

**Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Uruguay**

**Combined second and third periodic report**

167. The Committee considered the combined second and third periodic report of Uruguay (CEDAW/C/URY/2-3) at its 541st and 542nd meetings, on 24 January 2002 (see CEDAW/C/SR.541 and 542).

*(a) Introduction by the State party*

168. In introducing the periodic report, the representative of Uruguay noted that while her country's authorities had intended to send a representative with direct expertise in the gender area, that had regrettably not been possible, owing to budget cuts made as a result of the economic and financial problems that the country had recently experienced.

169. The representative went on to explain that, during the period between her country's submission of its initial report in 1985 and the present, there had been a steady evolution, and progress of various kinds had been made in the effective implementation of women's rights.

170. At the governmental level, progress had been made in several areas, including the establishment of the National Institute for Family and Women's Affairs, the Commission on Women's Rights in support of the Institute's activities, the Tripartite Commission on Equal Opportunities and Treatment in Employment and the Interministerial Commission responsible for designing and implementing policies to reduce domestic violence, as well as the enactment of supplementary norms relating to women workers in the public and private sectors who are pregnant or breastfeeding and the prohibition against their dismissal and, lastly, the implementation of various actions to improve health education, programmes to control teenage pregnancy, programmes on sexually transmitted diseases and acquired immunodeficiency syndrome (AIDS), and cancer prevention programmes.

171. The representative also stated that in recent years there had been various parliamentary initiatives to promote women's rights, such as the establishment of the Commission on Women's Human Rights and the Commission on Gender and Equity.

172. The representative mentioned, in particular, the initiatives carried out by the Municipal Administration of Montevideo, which had, inter alia, established a Commission on Women to deal specifically with all questions relating to women; that had been the starting-point for similar actions in other municipal administrations throughout the country.

173. The representative also noted that while there had been issues on which final answers had not yet been reached, very intense debates had been opened up that would undoubtedly culminate in specific advances; among those issues were the

establishment of the post of Ombudsman or Public Defender, and abortion, on which there were a number of initiatives that legislators were considering.

174. The representative pointed to a number of advances in the international arena, including the ratification of legal instruments, such as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, in 1996, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2001.

175. The representative said it was regrettable that the progress cited had been insufficient, as various obstacles, particularly scarce resources, had slowed the implementation of the actions envisaged. For that reason, action by international organizations, such as international and national non-governmental organizations (NGOs), was of major importance, particularly on all issues relating to women; many of the advances made would not have been secured without their effective efforts. The representative also mentioned the actions carried out in the domestic violence area, with regard to both the national telephone service and shelters for victims, and the NGO studies, research and analyses which had yielded concrete data essential to diagnosing certain situations (ethnic minorities), thereby making it easier to resolve them and facilitating the Government's task.

176. Lastly, the representative stated that, while much remained to be done, there were ever greater efforts to make equal rights for women a reality, not only in the legislative area but also in practice.

*(b) Concluding comments of the Committee*

### **Introduction**

177. The Committee expresses its appreciation to the Government of Uruguay on its second and third periodic report, while regretting the fact that the report was submitted with some delay and does not comply with the Committee's guidelines.

178. The Committee, while thanking the Deputy Permanent Representative for her oral presentation, regrets the descriptive and general nature of both the report and the discussion, as a result of which the Committee has not been afforded a complete picture of the legal and social status of women in Uruguay, or of the progress made in the implementation of the Convention since the country prepared its initial report, considered in 1985.

### **Positive aspects**

179. The Committee commends the State party on its prompt ratification of the Optional Protocol to the Convention.

180. The Committee takes note of the fact that the Constitution guarantees the protection of the rights of women and men, as individuals and as groups, and that reference is made in particular to the right of *amparo*.

181. The Committee notes with satisfaction that a significant number of Uruguayan women are highly educated and have a high rate of participation in the labour market.

182. The Committee notes the importance of the National Programme for Women to promote actions to improve the status of women. The Committee acknowledges the efforts of the State party to implement the Convention by initiating various programmes.

183. The Committee notes with satisfaction that the Citizen Security Act defines domestic violence as a distinct offence.

184. The Committee commends the State party on its initiative to encourage the participation of women's non-governmental organizations in programmes for the implementation of the Convention.

#### **Factors and difficulties affecting the implementation of the Convention**

185. The Committee notes that deep-rooted, stereotypical attitudes concerning the roles of men and women constitute an obstacle to the full implementation of the Convention.

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

186. The Committee is concerned that, despite the existence of Act 16,045 of June 1989, which prohibits discrimination on grounds of sex, the Convention has not been incorporated into domestic legislation. In particular, it regrets that article 1 of the Convention, which defines "discrimination against women" is not part of Uruguayan legislation.

**187. The Committee recommends that the State party give further consideration to the incorporation of the Convention into domestic legislation. It points particularly to the importance of the incorporation of article 1 of the Convention and requests that the State party report on progress made in this regard in its next periodic report, including information on whether the Convention has been invoked before domestic courts.**

188. The Committee expresses concern that Uruguayan women make little use of existing judicial remedies for the protection and enjoyment of their rights, including the remedy of *amparo*.

**189. The Committee requests the State party to include more information in its next periodic report on mechanisms and procedures available to women for the protection and promotion of their rights.**

190. The Committee expresses its concern that the National Institute for Family and Women's Affairs, as a national mechanism for the advancement of women, has no real power to initiate and implement regulatory measures designed to eliminate discrimination against women. The Committee is concerned that the national mechanism may have inadequate financial and human resources.

**191. The Committee recommends that the State party clearly define the mandates of the various institutions and commissions and the level of interaction between them. The Committee encourages the State party to allocate the national machinery to the human and financial resources required to ensure the effective implementation of governmental policies and programmes for gender equality. It also encourages the State party to mainstream a gender perspective within all the ministries, and to establish mechanisms for assessing its impact.**

192. The Committee expresses concern at the continuing existence of stereotypes relating to the role of women in the family and society, and at deep-rooted attitudes and conduct based on the assumed superiority of men in the public and private spheres. It is a matter of concern to the Committee that the State party attaches little importance to this problem and thus encourages the persistence of such stereotypes, which are an obstacle to the implementation of the Convention.

193. **The Committee urges the State party to adopt measures to eliminate social stereotypes in Uruguay. It urges the State party to concentrate on increasing women's participation in all areas, particularly decision-making, and on prevailing on men to share family responsibilities. It urges the State party to strengthen its awareness-raising programmes, and to take action to change stereotyped attitudes and perceptions as to men's and women's roles and responsibilities.**

194. The Committee expresses concern that, despite the efforts made, a comprehensive approach is not being taken towards the prevention and elimination of violence against women, particularly as regards domestic violence, crimes of honour and the punishment of offenders. The Committee notes that despite the legislative action taken under the Citizen Security Act, violence against women, particularly domestic violence, remains a serious problem in Uruguay.

195. **Recalling its general recommendation 19 on violence against women the Committee urges the State party to assess the impact of the current legal, policy and programmatic measures to deal with the various forms of violence against women, as well as to adopt a specific domestic violence act, incorporating measures for prevention, punishment of offenders and protection of victims. Bearing in mind that account must be taken of the underlying causes of violence against women, and domestic violence should be investigated with a view to enhancing the effectiveness of legislation, policies and programmes to combat it, the Committee also recommends that the State party continue the training and awareness-raising programmes for judicial personnel, law enforcement officials and members of the legal and health professions, as well as awareness-raising measures to ensure that society will not tolerate any form of violence against women. The Committee encourages the State party to strengthen its collaboration with civil society and non-governmental organizations with respect to violence against women. It also recommends the allocation of funding commensurate with the high priority that efforts to combating such violence should have.**

196. The Committee expresses concern that the Penal Code still contains several provisions that discriminate against women. The Committee is concerned at article 116 which provides for mitigation of sentence where a rapist marries his victim. It is also concerned at article 328, which provides that "protecting the honour of the perpetrator, the spouse and a close relative" may be a factor mitigating sentence in cases of induced abortion.

197. **The Committee calls on the State party to give priority to the repeal of these articles of the Penal Code so as to bring the Code into line with the Convention on the Elimination of All Forms of Discrimination against Women and its general recommendations, in particular 19 on violence against women, and 24 on article 12 — women and health.**

198. The Committee notes that although Uruguayan women are highly educated and have a high rate of labour-market participation, this is not reflected in their employment status and conditions, particularly with respect to private-sector pay. Furthermore, the Committee is concerned at the high proportion of women in the service sector, especially personal services, an area in which pay is traditionally low.

199. **The Committee recommends that both in the public and in the private sector the State party endeavour to ensure strict compliance with labour legislation, and take action to eliminate discrimination in employment and**

**with respect to pensions and private-sector pay, as well as promoting participation by women in sectors traditionally regarded as male.**

200. The Committee is concerned at the low participation of women in politics and government administration, particularly as regards decision-making.

**201. The Committee urges the State party to take appropriate action and implement broad strategies, including temporary special measures under article 4, paragraph 1, of the Convention, with a view to promoting greater participation by women in public life, particularly 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. In particular, the Committee recommends that the State party take account of general recommendations 21 concerning equality in marriage and family relations, and 23 concerning women in public life, that it should strengthen and step up action to promote awareness of the importance of the role, activities and many contributions of women in the community and in the family, and that it should in general promote equality of men and women with respect to rights and opportunities.**

202. The Committee notes with concern the high pregnancy rates among adolescents, and that young adolescents make up a high proportion of this group. It also notes the high rate of deaths related to abortion among adolescents.

**203. The Committee recommends that the State party examine the situation of adolescents as a matter of priority, and urges it to take action to ensure that effective reproductive and sexual health services are provided and that due attention is paid to the information requirements of adolescents, including through programmes and policies to provide information on the different kinds of contraceptives available and how they are to be obtained, on the basis of the principle that family planning is the responsibility of both the man and the woman. The Committee requests the State party to include information on the impact of programmes to reduce and prevent pregnancy among adolescents in its next periodic report.**

204. The Committee expresses concern that the Civil Code still contains provisions, including those with respect to early marriage, that discriminate against women.

**205. The Committee urges the State party to actively promote the elimination of discriminatory legal provisions that still exist, particularly in the Civil Code in matters relating to the family, and to bring Uruguayan legislation into line with the Convention, including article 16.2 relating to minimum age for marriage.**

206. The Committee is concerned that there is limited awareness, including among legal and law enforcement personnel, of the provisions of the Convention and the procedures available under its Optional Protocol.

**207. The Committee recommends that educational programmes on the Convention, the Optional Protocol and women's rights be introduced, in particular for the judiciary, law enforcement officials and lawyers. The Committee also recommends that steps be taken to increase the number of women occupying high positions in the judiciary and law enforcement agencies.**

208. The Committee is concerned that the report does not contain information on the situation of minorities in the State party, and in particular, that of black women.

**209. The Committee requests the State party to include information on the situation of minority women in its next periodic report.**

210. The Committee is concerned that the report did not contain information on the implementation of the Beijing Platform for Action in the State party.

**211. The Committee recommends that, where appropriate, the State party implement the commitments of the Platform for Action. In particular, it recommends the immediate adoption of an equal opportunity plan which can place the National Programme for Women on a solid legal basis. It also encourages the State party to mainstream a gender perspective within all ministries and to establish procedures for assessing the impact of such mainstreaming.**

**212. The Committee asks the State party to respond in its next periodic report to the concerns set out in the present concluding comments, under article 18 of the Convention. It also urges the State party to draft future reports in accordance with its guidelines, providing not only a description of the legal framework, but sufficient information supported by statistical data to clarify not only the legal situation of women but also the situation in practice, including obstacles encountered.**

**213. The Committee urges the State party to accept as soon as possible the amendment to article 20, paragraph 1, of the Convention, concerning the length of the Committee's sessions.**

**214. The Committee requests the State party to disseminate these concluding comments widely in Uruguay and to promote public discussion of them, so as to bring to the attention of politicians, government administrators, non-governmental women's organizations and the general public the action that must be taken to achieve de jure and de facto equality of men and women. It also requests the State party to continue to ensure wide dissemination, particularly among human rights and women's organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**