



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

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## Committee on the Elimination of Discrimination against Women Sixty-fourth session

### Summary record of the 1418th meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 July 2016, at 3 p.m.

Chair: Ms. Hayashi

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(continued)

*Combined eighth and ninth periodic reports of Uruguay* (continued)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Combined eighth and ninth periodic reports of Uruguay (continued)*  
(CEDAW/C/URY/8-9; CEDAW/C/URY/Q/8-9 and Add.1,  
HRI/CORE.1/Add.9/Rev.1)

1. *At the invitation of the Chair, the members of the delegation of Uruguay took places at the Committee table.*

*Articles 7 to 9*

2. **Ms. Chalal** asked what measures the Government of Uruguay was taking to facilitate the participation of women in political life and to alter stereotypical perceptions of their role; to what extent lack of funding was a barrier to the implementation of the Political Participation Act; and what measures had been taken to strengthen the National Gender Council. She wondered whether the ministerial cabinet included any indigenous women, given that women's representation among Government ministers was now at a record high.

3. **Ms. Schulz** said that she would like an update on the status of the bill on the protection of stateless persons which would afford protection and rights to stateless women who were not refugees. Had the bill been submitted to parliament and then withdrawn?

4. **Ms. Xavier** (Uruguay) said that the Government was not satisfied with progress made in advancing the political representation of women. The Political Participation Act had increased the number of women representatives in the Senate but had not increased their representation in the House of Representatives. Senators were selected on a nationwide basis, whereas members of the House of Representatives were selected to represent their own electoral districts. Electoral lists tended to be headed by men, and the contest was therefore usually between two men, one representing the official party and one representing the opposition. Affirmative action had simply not worked. For the Senate race, however, there was a requirement that 1 out of every 3 candidates should be women and, as a result, 8 of the 30 senators were now women. The Political Participation Act had been a temporary measure and was no longer in force, although a new bill, if adopted, would prolong its validity for a further fixed period. Once that bill was passed, awareness-raising campaigns would be launched. The fact that the Latin-American Parliament promoted electoral parity was certainly helpful but, unfortunately, a parity law would be difficult to pass in Uruguay.

5. **Mr. Cavalli** (Uruguay) said that, although 63 per cent of all Uruguayan judges were women and 37 per cent men, in the Supreme Court 80 per cent were men and 20 per cent were women. That 80 per cent represented the older generation and were a legacy of past discrimination against women. However, although the judiciary had historically been dominated by men, as 70 per cent of the new generation of law graduates were women and 30 per cent were men, it could be assumed that, over time, retiring members of the Supreme Court would be replaced by women. A radical change was thus taking place within the Uruguayan judiciary.

6. **Ms. Mazzotti** (Uruguay) said that the National Women's Institute (Inmujeres) was the lead agency for all gender-related institutions in Uruguay. Its units included a department devoted to Afro-descendent women, which focused on recognizing the contribution of the Afro-descendent culture to Uruguayan national culture, providing support to groups and associations of Afro-descendent women, especially those living inland, and developing leadership skills among Afro-descendent women in order to encourage them to stand for office and prepare them for public and political life. It was

important to understand that, in Uruguay, high-level administrative and professional positions were always filled through a competitive process. However, Inmujeres worked with the various ministries to analyse attitudes toward gender within governmental institutions and formulate and implement any corrective measures required, including measures to prevent sexual harassment in the workplace and to eliminate unfair advantages accorded to men, such as bonuses, compensatory allowances and special promotions.

7. **Ms. Lesca Barolín** (Uruguay) said that the bill on the protection of stateless persons had been withdrawn and was currently undergoing review, with support from the United Nations Office of the High Commissioner for Refugees (UNHCR) and input from the Ministry of the Interior, including, in particular, the Ministry's National Directorate on Migration, from the University of the Republic and from the Ministry of Foreign Affairs. It would be resubmitted to parliament upon completion of the review. At present, only one stateless person was known to be residing in Uruguay and the person in question had been provided with an identity card and travel document. Thus, despite the lack of a law, policy and practice were welcoming and open.

8. **Mr. González Arenas** (Uruguay) said that the traditionally male-dominated Uruguayan foreign service was currently composed of 212 men and 83 women. At the ambassadorial level, there were 55 men and only 9 women. However, two ongoing trends were favouring the advancement of women — firstly, the increasing professionalization of the diplomatic corps and, secondly, the fact that the younger generation of diplomats included many highly skilled and educated women.

*Articles 10 to 14*

9. **Ms. Zou** Xiaoqiao asked what measures, including temporary special measures, had been taken to encourage girls to choose non-traditional fields of study; what measures were in place to encourage girls, especially rural and Afro-descendent girls, to remain in or return to school; and whether reproductive health and sex education were taught at all levels of education. She would also like to know whether the State party had considered using temporary special measures to eliminate obstacles to women's promotion to high-level positions.

10. **Ms. Arocha Domínguez** said that, while the efforts of the State party to reduce the gender pay gap were commendable, she had been troubled to learn that the income gap widened in line with the number of years women had spent in education. She wondered, therefore, whether the Government might consider using temporary special measures to address the problem. She also wished to know whether any measures were being taken to formalize domestic labour and bring such employment under the social security umbrella, particularly in the case of Afro-descendent and immigrant women, as she was concerned that such women might not be receiving the same benefits as others. She further enquired whether effective monitoring and complaints mechanism had been established for domestic workers; what penalties were imposed upon abusive or exploitative employers; and what measures had been taken in the recent biennium to promote diverse employment opportunities for Afro-descendent women. Lastly, she asked what attention was being given to the needs of women in the design of the National Care System.

11. **Ms. Mazzotti** (Uruguay) said that there had been an upward trend in the number of female university students enrolling in traditionally male-dominated courses such as engineering or agronomy. When it came to choosing a degree or career path, however, many teenage girls' decisions were influenced by their social background, which often led them to choose traditional pathways. While careers advice about non-traditional subject areas was available, what was required for lasting change was a shift in societal attitudes.

12. Early school dropout was a phenomenon that predominantly affected boys, particularly those living in remote, rural areas. While specific data on the ethnic or racial origin of girls and boys was not currently available, data from 2011 indicated that among children of African descent the dropout rate was likewise higher among boys than among girls. The Government was taking steps to identify and address the causes of absenteeism and measures were already in place to prevent pregnant teenage girls from dropping out of school and ensure that they could continue their studies after giving birth.

13. In employment, women were still underrepresented in positions of responsibility and decision-making roles, and continued to work primarily in traditional occupations. The domestic sector, in particular, was overwhelmingly dominated by women, of whom roughly a quarter were of African descent. Efforts were under way, in cooperation with trade unions and employers' organizations, to promote the formalization of the informal economy and raise awareness of employees' and employers' social security rights and responsibilities. Employers who failed to comply with their social security obligations by continuing to hire workers on an informal basis could face significant financial penalties. The Inspectorate General of Labour and Social Security handled any complaints relating to conditions of work, while the Social Security Bank had developed a good practice handbook and a website providing comprehensive information on labour-based rights and obligations.

14. It was hoped that, with the gradual introduction of the National Care System, women would have greater access to additional support, such as childcare, that gave them the freedom to pursue careers. As the fourth pillar of social protection in Uruguay, the System was intended to provide a range of universal social benefits and care for children under 12 years old, persons with disabilities and older persons. It would also formalize and regulate the care sector and provide caregivers with training and benefits, thereby improving the situation of women caregivers, encouraging more men to share the care of dependents and, by extension, contributing to the culture shift needed in Uruguay.

15. **Mr. González Arenas** (Uruguay) said that it was difficult to monitor the domestic service sector; it was an almost invisible phenomenon and labour inspections were generally conducted only following receipt of a specific complaint. However, law enforcement personnel, ministries and other State bodies including the National Human Rights Institution and Ombudsman's Office had recently worked together to resolve a case in which exploitation and trafficking in human beings had been alleged, demonstrating that such complaints were taken very seriously.

16. **Mr. Bruun** said that he wished to know the outcome of the complaint submitted to the International Labour Organization (ILO) by the National Trade Union of Women Caregivers regarding women foster carers looking after abandoned children in Uruguay. The complainants had stated that, in spite of the existence of an employment relationship between the women in question and the Government, the women caregivers were not remunerated or provided with social security benefits. He asked whether action had been taken, or was envisaged, to formalize the situation of those women.

17. **Ms. Acosta Vargas** said that she would be interested to know whether men working in the private sector were availing themselves of the 10 days' paternity leave to which they were entitled.

18. **Ms. Arocha Domínguez** said that, in view of the delegation's responses regarding domestic work inspections, it was critical that further efforts were made to formalize domestic service and persuade domestic workers to file complaints, since some would be reluctant to do so for fear of losing their source of employment.

19. **Ms. Pimentel** said that the Government was to be commended for its efforts to encourage women to pursue non-traditional occupations and she wondered whether it was also encouraging men to take up careers traditionally occupied by women.

20. **Ms. Mazzotti** (Uruguay) said it was possible that one reason why women were so poorly represented in decision-making posts in universities, the private sector and the civil service was that they were unable to undertake the necessary professional development such as doctoral studies or further training, owing to their caregiving commitments. The University of the Republic was currently conducting cross-faculty research to identify and eliminate the barriers to women's promotion to high-ranking roles.

21. Men generally took the 10 days' paternity leave to which they were entitled. However, while 97 per cent of eligible women availed themselves of the additional leave entitlement available during the breastfeeding period, men were less likely to do so because they were generally in better paid employment.

22. Responding to Mr. Bruun's question, she said that a number of female caregivers had brought administrative proceedings before the Uruguayan Institute for Children and Adolescents in a bid to secure a change in their employee classification that would entail their recognition as public employees. However, to the best of her knowledge, none of their petitions had been successful and the cases were now closed.

23. Steps were being taken to encourage more men to take up employment in occupations traditionally dominated by women. However, salaries in those sectors needed to be more attractive to men if that aim was to be achieved, and there was still considerable work to be done in order to reduce wage disparities.

24. **Ms. Pimentel** asked to what extent human rights modules on gender equality and the provisions of the Convention were included in academic curricula at all levels of education, including in university law faculties.

25. **Ms. Mazzotti** (Uruguay) said that gender awareness was taught at the primary and secondary levels as part of the moral and civic education curriculum. At the university level, a gender network had been set up among the various faculties of the University of the Republic to coordinate the incorporation of gender-related content in curricula, and a gender equality model had been developed with the aim of identifying and correcting gender inequalities within the University administration itself.

26. **Ms. Aguirre** (Uruguay) said that the law school of the University of the Republic was redesigning its programmes and curricula in anticipation of the entry into force of the new Code of Criminal Procedure. Existing course programmes in law, political science and international relations included components on relevant aspects of international human rights treaties.

27. **Ms. Pimentel** asked what measures the State party was taking to eliminate socioeconomic and geographic barriers to accessing health care for women; whether socioeconomic, educational and religious disparities were taken into account in efforts to reduce the teenage pregnancy rate; whether sex education was included in the State school curricula; what measures were taken to prevent pregnant teenagers from dropping out of school; what additional action was being taken to ensure women's access to their rights under Act No. 18987 on voluntary termination of pregnancy; whether data was collected on the geographic, socioeconomic, educational and religious characteristics of women who had terminated their pregnancy; and what steps the State party was taking to eliminate barriers for those seeking to do so.

28. **Ms. Haidar** said that she wished to commend the State party for implementing a highly sustainable social policy and taking a leading role in the region in addressing extreme poverty. Nevertheless, credit opportunities for women were reportedly limited, and there was a lack of information and training on access to credit that were designed specifically for women. She would therefore like to know how the State party intended to

address those issues. Data on women who were receiving family benefits, in particular women heads of household and older women, would also be useful.

29. With regard to women in rural areas, she would be interested to know what measures had been taken to guarantee their access to land; what specific policies had been formulated to benefit women wage earners; whether those women had access to comprehensive health-care services; and what specific actions were being taken to increase awareness of gender issues and women's rights among the leaders of rural women's organizations and rural women themselves. She would also appreciate an update on the status of the three bills developed with the aim of improving the status of rural women, and on the timetable envisaged for their adoption.

30. With regard to other vulnerable groups of women, the delegation should explain how the intersectoral discrimination to which women of African descent in Uruguay were exposed was addressed in law and in practice. It should also elaborate on efforts to guarantee the rights of women with disabilities and provide data on their socioeconomic background, education and employment. As to women and girls deprived of their liberty, she would like an account of the steps being taken by the State party to address the needs of inmates with small children and teenage inmates, and wished to know whether their needs would be specifically taken into account in prison reforms.

31. On the subject of refugee women and stateless women, she asked whether the State party would continue to run reception programmes for Colombian and Syrian refugees; whether refugee and stateless women were attended to by female officers when they arrived in Uruguay; and whether policies to prevent the sexual harassment and trafficking of such women in reception centres had been adopted and implemented.

32. **Ms. Mazzotti** (Uruguay) said that the Ministry of Health provided health-care services throughout the country, including in rural areas. The teenage pregnancy rate, which stood at 16 per cent, was considered a priority public health issue and was being addressed by means of sex education classes in school and measures to facilitate access to contraceptives. There were 103 health units dispersed throughout the country that provided general and sexual and reproductive health-care services to teenagers, including free annual check-ups for girls between the ages of 12 and 19 years old. The Social Security Bank granted special allowances to pregnant teenagers and teenage mothers. Teenage pregnancy rates were highest among the poorest socioeconomic segments of the population; in other segments, the trend was towards delaying childbearing.

33. Family allowances were provided to the poorest families and households and included vouchers for food and medicines. The designated recipients of such benefits were women. In order to facilitate access to credit, a microfinance programme had been set up by the Ministry of Social Development, in cooperation with Banco Repùblica, which had attracted many women participants, while efforts to support and promote women's business start-ups by working with rural women's organizations were ongoing. The National Settlement Institute had implemented a system whereby the names of both spouses or both cohabiting partners were entered on new land tenure agreements.

34. The Government, and the Ministry of Health in particular, were committed to implementing Act No. 18987 on voluntary termination of pregnancy despite opposition from certain segments of society. Opponents of the Act had launched a repeal referendum but had managed to secure votes from only 9 per cent of eligible voters. Public opinion surveys, on the other hand, had shown that there was broad public support for the Act. Consequently, the Ministry was reorganizing medical staff — primarily gynaecologists — to provide the relevant services throughout the country. Uruguay considered itself to be a secular State.

35. The National Disability Programme addressed the issue of gender-based violence against women with disabilities. All health workers were trained in adapting sexual and reproductive health services to the needs of women with disabilities, and mediators were used to facilitate communication between doctors and patients with hearing impairments, for example.

36. **Ms. Zabaleta** (Uruguay) said that policies for women deprived of their liberty were formulated, monitored and assessed by the Gender Policy Division of the Ministry of the Interior. The Division had developed guidelines designed to render the situation of persons deprived of their liberty more humane and coordinated its activities with the Ministry's Prison Advisory Service and the Gender Committee of the National Rehabilitation Institute established in 2012. A survey had been undertaken of all women's detention units and recommendations had been made either for their refurbishment or for changes of accommodation.

37. The law permitted children to remain with mothers deprived of their liberty at least until they reached the age of 4 years old and, on an optional basis, until they were 8 years old. Sixty-four per cent of the 567 women currently deprived of their liberty in Uruguay were detained in two women's units in the metropolitan area. The Ministry had also established a special unit for women detainees with children. Assessments of that project had been positive and steps were being taken to introduce further accommodation improvements. The Ministry hoped to complete work on a new unit for women without children by the end of July 2016 and would shortly establish an inter-agency body to monitor respect for the rights of children accommodated with their mothers and encourage visits by older children by introducing more flexible mechanisms. The Ministry had also recently adopted an inter-agency protocol setting out measures to ensure respect for the rights of children and adolescents in police proceedings involving their guardians.

38. **Ms. Mazzotti** (Uruguay) said that the Government had decided a few months previously to establish an institute for the social integration of male and female adolescents deprived of their liberty. A total of 24 adolescents were currently deprived of their liberty in Uruguay. Measures were being taken to reform the existing system by providing for comprehensive physical and mental health care, education, sports and cultural activities. The adolescents would shortly be transferred to more appropriate premises.

39. **Ms. Lesca Barolín** (Uruguay), responding to the question concerning refugee women of Syrian and Colombian origin, said that a framework agreement for a refugee resettlement programme, which had been signed in June 2007 with UNHCR, had been incorporated into Act No. 18382. The aim of the agreement was to attend to the needs of refugees whose lives had been threatened in their countries of origin and to ensure their integration into Uruguayan society.

40. The UNHCR-sponsored Solidarity Resettlement Programme had been expanded to include Uruguay in 2009. In 2012 and 2013 it had included specific initiatives to assist women at risk under which accommodation had been provided for six homeless families. In 2014 the Government had decided to offer refuge to persons of Syrian origin and had established for that purpose an inter-agency working group spearheaded by the Human Rights Secretariat of the President's Office. Five Syrian refugee families, totalling 42 persons, had been resettled in 2014. In total, to date, 109 Colombian and Syrian nationals had been resettled.

41. **Ms. Pimentel** asked whether the State party had arranged continuous professional capacity-building with a gender perspective for all health-care personnel, particularly physicians and gynaecologists, in order to eliminate discriminatory stereotypes that affected women in the exercise of their sexual and reproductive rights and in order to reduce the number of conscientious objections to termination of pregnancy.

42. **Ms. Mazzotti** (Uruguay) said that sexual and reproductive health rights included voluntary termination of pregnancy. Continuous training was provided for health-care personnel, particularly in primary health care. The issue of conscientious objection was addressed in the training courses.

*Articles 15 and 16*

43. **Ms. Halperin-Kaddari**, emphasizing the serious need to raise the minimum age of marriage, asked whether there were any plans to raise the minimum age to 18 years for both girls and boys.

44. She would appreciate clarification of the content of paragraphs 170 and 171 of the periodic report, which indicated that grandparents had parental rights in respect of grandchildren born to unmarried adolescents under 12 years of age, in the case of girls, but up to 16 years of age in the case of boys. Further information about the judicial recognition of parental rights in the case of unmarried adolescents was needed; as the term “grandparents” had been replaced with the term “grandfather” in Act No. 19119 of 2013, was it just the grandfather who acquired parental rights?

45. Commending the Supreme Court’s decision to create a working group tasked with preparing a protocol on action in mediation that would prohibit the use of mediation in domestic violence cases, she said that an update on that initiative would be useful and enquired whether there was also a protocol requiring the judiciary to consider domestic violence as a factor when ruling on child custody issues.

46. Referring to the community property regime, she said that clarification was needed as to which assets were subject to distribution on an equal basis upon the dissolution of a marriage or recognized cohabiting relationship. In particular, she wished to know whether the law recognized the non-financial contributions of women to the property accumulated during the marriage, as well as work-related property and benefits such as business property, pension funds and insurance. She drew attention in that connection to the Committee’s general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution. Lastly, she asked whether young women and men received information on the different implications of the options of cohabitation and civil partnership.

47. **Ms. Xavier** (Uruguay) said that the Senate was currently considering legislation that would raise the minimum age for marriage to 18 years. Forced marriage did not exist in Uruguay but 15 per cent of girls married before reaching the age of 18 years old. Those girls were mostly young rural women of low socioeconomic status. As Uruguay had ratified an inter-American convention under which young people were permitted to marry and have full custody of their children at the age of 16 years, and since there was no consensus on the proposal to raise the minimum age to 18 years, a clause might need to be included in the legislation that allowed judges to approve marriage between persons aged between 16 and 18 years old in exceptional circumstances.

48. **Mr. Cavalli** (Uruguay) said that the judiciary had set up a number of mediation centres, particularly in Montevideo. However, abuse of the mediation system among certain disadvantaged groups had led the Supreme Court to adopt a resolution that would prohibit mediation on gender-related issues.

49. When a marriage was dissolved, marital assets and liabilities were divided between the parties on a 50:50 basis. Legislation on common-law unions had been enacted in 2008 and a certain amount of pertinent case law existed. Generally speaking, women were the disadvantaged parties in such cases owing to difficulties of legal interpretation and prevailing stereotypes. As the apportionment of property to unmarried couples was a complex issue, capacity-building was necessary for the judiciary and for legal practitioners.

50. In cases involving domestic violence, judges were required to rule on matters of child custody, visits and alimony. As shortcomings on the part of judges had unfortunately been detected in certain cases, more judicial training was required. The legislative amendments currently before parliament would, once enacted, introduce a requirement to hear the views of children and to provide them with a defence lawyer in such cases.

51. **Mr. González Arenas** (Uruguay) said that the reference to the term “grandfather” in Act No. 19119 of 2013 was a drafting slip. Parental custody was, in fact, accorded to both grandparents or to whichever one of them was still alive.

52. **Ms. Acosta Vargas** asked whether women deprived of their liberty spent protracted periods of time in pretrial detention and whether detainees had the right to vote.

53. **Mr. Cavalli** (Uruguay) said that lengthy periods of pretrial detention were a problem for both male and female detainees. The large numbers of non-convicted persons in detention might be perceived as an indication of undue delays in judicial decision-making and the fact that more inmates were on remand than serving sentences had certainly given rise to criticism. The ratio for women was higher than that for men, basically because men served lengthier prison terms for more serious crimes. The new Code of Criminal Procedure, which would enter into force on 16 July 2017, was designed to remedy the situation. Persons who had been in prison for more than two years lost their right to vote and, as that provision was based on the Constitution, it could not be easily amended.

54. **Ms. Xavier** (Uruguay) said that if girls aged 16 had children and wished to recognize them, they were entitled to do so but that, if they were under 16 years of age, the grandparents exercised parental powers.

55. **The Chair** said that the State party could submit additional clarifications concerning parental custody in writing.

*The meeting rose at 5.20 p.m.*