
Committee on the Elimination of
Discrimination against Women
Seventh session

16 February - 4 March 1988

Excerpted from: Supplement No. 38 (A/43/38)

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

Initial report

182. The Committee considered the initial report of Uruguay (CEDAW/C/5/Add.27 and Amend.1) at its 107th and 113th meetings, held on 17 and 22 February 1988 (CEDAW/C/SR.107 and 113).

183. The representative of the State party informed the Committee that the Government of Uruguay had ratified the Convention in October 1981 and had presented its first report in November 1984. Subsequently, in 1987, an amendment had also been presented to the secretariat where a more critical view of the status of women in Uruguay had been taken.

184. The attainment of equality was not exclusively the realm of the legislative powers, but of human consciousness and overall participation which enabled the law to be implemented. Uruguay had a legal framework which did not discriminate against women. Very early, its population had achieved participatory democracy along with wide-ranging social legislation measures, flexible social structures, a very high level of education and therefore of literacy and finally an advanced social and labour legislation on the rights of women, which was considered one of the most advanced in Latin America.

185. In reality, however, different values, behaviour and habits of Uruguayan society indicated that there was discrimination against women. In Uruguay 53 per cent of the urban population was made up of women. They were concentrated in the urban centres (58 per cent), given the fact that rural conditions were not favourable to women where only 42 per cent of the rural population were found. According to the 1985 census, only 4 per cent of women were illiterate as against 5 per cent of men. Segregation continued to be a problem since women chose careers in the social services areas and education. Women occupied positions which required lower qualifications and, therefore, were paid less than men. From 1975 until 1987, unemployment rates revealed that women constituted the majority of the unemployed and that it was more difficult for them to obtain their first employment than for men. Furthermore, women's labour was considered as supplementary and considered seriously only when market and production requirements demanded, which in fact had very little impact on qualifications or training. She added that 61 per cent of the economically active female population was between 20 and 44 years of age.

186. Regarding maternal and child care, she said that infant mortality rates were 27.6 per 1,000, which was a moderate index considering the situation in Latin America. Additional efforts were being undertaken by the Government to improve the situation, especially in the poorer sectors of the population where the need was greatest.

187. Uruguay's Constitution had given women the right to vote in 1934 and women had exercised that right in 1938 for the first time. In 1942, two women senators and two deputies were elected to Parliament. Law 10:783 of 1946 gave women a series of civil rights including equal rights; article 11 gave patria potestas to both parents and article 2 gave married women the right to administer and decide over their property.

188. She also informed the Committee that after ratification of the Convention in 1984 a major National Programming Council (CONAPRO) had been founded by the four national parties, trade unions and student organizations. CONAPRO was to study diverse themes of national concern in order to prepare a common plan for the following governmental period. Women had demanded that a Sub-Commission on the Condition of Women be created. That group was made up of representatives of different women's organizations, such as the Association of Women Journalists and the National Council of Women. Five documents had been prepared on women in education and culture, women and labour, women and law, women and health and on

participation. Each document had as an introduction an appropriate article of the Convention. The documents had been approved by CONAPRO in 1985.

189. Several organs oversaw the implementation of the Convention such as the judiciary tribunals and general labour inspection and, regarding working conditions, the General Labour Inspection Board. In 1987 the Women's Institute had been created by presidential decree. The Institute would be the catalyst in social initiatives regarding women, the repository of the concerns of non-governmental organizations and would also act as an advisory body to the Government, co-ordinate different action plans and oversee the implementation and follow-up of legislative reforms and other policies to improve the status of women. The Minister of Education, the only woman minister, had created a Sala de la Mujer to collect and disseminate information on women's issues.

190. Other areas of interest to the Committee were the facts that the Government had eliminated any discriminatory provisions regarding divorce and the provisions of the Convention could be invoked in Court. Also, it should be recalled that Uruguay had adopted laws as far back as 1914 that had restricted women's and children's employment in areas of dangerous machinery, as well as in 1918, to provide chairs at the work-place and in 1950 to protect women from being fired on account of pregnancy.

191. To conclude, she stated that, although no legal obstacles were found, difficulties such as traditional values, habits, attitudes and behaviour of Uruguayan society inhibited the progress towards equality. In addition, she admitted that in the collective consciousness of her society the importance of women's political, economic and social active participation was not yet recognized, but with the different groups and institutions set in place in the last two years, change would be stimulated.

192. Members of the Committee welcomed the introductory statement of the government representative and congratulated her on her very comprehensive presentation, which filled in many of the gaps encountered in the report. It was noted that Uruguay had granted women the right to vote in 1932, being one of the first Latin American countries to do so. The Committee had studied the first report prepared by the Government (CEDAW/C/5/Add.27) of 24 June 1985, but many members of the Committee had not received the updated version (CEDAW/C/5/Add.27/Amend.1 of December 1987) referred to by the representative. That was to be regretted since many members would necessarily address problems referred to in the first report of 1985, which might have been remedied by 1987.

193. It was felt that conditions outlined in the report referred specifically to the legislative aspects of equality, but that very scant information was provided on the de facto situation of women in Uruguay. For future reports, updated and more complete statistical information by sex would be required. At the present time, there was no way of comparing or really knowing the situation of women in Uruguay since the data furnished were old and not complete. The report showed that, indeed, Uruguay had very advanced legislation, which was commendable, but the experts wished that more information had been provided on the application of the law. It was commented that there were no references to traditional behaviour such as machismo, to cultural patterns and historical determinants. Admiration was expressed for the women of Uruguay who had struggled against the military dictatorship and suffered under torture or disappeared. It was asked what had happened to those women. Furthermore, the report did not reflect the changes that

must have followed the change from military dictatorship to democracy, since there were no women in parliament and women's participation in the political parties seemed utterly subdued by comparison. It was asked what were the plans of the Women's Institute for the forthcoming elections in Uruguay, and whether it would mobilize the population and women to run for office. In that regard, questions were asked about the budget of the recently created Women's Institute, how it differed from the Sala de la Mujer and whether it would be devoted only to the study of law or to raising consciousness.

194. Experts then commented on the statement contained in Uruguay's report that there existed no discrimination on the grounds of sex in the country. Perhaps it would help the Committee to hear what the Government of Uruguay understood by discrimination. It puzzled the experts that under article 5 of the Convention the report stated that no sexually motivated prejudices or customary practices of discrimination existed.

195. It was noted that the President of the Supreme Court and the Minister of Education were both women and that there were many women journalists. Explanation was requested on the system of elections in Uruguay. Information was sought on the availability and accessibility of day-care centres to both urban and rural women, work of the media on eliminating gender stereotypes, employment statistics and the participation of women in the trade unions.

196. Reference was made to article 488 of Uruguay's Labour Law, and it was asked whether that provision could apply to the implementation of any article of the Convention, for example, article 2. With reference to article 8 of Uruguay's Constitution, which stated that all persons were equal before the law, it was asked how that principle was realized and whether women could take legal action in the court system on account of sex discrimination. In addition, clarification was sought on the reference in that article to "talents and virtues" and how those qualifications affected women. It was noted that the Constitution regulated concerns between Government and citizens, and it was asked whether it also legislated citizens' relations to each other.

197. Additional information was sought on the dissemination and publication of the Convention by the Government, and as to whether it had been translated as well as distributed among women's groups and other sectors of the population. In that regard, it was also asked whether women's organizations had played any role in the preparation of the State party's reports.

198. It was noted that legislation introduced to protect women workers concerned only maternity protection. It was asked why reference was made to article 4 of the Convention when reporting on different protective legislation banning certain types of work for all women and how it could be considered to accelerate de facto equality when it was in fact discriminatory. Surely there were women workers who had no children and women who did not engage in remunerative employment but who bore children. It was also asked what the criteria, or philosophy regarding maternity protection in general were.

199. Experts questioned the statement contained in article 43 of the Constitution, which provided that juvenile delinquency be dealt with in a special way allowing for the participation of women. They wondered whether that meant that the Government equated women and children.

200. Clarification on the meaning of article 41 of the Constitution was requested, especially in relation to the compensatory assistance paid to parents with numerous dependent children.

201. Additional information was also requested as to whether housework and child-rearing responsibilities were shared equally by men and women. It was understood that Uruguay was a predominantly Roman Catholic country and information was sought on the impact of the Church on the advancement of women. Some experts pointed out that there must have been transitions recently when the process from a military dictatorship to democratic government had taken place which also must have affected the life of women, since military dictatorships usually thrived on male superiority. It was also difficult to believe that customary practices relating to stereotyping of sex roles had totally disappeared. Therefore, experts requested more comprehensive explanations on how article 5 of the Convention was being implemented.

202. It was questioned whether the Women's Institute had been developing strategies to do away with patriarchal stereotypes through radio and television campaigns and whether any other practical steps had been taken in that regard.

203. With reference to the social problems associated with fostering violence against women and penalties attached to them, it was asked how many individuals had been sentenced for committing rape, assault or battery or for being associated with the exploitation of women through prostitution. It was further asked why police officials were mentioned with regard to the crime of procurement. Since the laws on prostitution had been passed in 1927, experts asked whether there had been new laws or a decrease in the practice. It was noted that the female literacy rate was optimal. Experts further asked what ways women could use to gain influence in the political decision-making process since there were no women in parliament, how women could be more involved in the formulation of policy, and what was the breakdown between men and women at the Supreme Court and in the judicial system in general.

204. Information was sought as to whether any inquiries had been made on the lower percentage of women entering into higher education and whether the traditional occupational choices of women caused any concern.

205. The limitations on the work of women and young persons below the age of 18 years was considered as leaving the door open for discrimination and one expert asked whether revisions of some of those articles contained in the Constitution were foreseen.

206. It was questioned whether women registered for employment on a regular basis or whether there was any hidden unemployment among women. It was also asked to what extent women and men performed equal work and if and how the principle of equal pay for work of equal value had been applied. Information was also sought with regard to the use of gender-neutral job evaluation schemes.

207. Although average earnings were given in the report, the actual salaries were not, and more information was requested on the actual remuneration of women and men by profession. Another question related to the unconstitutionality of hiring incentives, and an explanation was sought on why had it been considered so since other differences to the detriment of women, such as the different retirement age for men and women, were not considered unconstitutional. It was asked whether it

was compulsory for women to retire at a lower age than men and what was the difference between the pension benefits of men and women. Experts were gratified that the Government of Uruguay had denounced ILO Convention No. 89 banning night work for women.

208. Specific information related to family planning programmes was requested, as well as the availability of abortion or the Government's policy on it and information related to maternal and infant mortality. It was also pointed out that article 116 of the Civil Code contained a provision of social discrimination which merited closer scrutiny; it was asked if there had been any thoughts of revising it.

209. Information was also requested on the particular situation of elderly women, and it was asked whether any groups of women such as disabled women had been identified as disadvantaged.

210. It was noted that the minimum age to enter into marriage was only 12 for women and 14 for men. That seemed very young, and it was asked whether there had been discussions on reviewing that provision. It was also observed that a woman could obtain a divorce by expressing her wish to do so on the grounds provided for divorce through article 187 of the Civil Code. It was asked whether that was a privilege for women, which was adequate, especially if the promotion of equality was being sought.

211. Before replying to the questions raised by the members of the Committee, the representative of Uruguay distributed written material about the Institute of Women and statistical material on issues of health, employment and education. In response to questions and comments, she explained in detail the functions of the Institute of Women, which had been created by presidential decree of 1987 and operated within the Ministry of Education and Culture. Composed of representatives of governmental bodies and non-governmental organizations, the Institute would concern itself with initiating legislative reforms and other policy actions in order to achieve equal participation of women in society; taking political decisions; and proposing the necessary measures to implement the decisions adopted by the Conference on Women, Population and Development. It would establish commissions as the need arose and its members would be experts in areas relating to the status of women. It would elaborate its own rules of procedure and its members would work on an honorary basis. The Institute did not have its own budget and was not independent.

212. As the country had received many immigrants from Mediterranean and Christian countries, the daily life of women very much followed the traditional pattern, namely, their primary duty was to do household work. Only among the younger generation was greater democracy gradually being introduced in the domestic sphere. There were still prejudices in everyday life as regards male superiority. However, the Ministry of Education and Culture was working on trying to eliminate existing stereotypes and prejudices. Concerning the influence of the Catholic Church, the representative said that since 1918 Uruguay had been a secular State. The Church was not against equality of the sexes, and religious education was mandatory neither at the primary, the secondary nor the university level.

213. Referring to the large feminist movement in the country, she mentioned a number of non-governmental organizations, such as the Plenary of Uruguayan Women, the Association of Women Journalists, the National Council of Women, the Study Group on the Condition of Women, the Uruguayan Association on Family Planning and

Research in Reproduction and the women's groups, "Encuentro" and "Concertación Nacional de Mujeres". She also noted the existence of women's groups in all four major political parties.

214. As regards the statistical material she had distributed, it gave a breakdown of the population by sex in the areas of education and employment, but not in the more intimate aspects of daily life.

215. The reference in the Constitution to "talents and virtues" meant that no distinction was to be made based on titles of nobility, as in colonial times. The Constitution also made reference to the basic rights of individuals and their interrelationships. The Sala de la Mujer consisted mainly of non-governmental organizations and its members worked on an honorary basis. The Convention had been given publicity in the country. Translations of its text were not necessary, as the only official language was Spanish. She said that the amendment to the report had been prepared by the Institute of Women based on the work of various non-governmental organizations. In the preparation of the reports (document CEDAW/C/5/Add.27) women in non-governmental organizations were consulted. Both reports and the summary of discussions held at the current session in connection with her country's reports would be made public on 8 March 1988, International Women's Day.

216. Women could file law suits with the appropriate courts in cases of sexual discrimination. No statistics were as yet available as to the number of such suits actually filed. The representative said that in 1988 the Institute of Women would hold a workshop for television broadcasting on the status of women at the national level.

217. In response to questions on rape, battery and prostitution, she said that rape was considered a crime, but she did not have any statistical data on its incidence. Violence in the family constituted a problem. Non-governmental organizations had devoted a study to it, and the establishment of a women's police commission was planned. The representative said that there were some houses for battered women and the Institute of Women was planning to obtain more government assistance in that area. No official figures were available to show whether prostitution had increased or decreased.

218. With regard to the crime of procurement, the reference to police officials meant that any crime committed by a person exercising public power would constitute an aggravating circumstance. That did not constitute a special problem in her country.

219. In discussing the electoral system, she explained that voting was direct, secret and compulsory, there was a proportional representation system and that Parliament was composed of two chambers. The president and vice-president were elected by simple majority through the system of vote by division. The reason why there were not enough women in public office could not be found in the voting system. The obstacle lay rather in a lack of political ambition on the part of women, which the representative referred to as the "self-discrimination" of women, the double work duties imposed upon women and patriarchal structures within the political parties. Some women were criticized for their dual loyalties to both the political party and the improvement of the status of women.

220. As an example of the influence of women in Parliament, she mentioned the former Uruguayan member of the Committee on the Elimination of Discrimination against Women who had promoted a bill on the status of women, which had initiated the establishment of parliamentary commission on the status of women.

221. Women's participation in the trade unions was mainly at the grass-roots level. In some councils, only few could be found at the upper echelons and at the executive level. Of the five members of the Supreme Court, one was a woman.

222. Of the 273 people employed in the foreign civil service, 76 were women, and in the foreign trade service there were two women directors. In the near future, three foreign trade departments would be headed by women.

223. The representative gave statistical information by sex on primary, secondary and university education. She said that patria potestas was a combination of rights and duties and that low-income families could not be obliged to provide their children with an education that was beyond their means. The statistics demonstrated that there were more men than women in higher education because at the university level the twofold work-load of women had a greater impact than at the lower levels of education. At the primary level, 95 per cent of all teachers were women, although there were no women in the primary education councils. In the secondary education councils there were two men and one woman and at the technical university level there were three men and no women.

224. As regards the "invisible work" of women, it was explained that in Uruguay the economically active population included those segments involved in the production and processing of primary commodities and the production of all other articles and services for the market, including domestic service. As women working within the family performed part of those activities, the contribution provided by women working as housewives had not been included in the economic activities shown in official statistics.

225. The representative said that one of the objectives of the Institute of Women was to deal with the problems of older women.

226. She said that maternity leave lasted from six weeks before delivery until six weeks after, unless medical implications necessitated a longer period of leave. Women received their full salary during maternity leave. During pregnancy and after birth in hospital, medical allowances were given as family subsidies. Lactating mothers were allowed to interrupt their work for fixed periods of time. If a woman was fired on the ground of pregnancy, she was entitled to payment of six months' salary, which was understood as a sanction against her employer.

227. Abortion was illegal. Punishments were reduced or completely waived if it was performed during the first three months of pregnancy for serious socio-economic reasons, if it became necessary for therapeutic reasons and if the pregnancy had been the result of rape. Uruguay was one of the countries with the highest abortion rates, although no official statistics were available. The policy of the country was in favour of family planning and a project existed to provide low-income women with free contraceptives.

228. Women participated fully in the country's cultural life. In the area of sport, professional soccer did not exist for women.

229. The representative stated that monitoring centres for women in the villages were being set up, but that rural women did not receive full health-care coverage. A study was being conducted on ways to extend health care to the entire rural population. Rural women had also very scarce child-care facilities.

230. With regard to married women's names, they kept their maiden name, to which they could add their husband's name. There was no difference between children born within or outside wedlock. All children carried the names of both parents. Marriage of females below the age of 12 and of males under 14 was considered null and void, and up to the age of 21 both boys and girls needed the consent of their legal representative.

231. Concerning divorce, she remarked that the existing regulation, in effect since 1913, constituted discrimination, and it had not yet been eliminated. In cases of divorce under the joint property régime, acquired goods were divided on a 50 per cent basis; in the property separation régime, acquired goods were returned to whomever they were due.