

TREATY BODY MONITOR

International Service for Human Rights



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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 42ND SESSION URUGUAY, COMBINED 4TH TO 7TH REPORTS 23 OCTOBER 2008

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Key facts¹

Ratification	Reservations	Party to Optional Protocol?	Other core treaties ratified
1981	None	Yes	ICERD, ICCPR, ICESCR, CAT, CRC, CMW

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

Information submitted to the Committee

State report

Uruguay submitted its combined 4th, 5th, 6th, and 7th reports to the Committee on the Elimination of Discrimination against Women (the Committee) on 8 June 2007.² Uruguay last appeared before the Committee in January 2002.³ The present report was due on 8 November 2006.

The report begins with an explanation of how the report was compiled through consultation with a wide variety of government bodies, non-governmental organisations (NGOs) and public institutions. The report also describes the situation on women's rights in light of the economic, social, and institutional crisis which recently plagued the country, as well as the change of Government in 2005 which brought the leftist Frente Amplio party to power. In its report, the State suggests that the inauguration of International Women's Day in March 2005 by the new President of the Republic marks the beginning of a new era in which women's rights are given a 'preponderant place' on the Government's agenda. The report focuses on the subsequent improvements which have been made in accordance with the principles enshrined in the *International Convention on the Elimination of All Forms of Discrimination against Women* (the Convention).

The second section outlines the fulfilment by the State of each article of the Convention, with sub-sections addressing different thematic concerns. Direct responses to previous concerns are made in several areas, notably the inclusion of gender in the updated definition of discrimination in Uruguayan legislation as well as the creation of the National Women's Institute (INAMU). The main areas of focus were combating inequality in representation of women in public life, in particular in employment, and the efforts that have been made to improve gender-related health issues.⁴ On several occasions the report was self-critical. Many shortcomings are noted including the ineffectiveness of abortion laws and the old-fashioned values reflected in legislation covering sexual offences. The report acknowledges that the Penal Code is in need of a 'thorough overhaul, particularly in relation to sexual abuse and violence'. The report however, was short on statistical data disaggregated by sex which should be a key source of information when devising targeted programmes to advance women's rights.

List of issues

In its list of issues,⁵ the Committee asked for elaboration on issues mentioned in the report, more information on certain cases or programmes, and advised amendments to laws not in line with the Convention. Although the Committee recognised that efforts had been made to include gender in the legal definition of discrimination, the definition is not in line with Article 1 of the Convention. The Committee recognised that the report had addressed some obstacles faced by the State, but asked for concrete information on measures being taken to combat these issues. There was a strong focus on efforts to improve employment opportunities for women and moves to combat violence against women. In several cases the Committee asked for more information to assess the success of programmes which have been initiated, such as the First National Plan for Equality of Opportunities and Rights and the Sex Education Commission's mandate to implement a new sex education programme. Several references were also made to the Committee's previous concluding observations and recommendations.

² CEDAW/C/URY/7, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

³ All documents related to this session are available at www2.ohchr.org/english/bodies/cedaw/cedaws26.htm.

⁴ The *Programa Nacional de Salud de la Mujer y Género* (MSP-DIGESA) was created by the 2005 Government with the aim to tackle a wide-ranging number of women's health issues from prevention of sexually transmitted infections (STIs) and AIDS to sex education and contraception advice.

⁵ CEDAW/C/URY/Q/7, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

The State response to these issues was submitted on 19 June 2008. The State thoroughly examined the Committee's list of issues and responded to accordingly. A few of the answers were unsatisfactory, in that the State either failed to issue a response, or acknowledged a problem existed but did not suggest what it might do to combat the issue. Overall, however, the answers were very thorough. Statistical data was provided, as well as accounts of difficulties faced in trying to meet the targets set. A large proportion of the paper is taken up by the detailed response to the question on the implementation of the First National Plan for Equality of Opportunities and Rights. The answers were at times frank, acknowledging shortcomings where they arose such as the lack of a national programmes preventing discrimination against women in the workplace.

NGO information

Two NGOs⁶ and one coalition of NGOs⁷ submitted **written reports** to the Committee.⁸ The Global Initiative to End All Corporal Punishment of Children criticised the State's failure to specifically address in its report the issue of domestic violence against girls in the name of 'discipline', a practice which was outlawed in 2007. The issues raised by the coalition reflect the majority of those raised by the Committee itself.

The Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) asked the State to expand on points mentioned in the report. It requested more information on the physical implementation of the mandate of the INAMU, programmes to prevent pregnant teenagers from dropping out of school, and programmes aimed at increasing the participation of women in political life. CLADEM also inquired about specific unjust laws such as that which allows for alimony to be withheld of from women who lead a 'disorderly life'. Some of CLADEM's concerns were reiterated in the joint report. A common concern which they and the Committee share is the lack of a domestic definition of discrimination against women in line with Article 1 of the Convention. Despite some legislative and institutional progress, the State has allegedly failed to comply with many of the previous recommendations of the Committee, in particular the use of special temporary measures. Specific issues are raised with regard to the low status of afro-Uruguayan and rural women who are hugely underrepresented in public life and whose problems go largely unnoticed by the majority of the population. The failure to successfully address the issue of negative stereotyping particularly in the media and the judicial system is also noted. Other areas of concern include the lack of gender-focused training for the law enforcement services, lack of women's health programmes, insufficient support to victims of domestic violence, the lack of effective sex education, and the penalisation of abortion.

At the NGO briefing, CLADEM gave an **oral presentation** on the situation of human rights in the State. The key issues raised reflected those in its report, namely the patriarchal nature of Uruguayan society and the illegalisation of abortions which leads to numerous health and social problems. The Committee appeared engaged with these issues and asked for further clarifications in order to be able to press the delegation for answers. CLADEM confirmed that a decision by the Parliament two weeks earlier had blocked the creation of two more courts specialised in domestic violence. The upcoming bill on reproductive health, which would decriminalise abortion in the first 12 weeks of pregnancy, was also discussed. A private informal meeting was also held between NGOs and the Committee.

Themes and issues

⁶ Global Initiative to end all Corporal Punishment of Children, Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM).

⁷ CLADEM Uruguay, Minzangas: Grupo de Mujeres Jóvenes Afrodescendientes, and Red Uruguaya de Autonomías (RUDA).

⁸ The NGO reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

The delegation of Uruguay was led by Ms Carmen Beramendi, Director of INAMU. She was supported by a large, high-level delegation consisting of representatives of the National Parliament, the Ministry of Economy and Finance, the Department of International Relations and Cooperation, the judiciary, the Ministry of the Interior, the Municipal Council of Maldonado, the Permanent Mission in Geneva, and civil society.⁹

The head of delegation gave a 30-minute presentation on the progress that has been made in protecting and promoting women's rights in Uruguay, especially since the current Government came to power in 2005. The main issues highlighted were the fight against poverty, the strengthening of the State, efforts to guarantee basic health and education, the growth of economic and social justice and the fight against all forms of social discrimination. Ms Beramendi explained how seriously the Convention and the reporting process are taken by the Government and described how the report had been compiled with the input of all three branches of the State as well as civil society organisations. She referred directly to the previous recommendations of the Committee, explaining how these have been taken into account. An example of this was the creation of INAMU, which has introduced mechanisms to protect and promote women's rights, thereby increasing women's access to justice. The delegation expressed its willingness to interact with the Committee in a constructive dialogue.

The delegation responded to the Committee's questions in a clear and cooperative way. Specific information was given on projects and initiatives which have started to address women's rights in Uruguay. The numerous problems caused by prevailing male-dominated attitudes in society were recognised, as well as the lack of statistics on certain key groups such as rural women. The Committee noted the progress which has been made, while clearly stating that this is an ongoing process which is far from complete.

Legislative framework and national machinery for the advancement of women

The delegation highlighted progress which has been made to incorporate the Covenant into the domestic framework. Laws have been introduced to prevent discrimination by gender and a reform of the Penal Code is underway to further bring domestic legislation in line with the Convention. The delegation confirmed that the Convention and domestic law work alongside each other and that, when needed, the Convention may be directly invoked in court, though no specific examples were given. The Committee pointed out that the definition of discrimination against women in domestic legislation is not in line with Article 1 of the Covenant and recommended it be suitably modified.

When asked about the establishment of a national human rights institution in accordance with the *Paris Principles*, the delegation was unable to give a clear indication of when this may take place. The Committee noted the creation of INAMU as a positive development but pointed out that challenges still remain. The delegation shared the Committee's concern at INAMU's subsidiary status within the Ministry of Social Development.

In its concluding observations,¹⁰ the Committee suggested that INAMU should enjoy greater autonomy and that it be given an adequate and independent budget to successfully carry out its broad mandate. The State claimed efforts are being made to make women more aware of their rights, but the Committee suggested more efforts are needed to combat the lack of awareness of the Covenant.

Violence against women

⁹ The list of members of Uruguay's delegation is available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

¹⁰ CEDAW/C/URY/CO/7, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

The Committee noted the protection measures which have been introduced to combat domestic violence, including the establishment of four specialised courts in Montevideo, a process of continual training for those who work with victims, and awareness-raising campaigns. The delegation claimed cases of domestic violence are dealt with in courts outside of the capital, which are not specialised courts. The Committee suggested that more specialised courts and more funding are needed to deal with the overload of cases. The Committee also welcomed the National Plan to Combat Domestic Violence (2004-2010), a move the delegation marked as a 'milestone'. Free legal aid is provided to victims and a responsive protection is usually offered within 48 hours of a complaint being issued.

However, in its concluding observations, the Committee remarked the lack of support services for victims of domestic violence, including shelters and counselling services. Training and awareness-raising programmes for judicial personnel, law enforcement officials and members of the legal and health professions, as well as studies on the efficacy of the programmes in place were recommended. The Committee also drew the State's attention to the urgent need to criminalise marital rape.

Employment

The Committee recognised the problem of high unemployment and underemployment of women. The absence of women in decision-making positions is particularly prevalent;¹¹ a problem which both the Committee and the delegation put down to the persisting stereotyping of women. A bill which would impose a 35 percent quota for women in electoral bodies is currently being discussed, but the delegation admitted that even women themselves are often opposed to such quotas and subsequently there has not yet been much progress on this issue. Though the State claimed progress is being made on achieving equal pay for equal work, the Committee recommended that legislation be introduced to guarantee this principle since traditionally male skills continue to be more highly valued in Uruguayan society. The Committee suggested that, in accordance with Article 4(1) and General Recommendation 25, special temporary measures need to be introduced to accelerate de facto equality between men and women. The delegation also claimed success over the approval of a law on domestic work which has formalised the status of 57,000 domestic workers. The committee, however, called for this to be fully implemented and for further moves to be taken to bring domestic workers under the national social security scheme.

Trafficking

The delegation provided information on the State's participation in the 2006 MERCOSUR Action Plan for the fight against trafficking and the 2007 National Plan for the Eradication of Commercial and Non-Commercial Sexual Exploitation. However, both the delegation and the Committee recognised that substantial work still needs to be done to combat this problem. The delegation admitted that the number of women who have been assisted is very low and that a stronger approach is needed. The importance of liaising with civil society throughout this process was noted, especially in increasing the visibility of this issue. Agreements have been made with the printing press, health centres, bus stations, airports and other public services to distribute information on the issue of trafficking and the help available to victims. A recent successful pilot project has encouraged the State to consider running more bilateral projects with other countries. Despite these efforts, Ms Saisuree Chutikul called the State's approach 'piecemeal', and the Committee agreed that a more comprehensive strategy is needed to include the prosecution of offenders and increased protection and rehabilitation for victims.

Women's health

¹¹ Women made up just 8 percent of the executive body in 2008.

The delegation outlined sex education programmes which have been introduced. The Government has placed particular emphasis on avoiding pregnancy among young girls as well as avoiding school dropouts among young mothers. Special programmes have been run targeting girls aged between 15 and 19, providing sex education and access to healthcare services. Though the delegation claimed these have been successful, the Committee remarked that there is still an alarmingly high rate of teenage pregnancy and that there needs to be a more extensive sex education programme run in schools across the country.

Ms Dorcas Coker-Appiah raised the issue of the high maternal death rate arising from risky abortions; the leading cause of maternal mortality. Abortion has been outlawed in Uruguay since 1938, and the practice of illegal abortions is widespread. The delegation claimed that contraceptive programmes have been popularised in recent years leading to a reduction in illegal abortions. At the time of discussion, a draft bill which would legalise abortion in the first trimester of pregnancy was under discussion in the Senate.¹² The Committee expressed serious concern over this, and recommended that measures need to be put in place to prevent the practice of unsafe abortions. Ms Coker-Appiah also commented on the rising instance of HIV/AIDS, especially among female youth. The delegation recognised this problem and claimed work is being done to increase treatment but lamented that little is happening in terms of prevention due to lack of funds. The Committee recommended that comprehensive treatment and prevention measures be introduced to combat the HIV/AIDS pandemic, with a particular focus on women and girls.

Education

A significant component of educational initiatives has been the fight to eradicate social stereotypes of women and their perceived position in society. The delegation provided detailed information on programmes which have been operating in schools across the country. Initiatives have been run in primary schools on the principle of equal distribution of tasks in the home and the equal representation of both sexes from an early age in all areas of society. The delegation also provided information on work which has been done with journalists in an attempt to improve the portrayal of women in the media. The Committee recommended that this work needs to be extended to train law enforcement officials and the judiciary in the fight against stereotypes.

Ms Glenda Simms and Ms Magalys Arocha Dominguez also raised the issue of the under-education of people, especially women, of African origin, who make up around 9 percent of the country's population. This group are particularly prone to high dropout rates in secondary schools. The delegation admitted that over 70 percent of women of African descent over the age of 14 complete only primary level education, whilst just 5 percent go on to higher education. The Committee advised that special temporary measures are needed.

Other issues

The delegation provided information on programmes which effect **rural women**. However, the lack of specific targeted programmes and of vital statistics were highlighted by the Committee. It accordingly recommended a more comprehensive approach be adopted to promote economic empowerment, and access to healthcare and social security.

The **discriminatory provisions in the Penal Code** were also discussed. The State accepted that legislation on women's alimony rights and the rights of children born out of wedlock are in need of review. A re-evaluation of the Penal Code is currently being carried out. The delegation could not provide a timeframe on when this process might be completed.

¹² This law was passed by Parliament on 5 November 2008 but President Vazquez vetoed the bill on 14 November 2008, claiming he disagreed with it philosophically and biologically.

The Committee also involved the delegation in discussion on the following themes: sexual discrimination in the workplace, family allowances, child labour, and corporal punishment of children.

Conclusions and next steps

The head of delegation acknowledged the importance of measuring policies in terms of results, echoing many comments made by members of the Committee during the session. She thanked the Committee for the truly constructive dialogue and suggested that its work in general the results of the session will play an important role in helping to consolidate women's rights in Uruguay.

The Committee expressed appreciation for the constructive and open dialogue which took place and called upon the delegation to present the concluding recommendations to all relevant ministries and to Parliament, to ensure their full implementation. Whilst acknowledging the positive changes which have taken place, the Committee's recommendations suggested the process of achieving equality for women still has a long way to go. The need to monitor the progress of the implementation of the recommendations was also strongly advised.

The date for the submission of the 8th and 9th periodic reports has been set for November 2014.

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