18 years of age or the offender is a police officer or the act occurs as a result of deception, violence, threat of serious harm, abuse of authority or other means of intimidation or coercion, and also if the perpetrator is a relative, husband, brother, guardian or person who has custody of the victim or lives conjugally with her."

151. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was approved by Act No. 17,559 of 27 September 2002.

152. In addition, as a response to the Optional Protocol, articles 4, 5 and 6 of Act No. 17,815 (Annex III) of 6 September 2004 (dealing with commercial or non-commercial sexual violence committed against children, adolescents or persons with disabilities) establish criminal offences for the Uruguayan legal system that conform to the definitions established in the Optional Protocol.

153. Article 4 of the Act establishes that remunerating or promising to remunerate persons who are not of full legal age or lack full legal capacity in order to induce them to engage in sexual or erotic activities of any form constitutes a criminal offence: "Any person who pays or promises to pay or to give in exchange a consideration of an economic or other nature to a person of either sex who is under full legal age or without full legal capacity in order to induce them to perform sexual or erotic acts of any form shall be sentenced to a term of imprisonment of between 2 and 12 years."

154. Article 5 of the Act (contributing to the sexual exploitation of persons under full legal age or without full legal capacity) establishes that: “Any person who in any way contributes to the prostitution, exploitation or sexual servitude of persons who are under full legal age or without full legal capacity shall be sentenced to a term of imprisonment of between 2 and 12 years.” As an aggravating factor for this offence, article 5 stipulates that: “The sentence shall be increased by between one third and one half if the offence is committed in abuse of family relationships or of public or private authority or power or if the perpetrator is a police officer.”

155. Article 6 of the Act (trafficking in persons under full legal age or without full legal capacity) establishes that: “Any person who in any way encourages or facilitates the entry to or exit from the country of persons who are under full legal age or without full legal capacity for the purpose of their prostitution or sexual exploitation shall be sentenced to a term of imprisonment of between 2 and 12 years.”

156. Offences covered by the Optional Protocol are also criminalized in Act No. 18,250 (Annex IV) (the Migration Act).

157. Article 78 of this Act defines the offence of trafficking, establishing that: “Any person who in any way or by any means participates in the recruitment, transportation, transfer, accommodation or reception of persons for the purpose of forced labour or service, slavery or similar practices, servitude, sexual exploitation, the removal and extraction of organs or any other activity that undermines human dignity shall be sentenced to a term of imprisonment of between 4 and 16 years.”

158. Article 79 defines the offence of people smuggling, establishing that: “Any person who, in circumstances other than those provided for in article 78 of this Act but for the same purposes, encourages or assists the entry, transit and exit of persons to, through and from the country, shall be sentenced to a term of imprisonment of between 2 and 8 years.”

159. Article 80 of Act No. 18,250 specifies that: “In cases of trafficking in human beings, where relevant, the provisions of articles 13 and 14 of Act No. 18,026 (Annex V), of 25 September 2006, shall be applied to the benefit of plaintiffs, victims, witnesses and relatives.”

160. As special aggravating circumstances for these offences, article 81 provides that:

“The following circumstances shall be considered special aggravating factors for the offences described in articles 77, 78 and 79 of this Act and shall increase the sentences established in the relevant articles by between one third and one half:

- (a) When the health or physical integrity of the migrants is endangered;
- (b) When the victim is a child or adolescent or the perpetrator has taken advantage of the physical or intellectual disability of a person aged over 18 years old;
- (c) When the perpetrator is a police officer or has custody or care of the persons or control of issues relating to their migration;
- (d) When the trafficking in human beings or people smuggling is effected using violence, intimidation or deception or by taking advantage of the victim’s inexperience;
- (e) When the perpetrator engages in the activities referred to in articles 77, 78 and 79 of this Act on a habitual basis.”

161. The State acknowledges in this regard that, for activities linked to child prostitution and the sexual exploitation of children, various offences are defined that refer to similar

acts and that this could give rise to problems of interpretation when applying these provisions.

162. Act No. 14,294 (the Act on Narcotic Drugs) in the version promulgated by Act No. 17,343 (Annex VI) and subsequent amendments also makes reference to the offences of child prostitution and the sexual exploitation of children.

163. Act No. 17,343 establishes penalties not only for laundering the proceeds of drug trafficking but for other activities also, including “the illegal trafficking of men, women and children, and procuring”.

164. For acts linked to child pornography, the Uruguayan legal framework also establishes offences that are in line with the Optional Protocol.

165. As mentioned previously, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted by Act No. 17,559.

166. To provide for implementation of the provisions of the Optional Protocol, Act No. 17,815, which encompasses all child pornography-related activities in articles 1, 2, and 3, was adopted.

167. Article 1 of Act No. 17,815 (manufacturing or producing pornographic materials using persons not of full legal age or without full legal capacity) establishes that: “Any person who manufactures or produces pornographic materials of any form using persons who are not of full legal age or do not have full legal capacity, or uses their image, shall be sentenced to a term of imprisonment of between 2 and 6 years.”

168. Article 2 of this Act (selling and distributing pornographic materials containing images or other forms of representation of persons who are not of full legal age or do not have full legal capacity) establishes that: “Any person who sells, disseminates, displays, holds for distribution, imports, exports, distributes or supplies pornographic materials containing the image or other form of representation of a person who is not of full legal age or does not have full legal capacity shall be sentenced to a term of imprisonment of between 12 months and 4 years.”

169. Article 3 of the Act (facilitating the sale and dissemination of pornographic materials containing images or other forms of representation of persons who are not of full legal age or do not have full legal capacity) establishes that: “Any person who by any means facilitates, for their own profit or the profit of another, the sale, dissemination, display, import, export, distribution, supply, storage or acquisition of pornographic materials containing the image or any other form of representation of one or more persons who are not of full legal age or do not have full legal capacity shall be sentenced to a term of imprisonment of between 6 months and 2 years.”

170. For purposes of the above article: “Pornographic products or materials shall be understood to mean any product or material containing, by whatever means, the image or other form of representation of persons who are not of full legal age or do not have full legal capacity engaged in real or simulated explicit sexual activities or any image or representation of the sexual parts of such persons, for primarily sexual purposes.” (Act No. 17,559 of 27 September 2002, relating to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.)

171. As can be determined from the above, for the offence of child pornography Uruguayan legislation encompasses all related activities, from the manufacture or production of pornographic materials using persons not of full legal age or without full legal capacity to the sale and dissemination of materials containing the image of persons not of full legal age or without full legal capacity.

172. The sale of human organs and tissues is criminalized in Act No. 14,005. Article 14 of this Act establishes that: “Any person who by providing an organ or tissue, failing to oppose the use of an organ or tissue or authorizing a clinical autopsy for legal purposes, accepts money or other valuable consideration or the promise or such consideration for themselves or for a third party shall be sentenced to a term of imprisonment of between 6 months and 4 years.”

173. With regard to child labour, in ratifying the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) by Act No. 17,298, Uruguay undertook to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

174. With regard to the corruption of minors, article 274 of the Criminal Code of Uruguay establishes that: “Any person who, to satisfy their lust, through libidinous acts corrupts a person over 12 years of age but under 18 years of age shall have committed corruption.”

175. Lastly, it should be noted that the Uruguayan legal framework does not include provisions dealing with the offence of sex tourism. However, in order to punish the acts covered in the Optional Protocol, article 1 of Act No. 18,250 is considered to be applicable for both trafficking and smuggling offences involving minors. The offences defined in Act No. 17,815 may also be applied.

D. Seizure and confiscation measures

176. Uruguay has in-force legislation which provides for the seizure and confiscation of goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the Optional Protocol, and the proceeds derived from such offences.

177. Article 2 of Act No. 18,494 of 5 June 2009 on the control and prevention of money-laundering and terrorism financing replaces the previous legislation governing this area and establishes the new powers of the competent criminal courts.

178. This Act establishes the framework under which persons tried for offences connected to the Convention on the Rights of the Child and the Optional Protocol thereto may be subject to precautionary measures and, ultimately, the confiscation of their goods.

179. Article 1 of the Act establishes that the offence of money-laundering shall encompass the laundering of “goods, proceeds or instrumentalities derived from offences under Uruguayan legislation connected to: ... the criminal activities covered in Act No. 17,815 of 6 September 2004 and in articles 77 to 81 of Act No. 18,250 of 6 January 2008 and all illegal activities covered in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography or involving the trafficking, smuggling or sexual exploitation of human beings; ...”.

180. Act No. 18,494 (Annex VI) also establishes the framework for the application of precautionary measures and their admissibility, the powers of the courts in this area, and the remedies and avenues of redress available.

181. Article 62, paragraph 1, of the Act, relating to precautionary measures, establishes that: “The competent criminal court shall adopt, by reasoned decision, of its own motion or on the application of any of the parties, at any stage of the proceedings including during the inquiry, the precautionary measures necessary to ensure the availability of the goods that may be subject to confiscation as a result of any of the offences established in this Act or any offences related to them having been committed.”

182. Article 62, paragraph 2, stipulates that: “Precautionary measures shall be adopted when the competent criminal court considers such measures essential to protect the State’s right to dispose of these goods, once confiscated, and whenever there is a risk of the State’s interests being compromised or frustrated by delays in the proceedings.”

183. Paragraph 3 of the same article stipulates that: “The criminal court shall be empowered to: (a) assess the necessity of the measure, having the option to order another in its place should it consider this more efficient; (b) determine the scope and duration of the measure; and (c) order the modification, substitution or cessation of the precautionary measure adopted.”

184. Article 62, paragraph 4, concerning remedies, establishes that: “The measures shall be adopted in camera and no act or petition to avoid compliance therewith shall be admitted. Decisions approving, rejecting or altering a precautionary measure may be challenged through applications for review or appeal, but the submission of such applications shall not give rise to suspension of the measure’s enforcement.”

185. The Act also gives the court the possibility of ordering other measures. Paragraph 5 of article 62 stipulates that: “The criminal court may order the measures it considers imperative, including, inter alia, prohibitory injunctive relief, precautionary registration of the claim, prejudgement attachment and confiscation, the appointment of an administrator, auditor or inspector or any other measure that might be appropriate to achieve the precautionary purpose.”

186. With regard to provisional measures, paragraph 6 of article 62 stipulates that: “The criminal court may resolve, as a provisional or anticipatory measure, to auction goods that have been attached or are subject to any precautionary measure in general or at risk of expiration, impairment, depreciation or devaluation, or if maintaining the goods might generate damages or costs disproportionate to their value.”

187. The concept of confiscation is defined in article 63 of the Act.

188. Paragraph 1 of this article establishes that: “Confiscation is the definitive deprivation of any goods, proceeds or instrumentalities by decision of the competent criminal court at the request of the Public Prosecution Service, as an ancillary legal consequence of the illegal activity. The executory judgement ordering confiscation shall serve as deed of transfer of ownership and shall be entered in the relevant public registers.”

189. With regard to scope of application, article 63.2 stipulates that:

“In the final judgement convicting a person of any of the offences established in this law or related offences, the criminal court shall, at the request of the Public Prosecution Service, order the confiscation of:

- (a) any prohibited narcotic drugs and psychotropic substances that were seized during the proceedings;
- (b) the goods or instrumentalities used to commit the offence or any illegal preparatory activities;
- (c) the goods and proceeds deriving from the offence;
- (d) the goods and assets deriving from application of the proceeds of the offence, including: goods and assets into which the proceeds of the offence have been transformed or converted and goods and assets with which the proceeds have been intermingled, up to the assessed value of the intermingled proceeds; (e) income or other revenues generated by goods and assets deriving from the offences.”

190. Article 63.3 of the Act makes reference to confiscation of equivalent value, establishing that: “Where the confiscation of such goods, proceeds and instrumentalities has

not been possible, the criminal court shall order the confiscation of any other property of the convicted person of an equivalent value or, where this is not possible, shall order the convicted person to pay a fine of identical value.”

191. The article also provides for automatic confiscation.

192. Article 63.4 establishes that: “Without prejudice to the foregoing, at any stage of the proceedings during which the suspect or accused has not been captured, the competent criminal court may issue the corresponding arrest warrant and, if at the end of six months the situation has not changed, any right that the suspect or accused may hold in respect of goods, proceeds or instrumentalities that have been seized as a precautionary measure shall expire and their automatic confiscation shall take effect. In cases where goods or proceeds deriving from offences covered by this law or from related offences are found, if within six months no interested party has come forward to claim them, their automatic confiscation shall take effect.”

193. Lastly, article 63.5 establishes the substantive scope of the provisions.

194. It stipulates, in this connection, that: “Confiscation may extend to the goods listed in the preceding paragraphs in respect of which a person convicted of any of the offences covered by this law or of related offences is the ultimate beneficiary and has failed to provide an explanation of their origin sufficient to contradict the evidence set forth in the indictment, whenever the value of the aforementioned goods is disproportionate to the lawful activities in which the person is engaged and has duly declared. Money, goods and other effects acquired at a time prior to the period in which the convicted person carried out the criminal activity may also be subject to confiscation, provided that the criminal court has factual evidence sufficient to establish a reasonable connection with the same criminal activity.”

195. The statutory provision states that: “For purposes of confiscation, persons convicted of offences covered by this law or offences related to them, shall be considered to be the ultimate beneficiary of the goods even if they are registered in the name of third parties or are in some other manner held through an intermediary individual or legal entity. The confiscation decision and the aim and substantive scope of the decision shall be determined by the competent criminal court.”

E. Victim protection

196. Legislation on trafficking in human beings and people smuggling contains various provisions on victim protection.

197. Article 18,250 of the Migration Act (No. 18,250) stipulates that: “In cases of trafficking in human beings, where relevant, the provisions of articles 13 and 14 of Act No. 18,026, of 25 September 2006, shall be applied to the benefit of plaintiffs, victims, witnesses and relatives.”

198. As indicated in this Act, the system for the protection of victims of offences of sexual exploitation, especially aggravated offences in which the victim is a child or adolescent, is the system established by articles 13 and 14 of the Act on cooperation with the International Criminal Court.

199. Article 13, paragraph 1, of Act No. 18,026 (on involvement of the victim) stipulates that: “In cases involving the offences covered by Sections I to III of Part II of this Act, plaintiffs, victims and their relatives shall be permitted to see all documents, to suggest evidence, to submit any evidence in their possession and to take part in all judicial proceedings. For such purposes, they shall indicate a domicile for service and shall be notified of all decisions adopted.”

200. This legal provision further stipulates that: “In addition, if a stay of proceedings has been ordered or if, 60 days from the date on which the complaint was lodged, the preliminary investigation or inquiry is still under way, the plaintiff, victim or their relatives may submit to the competent judge a reasoned request for review of the case or a request for information on the status of the proceedings.”

201. Paragraph 2 of article 13 establishes that: “If the request for review of the case is made because the proceedings have been stayed, a substitute prosecutor shall be assigned, who shall review the proceedings within a period of 20 days.”

202. Paragraph 3 stipulates that: “The judicial decision shall be communicated to the petitioner, the prosecutor and the Attorney General”.

203. Paragraph 4 states that:

“During the proceedings, on the request of the prosecutor or of its own motion, the court may take any steps it deems appropriate and necessary to protect the security, physical and mental well-being, dignity and privacy of victims and witnesses. To this end, it shall take into account all relevant factors, including age, sex and health, as well as the nature of the offence, particularly when sexual violence, gender-based violence or violence against children and adolescents are involved.

In cases of sexual violence, no corroboration of the victim’s testimony shall be required, no evidence concerning the prior sexual conduct of the victim or witnesses shall be admitted and consent shall not be accepted as an argument for the defence.

Exceptionally, and in order to protect victims, witnesses or suspects, the judge may, in a reasoned decision, order that evidence be given using electronic media or other special technical means that help to prevent secondary victimization. In particular, these measures shall apply where victims of sexual assault and minors are involved, whether as victims or witnesses. Where relevant, the provisions of article 18 of Act No. 17,514, of 2 July 2002 shall be applicable.

Every effort shall be made to ensure that the prosecution has at its disposal legal advisers specialized in certain fields, including sexual violence, gender-based violence and violence against children. Efforts shall also be made to ensure that the court has at its disposal personnel specialized in dealing with victims of trauma, including trauma related to sexual and gender-based violence.”

204. Article 14, paragraph 1, of Act No. 18,026 (on reparation for victims) establishes that: “The State shall be responsible for providing reparation to the victims of offences under Sections I to III of Part II of this Act that are committed in Uruguay or on foreign territory by agents of the State or by persons who are not State agents but have acted with the authorization, support or acquiescence of State agents.”

205. Paragraph 2 of article 14 further stipulates that: “Reparation for victims shall be comprehensive, encompassing compensation, restitution and rehabilitation, and shall be extended also to the victims’ relatives or to the group or community of which they form part. ‘Relatives’ shall be understood to mean a group of individuals bound together by blood or matrimonial ties and by the fact of living together or sharing a common way of life.”

206. As mentioned previously in the comments on implementation of article 7 of the Optional Protocol, for cases of money-laundering involving goods, proceeds or instrumentalities deriving from offences covered by the Optional Protocol, the provisions of

Act No. 18,494 on the control and prevention of money-laundering and terrorism financing shall apply.

207. Article 8 et seq. of this Act establish specific measures for the protection of victims, witnesses and informants.

208. Article 8, paragraph 1, of Act No. 18,494 establishes that: “Witnesses, victims acting in this capacity, experts and informants in proceedings under the jurisdiction of the specialized first instance courts for organized crime may be subject to protection measures when there are well-founded suspicions that their life or physical well-being or the life or well-being of their relatives are seriously at risk.”

209. Paragraph 2 of article 8 of the Act lists the available protection measures, namely:

1. Physical protection of such persons, with expenses borne by the police.
2. Use of mechanisms that prevent their visual identification by third parties not involved in the proceedings whenever they are required to appear in evidentiary proceedings.
3. Sparing quotation of their words, transportation in official vehicles and hearing of their statements in camera.
4. Prohibition on the taking of photographs and on the recording and disseminating of their likenesses, both by individuals and by the media.
5. Possibility of hearing their testimony using audiovisual media or other appropriate technologies.
6. Relocation, use of another name and assignment of new identity documents, in which case the National Directorate for Civil Identification must adopt all safeguards necessary to ensure that such measures remain secret.
7. Full or partial prohibition on the disclosure of information concerning their identity or whereabouts.
8. Economic assistance in cases of relocation, which shall be provided in accordance with article 464, paragraph 3, of Act No. 15,903, of 10 November 1987.”

210. In paragraph 3 of article 8 it is further stipulated that: “The protection measures described in the preceding paragraph shall be adopted by the court at the request of the prosecution or on the application of the victim, witness, expert or informant and shall be extended to relatives and other persons deemed by judicial decision to be close to the victim, witness, expert or informant.”

211. Paragraph 8.4 states that: “Agreements may be concluded with other States for the purpose of relocating victims, witnesses or informants.” Paragraph 8.5 provides that: “Resolutions that are adopted in accordance with the preceding paragraphs shall be confidential and shall be placed in a separate file, which shall remain in the custody of the court clerk.”

212. Article 9 of Act No. 18,494 stipulates that: “Any public official who, by virtue or in exercise of their office, discloses secret protection measures, the whereabouts of relocated people or their identity, in those cases where the use of a new identity has been authorized, shall receive a prison sentence of between 2 and 6 years and an absolute disqualification of between 2 and 10 years.”

213. Lastly, article 10 of the Act establishes that:

“Any person who uses violence or intimidation with the aim of directly or indirectly inducing a person who is a plaintiff, party or suspect, lawyer, attorney,

expert, interpreter or witness into changing their testimony in court or failing to fulfil their legal obligations, shall receive a prison sentence of between 12 months and 4 years.

If the perpetrator of the offence achieves their aim, the legal provisions relating to criminal complicity shall apply, without prejudice to the provisions of article 60, paragraph 2, of the Criminal Code.

Committing an act detrimental to life, integrity, freedom, sexual freedom or property in retaliation against a person who has used violence or intimidation with the aim of directly or indirectly influencing another in the manner described in paragraph 1 above shall be treated as an aggravating circumstance of the offence in question and the corresponding minimum and maximum sentences shall be increased by a third.”

F. Extradition

214. Uruguay has entered into a number of extradition-related agreements with various countries over the years and it is these instruments that govern extradition issues at the respective bilateral level.

215. In cases where no bilateral agreement exists, the general framework for granting extradition on the request of a foreign authority is established in article 32 of the Code of Criminal Procedure.

216. This article establishes that, where no extradition treaty exists, the granting of extradition requests is subject to three preconditions: (a) the offences concerned must carry a sentence of at least 2 years’ imprisonment; (b) the requesting Government must submit the application to the executive branch accompanied by a copy of the judgement or detention order and the supporting documents required under the laws of Uruguay to make an arrest; (c) there must be a court statement confirming that the extradition is fair and that both the accused and the prosecutor have been heard in the criminal court.

217. In addition to this general framework, and for offences covered by this report in particular, there is a legal provision which stipulates that all offences which at the national level fall under the jurisdiction of the specialized courts for organized crime are extraditable.

218. In this connection, article 11 of Act No. 18,494 establishes that, without prejudice to the provisions of article 32, subparagraph (a) of the Code of Criminal Procedure: “Extradition shall be admitted for the offences set forth in Decree Law No. 14,294, of 31 October 1974, the predicate offences set forth in articles 54 to 57 of the Decree Law and those established in Act No. 17,835, of 23 September 2004.”

219. Following the approval of Act No. 18,914 amending anti-money-laundering law, by virtue of which cases of commercial sexual exploitation are henceforth heard before the ordinary criminal courts unless the existence of a criminal association of three or more persons can be proven, article 5 of the Optional Protocol empowers the national courts to grant extradition in application of the provisions of paragraph 2.

G. International judicial cooperation

220. According to the judiciary of Uruguay, international cooperation in this area is standard practice within the Uruguayan justice system and is effected through various channels.

221. The main channels are the judicial cooperation agreements signed by the State party.
222. Notwithstanding the existence of these mechanisms, Uruguayan judges are in regular contact with their foreign counterparts through both formal and informal forums (which are rapidly formalized in the event of official requests for cooperation).
223. As a general rule cooperation is effected through the specialized courts and is based on expertise and specialization in given areas.
224. Specifically in relation to the sale of children, child prostitution and child pornography, cooperation is ongoing, especially with countries of the region.
225. The cooperation agreements to which recourse is most frequent in the fight against these phenomena are, in connection with pornography, the agreements concluded with the United States of America and Spain and, in connection with the trafficking and smuggling of human beings, the agreements concluded with countries of the region.

H. Strengthening international cooperation

Actions coordinated with other States

226. **Mercosur – Niñ@Sur.** Created in 2004 by decision of the Mercosur Common Market Council, the Conference of High-Level Human Rights Authorities and Ministries of Foreign Affairs of Mercosur has the task of ensuring the efficient functioning of democratic institutions and respect for and the promotion and protection of human rights and fundamental freedoms.
227. The promotion and protection of the rights of children and adolescents are considered a central focus within this framework, under which States assumed a commitment to ensure that children have full enjoyment of their rights on equal terms and thus to guarantee comprehensive protection for their rights. In this connection, represented States considered it imperative to be able to share experiences and to plan joint strategies to enhance compliance with human rights instruments.
228. The aim of the resulting project, named the Niñ@Sur (Southern Child) Initiative, is to promote compliance with the Convention on the Rights of the Child and other universal and regional human rights instruments.
229. Another aim of the Niñ@Sur Initiative is to foster dialogue and cooperation between States in monitoring and satisfying the Millennium Development Goals (MDGs), given the fact that a number of the MDGs have a direct relationship with the rights of children and adolescents.
230. The trafficking, smuggling, sale, sexual exploitation and/or abuse of children are priority items on the working agenda of the Niñ@Sur Initiative.
231. A specific action of particular importance is the plan to establish a regional network to combat trafficking in children and adolescents for purposes of sexual exploitation in border areas.
232. The plan envisages the development of a regional strategy for combating trafficking in children and adolescents for purposes of sexual exploitation. The strategy is being developed on the basis of proven, systematized experience of mobilizing, organizing, strengthening and integrating local prevention, support, protection and accountability networks and services.
233. The plan's implementation is supported by non-reimbursable funding from the Inter-American Development Bank in addition to funding from Mercosur member States.

234. The strategy is being implemented in 15 twin towns in Mercosur member countries, with Argentina, Brazil, Paraguay and Uruguay having been selected for the pilot phase. In Uruguay the following localities are taking part: Chuy, Rivera, Bella Unión and Rio Branco.

235. This international technical cooperation is allowing for: the construction and strengthening of platforms and mechanisms for coordinating actions; the exchange of experiences and information on ways of fighting the problem; and the development of more effective solutions that streamline public investment.

236. The countries involved in this project are Brazil, Argentina, Paraguay and Uruguay.

237. **Regional Task Force for the Americas (GARA).** The Regional Task Force for the Americas was established at the first Meeting of Ministers and High-Level Tourism Authorities of South America on the prevention of the commercial sexual exploitation of children and adolescents in tourism, held in Río de Janeiro on 26 October 2005. The member States of the Task Force are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay and Venezuela. Costa Rica, Cuba, the island of Curaçao, the Dominican Republic and Mexico are observer countries. ILO and UNICEF are observer organizations.

238. The Regional Task Force for the Americas meets annually with the aim of preventing and eliminating the commercial sexual abuse of children and adolescents in travel and tourism.

239. Since 2005 it has been involved in the following activities:

(a) Organizing the International Training Course for regional trainers with the support of international experts from ILO, IOM, UNICEF and ECPAT;

(b) Establishing the Regional Trainers Corps, composed of members from different public and private sector organizations who replicate the training they receive in the region, in each member State and within their organizations. The national training programme expects to train increasing numbers of trainers;

(c) Systematizing all subject areas included in the International Training Course, within a guide for regional trainers;

(d) Running a simulation workshop and a capacity-building workshop, both in situ and by videoconference, for the Regional Trainers Corps (continuation of the training process);

(e) Formulating national training plans for the region;

(f) Creating the website and communications forum of the Regional Task Force, with links and sub-domains on the portals of members and other organizations;

(g) Producing a CD to raise awareness through music, in the languages of the region, which includes songs, messages and digital information and serves as a support tool to assist the Regional Trainers Corps in replicating the message throughout the region.

240. **Meetings of the Ministers of the Interior and Ministers of Justice of Mercosur countries.** Uruguay cooperates with Mercosur member and associate States and exchanges information on relevant data and indicators of offences and acts of violence. To support the fight against trafficking and commercial sexual exploitation, the following agreements and provisions have been approved.

241. Agreement to combat the smuggling of migrants between MERCOSUR member States (Common Market Council Decision 37/04).

242. Information campaign for the prevention of trafficking in human beings (Common Market Council Decision 12/06).
243. Agreement between MERCOSUR member and associate States on regional cooperation to protect the rights of children and adolescents in situations of vulnerability (Common Market Council Decision 25/08).
244. Agreement on the implementation of shared databases on children and adolescents in situations of vulnerability in MERCOSUR and associate States (Common Market Council Decision 26/08).
245. Framework agreement for cooperation between MERCOSUR member and associate States in the creation of joint investigation teams (Common Market Council Decision 21/10).
246. Montevideo Declaration against Trafficking in Human Beings in MERCOSUR and associate States of 18 November 2005.
247. Declaration of Ministers of Justice of MERCOSUR States on trafficking in human beings for purposes of exploitation of any form of 7 May 2010.
248. Action plan for fighting trafficking in human beings between MERCOSUR member and associate States (Agreement 01/06).
249. **Cooperation with Interpol.** Within the Ministry of the Interior, the Directorate-General for Combating Organized Crime and for Interpol facilitates the exchange of information between Interpol member States and other international organizations (OIM, ILO, etc.), particularly in relation to offences linked to organized crime networks, convicted offenders, missing persons, etc.
250. Specifically with regard to the fight against sexual exploitation of children, Interpol Green Notices are used to alert other Interpol member States to the possibility that a child exploitation or paedophile network may be working in their country or region.
251. The Green Notice system operates in accordance with the provisions of Act No. 18,026 on cooperation with the International Criminal Court in the fight against genocide, war crimes and crimes against humanity. Articles 13 and 14 of this Act establish a system of protection for plaintiffs, victims, witnesses and relatives in relation to victim involvement and reparation.

List of annexes

Annex I – Decree No. 358/2004

Annex II – Act No. 18,914

Annex II – Act No. 18,362

Annex III – Act No. 17,815

Annex IV – Act No. 18,250

Annex V – Act No. 18,026

Annex VI – Act No. 17,343

Annex VII – Act No. 18,494
