



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-second session

20 October-7 November 2008

### List of issues and questions for the consideration of periodic reports

#### Uruguay

The pre-session working group examined the combined fourth, fifth, sixth and seventh periodic reports of Uruguay (CEDAW/C/URY/7).

#### Legislative and institutional framework

1. According to the report, Law No. 17,817 of 18 August 2004, on combating racism, xenophobia and discrimination, introduced a definition of discrimination that includes discrimination on grounds of gender in the political, social and cultural fields. This definition, however, was not established specifically for women, nor does it offer them, as the State party recognizes, protection in their private lives (p. 6). Further to the Committee's recommendation on considering the State party's second and third periodic reports, please identify what other measures have been taken to incorporate the definition of discrimination against women, in article 1 of the Convention, into domestic legislation.<sup>1</sup>

2. According to the report, the National Women's Institute (INAMU), established by Law No. 17,866 of 21 March 2005, has begun to address the situation that existed previously in the National Institute for Family and Women's Affairs, which had given the Committee cause for concern when it considered the State party in 2002. Law No. 17,296 increased the INAMU budget, of which little more than 50 per cent was allocated to the payment of salaries (pp. 11-14). Please indicate whether this budget is adequate to carry out the Institute's mandate. Also, the report does not give a clear picture of the extent to which the Institute has been strengthened in terms of human resources and rendered a decentralized structure

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\* Reissued for technical reasons.

<sup>1</sup> See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38 (Part I)), para. 187.



with an accountability mechanism and an executive mandate. Please provide specific information, including statistics, on the increase in staffing, the percentage of women working in this mechanism and the percentage of departments and municipal governments covered by the Institute.

3. The report indicates that the current Penal Code is in need of a thorough overhaul (p. 11) and recognizes, in particular, that its Title X, on “Crimes against decency and the family order”, reflects the values of the previous century and retains such concepts as modesty, virtue and public scandal in the characterization of sexual offences (p. 21). Please describe efforts made by the legislature to amend existing legislation, in particular the Penal Code, in order to bring it into line with the Convention.<sup>2</sup> Please provide information, in particular, on progress achieved in the draft reform of Title X of the Penal Code and indicate whether sexual abuse within marriage has been criminalized.

4. The report notes that the current Penal Code does not expressly prohibit violence against women, nor does it offer “protection and support for victims during the judicial process and criminal proceedings”, which impedes conviction in the few cases that are actually referred to the criminal courts. It goes on to say that the Code is in need of a “thorough overhaul” in this regard (p. 11). Please indicate what efforts the State party has made to amend the Penal Code in respect of violence against women, taking into account the Committee’s general recommendation No. 19, on violence against women.

5. Please outline major achievements and challenges in the implementation of the First National Plan for Equality of Opportunities and Rights (2002-2005), including detailed and updated information on actions and programmes carried out in the framework of this plan of action and the results achieved.

### **Violence against women**

6. The report recognizes that girl children and adolescents who are victims of domestic violence face discriminatory treatment, as the courts give precedence to application of the Code of Children and Adolescents, which does not provide guarantees in cases of sexual abuse and/or mistreatment (p. 11). Please provide information on the current status of the draft bill to amend the Code of Children and Adolescents and a detailed description of its content, in particular the penalties it prescribes against those who commit such offences.

7. The report indicates that, pursuant to Law No. 17,514 of 2 July 2002, on domestic violence, four specialized Family Courts have been established in the Department of Montevideo (p. 17). It recognizes, however, that these courts are overwhelmed with domestic violence cases and other matters relating to the protection of juveniles and that barely 4 per cent of domestic violence cases are ultimately referred to the criminal courts (p. 17). Please provide information on the financial and human resources allocated to these Family Courts to ensure their proper functioning. Statistical information on the number of domestic violence cases considered by these courts, the number of decisions taken and the types of penalties imposed, where appropriate, would also be appreciated.

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<sup>2</sup> Ibid., para. 197.

### **Trafficking in women and exploitation of prostitution**

8. Please explain why there are no official records or statistical data and there has been no research on trafficking in women in Uruguay (p. 26), which is being perpetrated by both national and international gangs. Please indicate whether any studies have been, or will be, carried out to assess the magnitude of this problem. Please provide information on efforts to combat and eradicate this phenomenon, in particular regarding whether there is any draft legislation to criminalize trafficking in women and, where appropriate, prescribe penalties for it. Please describe any efforts to cooperate with neighbouring transit countries or countries of destination on this matter.

### **Political and public life**

9. Please indicate what action has been taken to follow up the Committee's recommendation, in respect of the State party's second and third periodic reports, 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, in particular in decision-making.<sup>3</sup>

10. Please provide information on the current status of the draft law on regulating the process of establishing electoral lists for political parties in Uruguay, as well as its content.

11. Please provide updated information on the discussion and approval of the draft bill on political participation submitted to the Senate (p. 28).

12. The report gives exhaustive explanations of the situation of women serving on various elected bodies at various levels of Government (pp. 28-32). Please provide statistical information on women in appointed posts at all levels of Government.

### **Stereotypes and education**

13. In line with the Committee's recommendation in respect of the State party's second and third periodic reports, please provide information on the measures taken to eliminate persistent socio-cultural stereotypes in Uruguay that discriminate against women, in particular measures aimed at the media, officials in the judicial system and education professionals.<sup>4</sup>

14. Please provide updated information on the State party's proposals to include sex education in school curricula.

15. According to the report, the Sex Education Commission was created in December 2005 and formalized in 2006. The Commission was charged with elaborating a new sex education programme to be implemented in 2007 (pp. 36-37). Please provide information on the content of this programme and the results obtained after its first year of implementation.

16. Please provide information on measures taken by the State party to prevent pregnant teenage girls from dropping out of school and to ensure that they return to school after giving birth.

<sup>3</sup> Ibid., para. 201.

<sup>4</sup> Ibid., para. 193.

**Employment**

17. Please describe the impact of programmes aimed at combating discrimination against women in employment, particularly with regard to unemployment, low income levels and the salary gap between women and men, which adversely affects women, and at promoting and ensuring gender equality in the workplace (pp. 45-49). Please also describe the status of the proposal to adopt a National Plan for Equality of Treatment and Opportunities in Employment (2004) and indicate the results achieved.

18. Please provide information on the follow-up to the complaints of sexual harassment in the workplace filed in 2005 and 2006. Please indicate whether these complaints were investigated and the types of penalties imposed on the perpetrators.

19. Please describe the results of the implementation of Law No. 18,065 of November 2006, on domestic work. According to the report, in 2004, 87.1 per cent of female domestic workers were not enrolled in the social security system. Please inform the Committee of the extent to which female domestic workers are currently covered by social security.

20. According to the report, while the judge competent to hear labour matters may order measures to end discrimination against women, there is no legal provision for job reinstatement (p. 54). Does the State party have any plans to amend the labour legislation in this regard?

21. The report indicates that there is no legislation establishing day-care centres or nurseries in the workplace, public or private, as provided under Convention No. 156 and Recommendation No. 165 of the International Labour Organization (p. 54). Does the State party plan to conform to these international standards and, if not, what are the obstacles to doing so?

**Health**

22. The report recognizes the ineffectiveness of Law No. 9,763 of 24 January 1938, which criminalizes voluntary abortion but recognizes “family honour” as an extenuating circumstance. It also recognizes that this law has not helped to reduce secret and unsafe abortions, which are steadily rising (pp. 20-21). Please indicate whether there are any plans to amend this law and provide up-to-date information on the status of the draft Law for the Protection of Reproductive Health.

23. Please provide statistical data on the practice of unsafe abortions, which, according to the report, is the leading cause of maternal mortality in the State party (p. 62).

24. Please provide information on the impact of Ministerial Ordinance No. 369 and its protocols and clinical guidelines, as well as the various programmes for the prevention of unwanted pregnancies mentioned in the report (p. 62).

25. The State party recognizes that it does not have up-to-date and gender-disaggregated data on family-planning coverage. Please describe efforts to change this situation and the results obtained by the various programmes mentioned in the report (p. 57).

26. The report notes an increase in the prevalence of HIV/AIDS, from 0.23 per cent in 2000 to 0.45 per cent in 2004 (p. 61). Please provide up-to-date data on the

incidence of HIV/AIDS up to the end of 2007. Describe health and educational measures the State party is planning to adopt in order to combat HIV/AIDS. Please provide information in particular on preventive action and the treatment of pregnant women and indicate whether this population group has access to antiretroviral treatment against HIV/AIDS.

### **Rural and minority women**

27. The report points to sharp disparities in the average income of male-headed and female-headed households, particularly in the rural areas. The percentage of unpaid female workers in the rural areas is also high. In this context, the report mentions that Uruguay has no public policies for rural women (p. 77). Please indicate whether specific measures have been taken or are planned in order to ensure respect for the human rights of this population group, particularly in the areas of work, education and health.

28. In line with the Committee's previous recommendation, please provide information on the human rights situation of indigenous and Afro-descendant women.<sup>5</sup>

### **Marriage and family**

29. Please indicate the extent to which the State party is planning to implement the Committee's recommendation<sup>6</sup> and the recommendation of the Committee on the Rights of the Child on the State party's second periodic report (CRC/C/URY/CO/2, para. 26) concerning the amendment of certain discriminatory provisions of the Civil Code relating to the family and marriage. Please indicate in particular whether paragraph 2 of article 16, establishing the minimum age for marriage, has been amended. Please also provide information on the continuing practice, under article 112 of the Civil Code, of prohibiting widowed or divorced women from remarrying for a period of 300 days from the death of the spouse or the date of the divorce, and the withholding of alimony from women who lead a "disorderly life" (article 183).

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<sup>5</sup> Ibid., para. 209.

<sup>6</sup> Ibid., para. 205.