



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Twenty-sixth session

Summary record of the 541st meeting

Held at Headquarters, New York, on Thursday, 24 January 2002 at 10.30 a.m.

Chairman: Ms. Regazzoli (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Regazzoli, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.30 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (continued)

Combined second and third periodic reports of Uruguay (CEDAW/C/URY/2-3, CEDAW/PSWG/2002/I/CRP.2, CEDAW/PSWG/2002/I/CRP.1/Add.5)

1. *At the invitation of the Chairperson, Mr. Paolillo and Ms. Rivero (Uruguay) took places at the Committee table.*

2. **Mr. Paolillo** (Uruguay) said that Uruguay had been a leader in human rights in its region and had been among the first Parties to sign the Optional Protocol to the Convention. He informed the Committee with regret that, because of the austerity measures necessitated by the effects of the recent economic crisis in Argentina, the Government had decided not to send a delegation from the capital to present the report. He and his colleagues from the Permanent Mission of Uruguay to the United Nations were honoured to participate in the dialogue with the Committee, however, and would provide as much additional information as possible.

3. **Ms. Rivero** (Uruguay) said that the Government had established the National Institute for Family and Women's Affairs, as well as legislation addressing equal employment opportunities and violence against women and such questions as reproductive health, sexually-transmitted diseases and HIV/AIDS. The Parliament had also established committees on women's rights and on gender equality. A number of provincial governments had taken the initiative to set up their own mechanisms for monitoring women's rights.

4. Two issues had recently given rise to a great deal of public debate in Uruguay: the first was the establishment of the office of Ombudsman or Public Defender; the second was abortion and its sensitive, ethical, moral and religious implications.

5. Uruguay had endorsed the platforms for action adopted by the International Conference on Population

and Development and the Fourth World Conference on Women. It had also ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and the Optional Protocol to CEDAW.

6. The lack of resources was the primary obstacle to accelerating progress in promoting women's rights. Consequently, the assistance of international organizations and national and international non-governmental organizations working directly with the Government in implementing its commitments was vital.

7. For example, the budgetary allocations for the National Institute for Family and Women's Affairs would not be sufficient to enable it to carry out its programmes without the valuable support of non-governmental organizations. The NGOs had also been instrumental in executing basic programmes to reduce domestic violence by providing telephone hotlines and shelters for battered women, conducting research and providing essential data.

8. **Ms. Gonzalez** welcomed the news that Uruguay had ratified the Optional Protocol to the Convention, which was an affirmation of the political will to uphold human rights, especially those of women. She regretted that the State party's report did not contain any information on the implementation of articles 5 and 7 of the Convention or any disclosure of the impact of the laws enacted for the advancement of women and the de facto situation.

9. More education was clearly needed in the public sector on the concept of gender. The commitments made at the Cairo and Beijing conferences had been political commitments by States to enforce gender equality, and should not be left solely to the non-governmental sector. It was disappointing that in Uruguay, among the first countries of Latin America to establish an office to deal with women's concerns, there had been so little progress. Uruguayan women needed to make themselves heard to raise awareness of the need for true equality.

10. The statement in paragraph 331 of the report that under the Civil Code, a child born out of wedlock could be registered as a "natural child" seemed to indicate that a distinction was made between children born within marriage and those born out of wedlock. She was concerned that it made a difference in their rights. Furthermore, activities to combat violence

against women should be supported not just by non-governmental organizations but by the Government. Education was needed to change stereotypes implying that women's role was less valuable to society and in developing policy from a gender perspective.

11. **Ms. Corti** expressed surprise that Uruguay, which had been ahead of many European countries when it granted women the right to vote in 1932 and full civil equality in 1946, seemed to have made little progress since then. The Government's responses to the list of issues from the Committee indicated many changes in the national mechanisms dealing with women. She would like to know why there had been so many changes and would welcome more information about their structure, composition and terms of reference.

12. Neither the report nor the responses to the list of issues and questions presented a logical explanation of the current situation for women in Uruguay. She noted in particular that there was no mention of a national plan to implement the Beijing Platform for Action and those responsible for its implementation. Was there a national mechanism geared towards implementing a gender-mainstreaming policy? Despite some progress in advancing women's education, little effort seemed to have been made to eliminate stereotypes and she stressed that article 4 (1) of the Convention was particularly suited to promoting the involvement of women in political life.

13. It was also a source of concern that although more than 58 draft bills relating to women's rights had been proposed in recent years, only 13 had been adopted, which suggested that progress towards building a legal framework for the advancement of women had been slow. For example, she wondered if the new bill on domestic violence had been passed by the Parliament and the Senate and become law. It was urgent to deal with the issue of domestic violence, including violence against the disabled and minors.

14. The report did not provide enough information on the situation of women in the workplace. Discrimination was known to be common in patriarchal societies in general and particularly at times of economic crisis, women were always the most disadvantaged. The differences between the situation of women in the public and private sectors should be further explored as well as the role played by trade unions playing in eliminating discrimination and wage differentials. Acknowledging that in theory the

Constitution and the law protected women's right to work and guaranteed them equal civil rights, she deplored the continued tolerance of violence against women, so that for example, a man charged with rape could escape prosecution if he married the victim in flagrant violation of the Convention.

15. **Ms. Ferrer Gomez** also noted that the Committee had not been provided with the information it required to fully understand the current situation in Uruguay with regard to implementation of the Convention. Despite some positive measures such as ratification of the Optional Protocol, a much more comprehensive series of laws, which incorporated sanctions in cases where women's rights were violated was necessary to ensure full implementation.

16. Little information had been provided on, for example, the role, powers and independence of the National Institute for Family and Women's Affairs; no mention had been made of a national plan for follow-up to the Beijing Platform for Action and she wondered whether a gender perspective was truly being integrated cross-sectorally at all levels of State policy. More information would also be welcome on the role and functioning of the Commission on Women's Rights and on the role of the Parliamentary women's group. Has its work been coordinated with that of the National Institute?

17. More information was needed on the participation of non-governmental organizations in drafting the report and on procedures for exchange of information between the National Institute and civil society. Similarly, more data was needed on measures to change traditional attitudes and eliminate discriminatory practices under a concrete plan to increase awareness of women's rights among both men and women in a systematic, not piecemeal manner, especially among influential professional groups like teachers and jurists.

18. With regard to article 19, she stressed the need to provide training to those responsible for implementing gender-related policies, like civil servants, and to make drastic changes in teaching materials, curriculum and methodologies to eliminate stereotyping at all levels. While applauding positive steps such as pilot sex education programmes, albeit only for disadvantaged groups, improved teacher training and efforts by the Rector of the National University to mainstream gender awareness in all faculties, she said that there seemed to have been little overall change in practical terms.

19. Commenting on article 11, she observed that despite the existence of appropriate legislation and acceptance of international standards such as those of the International Labour Organization (ILO), discrimination and inequality were still widespread. Despite women's generally higher educational and cultural levels, they were overrepresented in traditional occupations such as teacher, nurse, social worker or those involving services, including domestic service, which were poorly paid and often lacked social protection. Even in situations where women did the same work as men, notwithstanding the law, women tended to earn only 75 per cent as much as men, only 50 per cent in managerial and professional posts. She also noted the absence of special programmes to meet the needs of older women, especially in Montevideo, where most of them lived.

20. **Ms. Kaplata** noted that the report made no mention of article 4 (1) of the Convention and did not cover, for example, participation in the Government and elected office, where temporary and special measures would be appropriate. She asked for more information on whether the use of such measures was being considered as a way of promoting de facto equality. She was also concerned by the statement made in paragraph 144 of the report that suggestions for remedying gender inequalities were mere recommendations not binding on Government. If that was so, how could they be translated into law and made mandatory for the public and private sectors?

21. **Ms. Rivero** (Uruguay) said that temporary and special measures had not been considered because they would not offer any real, permanent solution to existing problems.

22. With regard to the low levels of participation of women in positions of responsibility in political parties, government and unions (article 7), she stressed that there was no conscious attempt to relegate women to a lesser role but it was difficult to have the principles enshrined in the Constitution and in legislation accepted and implemented in practice when they conflicted with traditional attitudes. The fact that women often had to juggle their working lives and their responsibilities as mother and homemaker kept them from playing a more active role in society, as did their relatively low earning power. Although the younger generation was more disposed to accepting equality and sharing roles, the situation was still far from perfect. In the political arena, it was often difficult for

women to break into a traditionally male-oriented world although there had been progress and the Constitution guaranteed all citizens the right to vote and to hold elected office in the Government and civil service. The Ministry of Foreign Affairs had recently recruited nine women and no men. Women's generally higher educational level should help them play a greater leadership role.

23. She acknowledged that there was no specific plan for follow-up to the Beijing Platform for Action but the Platform would be incorporated in the broad mandate of the National Institute for Family and Women's Affairs, which closely mirrored its main provisions. The Institute, although a subsidiary body of the Ministry of Education and Culture, functioned independently and its membership was multidisciplinary, with representatives of the Ministry of Education, other ministries, women senators and members of Parliament and non-governmental organizations. The Chairperson was appointed by the Ministry of Education and Culture in consultation with the office of the president and other members were appointed by the ministries or groups they represented.

24. The draft law on domestic violence had been approved by the Assembly and should be approved by the Senate in 2002. The large residue of bills introduced but not approved was typical of all areas, not just women's rights. The positive aspect to be retained was that legislation was proposed when a need was identified and that existing laws were amended to take into account lessons learned in their implementation.

25. The wage gap between men and women was not in any sense institutional. In the public sector, there was absolutely no difference between salaries for men and women; discrimination occurred only in the private sector under the influence of custom and tradition.

26. Non-governmental organizations offered assistance and expertise that complemented the activities of the Government in implementing the Convention in Uruguay. Their ideas and activities had a powerful effect on Uruguayan society; with their skills and knowledge they made a significant contribution to the achievement of gender equality.

27. The circumstance that only 13 of the 58 draft laws relating to women had been passed by Parliament reflected the usual trend in Uruguay: to discard many

bills because they were incompatible with existing legislation.

28. **Mr. Paolillo** (Uruguay) said that the name lottery had been instituted several decades ago for the purpose of preventing the stigmatization of so-called illegitimate children. It was now generally acknowledged that it was absurd to draw a distinction between a child born to married parents and one born to unmarried parents. A child born to two parents had one first name, and two last names, one for each of the parents. But a child with only one parent had only one last name. To make it impossible to identify such a child as illegitimate, a measure had been adopted randomly to assign a second last name if the parent had not chosen one, although it was rarely used.

29. **Ms. Rivero** (Uruguay) said that the law exculpating the rapist if he married his victim was also a vestige of a former time. Traditionally, if a young woman's parents refused to allow her to marry, the man might kidnap her in order to force the parents to accept the marriage. The assent of the so-called victim was necessary; a man could not take that action alone. Under the law, the judge examined an accusation of rape in order to determine whether the relationship between them could exculpate the victim. That anachronistic measure was no longer used, and therefore no one had taken the trouble to have it revoked.

30. The new school textbooks issued adopted a fresh approach to sex education. However, they had provoked such a social outcry that they had had to be shelved. The controversy regarding how to introduce sexual matter to adolescents continued and it might take some time before a different set of new textbooks reached the schoolroom.

31. The Government would endeavour to produce its next report strictly in accordance with the guidelines. The current report was poorly structured because it was the work of too many hands and some of the information had arrived late, and had not been properly incorporated.

32. The concentration of the population in the city of Montevideo had long been a problem for Uruguay. The Government had made attempts to decentralize it, by, for example, building universities in the interior with little success. Solutions to the social problems connected with that concentration of inhabitants in the capital were applied all over the country. Women were

unemployed in large numbers than men partly because they had joined the labour force relatively recently, and had not yet achieved the same job participation as men.

33. **Mr. Paolillo** (Uruguay) said that the problem presented by the elderly female population was not particular to Uruguay. The preparatory committee for the Second World Assembly on Ageing to be held in Madrid in 2002, of which he was the chairman, was having considerable difficulty reaching an agreement on an action plan for the ageing, many parts of which addressed the particular problems of older women living in rural and urban areas. In his view, the problems of ageing were different for the men and women. When women retired, they tended to find ways of occupying their time in the home; men often suffered from a sense of idleness.

34. **Ms. Rivero** (Uruguay) said that the National Institute for Family and Women's Affairs, a unit of the Ministry of Education and Culture had produced a report on the awareness campaigns conducted in Uruguay since 1995 on the subject of violence against women. The report had been received too late to be translated but Ms. Sereno would provide more information.

35. **Ms. Sereno** (Uruguay) said that since the early 1990s the National Institute for Family and Women's Affairs, with the support of local governments as well as the Ministries of Public Health and the Interior, had been conducting awareness workshops in domestic violence and women's rights for police officials, social workers, lawyers, judges, and members of the media with a view to eliminating discrimination in cultural attitudes and actions, and changing views that were not compatible with new understandings or with Uruguay's international commitments.

36. **Ms. Abaka**, speaking in her personal capacity, said that the replies to the list of issues (CEDAW/PSWG/2002/I/CRP.1/Add.5) stated that condoms were distributed free. And yet, it also indicated that teenage pregnancy rates had significantly increased among girls aged 10 to 19, and that over 63 per cent of teenage mothers were single mothers. It was difficult to understand how Uruguay, as a State party to the Convention on the Rights of the Child, could tolerate children producing children. She wanted to find the causes of the phenomenon, in particular, what role was played by religion and culture.

37. She had also been troubled to learn that 80 per cent of black women in Uruguay, who comprised about 3 per cent of the population, had not completed primary schooling. Although the replies asserted that that figure had dropped in subsequent generations, it was clear that ethnic minorities were not accorded equal rights. Noting that the report made no mention of article 4 (1), she urged the Government to consider using special measures to improve the situation of Uruguay's minorities.

38. **Ms. Gaspard** said that the report's lack of a clear structure made it difficult for the Committee to analyse the implementation of the Convention. The weakness of the report appeared to reflect the nature of the mechanisms responsible for implementing the Convention. According to the delegation, the cause of that weakness was insufficient resources. And yet, many mechanisms could be instituted at no great cost. She commended the Government for establishing a parliamentary commission on gender equality, which could provide an opportunity for men to take part in the attainment of that goal and she asked for information on its composition and functions.

39. Effective policies were needed to prevent wage inequality between men and women and to ensure that equality in paid work was matched with a balanced share of responsibilities in the home, as required under article 5 of the Convention. The Government should also seriously consider using temporary special measures to increase the participation of women in public life, pursuant to article 4 (1), of the Convention. She requested that the Government provide more information on that issue in its next report.

40. **Ms. Kwaku** welcomed Uruguay's prompt ratification of the Convention and the Optional Protocol and requested that the Government take steps, if it had not already done so, to raise awareness of the rights enshrined in the two instruments, particularly among women.

41. **Ms. Goonesekere** said that the Government needed to take action to ensure that women's high level of educational achievement was translated into participation at all levels of society. There were many female lawyers, but no female judges in the Supreme Court and very few in the Court of Appeal. Temporary special measures could be used to increase the number of women in the higher levels of the judiciary.

42. Although the Convention and other international legal instruments, once ratified, automatically became part of domestic law, no information was provided on actual cases where the Convention had been used to enforce rights. The Constitution made no explicit reference to the status of the Convention in domestic law and contained no definition of discrimination or specific provisions on gender equality. The remedy of "amparo" appeared to be an effective means of obtaining redress in cases of discrimination and she would like to know why women did not use it more widely. Action under the Optional Protocol could be taken only after all available domestic remedies had been exhausted. It was therefore important to strengthen those remedies and ensure that women knew how to use them.

43. Although the legal marriage age in Uruguay was low, she assumed that there were few child marriages: women had a high level of education, which usually meant that they married later. If that was the case, the marriage age should be raised so as to bring the law into line with the actual situation in the country.

44. **Ms. Rivero** (Uruguay) said that temporary special measures could be an effective way to improve the situation of women and she therefore suggested that the Government consider introducing such measures. Replying to a question from Ms. Abaka, she said that since people now became sexually active at a younger age, the Ministry of Public Health and the Ministry of Education and Culture had introduced sex education programmes for young people and adolescents, with particular emphasis on the use of contraception. However, much work remained to be done in that regard.

45. Until recently, there had been no reliable statistics on ethnic and racial minorities and little awareness of the problems affecting them. The level of educational achievement and income among minority groups was generally low and they were also underrepresented in political parties and trade unions. However, some progress was being made in that regard and more information would be provided in the next report.

46. An increasing number of institutions in Uruguay dealt with women's issues, and the National Institute for Family and Women's Affairs was responsible for improving coordination between them. In addition, the Commission on Women's Rights had been set up to advise legislators on women's issues and support the

work of the National Institute. When laws were adopted, they were printed in the official journal and publicized by various bodies. The Commission on Women's Rights was responsible, in particular, for raising awareness of the rights enshrined in the Convention and the Optional Protocol.

47. One of the reasons for the underrepresentation of women in the top levels of the judiciary was that women had begun to enter the judiciary only recently in comparison with men. However, there were no barriers preventing women from reaching senior positions and the Supreme Court now had one woman judge. As the number of women completing higher education increased, the number holding senior positions was expected to increase.

48. **Mr. Paolillo** (Uruguay) said that many women who entered the legal profession did not progress as far as they could; because their jobs demanded a high input of time, women often left the profession early so as to devote more time to domestic matters. However, such women sometimes worked as advocates or advisers in public bodies.

49. **Ms. Rivero** (Uruguay) said that the Government of Uruguay agreed with the Committee's view that the legal marriage age was too low, and a bill had been tabled in Parliament to raise it. However, the number of teenage girls becoming pregnant had recently increased and it was important for them to be able to marry if they so wished. The Government was stepping up its efforts to reduce the number of adolescent pregnancies and improve sex education programmes.

50. **Ms. Myakayaka-Manzini** asked whether there were cultural or traditional practices in Uruguay that hampered women's advancement and what steps were being taken pursuant to article 5 of the Convention to modify social and cultural patterns of conduct that reinforced gender stereotypes. She would also like to know whether school textbooks perpetuated gender stereotypes and, if so, what was being done to address that problem. What were the prospects of action by the Government, political parties and non-governmental organizations to increase women's participation in politics? The representation of women needed to reach a "critical mass" — generally considered to be about 30 per cent — if their views were to have a real impact on political debate and decision-making.

The meeting rose at 1 p.m.