



**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 857th meeting (Chamber A)**

Held at the Palais des Nations, Geneva, on Thursday, 23 October 2008, at 3 p.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 3.05 p.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.*

*Articles 7 to 9*

2. **Mr. Flinterman** said it was lamentable that nearly 30 years after Uruguay's accession to the Convention, so few women were involved in politics or occupied decision-making positions. He asked what the main obstacle was to the approval of the draft law pertaining to quotas for women on candidate lists. In addition, he invited the delegation to comment on the role of the Bicameral Women's Caucus in promoting new legislation on political representation, and the impact of the Network of Women Politicians project for the promotion of a common gender agenda in public policies. Lastly, he asked what had become of the draft law that sought to provide financial incentives for political parties to promote the equitable participation of men and women.

3. **Ms. Beramendi** (Uruguay) said that the lack of progress on the draft law on quotas was attributable to cultural factors. Within the traditionally male-dominated political parties, there had been strong opposition to the concept of setting quotas. That stance was ostensibly based on concerns about the proposal's viability, but in reality it reflected an entrenched belief that the exercise of power was the exclusive domain of men. Such attitudes were surprising, considering the advances made in so many other areas.

4. A study undertaken in cooperation with the Economic Commission for Latin America and the Caribbean (ECLAC) had revealed very clear discrimination against women in the financial system. Specifically, the wage gap between men and women increased in direct proportion to the level of qualification and the hierarchical rank of the women in

that sector. The results of the study, which had been presented to senior officials of the banks concerned, were proof of a serious problem that needed to be addressed. A programme implemented in State enterprises to identify managerial competencies had shown that traditionally male competencies were consistently more highly valued than traditionally female competencies. In general, women had not yet learned how to exercise power and how to transform the exercise of power, even though their university enrolment rate was 60 per cent higher than the rate for men.

5. The concluding comments and recommendations of the Committee would undoubtedly help to raise awareness of Uruguay's shortcomings in terms of women's political and labour-market participation. Acknowledgement of the problem was a positive first step, and the President of the Republic had sent a strong signal to the opponents of change by appointing women to key posts in the ministries responsible for defence, development, health and the interior. Much more would be required to sway hardliners. She was unfortunately not able to predict the outcome of deliberations on the draft law on financial incentives for political parties precisely because of the fierce opposition it had encountered.

6. **Ms. Abracinkas** (Uruguay) said that because the establishment occupying the seats of power resisted change, there was a clear gap between the social advances made by women in general and their access to positions of influence in the political system. However, since public opinion largely favoured the election of women to political positions, the forthcoming elections were likely to result in positive changes in that regard.

*Articles 10 to 14*

7. **The Chairperson**, speaking as a member of the Committee, said that temporary special measures were needed to improve education quality and outcomes for women and girls of African descent, who, as a group, had made little progress in terms of economic advancement. Compulsory, high-quality education should be made available from early childhood onward and should be culturally relevant so as to encourage members of the minority population not to limit their aspirations to performing the most menial jobs. Persons of African descent accounted for 9 per cent of Uruguay's population, a sizeable minority for a small

country, and she asked whether the Government had identified positive measures to enhance the ability of women and girls of African descent to contribute effectively to the development of society.

8. **Ms. Halperin-Kaddari** said that some of the information provided on employment was unclear. For example, in the responses to the list of issues and questions (CEDAW/C/URY/Q/7/Add.1), the answer to question 17 started out by stating that there were no national programmes to prevent discrimination against women in the workplace, but later mentioned a National Plan for Equality of Treatment and Opportunities in Employment, which seemed to contradict the earlier statement. She also wondered whether the draft law promoted by the Tripartite Commission on Equal Opportunity and Treatment in Employment included the concept of equal pay for work of equal value. Did the wage boards referred to in the report (CEDAW/C/URY/7) have supervisory powers? She cautioned that the adoption of a gender non-discrimination clause in union agreements was a private-sector matter, not an indicator of the Government's commitment to protecting women's employment rights. She was keen to hear whether any specific data on the employment of women of African descent were available.

9. **Ms. Coker-Appiah** said that it was startling that abortions were the leading cause of maternal mortality, at 27.5 per cent, especially since contraceptive use was relatively high. She asked why the practice of abortion was so rampant: was access to contraceptives limited, or were they unaffordable for some sectors of the population? Was the high death rate linked to the fact that abortion was illegal and so women resorted to clandestine abortions, which were often unsafe? What effect had the President's veto of the draft law on the protection of reproductive health had on efforts to decriminalize abortion?

10. **Ms. Arocha Dominguez** asked what programmes had been implemented in order to reduce school repetition and dropout rates among girls of African descent and those living in poverty.

11. Turning to the subject of employment, she noted that little information had been provided on the sectors in which women worked. She asked what supervisory mechanisms had been developed to prevent the economic exploitation of children. Although Uruguay had ratified the relevant International Labour

Organization (ILO) standards, and had raised the minimum age for admission to employment, a significant number of children living in poverty were working illegally. She was curious to know how many girls were subjected to such economic exploitation.

12. Considering the high rate of teenage pregnancy and the negative impact of illegal abortion on the health of girls, she asked what progress had been made in reviewing Law No. 9,763 of 24 January 1938 criminalizing abortion. She asked whether the mass media were used to disseminate information on sexual and reproductive health and whether such information conveyed a message of responsibility, stressing the fact that abortion was not a form of family planning. Lastly, she asked what was being done to prevent drug addiction among teenagers.

13. At its forty-fifth session, held in 2007, the Committee on the Rights of the Child had expressed regret that the Code on Childhood and Adolescence of 2004 allowed for corporal punishment of children. She was interested in knowing how widely corporal punishment was practised and what measures had been taken to prevent its continued use as a disciplinary measure.

14. **Ms. Beramendi** (Uruguay) said that, while Uruguay had not adopted affirmative-action measures with respect to women of African descent, it had begun to process and publicize disaggregated information on the situation of such women. Although Uruguay had historically provided broad access to education, it was indeed a sign of discrimination that 70 per cent of girls and women of African descent over 14 years of age had not completed secondary school and that only 5 per cent of all women in that minority group enrolled in tertiary education. Accordingly, gender and racial components had been incorporated into the training of civil servants and educators and into policy monitoring systems. In addition, a course on information and communication technology for women of African descent had proved very successful as a pilot project.

15. Inconsistencies between the information provided in the combined report and advances actually achieved on the ground might be partly attributable to the fact that much of the work on the combined periodic report had been based on an earlier process. Recently, the Plan for Equality of Treatment and Opportunities in Employment had raised issues that previously had not been fully recognized.

16. Uruguay had fallen behind in terms of employment policies for women. Studies on inequality in the workplace had revealed that women tended to be employed in low-paying service positions that represented an extension of their reproductive role in the home. While the concept of equal pay for equal work was enshrined in legislation, the wage gap persisted owing to the horizontal segmentation of the labour market and the low value assigned to tasks that were considered the domain of women.

17. The wage boards were tripartite bodies for the negotiation of wage agreements; the Ministry of Labour was responsible for enforcing those agreements. The Government promoted the inclusion of gender equality clauses aimed at eliminating the wage gap and combating sexual harassment, but that initiative could not succeed without the support of trade unions, which saw such matters as being secondary to wage issues.

18. **Ms. Oria** (Uruguay) said that the gender perspective had been incorporated into the State budget and that a technical study was being done with a view to adjusting budget information systems so that they could be approached from a gender perspective. That would help the Government to target its social spending to maximize its impact on poor households, a large proportion of which were headed by women.

19. **Ms. Beramendi** (Uruguay) said that Uruguay was seeking to boost secondary-school completion rates in several municipalities through a “community classrooms” programme organized by NGOs with funding from the State. It was linked to other programmes to retain pregnant girls in the school system and to provide support and advice to teenage parents, offer specialized sexual and reproductive health services for adolescents and train youth promoters to provide information on sexual and reproductive health. The results of those programmes had been positive.

20. **Ms. Abracinskas** (Uruguay) said that the figures showing the rate of maternal mortality due to abortions dated back to 2002, which had been the peak period for such deaths. Since women currently tended to resort to the safer method of using misoprostol to induce abortion, the death rate in that category had fallen to 11.1 per cent by 2006. Over and above the goal of reducing maternal mortality due to unsafe abortion, the aim of the draft law on the legalization of abortion was

to respect women’s right to control the number and spacing of their children, albeit within a comprehensive framework that defined abortion as a last resort, not a means of family planning. The draft law emphasized the adoption of policies on prevention, sex education, universal access to contraceptives and responsible parenting, within a democratic framework that embraced diverse ethical and philosophical systems.

21. The birth rate among teenagers had levelled off since their access to sexual and reproductive health information and services had been expanded. Moreover, owing to changes in the prevailing culture and to targeted efforts by NGOs, especially in poor sectors, young women were increasingly encouraged to pursue their education and develop aspirations that were not limited to motherhood alone. However, women’s health care tended to follow the traditional maternal and child health model rather than a comprehensive sexual and reproductive health model owing to the medical profession’s resistance to change.

22. **Ms. Beramendi** (Uruguay) said that the President’s veto of the draft law on the protection of reproductive health would not put an end to efforts to enact the necessary legislation, which was supported by a number of Government ministers and other senior officials. The President fully respected their right to advocate the adoption of such legislation.

23. While the Government had launched a programme on drug addiction, it did not as yet have a gender-specific component. Recently the Institute had been invited to get involved in that initiative, but it had not done so as yet owing to a lack of resources.

24. **Mr. Pérez Manrique** (Uruguay) said, on the subject of child labour, that the children concerned generally worked with their families in informal occupations such as garbage scavenging.

25. Law No. 18,214, supplementing the National Code on Childhood and Adolescence, had come into effect in January 2008 and represented a major breakthrough in the approach to corporal punishment. While it recognized the right of parents and guardians to provide guidance to children and adolescents, the new law prohibited the use of corporal punishment or humiliating treatment as a method of enforcing discipline.

26. **Ms. Halperin-Kaddari** said that no responses had been provided to questions 20 and 21 of the list of issues and questions (CEDAW/C/URY/Q/7) and invited the delegation to discuss the issues raised in those queries, which related to employment.

27. **Ms. Coker-Appiah** asked for information on action taken to address the rise in HIV/AIDS prevalence, especially among young persons. She urged the delegation to ensure that the next periodic report of Uruguay contained detailed statistics, disaggregated by age and sex, on the affected population.

28. **Mr. Pérez Manrique** (Uruguay) said, in response to question 20 of the list of issues, that labour law provided only that a judge could order the reinstatement of a person dismissed from employment on the ground of trade union activity. There was as yet no provision for the reinstatement of a worker dismissed by reason of gender.

29. **Ms. Beramendi** (Uruguay), referring to question 21, said that there had been some progress in expanding the coverage of childcare facilities, with the hope of providing universal coverage by 2010. Statistical data on the coverage of such facilities had been compiled, but the delegation did not have them readily available.

30. **Ms. Abracinskas** (Uruguay) confirmed that there was a trend towards the feminization of the HIV/AIDS pandemic and that heterosexual women were the most affected group. Married women had falsely regarded themselves as being outside the high-risk category. Uruguay had progressed in the treatment of HIV/AIDS, but had not invested enough in prevention or the empowerment of women in sexual negotiation. Unfortunately, Uruguay had recently been turned down as a recipient of funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria, but was planning to make another attempt in 2009, since those resources would provide much-needed financing for prevention programmes with a gender perspective. Admittedly, as a middle-income country, Uruguay would face some difficulty in gaining access to those funds.

31. **Ms. Tan** asked what measures had been adopted to ensure the application of the Convention's provisions to rural women, since Uruguay had no national public-sector agency with a specific mandate relating to rural women, according to the combined periodic report. She asked how many hospitals or

health centres were located in rural areas, especially in remote communities, and whether women in those areas had access to pre- and post-natal care, or received regular medical attention.

32. She enquired about plans to bridge the wage gap between female and male labourers and asked whether all working rural women received rural social security allowances. Had the Government made plans to enhance the technical skills of rural women through training and education?

#### *Articles 15 and 16*

33. **Ms. Tan** said that the responses provided to the concerns raised by the Committee about the issue of sexual abuse within marriage were unclear. Given the stated need for a "thorough overhaul" of the Penal Code, she wondered whether the Government of Uruguay intended to include the characterization of marital rape as a crime in the context of that reform. She asked the delegation to confirm whether, with the passage of Law No. 18,246, women in non-marital unions were now guaranteed the rights protected under article 16 of the Convention. Did partners in same-sex unions and common-law arrangements have the same rights and obligations as married couples under the law?

34. Uruguay had adopted Law No. 17,823 (National Code on Childhood and Adolescence) in 2004 in order to align domestic legislation with the provisions of the Convention on the Rights of the Child. In that context, she asked the delegation to verify the minimum age for marriage and to state whether the Government intended to raise the minimum age for marriage to 18 years for both boys and girls.

35. According to reports, the four family courts located in Montevideo were overwhelmed with cases dealing predominantly with domestic violence, but only 4 per cent of those cases were referred to the criminal courts. The remainder were handled by the family courts, which meant that most abusive partners were not penalized. She asked for detailed information on protection measures and support services for victims. Lastly, she urged the Government of Uruguay to set up additional family courts in order to ease the burden on the existing courts and to expedite the delivery of justice.

36. **Ms. Halperin-Kaddari** asked how many women held positions at the various levels of the judiciary. In

her opinion, the fact that a divorcee could lose her right to alimony for leading a “disorderly life” was troubling. She requested details on the definition of marital property and the distribution of such property after divorce, and asked whether the same regime applied in the case of the dissolution of non-marital unions.

37. She was also curious to know whether the Government intended to eliminate the distinction made in the Code of Childhood and Adolescence between legitimate and illegitimate children, according to their parents’ marital status at the time of their birth. She asked whether single mothers received special Government allowances and whether a woman’s social status was influenced by her marital history; for instance, were divorcees or widows treated differently from women who had made a deliberate choice to become single mothers?

38. **Ms. Beramendi** (Uruguay) confirmed that Uruguay had no explicit national programmes for improving the situation of rural women. Other programmes partially addressed some of their needs, but did not represent an adequate response. In terms of access to social security and to working conditions that met the same standards enjoyed by urban workers, she said that legislation had been introduced to align the conditions of rural workers with those of urban workers elsewhere. However, no disaggregated data were available on the situation of rural women workers. The National Women’s Institute had a programme for bringing rural women who produced artisanal food products into the formal economy. The Ministry of Tourism had helped in those efforts by arranging for tourist visits to the areas where the women marketed those products. Moreover, efforts were under way to harmonize food safety standards in different parts of the country so as to facilitate the free movement of such goods.

39. Within the framework of a comprehensive health-care reform, there were plans to strengthen rural health-care delivery. Changes had been made to the model for health-care management and funding, in the quest for universal access in the coming years. Already, women in some of the sparsely populated areas that had previously been neglected were being served, and comprehensive needs-assessment had been built into the new policy approach.

40. **Mr. Pérez Manrique** (Uruguay) said that it was not true that perpetrators of abuse were rarely convicted in Uruguay. Victims of domestic violence were protected under article 10 of Law No. 17,514 (Domestic Violence Act), which allowed for a rapid and flexible procedure to grant protection within a period of 48 hours.

41. He gave a broad description of Law No. 18,246 on cohabitation (2007), which had entered into force in January 2008. The law conferred a number of rights on partners, of the same or different sex, who had lived together in a de facto union for a minimum of five years. Those rights included the right to alimony in the event of separation and, with some restrictions, the right to form a joint estate with the partners’ property. In the case of death, surviving partners had the same social security and inheritance rights as surviving spouses. Since the law had only recently taken effect, it was too early to assess its efficacy.

42. Neither the Civil Code nor the 2004 Code on Childhood and Adolescence had raised the minimum age for marriage. However, the Code on Childhood and Adolescence had lowered the minimum ages at which minor parents could recognize their children, to 12 in the case of girls and 14 in the case of boys.

43. Concerning the situation in the domestic violence courts in Montevideo, he said that Law No. 18,046, which had entered into force in January 2007, had created a new category of public prosecutors specializing in domestic violence cases. An ongoing assessment of the operations of those courts would determine whether or not additional courts on domestic violence were needed. Cases in which there was evidence of a criminal offence were transferred to a criminal court. Protection measures were implemented within 48 hours. The flexibility of the procedure made it possible for judges to issue orders by telephone and for the aggressor to be removed from the home. In addition, the contending parties were not required to appear in court at the same time.

44. Most of the female judges in Uruguay’s judicial system worked at the lowest level as justices of the peace. Currently, there were fewer women at each successive level, but there was a clear trend indicating that an increasing number of women were moving up within the system. Women accounted for 75 per cent of departmental justices of the peace, 59 per cent of judges of first instance and 38 per cent of appeals

judges. Women had not yet been appointed to the Supreme Court because of the structure of the judicial career and the procedure for such appointments: if the legislature could not agree on a candidate by a majority of two thirds, the most senior judge of the appellate court was appointed automatically. As women rose within the system, more of them would eventually reach the highest levels of the judiciary.

45. The stipulation, in article 183 of the Civil Code, that a divorced woman could lose her entitlement to suitable maintenance if she led a disorderly life was clearly outdated and should be removed from the law. In his experience, that clause had never been applied.

46. He confirmed that the Code on Childhood and Adolescence maintained a distinction between children whose parents had been married at the time of their birth and those born out of wedlock.

47. In relation to the property regimes applicable to marital and non-marital unions, he explained that, unless an explicit separation-of-property agreement was concluded prior to marriage, all assets and liabilities of a married couple were deemed to belong equally to both spouses and were divided equally between them in the event of divorce. The situation of couples in legally-recognized unions was still unclear, although there was lively debate on the subject. The majority position seemed to be that the community property regime should apply, in order to ensure that the more vulnerable partner, usually the woman, was entitled to half the property involved.

48. In relation to the economic and social status of single mothers, he said that the law did not discriminate between women who raised their children with partners and those who raised their children alone.

49. **Ms. Beramendi** (Uruguay) said that the system of family allowances, under which families whose income was below a certain level received an allowance for each child under the age of 18, had been reformed in 2005: the amount of such allowances had been increased and they were normally paid to the mother rather than the father. In addition, a draft law currently under consideration would make the eligibility requirements for retirement pensions more flexible by crediting women with one year's worth of social security contributions for each child they had raised. That law, if enacted, would acknowledge women's unpaid contribution to society as caregivers. The next step was to consider women's contribution as

caregivers for older persons, particularly as Uruguay was at an advanced stage of demographic transition.

50. In her concluding remarks, she said that her delegation understood the importance of measuring the efficacy of policies in terms of results, which meant, in the context of the implementation of the Convention, ensuring the enjoyment of rights. Uruguay was building an information system that would facilitate that process by supplying relevant outcome indicators, but it was also important to include process indicators. Uruguay had constructed solid gender policies through a truly multidisciplinary and participatory approach that had involved women from all sectors. She took the opportunity to invite members of the Committee to witness the launching of the National Coordinating Council for Gender Equality Policies, as their presence would help to stimulate the awareness and interest of the public, the media and the Government itself. Meanwhile, the Committee's comments and recommendations would be publicized at a press conference and its work would be discussed at a seminar to be held in December 2008 to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights. The presentation of the combined periodic report had been a meaningful and constructive experience, and she looked forward to the next reporting cycle, when the Government would undoubtedly be able to provide more comprehensive information on the situation and advancement of women.

*The meeting rose at 5.25 p.m.*