



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-second session

Summary record of the 856th meeting (Chamber A)

Held at the Palais des Nations, Geneva, on Thursday, 23 October 2008, at 10 a.m.

Chairperson: Ms. Simms (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Simms, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

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

Combined fourth, fifth, sixth and seventh periodic report of Uruguay (continued)
(CEDAW/C/URY/7; CEDAW/C/URY/Q/7 and Add.1)

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

2. **Ms. Beramendi** (Uruguay) briefly outlined the important changes that had shaped the recent history of Uruguay, and said that the current Government had cited poverty reduction as one of its main priorities when it had taken office in 2005. Since then, the Administration had created a favourable environment for economic growth, which had led to a gradual but steady decline in poverty levels. It had also focused on improving basic health-care services and education, encouraging economic growth with social equity and combating all forms of discrimination.

3. The combined fourth, fifth, sixth and seventh report (CEDAW/C/URY/7), covering the period between 2000 and 2006, had been prepared by the National Women's Institute. The responses to the list of issues and questions (CEDAW/C/URY/Q/7/Add.1) had been compiled in close cooperation with the Ministry of Foreign Affairs through the Inter-Institutional Commission for Gender Questions, comprised of public bodies and NGOs. All three branches of government had contributed to the process by responding to a survey on gender-focused actions against discrimination. Uruguay's report had been widely publicized and distributed to NGOs dealing with gender equality, national and departmental bodies and municipal entities.

4. Bearing in mind the Committee's concluding comments in 2002 (A/57/38 (Part I)) to the effect that the Government of Uruguay should give further consideration to the incorporation of the Convention into domestic legislation, she described the current legislative and institutional framework, which included the definition of gender-based discrimination in national laws and policies. She drew particular

attention to Law No. 18,104 of 6 March 2007 on the promotion of equal opportunities and rights, which referred to non-discrimination based on gender, and said that the First National Plan for Equality of Opportunities and Rights (2007-2011) incorporated the definition of discrimination, as provided under the Convention.

5. In its recommendations, the Committee had also stressed the importance of ensuring that women had access to judicial remedies for the protection and enjoyment of their rights. In that context, she referred to a series of legal reforms, undertaken in response to the concerns expressed by the Committee, aimed at strengthening existing provisions on domestic violence, sexual offences, trafficking in persons and other forms of violence against women. As stated in the response to the fourth question on the list of issues (CEDAW/C/URY/Q/7/Add.1), the work of the Committee on Reform of the Penal Code and the Committee on Reform of the Code of Penal Procedure was expected to improve the protection of victims of sexual offences during the judicial process.

6. The National Women's Institute had been created in 2002 as the chief gender policy body for the advancement of women, and was responsible, under Law No. 17,930 of 19 December 2005, for fulfilling the State party's international obligations relating to non-discrimination on the basis of gender. The Institute had originally lacked adequate financial and human resources, but had subsequently been upgraded in both respects, with the Government currently providing 80 per cent of the funding for personnel costs.

7. The formulation of strategic guidelines and closely coordinated action with civil society had further enhanced the institutional and legal framework for gender policy. Decentralization had reinforced existing mechanisms for the implementation of gender policies: 10 of the country's 19 departments had gender focal points, and 7 had specialized units, some of which were managed by NGOs, for dealing with the problem of domestic violence. In that context, she described the role played by various plans on equal opportunity, leading up to the current First National Plan for Equality of Opportunities and Rights (2007-2011). Although Uruguay did not have a national human rights institution, discussions on a draft law for the creation of such a body were being conducted by the Government and civil society. It was also worth noting that a position of local ombudsman (*defensor*

del vecino) had been created at the municipal level, and in 2005 a Human Rights Division had been set up within the Ministry of Education and Culture.

8. Overall, Uruguay had made tremendous strides in eliminating stereotypes; increasing the proportion of women in political life and in decision-making positions; gaining recognition for the rights of domestic workers; and improving the coverage and quality of health-care services for all age groups.

Articles 1 to 6

9. **Ms. Šimonović** said that the status of the Convention in Uruguay's domestic legal order was not clear, and she asked whether the Convention took precedence over national legislation, including the Constitution, in cases where there were conflicting provisions. She also stressed that the definition of discrimination against women in accordance with article 1 of the Convention was legally binding only when enacted through legislation, and not through the adoption of an instrument of national policy, such as the First National Plan for Equality of Opportunities and Rights.

10. The provisions on the principle of the equality of women and men contained in the Constitution of the Republic did not satisfy the obligation to ensure substantive equality, as set out in article 2 of the Convention. She therefore requested further information on how the Government intended to incorporate that obligation into the national legal system. She proposed that the Government should repeal all discriminatory legislation in order to bring national laws into line with the Convention.

11. **Mr. Flinterman** asked whether the Convention had been invoked in domestic courts. He also asked whether the Government intended to revoke article 43 of the Constitution on the role of women in the rehabilitation of juvenile delinquents, which, in his opinion, was an example of gender stereotyping.

12. **Ms. Shin** enquired about the process by which requests from the National Women's Institute for statistical data were handled. She also asked whether Law No. 18,104 addressed both direct and indirect discrimination against women, as provided under the Convention. She was curious to know whether the Coordinating Council for Gender Equality Policies had been established, and, if so, how effective it had been thus far.

13. She also asked when the current Penal Code reform was expected to be completed, and whether women's organizations had opportunities to express their views at public hearings before reforms were finalized. With reference to the creation of a national human rights institution, she recalled that such a body must adhere to the Paris Principles and suggested that the statement adopted by the Committee in January 2008, on its relationship with national human rights institutions, might prove useful to the Government of Uruguay.

14. She was pleased that the Committee's earlier concluding comments had been taken into account by the Government of Uruguay, and asked how follow-up to the current discussion with the Committee would be approached.

15. **Ms. Tavares da Silva** said that she was pleased to note the support given to the National Women's Institute, and asked for clarification of the Institute's status within the Ministry of Social Development. Since previous consultative mechanisms among the ministries had been based on an ad hoc arrangement, she was interested in knowing whether a formal coordinating council had been set up.

16. She asked whether the Government intended to expand the decentralization of its gender equality mechanisms to the remaining nine departments which were not yet covered. Had sufficient financial and personnel resources been allocated to gender units within ministries? Had gender equality been mainstreamed throughout the Government, and had monitoring mechanisms been established to regularly evaluate actions implemented under the First National Plan?

17. The fact that the bulk of the financing for the National Women's Institute came from international sources raised concerns about the future viability of the Institute after the current projects were completed. She wondered whether the functions of the Institute would be sustainable without international funds.

18. Lastly, she asked for additional information on the situation of women of African descent.

19. **Ms. Arocha Domínguez** said that she was concerned that the National Women's Institute did not have direct executive powers but acted through the Ministry of Social Development. She feared that the lack of direct access to the highest levels of authority

in other institutions might undermine the Institute's potential to make an impact under its coordination mandate.

20. The combined report did not contain statistics that clearly illustrated the advances made by women in the enjoyment of rights protected under the Convention. In that vein, she asked the delegation to explain the relationship between the Institute and data-collection bodies in Uruguay.

21. **Mr. Pérez Manrique** (Uruguay) said that the Constitution of Uruguay had not been regularly updated to reflect human rights developments since 1934. However, the Supreme Court of Justice had consistently upheld the direct application of international human rights conventions in the domestic courts, with the result that such conventions were routinely invoked. Because their provisions were very specific, they complemented, rather than contradicting, the much broader human rights provisions of the Constitution. He also explained that article 43 of the Constitution was not actually a discriminatory provision; the full text of the article, which was not reproduced in the report, made clear that it was intended to provide for women's participation in the juvenile justice system, not to reinforce gender stereotypes.

22. **Ms. Beramendi** (Uruguay), responding to the suggestion that all discriminatory legislation should be repealed, said that the Government was aware of existing shortcomings. For example, there had been extensive discussions on reform of the Code of Penal Procedure, but resistance to amendments was due, in part, to the fear that other complications might emerge. She believed that a holistic and integrated approach to the reform process was essential. The reforms would encompass all the aspects recommended by the Committee, but she could not specify the time frame within which they would be enacted.

23. There were different mechanisms for handling cases of discrimination against women depending on the setting in which the violations occurred. Deficiencies in legislation on sexual harassment in the workplace would be eliminated in order to strengthen protection against harassment. A Tripartite Commission on Equal Opportunity and Treatment in Employment had recently finalized a draft law aimed at eradicating sexual harassment, with penalties for non-compliance. Much effort had been deployed in upgrading the skills

of labour inspectors in terms of their awareness of gender issues and their ability to detect harassment. The Government was waging a campaign to inform women about legislation that had been enacted specifically for their protection and empowerment.

24. Although the scope of Law No. 18,104 on the promotion of equality of opportunities and rights might not have been as comprehensive as the Committee might have wished, the law was nevertheless meaningful. The First National Plan for Equality of Opportunities and Rights represented a long-term commitment by the State that extended beyond the current Administration's term of office. The current reporting exercise had offered an opportunity to publicize the content of the report and the Convention itself throughout Uruguay.

25. Plans for a coordinating body on equal opportunity were scheduled to be finalized in November 2008; its members would be high-level decision-makers with the relevant technical qualifications and substantive experience to conduct in-depth work on gender policy. In addition, the First National Plan for Equality of Opportunities and Rights provided that all Government ministries must furnish yearly updates on the steps they had taken to promote gender equality; that accountability framework had improved coordination among the various entities.

26. **Ms. Abracinskas** (Uruguay) said that in 2007, the President of the Republic had been requested to grant the National Women's Institute ministerial status to give it sufficient authority to incorporate the gender dimension into ministerial policies. At the same time, gender focal points in each ministry had been proposed in order to assist the Institute in monitoring the progress of gender mainstreaming in Government policies.

27. **Ms. Beramendi** (Uruguay) added that two forums had been held on the incorporation of the gender perspective into the process of deepening democracy in Uruguay. In line with the emphasis on decentralization in the State reform process, more than 90 educational and cultural centres had been opened throughout the country. The Institute and the Ministry of Education and Culture would carry out awareness-raising and training initiatives for the operators of those centres, with a view to incorporating the gender perspective. In addition, five State enterprises had started to adopt more egalitarian policies under an

incentive scheme involving the award of “quality with equity” certification. In 2009, the Institute intended to invite the private sector to participate in the scheme.

28. **Ms. Millán** (Uruguay) said that, since 2005, gender mechanisms had been established in departmental governments, either as stand-alone units or within social development offices. In 2006, an inter-municipal commission on gender had been established to strengthen those mechanisms with a particular focus on issues such as domestic violence, in cooperation with women’s groups and the National Women’s Institute.

29. **Ms. Beramendi** (Uruguay) said that gender mechanisms in some ministries were more influential than others, and she believed the Coordinating Council would become an important tool in addressing such inconsistencies. A group of five Government ministries had started to implement an in-depth process of gender mainstreaming. The Ministry of the Interior had an exemplary gender programme, with its own budget which would serve as a model for the other ministries in that exercise.

30. **Mr. Migliónico** (Uruguay) explained that in March 2005 a process of gender mainstreaming within the Ministry of the Interior had started in response to the need for a sustainable awareness-raising and training strategy for the police hierarchy to ensure equal treatment of men and women. A gender focal point had been established within the Ministry of the Interior and joint efforts to strengthen that and other gender mainstreaming initiatives were being made with the National Women’s Institute and international organizations such as the United Nations Population Fund (UNFPA).

31. **Ms. Beramendi** (Uruguay) responding to the concern expressed about the Institute’s sources of funding and sustainability, said that the use of cooperation funds for the Institute’s start-up phase had been a political decision. The fact that departmental gender mechanisms had proved their usefulness and that the Institute had developed a fully fledged administrative and programme structure made it likely that the Institute would be included as a permanent part of the national budget.

32. The National Statistics Institute compiled sex-disaggregated data in some areas, but because it did not have a specific unit for monitoring gender issues, detailed gender indicators were not available. When the

current Government had taken office, it had published sex-disaggregated data collected between 2001 and 2004, and had made an agreement with the National Statistics Institute to include gender indicators among the sets of indicators it produced. With support from the United Nations Development Fund for Women (UNIFEM) and the Economic Commission for Latin America and the Caribbean (ECLAC), efforts were being made to ensure that the data processed by the Statistics Institute were compatible with those of the ECLAC Observatory on Gender Equity in Latin America and the Caribbean, to facilitate comparative analyses of different countries in the region. Other initiatives carried out by the Statistics Institute included a time-use survey to measure the unremunerated work done by women in the home and the collection of information on the population of African descent.

33. **Ms. Shin**, in follow-up to her earlier query on the establishment of a national human rights institution, asked whether any decisions had been made regarding the composition and future work of such an institution.

34. **Mr. Flinterman** asked whether Uruguayan women were making use of the judicial system more frequently than they had at the time the State party had presented its combined second and third periodic report (CEDAW/C/URY/2-3) in 2002. He asked what remedies were currently available to women, and whether they could receive legal aid. Although he appreciated the explanation of the theoretical applicability of the Convention, he was still curious to know how its provisions were specifically invoked before the courts in Uruguay.

35. **Ms. Šimonović** asked the delegation to provide the full text of article 43 of the Constitution of the Republic.

36. **Ms. Beramendi** (Uruguay) said that the National Women’s Institute was involved in the complex negotiations for establishing a national human rights institution. Sources close to the process had indicated that the discussions were likely to be concluded in 2008.

37. **Ms. Abracinkas** (Uruguay) said that NGOs were involved in the discussions on the draft law concerning the future human rights institution, which was expected to include representatives of various gender mechanisms and women’s organizations, among

others. Currently, the topic was still under parliamentary consideration within the Senate.

38. **Ms. Beramendi** (Uruguay) said that the draft law contained an article specifically prohibiting discrimination against women, in accordance with the Convention.

39. **Mr. Pérez Manrique** (Uruguay) read out the complete text of article 43 of the Constitution of the Republic of Uruguay, which referred to women's participation in the special regime established by the State to deal with cases involving juvenile delinquents.

40. Legal aid was available to all persons in the territory of Uruguay below a certain level of income. In the case of domestic violence, lawyers offered their services free of charge, irrespective of the victim's income level. In terms of access to judicial remedies, Uruguay had a particularly high number of judges relative to its population and access to justice was relatively simple. However, for cultural reasons, the mentality of litigation in relation to discrimination against women was not common in Uruguay. The Convention on the Rights of the Child had been invoked in domestic courts in many instances, but very few cases had related to the Convention on the Elimination of All Forms of Discrimination against Women.

41. **Mr. Migliónico** (Uruguay) offered to circulate copies of section II, chapter II of the Constitution, which contained article 43, so that the article could be understood in context.

42. **Ms. Shin** brought the Committee's general recommendation No. 25 on temporary special measures to the attention of the delegation. She asked whether the law on equality of opportunities and rights contained provisions on such measures, and whether the Government had contemplated the application of temporary special measures in areas other than political participation, such as employment and education.

43. **Ms. Tavares da Silva** said that it appeared that Uruguay had not achieved much progress in eliminating prejudices and practices based on stereotyped roles, pursuant to article 5 of the Convention. The Government of Uruguay seemed to recognize that certain social patterns had led to discriminatory practices that had destructive consequences in all areas of life. She therefore urged the Government to adopt a more proactive and

comprehensive approach to modifying stereotypes by all necessary means. Furthermore, she reiterated the Committee's earlier recommendation that the State party should strengthen its programmes on awareness-raising and take action to change the public's attitudes and perceptions on gender roles and responsibilities.

44. **Ms. Coker-Appiah** said that she agreed that further efforts were needed to combat gender stereotypes in Uruguay and that it was not surprising that violence against women remained a problem in that country. She asked the delegation what steps had been taken to address gender stereotyping and to ensure full respect for women's rights.

45. While the Government's efforts to tackle violence against women, including the passage of new legislation, were very important, they would not be effective without appropriate structures and mechanisms that allowed women to assert their rights. The specialized courts established to deal with domestic violence were all located in the capital, Montevideo, and did not appear to have sufficient capacity to handle their caseload. She was therefore interested in knowing whether there were plans for additional courts to serve the country's interior.

46. The suggestion in the report that only "incest with public scandal" was treated as a specific crime was worrying, given the fact that such crimes did not very often become public, for reasons of family honour and modesty. She asked what was being done to amend existing laws on incest and whether the Government intended to criminalize marital rape.

47. **Ms. Chutikul** said that Uruguay had not dealt effectively with the problem of trafficking. She asked the delegation to provide information on the scope of the new law on migration in so far as it related to trafficking. She was curious to know whether it contained a definition of trafficking, or specified the forms of trafficking and exploitation, and the penalties incurred. She also asked whether protective measures had been provided to victims of trafficking and exploitation.

48. She was interested in knowing whether the Government of Uruguay applied the definitions contained in the Palermo Protocols on trafficking and migration and whether it intended to ratify the Protocols. She asked for the results of the 2006 exploratory study conducted by the International Organization for Migration in 2006, and said she

wondered whether further action had been taken on the basis of those results.

49. She requested details on the operations and beneficiaries of the programme for the assisted return of irregular migrants. In addition, she asked the delegation to comment on the role of the National Women's Institute in efforts to combat trafficking and commercial sexual exploitation. Were adequate financial, technical and human resources allocated to those efforts? Lastly, she asked the delegation to describe Uruguay's experience in implementing the action plan on trafficking adopted by the countries members and associated members of the Common Market of the South (MERCOSUR). Had Uruguay entered into bilateral arrangements with other States? What role had the Ministry of Foreign Affairs played?

50. **Ms. Beramendi** (Uruguay) acknowledged that very few temporary special measures had been adopted. One such measure was the application, in the country's employment subsidy programme, of a higher subsidy for women than for men, in light of women's higher unemployment rates. The law on equality of opportunities and rights did not provide for temporary special measures, but some of its articles established general aims that could serve as a foundation for temporary special measures. There had been rather strong resistance within the political system to the adoption of temporary special measures, but the Government had been waging campaigns to increase women's participation in politics and to build support for quotas. Beyond the political sphere, campaigns were being conducted to encourage women to enter non-traditional occupations, particularly in the sciences.

51. Special measures had also been taken to raise women's awareness of their legally protected rights. Such initiatives were provided for in the First National Plan for Equality of Opportunities and Rights and covered a variety of legal provisions, including those on the rights of women in non-marital or same-sex unions.

52. With respect to stereotyping, she said that the Government had conducted awareness-raising campaigns on violence against women and that media professionals had been trained to apply the gender perspective and to avoid the use of discriminatory or sexist language. They were encouraged to be sensitive to the need to avoid stereotypical portrayals of women

and to protect victims' privacy in reporting on cases of violence or abuse. Lastly, teacher training included modules on gender stereotypes, and academic materials aimed at combating those stereotypes had been designed for pupils at all levels, starting in early childhood education.

53. **Mr. Pérez Manrique** (Uruguay) confirmed that all four of the specialized courts that dealt with domestic violence cases were located in Montevideo. Elsewhere in the country, regular courts handled domestic violence cases in addition to their normal workload. It was, however, important to bear in mind that half the total population of Uruguay was concentrated in the capital. During the current five-year period, nine new courts had been established in the interior; while they were not specialized, they did have jurisdiction over domestic violence cases. By the end of the five-year period, each of the country's departments would have a technical team composed of a psychologist, a social worker and a forensic physician, who would support the courts in dealing with cases of violence. The operations of the four specialized courts located in the capital were being evaluated to determine whether there was a need to establish additional courts elsewhere.

54. He assured the Committee that the current reform of Penal Code provisions on sexual abuse would include the subject of incest, but said that it was difficult to predict the exact date by which the reform process would be completed.

55. There was no specific provision that defined marital rape as a crime. However, any act of psychological, or physical violence committed by either spouse in order to force the other, to have sexual relations was punishable under the general provisions on rape. The perpetration of that crime in the context of marriage was considered an aggravating circumstance under the law.

56. **Mr. Migliónico** (Uruguay) said that Uruguay had already ratified the Palermo Protocol. Law No. 18,250 on migration had entered into force in January 2008, but there had been some delay in developing regulations to implement the law. It represented the first legislation adopted by Uruguay on trafficking in persons. Articles 77 to 81 defined the concepts of trafficking and exploitation, prescribed penalties for such activities and listed the situations that represented aggravating circumstances.

57. **Ms. Beramendi** (Uruguay), responding to the question on the assisted return programme carried out in cooperation with the International Organization for Migration, said that four women had been rescued from trafficking networks thus far. The technical team working with the victims of trafficking and their families consisted of a social worker and a psychologist. The project had not been tremendously successful because a complex set of circumstances exerted pressure on the victims. The organizers of trafficking rings were usually still at large, and the women who returned were often dependent on their former networks. Drug addiction, for example, was a factor that further complicated the process.

58. The Institute had systematically convened inter-institutional meetings on the problem, which had been attended by high-level representatives of Government ministries, the judiciary and international law enforcement bodies. The Ministry of Foreign Affairs had played a central role in mobilizing efforts to combat trafficking. It was only recently that the need for bold strategies to confront trafficking in persons, forced prostitution and international trafficking networks had gained recognition. Embassies and consulates in certain countries had been alerted to the presence of criminal networks that implicated Uruguay as a country of origin and transit with respect to human trafficking. Recently, a protocol had been developed to help embassies and consulates to identify victims of trafficking. The difficulty of grasping the scope of trafficking and related activities underscored the key role of civil society, which had worked in close liaison with the Institute. NGOs had supported the implementation of the protocol and would be working jointly with the Institute on the dissemination of information on trafficking, including the distribution of posters in strategic locations throughout the country and at exit points.

59. A number of measures had been adopted under the MERCOSUR action plan on trafficking. In cooperation with the other members, Uruguay had carried out a programme to raise public awareness of domestic violence. The Government of Uruguay had also concluded a bilateral agreement with Brazil to provide refuge for victims of cross-border trafficking and forced prostitution. The effectiveness of those and other regional measures in protecting women against trafficking and exploitation remained to be seen. Over the previous three years, the Ministry of Social

Development had implemented a vigorous process of information exchange with diplomatic representations of neighbouring countries to identify signs of trafficking and to alert the competent authorities to take timely and appropriate action.

60. **Ms. Tavares da Silva** asked why the masculine form of certain titles in Spanish had been used in reference to some of the female members of the delegation in the list of participants. That was significant, in view of the persistence of gender stereotypes.

61. **Ms. Beramendi** (Uruguay) said that she agreed that the use of masculine titles was relevant to the broader issue of stereotypes. The National Women's Institute, in tandem with other Government institutions, was engaged in an ongoing effort to curb the use of sexist language. A mechanism was being set up to monitor sexism in the communications media and advertising; it would involve measures to recognize good practices and penalize bad practices.

The meeting rose at 1 p.m.