



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

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**Committee on the Elimination of Discrimination
against Women**

Twenty-sixth session

Summary record of the 542nd meeting

Held in Headquarters, New York, on Thursday, 24 January 2002, at 3 p.m.

Chairperson: Ms. Regazzoli

Contents

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

Second and third periodic reports of Uruguay (continued)

In the absence of the Chairperson, the Vice-Chairperson took the Chair.

The meeting was called to order at 3.10 p.m.

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

Second and third periodic reports of Uruguay (continued) (CEDAW/C/URY/2-3; CEDAW/PSWG/2002/I/CRP.1/Add.5; CEDAW/PSWG/2002/I/CRP.2)

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

2. **Ms. Tavares da Silva** said that, while appreciating Uruguay's achievements on many fronts, she shared the concerns mentioned by other experts and would raise four further points.

3. First, she still had no clear understanding of the structure, tasks, powers or mandate of Uruguay's national machinery for the advancement of women, although the delegation's oral presentation had provided some clarification. She requested that Uruguay present a detailed picture of those mechanisms in its next report, bearing in mind that national machinery had to be located at the highest possible level, be provided with sufficient resources, and, above all, have the necessary means to ensure effective mainstreaming.

4. Second, on the issue of traditional gender stereotyping, she had observed just such a stereotype in the report itself; the table entitled "Distribution of household chores between spouses", just before paragraph 148, included the indicator "done by the wife without the husband's help". Husbands should be sharing responsibility for household chores, not "helping", which implied that the wife was the one responsible.

5. She noted a major contradiction between the qualifications of Uruguayan women and their inferior status when it came to salaries and political representation. The statistics on women in higher education showed that they were well represented, and were even in the majority in the fields of law, the humanities, agronomy, medicine and others. Why were such skilled and competent women so underrepresented

in elected and other bodies, and why did the report make no mention of any policies or measures designed to redress that striking imbalance? Similarly, even in the category of qualified professionals, women earned little more than half of what their male counterparts did. Those contradictions were surely due to the persistence of gender stereotypes.

6. Lastly, turning to marital issues, she said that she, too, was concerned that the minimum age for marriage was 12 for girls. On a related matter, she found it shocking that the penalty for rape — including rape of a minor — was extinguished if the offender married the victim. Subsequent marriage, even with the girl's "consent", could in no way excuse such an assault on her integrity and privacy. Article 116 of the Penal Code, ought to be amended.

7. **Ms. Açar** noted that in its written responses (document CEDAW/PSWG/2002/I/CRP.2, para. 22) the delegation had pointed out that, under Article 325 of the Penal Code, inducing, aiding or consenting to an abortion was a punishable offence. However, Article 328 cited as a mitigating circumstance the carrying out of an abortion "for the purpose of protecting the honour of the perpetrator, the spouse or a close relative". Not only was the logic hard to understand, but the provision violated the principles of the Convention. The honour of the perpetrator was being placed over the honour of the woman herself, including her right to privacy and physical integrity, which was violated by any non-consensual abortion. In other countries, acts such as those were called "honour crimes". She asked specifically that her deep concern be conveyed to the Government, who should be invited to reconsider such provisions.

8. On marital issues, she requested clarification about the joint ownership of property. When property acquired during marriage was divided at the time of divorce, was it divided equally between the spouses? Referring to the need for parental consent for marriage by those aged 14-18 years, she wondered what the legal meaning was of the "other relatives" whose permission was required by youngsters who had been born out of wedlock. On the issue of divorce, she had understood that men, unlike women, had no right to sue for divorce in the absence of specific grounds and was curious to know how that had come about.

9. Finally, regarding the statement that many seemingly outdated provisions — including the

difference in minimum age at marriage — remained on the books because they were unimportant in daily life and no one had come forward to amend them, she said that it was up to the Government to be proactive and ensure that discriminatory laws of a bygone era did not remain in force. Laws were educational; they sent messages to the population.

10. **Ms. Shin** noted that although Uruguay had made many efforts to counter violence against women, serious problems of stereotyping still remained. To begin with, under the Citizen Security Act of 1995, the perpetrator of domestic violence could be punished only in case of “prolonged violence or threats” causing “one or more personal injuries”, which seemed to suggest that domestic violence taking the form of one-time attacks or not resulting in visible injury were minor and not worth pursuing. She hoped that the draft legislation on domestic violence would remedy that important gap.

11. Second, the stereotyping of domestic violence as a private affair, rather than as a social crime, could be seen from paragraphs 126-127 of the report which listed the duties assigned to police officers called in to deal with domestic violence. She considered that evaluation and mediation were not roles for a police officer. In any occurrence of domestic violence, the perpetrator should be taken in and, if the offence was serious, brought to trial.

12. The statement in paragraph 9 of the written responses, that violence was “directly linked to serious economic problems and low levels of education” reflected another old stereotype — that violence was specifically a problem of the underclass — and was directly contradicted by the breakdown of the victims by socio-economic class (around 20 per cent upper class, around 23 per cent middle class, and around 24 per cent lower class). Clearly, violence was a problem common to all social classes. Unless the Government came to a clearer understanding of the problems of violence against women, it would be unable to solve them.

13. **Ms. Manalo**, while thanking the delegation for its written report and oral presentation, observed that the report completely failed to meet the Committee’s guidelines. She was appalled by the status of implementation of the Convention in Uruguay and had been disgusted by the reply that no one in Uruguay was interested in replacing the anachronistic laws which

fell far short of the letter and spirit of the Convention. She supposed that Uruguayan society was aware of what was happening elsewhere in the world. The evolution of laws was part of social progress. She suspected that the real reason for the Government’s failure to act was that politicians and legislators were influenced by vested interests such as the church. She requested an exhaustive description of how the report had been prepared noting that, normally, such a process took one and a half to two years. Drafting a report involved a lot more than just compiling data.

14. Uruguayan abortion laws were inimical to women’s interests and were an affront to the dignity of women; the country’s family planning policies were virtually non-existent and nothing whatsoever had been done to eliminate stereotyping of gender roles. All in all, there was no *de jure* or *de facto* emancipation or empowerment of women in Uruguay. The actions allegedly taken with women’s interests at heart boiled down to token measures fashioned by men. The report reflected Uruguayan society’s total failure to comply with the Convention.

15. **Ms. Schöpp-Schilling** stated that she, too, doubted the existence of any real political will to implement the Convention. She was astonished that no reason had been given for the 10-year delay in submitting the report and drew attention to the fact that the fourth and fifth reports were long overdue. While applauding the efforts made by earlier Governments to give women equal rights, she said that those laws were in fact discriminatory by modern standards. Uruguay had ratified the Convention in 1981; it had had plenty of time since then to amend the laws. The blame for the failure to conduct a review of the legislation lay with the Government. The Convention sought to promote *de facto* equal opportunities and treatment; she saw no evidence in the report of any attempt by the Government to secure such equality. She therefore urged the Government to comply with its obligations under article 4, paragraph 1.

16. Furthermore, she questioned the genuineness of the Government’s commitment to supporting the National Institute for Family and Women’s Affairs. Had it been truly committed, the Government would surely have tried to find out why the Institute had been unable to produce a national action plan. She had a hunch that the Institute was understaffed and lacked resources, in which case the Government was to blame. She also wished to know what was happening in the

various ministries with regard to women's rights. Had focal points been set up? Were all governmental programmes assessed for gender impact? Without such structures, a comprehensive policy for women was impossible.

17. The report stated that 26 per cent of Uruguayan households were headed by women, but it had not provided any detailed information about those households. The next report should include data about their economic circumstances, housing, educational level, access to health care and state of health.

18. Turning to the thorny issue of wage discrepancy, which was encountered in every country of the world, she observed that there were a number of ways of addressing the problem and she urged the delegation to impress on the Government that improving women's pay deserved to be given high priority.

19. **Ms. Goonesekere** noted that the report referred to a high rate of maternal mortality in the 15 to 24 age group. Since abortion was treated as a criminal offence, she wished to know if any correlation existed between the maternal death rate and backstreet abortions. Had the discussion regarding the decriminalization of abortion made any headway?

20. **Ms. Rivero** (Uruguay) replying to some of the concerns voiced by Committee members said that, in order to combat prevailing stereotypes, her country was focusing on education and was endeavouring to publicize the Beijing Platform for Action. Her delegation would pass on the experts' remarks on that subject and would recommend that the Government step up its consciousness-raising campaigns. She emphasized that Uruguay's legislation on rape had once been considered extremely advanced. Her delegation had taken due note of all the Committee's observations and would do its utmost to improve the situation.

21. She explained that, in the event of domestic violence, the police tried to provide emergency assistance and to intervene when violence was first reported, but matters did not necessarily rest there. If one of the parties lodged a complaint, the latter was investigated by the courts and divorce proceedings could be initiated. Indeed, the divorce rate was very high in Uruguay. When the situation at home warranted it, women could turn to the courts to obtain justice. Assistance was available for persons with meagre resources and they could seek free advice from the law

faculty, or call on the services of defence lawyers. While the Bill currently before Parliament did not cover all aspects of the question, it would hopefully be an improvement on existing legislation.

22. Her delegation had taken note of the request for detailed and comprehensive information on mechanisms for implementing the Beijing Platform for Action and assessing the results obtained. It shared both the Committee's concerns and the view that indicators were very important.

23. The answers she had given, obviously did not reflect her personal opinion, as it had been her duty simply to present her country's report. Her delegation greatly appreciated the interest shown by the Committee in the lives of women in Uruguay and would pass on all that had been said.

24. **The Chairperson** observed that, in the past, Uruguay had served as a model for the other countries in the region, especially in respect of measures to prevent and punish violence against women. In Latin American countries amending the Penal Code was a lengthy process, because parliamentarians had to attend to more pressing issues. Nevertheless a country which had once been in the vanguard of progress ought to meet the requirements of the Convention. She therefore urged the delegation to pass on Committee members' comments — particularly those regarding the need for statistics demonstrating the impact of measures to deal with a variety of problems — and recommendations to the Government and to disseminate them widely throughout the country.

The meeting rose at 4.10 p.m.