



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

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## Committee on the Elimination of Discrimination against Women

Forty-second session

20 October-7 November 2008

### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Uruguay

1. The Committee considered the combined fourth, fifth, sixth and seventh periodic reports of Uruguay (CEDAW/C/URY/7) at its 856th and 857th meetings on 23 October 2008 (see CEDAW/C/SR.856 and CEDAW/C/SR.857). The Committee's list of issues and questions is contained in CEDAW/C/URY/Q/7 and the responses of Uruguay are contained in CEDAW/C/URY/Q/7/Add.1.

#### Introduction

2. The Committee welcomes the combined fourth, fifth, sixth and seventh periodic reports of the State party, while regretting their late submission. It also welcomes the State party's written replies to the list of issues and questions raised by the pre-session working group, but regrets, however, the descriptive nature of both the report and the replies and the absence of sufficient statistical data disaggregated by sex on the situation of women, in particular Afro-descendant and indigenous women, in all areas covered by the Convention.

3. The Committee expresses its appreciation to the State party for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

4. The Committee commends the State party for its large delegation headed by the director of the National Women's Institute and including representatives from Parliament, the judiciary, various ministries, municipalities and civil society. The Committee appreciates the open and constructive dialogue that took place between the delegation and members of the Committee.

#### Positive aspects

5. The Committee notes with appreciation the State party's efforts to implement the Convention through the adoption of a number of laws, including Law



No. 18.104 on equality of rights and opportunities between men and women; Law No. 17.514 on the prevention, early detection and eradication of domestic violence; Law No. 18.065 on domestic service; the Code on Childhood and Adolescence (Law No. 17.823); and Law No. 18.214 on personal integrity of children and adolescents.

6. The Committee welcomes the adoption of several plans and programmes to promote the status of women, in particular, the First National Plan for Equality of Opportunities and Rights (2007-2011) and the National Plan to combat domestic violence (2004-2010).

7. The Committee notes with satisfaction the establishment of the National Women's Institute (INAMU) as the national mechanism for the advancement of women, which has a clearer mandate and greater visibility than its predecessor, the National Institute for Family and Women's Affairs.

#### **Principal areas of concern and recommendations**

8. **The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

#### **Parliament**

9. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage its national Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

#### **Legal status of the Convention and definition of discrimination**

10. While noting that the Constitution enshrines the principle of equality between men and women, the Committee remains concerned at the absence of direct and clear incorporation of the Convention and of a specific definition of discrimination against women in accordance with article 1 of the Convention in domestic legislation. It regrets, in particular, that the recently adopted Law No. 18.104 on the equality of rights and opportunities between men and women does not incorporate such a definition. It recalls that the absence of such a specific provision with a definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private sphere, constitutes an impediment to the full application of the Convention in the State party.

11. **The Committee calls on the State party to take urgent steps to fully incorporate the Convention and the definition of discrimination against women,**

as contained in article 1 of the Convention, into domestic legislation and to report on progress made in this regard in its next periodic report.

#### **Visibility of the Convention and Optional Protocol**

12. While commending the establishment of the Tripartite Commission on Equal Opportunity and Treatment in Employment to deal with complaints of sexual harassment at work, the Committee regrets the poor knowledge of the Convention and the Optional Protocol in Uruguay. It also regrets the general absence of information on existing judicial remedies for the protection and enjoyment of women's rights and on the use of such remedies.

**13. The Committee recommends the adoption of awareness-raising campaigns and trainings for judges and legal professionals. It reiterates its previous recommendation (A/57/38, part I, para. 189) that the State party include more information in its next periodic report on the mechanisms and procedures available to women for the protection and promotion of their rights.**

#### **Temporary special measures (article 4, para. 1)**

14. The Committee notes with regret that no temporary special measures are in place to accelerate de facto equality between men and women and to improve the situation of women's rights in the State party, in particular with regard to women in the workplace and the participation of women in politics.

**15. The Committee urges the State party to adopt and implement, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, temporary special measures, with an emphasis on the areas of employment of women and participation of women in public life.**

#### **National machinery for the advancement of women**

16. The Committee notes the important role played by INAMU in advancing gender equality and women's rights in Uruguay and welcomes the increase in human and financial resources assigned to the Institute and the progressive extension of its territorial coverage. However, the Committee remains concerned that INAMU's capacity to carry out its mandate effectively is limited by the fact that it is not institutionally autonomous and that the State contribution to its budget is insufficient. The Institute's limited territorial coverage is also a matter of concern to the Committee.

**17. The Committee recommends that the State party ensure that INAMU enjoys greater autonomy and that it has an adequate and independent budget to carry out its mandate in an effective and sustainable manner. The Institute's presence throughout the territory of Uruguay should also be ensured.**

#### **The principle of equality**

18. The Committee notes with concern that certain provisions of the Penal Code, in particular those contained in title X, entitled "Crimes against decency and the family order", discriminate against women by retaining concepts such as modesty, virtue and public scandal in the characterization of sexual offences. The Committee

regrets that the draft reform of the Penal Code, submitted to the Senate in September 2005, is still to be adopted.

**19. The Committee urges the State party to speed up the process of adoption of the draft reform of the Penal Code and to repeal these articles of the Penal Code without delay in order to bring the Code into line with the Convention and the Committee's general recommendations 19 and 24.**

#### **Stereotypes, cultural practices**

20. While welcoming training and awareness-raising activities introduced by the State party for media operators and education professionals on the specific issue of violence against women, the Committee remains concerned at the persistence of stereotypes relating to the role of women in the family and society and at deep-rooted attitudes and conducts based on the assumed superiority of men in the public and private spheres.

**21. In line with the Committee's previous recommendation (A/57/38, part I, para. 193), the Committee recommends that the State party adopt urgent measures to eliminate social stereotypes in Uruguay, in particular by strengthening its awareness-raising programmes aimed at the media and education professionals and extending them to law enforcement officers and officials in the judicial system.**

#### **Violence against women**

22. The Committee commends the various legislative and policy measures taken by the State party to address domestic violence. However, it regrets the lack of information on the effective impact of such measures and the general gaps in data collection on all forms and manifestations of violence against women. The Committee further regrets the lack of support services for victims of domestic violence, including shelters and counselling services.

**23. The Committee encourages the State party to study the impact and effectiveness of its mechanisms to address domestic violence and establish a system for the regular collection of statistical data on domestic violence, disaggregated by sex and type of violence and by the relationship of the perpetrators to the victims. The State party should establish accessible shelters and crisis centres for female victims of violence and ensure that if a victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the victims and the situation is monitored to prevent further abuse. Training and awareness-raising programmes should be offered to judicial personnel, law enforcement officials and members of the legal and health professions. The Committee further encourages the State party to strengthen its collaboration with civil society and non-governmental organizations with respect to violence against women.**

24. The Committee notes with appreciation that Law No. 17.938 of January 2006 abolished articles 116 of the Criminal Code and 23 of the Code of Criminal Procedure, which provided that charges for a crime of rape be withdrawn if the perpetrator married the victim. However, it regrets that the State party has failed to criminalize marital rape.

25. **The Committee recommends that the State party criminalize marital rape, defined on the basis of lack of consent of the wife.**

26. While noting the creation of four specialized Family Courts in the department of Montevideo, which deal predominantly with cases of domestic violence, the Committee notes with concern that these courts are overwhelmed and that merely 4 per cent of domestic violence cases are ultimately referred to criminal courts.

27. **The Committee recommends that the State party allocate sufficient financial and human resources to family courts to ensure their proper functioning. The State party is encouraged to increase the number of family courts, especially outside the capital, to afford full judicial coverage throughout the State territory.**

### **Trafficking**

28. While welcoming the State party's participation in the 2006 MERCOSUR action plan against trafficking and the 2007 national action plan for the eradication of commercial and non-commercial sexual exploitation, the Committee is deeply concerned about the persistence of trafficking in women and girls from and into the State party for the purposes of sexual exploitation. It regrets that there are no official records or statistical data and that no research has been undertaken to assess the incidence of this phenomenon. The Committee is also concerned at the lack of sufficient and effective measures to address trafficking in human beings.

29. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls, study its scope, causes, consequences and purposes, and systematically compile information with a view to formulating a comprehensive strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to protect and rehabilitate victims and reintegrate them into society. It also recommends that the State party conduct nationwide awareness-raising campaigns on the risks and consequences of trafficking targeted at women and girls and train law enforcement, migration and border police officials on the causes, consequences and incidence of trafficking in women and girls. The Committee requests that the State party carefully monitor the impact of measures taken and provide information on the results achieved.**

### **Political participation and participation in public life**

30. While noting the State party's initiatives to promote participation of women in public life, the Committee is concerned that women continue to be underrepresented in public and political life and that the number of women represented in Parliament decreased from 11.5 per cent to 10.8 per cent with the 2004 elections.

31. **The Committee urges the State party to heed its previous recommendation (A/57/38, part I, para. 201) that it take appropriate action and implement broad strategies, including temporary special measures under article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25, with a view to promoting greater participation by women in public life, particularly in decision-making and promoting changes in attitudes and perceptions, held by both women and men, as regards their respective roles in the household, the family, at work and in society as a whole. The Committee**

**calls on the State party to speed up adoption of draft laws on quotas and on political parties. It encourages the State party to provide training programmes for women, including indigenous and Afro-descendent women, in order to strengthen their roles in leadership and decision-making positions in society.**

### **Education**

32. While noting that attendance at primary school is universal in the State party, the Committee is concerned about the current high repetition rate of girls in primary school and high drop-out rates in secondary school, especially among rural and Afro-descendant women.

**33. The Committee encourages the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to reduce and eliminate high drop-out and repetition rates of girls at primary and secondary levels of education and include incentives for parents to send girls to school.**

### **Employment**

34. The Committee notes with concern that, despite their high level of education, Uruguayan women continue to suffer from higher rates of underemployment and unemployment, including in rural areas, and that women are segregated in employment sectors with low wages. The Committee is further concerned at the persistence of a significant salary gap in the private sector and at insufficient understanding of the principle of equal pay for work of equal value. It regrets the State party's statement that no national programmes are in place to prevent discrimination against women in the workplace and that it is therefore not possible to assess the impact on specific unemployment indicators, pay levels or pay gaps between men and women.

**35. The Committee reiterates its recommendation (A/57/38, part I, para. 199) that the State party should take action to eliminate discrimination in employment and occupational segregation. The Committee urges the State party to enact appropriate legislation that guarantees the principle of "equal pay for work of equal value", in line with article 11 (d) of the Convention. The State party should include in its next periodic report sex-disaggregated data on wages, pensions and social security rights.**

36. While welcoming the adoption of the Domestic Service Act, the Committee notes with concern that no assessment has been made of the impact of this law. The Committee is also concerned that a high percentage of female domestic workers are excluded from the State party's social security scheme.

**37. The Committee calls on the State party to ensure effective implementation of the Domestic Service Act and to provide information on its implementation in its next periodic report. The State party should also ensure formalization of the status of domestic workers in relation to social security.**

### **Health**

38. The Committee remains concerned at the high pregnancy rates among teenage girls and young women. It also remains concerned at the high incidence of maternal mortality, the leading cause of which is the practice of unsafe abortion. The

Committee regrets that no strategies for the reduction of maternal mortality have been developed and that maternal health policies do not include attention to complications arising from unsafe abortion.

**39. The Committee recommends that the State party adopt and implement effective measures to prevent unsafe abortion and its impact on women's health and on maternal mortality. It calls upon the State party to strengthen sexual education programmes and quality coverage by media and sexual and reproductive health services with a view to ensuring that women and men can make informed choices on the number and spacing of children.**

40. The Committee is concerned about the recent increase in the prevalence of HIV/AIDS among Uruguayan women and the absence of a strategic national plan to address this issue or measures for care of women and girls infected with HIV/AIDS.

**41. The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance.**

#### **Rural women**

42. The Committee is concerned about the situation of rural women in Uruguay, who suffer from higher levels of poverty, lower wages, higher unemployment and underemployment rates and higher drop-out rates than the urban population. The Committee is particularly concerned about the absence of any public institution or policy for rural women, including in respect to employment, health and education.

**43. The Committee requests the State party to provide more information and data on the situation of rural women in its next periodic report. The Committee recommends that the State party develop comprehensive policies and programmes aimed at the economic empowerment of rural women, ensuring their access to training, productive resources and capital, as well as to health-care services and social security.**

#### **Minority women**

44. The Committee regrets that insufficient information has been provided on the situation of indigenous and Afro-descendant women in the State party, who are disproportionately affected by poverty and suffer from multiple discrimination based on gender and ethnic origin. The Committee further regrets the absence of any proactive measures to promote the rights of minority women.

**45. The Committee urges the State party to take effective measures, including temporary special measures, to eliminate discrimination against minority women. It calls on the State party to recognize minority women's contributions to the economy by collecting sex-disaggregated data on rural production and to ensure the incorporation of a gender perspective in all development programmes, with special attention to minority rural women. The Committee reiterates its previous request (A/57/38, part I, para. 209) that the State party include information on the situation of minority women in its next periodic report.**

**Family relations**

46. The Committee is seriously concerned that the Civil Code continues to contain provisions that discriminate against women with regard to family and marriage, in particular those establishing the minimum age for marriage, the prohibition of widowed or divorced women from remarrying for a period of 300 days from the death of the husband or the date of the divorce and the withholding of alimony from women who lead a “disorderly life”. The Committee regrets that the Code on Childhood and Adolescence has failed to modify the very low minimum age for marriage, which continues to be set at 12 for girls and 14 for boys, which is in contradiction to article 16, paragraph 2, of the Convention.

**47. In line with the Committee’s previous recommendation (A/57/38, part I, para. 205) and the Committee on the Rights of the Child’s recommendation (CRC/C/URY/CO/2, para. 26), the State party is called upon to eliminate discriminatory legal provisions in matters relating to family and marriage in order to bring its legislation into line with the Convention. In particular, the State party should raise minimum age of marriage for both men and women to 18 years, in line with article 16, paragraph 2, of the Convention, the Committee’s general recommendation 21 and article 14 of the Convention on the Rights of the Child.**

48. While welcoming the adoption of the Code on Childhood and Adolescence, which contains a number of anti-discrimination provisions, the Committee is concerned that this Code retains the differentiation and stigmatization of children born out of wedlock.

**49. Further to the recommendations of the Committee on the Rights of the Child (CRC/C/URY/CO/2, para. 28), the Committee encourages the State party to eliminate discrimination against children born out of wedlock without delay. It encourages the State party to include in its next report information on the situation of single women with children born out of wedlock and measures taken to ensure that their rights are protected.**

**Data collection and analysis**

50. While noting the provision of substantial information in the annexes to the report, the Committee expresses concern about the insufficient sex-disaggregated statistical data in the report.

**51. The Committee recommends that the State party prepare a comprehensive compilation and analysis of sex-disaggregated data and urges the State party to include such statistics and data in the text of its next report rather than as annexes to the report.**

**Follow-up to the Beijing Declaration and Platform for Action**

**52. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**



### **Millennium Development Goals**

53. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

### **Dissemination of concluding observations**

54. **The Committee requests the wide dissemination of the present concluding observations in Uruguay in order to make the people, including Government officials at federal, provincial and territorial levels, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

### **Ratification of other treaties**

55. **The Committee notes that the adherence of Uruguay to nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Uruguay to ratify the treaties to which it is not yet a party, namely the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.**

### **Article 20, paragraph 1**

56. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the first Optional Protocol to the International Covenant on Civil and Political Rights; the second Optional Protocol to the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Follow-up to concluding observations**

57. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15 and 29 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.

**Date of next report**

58. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its eighth periodic report, which is due in November 2010, and its ninth periodic report, which is due in November 2014, in a combined report in 2014.

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