



**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

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20 October-7 November 2008

**Responses to the list of issues and questions with regard to
the consideration of the seventh periodic report**

Uruguay*

* The present report is being issued without formal editing.



Introduction

This report was prepared by the National Women's Institute of the Ministry of Social Development.

In order to prepare the responses to the additional questions posed by the Committee, the Institute applied a participatory methodology similar to the one used in preparing the combined fourth, fifth, sixth and seventh report of the Eastern Republic of Uruguay. While this delayed the submission of the responses, it guaranteed that those responses would reflect the views and contributions of all the public entities involved.

The following public entities took part in the process: for the executive branch, the Ministry of Social Development, Ministry of Public Health, Ministry of Livestock, Agriculture and Fisheries, Ministry of Labour and Social Security, National Public Education Administration/Central Governing Council; for the legislative branch, the Bicameral Women's Caucus; for the judicial branch, the Supreme Court of Justice.

The responses were prepared in close coordination with the Ministry of Foreign Affairs through the Inter-Institutional Commission for Gender Questions, which is mandated to follow up on the State's commitments in relation to the various international human rights treaty bodies and committees. The Commission consists of governmental and non-governmental organizations that carry out activities and programmes to promote gender equity and non-discrimination.

Following are the responses of the Uruguayan State.

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 report 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. 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.¹

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

There are no legislative provisions that specifically define the term “discrimination against women”. Legislation has tended to guarantee rights in relation to issues that mainly affect women without specifically including this concept. Nonetheless, Law No. 18,104 of 6 March 2007, entitled “Promotion of equality of rights and opportunities between men and women in the Eastern Republic of Uruguay”, refers in article 3 to “non-discrimination for reasons of gender” and tasks the National Women’s Institute of the Ministry of Social Development with ensuring compliance with international instruments on this subject.

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. 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 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.

The National Women’s Institute reports to the Ministry of Social Development (Law No. 17,866). The Ministry’s organizational structure began to be developed in 2005 and was approved by law on 25 October 2007. In this context, the Institute’s staffing was increased significantly by various means. At the beginning of this period the staff previously assigned to the former Institute for Family and Women’s Affairs, which reported to the Ministry of Education and Culture, was reassigned to the National Women’s Institute under the above-mentioned law. Upon the establishment of the Institute two officials with civil-service contracts were added. This initial core staffing table was supplemented with staff seconded from other State entities, staff hired under projects financed with cooperation funds, interns from the Spanish International Cooperation Agency for Development (AECID) and scholarship recipients from the Ministry.

In 2008 the Institute’s structure was strengthened with the addition of two more staff members on secondment and four scholarship recipients (for a period of nine months). Moreover, competitive recruitment processes are under way with a view to hiring 10 more staff members.

Currently, 44 people work at the Institute; this represents a 275-per-cent increase over the number of staff it received at the time it was established in 2005 (16 people). Of these 44 staff members, 9 per cent are men and 91 per cent are women.

The Institute currently has seven gender focal points in seven of the country’s departments (Canelones, Colonia, Paysandú, Río Negro, Rivera, Salto and Tacuarembó). This represents coverage of 36.84 per cent, but there are plans to hire two more focal points with international cooperation funds in June 2008; this will bring coverage to 50 per cent. In their work, these focal points strengthen and

coordinate with municipal gender mechanisms and various local offices of public agencies and social organizations.²

In terms of financing, the Institute receives, in addition to its dedicated funding, support from international cooperation through the United Nations system, the Spanish International Cooperation Agency for Development (AECID) and the International Bank for Reconstruction and Development (IBRD) under the following projects:

- “Institution-building for equitable development” (IBRD — World Bank), a project aimed at preventing, addressing and eradicating domestic violence. Period: September 2004-March 2008;
- “Strengthening of the National Women’s Institute” (AECID). The aim of this project is to further legitimize and institutionalize the Institute by mainstreaming the gender perspective in different areas of public and civil-society activity, thereby strengthening the implementation of the First National Plan for Equality of Opportunities and Rights. Period: 2006-2009;
- “Support for the strengthening of the National Women’s Institute — Uruguay” (implemented by the United Nations Development Fund for Women (UNIFEM) Brazil and Southern Cone Office with funding from the Catalan Agency for Development Cooperation). This project is aimed at supporting efforts to strengthen and legitimize the Institute. Period: May 2006-May 2009;
- Friedrich Ebert Foundation, Uruguay (FESUR);
- United Nations Development Programme (UNDP);
- United Nations Population Fund (UNFPA).

Budgetary expenditure in 2007 amounted to Ur\$ 15,087,915.62 (US\$ 644,507.29). Of this amount, Ur\$ 6,372,398.73 (US\$ 272,208.40) came from the Institute’s own budget and Ur\$ 7,294,980.89 (US\$ 311,618.15) from funds provided under cooperation projects.

Of the total budget implemented by the Institute, 42 per cent was provided by the Ministry, 48 per cent by sources of international cooperation under the above-mentioned projects and 10 per cent by smaller sources of cooperation funding.

It should be noted that budgetary expenditure was 42 per cent higher in 2007 than in 2006, when it amounted to Ur\$ 8,818,032 (US\$ 376,678).

As to whether the budget is adequate to carry out the Institute’s mandate, the answer is that it is insufficient. For the coming period the Government should increase the State’s share of the budget to ensure that the programmes and actions implemented are sustainable.

3. The report indicates that the current Penal Code is in need of a thorough overhaul 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. Please describe efforts made by the legislature to amend existing legislation, in particular the Penal Code, in order

² See annex on the operational structure of the National Women’s Institute.

to bring it into line with the Convention.³ 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.

The draft reform of the Penal Code was submitted to the Senate and referred to the Committee on Reform of the Penal Code, established under Law No. 17,897, article 22, of 8 September 2005 (known as the Humanization of Detention Act).

That Committee is currently drafting the general part of the Penal Code and has not yet begun to consider the special part. In order to provide inputs to the drafters of the reform, the Bicameral Women's Caucus, with support from UNIFEM, is beginning a process of analysis and debate on mainstreaming the gender perspective in the reform of the Penal Code and the Code of Penal Procedure.

With respect to sexual violence within marriage, the existing Penal Code does not exclude sexual violence within marriage from the definition of the crime of rape, but neither does it refer explicitly to such violence. Thus, interpreted from a patriarchal viewpoint, this type of abuse is rarely prosecuted.

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. 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.

The greatest legislative advances with respect to violence against women were achieved with the Domestic Violence Act (Law No. 17,514 of 2002). This law provides for the adoption of precautionary measures under civil law (family law), even in cases where a criminal court has not handed down a conviction. Its implementation has been accompanied by measures to strengthen services for women who suffer or have suffered from this problem.

However, little progress has been made with respect to victims of sexual offences. Along with the Committee on Reform of the Penal Code, a Committee on Reform of the Code of Penal Procedure was established under Law No. 17,897, article 21, of 8 September 2005. It is hoped that provisions on support and protection for victims during the judicial process will be included in the new Code of Penal Procedure.

This issue will be taken up in the process of analysis and debate on the reforms of the Penal Code and the Code of Penal Procedure mentioned in the answer to question 3.

The National Women's Institute has contributed, by means of a study, to the identification of possible changes in the strategic legal agenda on gender and women's human rights in four priority areas of national legislation: constitutional law, labour law, civil law and criminal law. The proposed amendments to the Constitution were developed in consultation with lawmakers from the four political parties represented in the legislature.

³ Ibid., para. 197.

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.

The First National Plan for Equality of Opportunities and Rights, which covers the period 2007-2011 (this clarification is provided because the Committee's question refers to a different period), went into operation last year. Thus, the results are only just beginning to materialize. Following are some of the results achieved with the launch of the Plan:

- The State as a whole has begun to address gender inequalities;
- Annual operating plans have been developed in a number of ministries in accordance with the Plan's provisions;
- National entities have begun to consider the territorial aspects of policies for equality of opportunities and rights;
- Gender equality units or mechanisms have been established in all ministries and public entities;
- Specific actions to promote gender equity have been carried out and programmes with a gender perspective have been initiated in national public entities;
- Steps have been taken to strengthen gender mechanisms in departmental governments.

Challenges include:

- Establishing the Coordinating Council on public policies for gender equality, which will consist of authorities at the most senior level;
- Funding and staffing ministerial and departmental gender units or mechanisms;
- Implementing annual operating plans in all ministries;
- Building the capacity of civil-society organizations to monitor the Plan's implementation;
- Giving the National Women's Institute a higher hierarchical status, more human resources and greater funding in the next Government budget cycle.

The following actions and programmes were carried out within the framework of the First National Plan for Equality of Opportunities and Rights by the seven ministries responsible for its implementation during the first year.⁴

Ministry of Social Development

An institutional evaluation was conducted in 2006-2007 based on interviews with different directors and a documentary analysis. The evaluation served as a baseline for defining the goals of the Plan and advancing gender mainstreaming in

⁴ The National Women's Institute selected the following ministries to initiate the implementation of the Plan: Ministry of Social Development, Ministry of the Interior, Ministry of Housing, Land Use Planning and Environment, Ministry of Foreign Affairs, Ministry of Economy and Finance, Ministry of Public Health and Ministry of Labour and Social Security.

the Ministry's policies, programmes and projects. Two strategic programmes of the Social Emergency Plan, "Working for Uruguay" (*Trabajo por Uruguay*) and "Strategies for Improving Income" (*Rutas de Salida*) were also mainstreamed.

In 2007, steps were taken to strengthen intra-ministerial coordination on gender issues between different directorates, with a view to mainstreaming a gender perspective in the various programmes. A training programme for male and female civil servants was developed and presented at a directors' meeting, which was attended by the Minister.

The following activities were carried out by the National Women's Institute and the different directorates of the Ministry of Social Development:

Directorate of Territorial Coordination

The role of the Directorate of Territorial Coordination is to design, implement and develop the Ministry's decentralization strategy throughout the country. The Ministry is represented at the local level by territorial offices, which are responsible for developing institutional programmes and promoting coordination with public agencies and civil-society organizations throughout Uruguay.

Coordination between the Directorate and the National Women's Institute was strengthened in several areas:

Seven technical experts were assigned to the departmental offices as gender focal points in February 2007. This action, which represented a major challenge, will contribute significantly to the development of the Ministry's institutional policies.

The National Women's Institute participated in a two-day workshop with territorial coordinators from all parts of the country, during which a final version of the First National Plan was presented and progress was made in determining areas of action for its implementation throughout the country. The territorial coordinators participated in forums organized by the Institute, including seminars, courses on domestic violence and training workshops geared to teams from the central office with the aim of promoting gender mainstreaming in the planning process for 2008.

The Directorate of Territorial Coordination participated in the selection panels for the recruitment of Institute staff at the territorial level.

The Directorate and the Institute developed a programme to establish a Centre for Citizens' Rights⁵ in Ciudad del Plata (Department of San José) and prepared proposals on how the Centre could carry out advocacy and training initiatives on citizens' rights and women's participation in society. The Centre will also provide counselling and referral services for victims of domestic violence that incorporate the public social policies being implemented at the territorial level.

The Institute and the Directorate are currently working on the establishment of a Centre for Citizens' Rights in Cerro Norte and a halfway house for women victims of domestic violence.

⁵ The purpose of the centres for citizens' rights is to make social policies and programmes, particularly those developed by the Ministry of Social Development, more accessible to the residents of Ciudad del Plata and to improve their coverage.

Social Policy Directorate

The First National Plan for Equality of Opportunities and Rights is one of the pillars of the gender equity plan, which is being implemented by all Government departments. The gender equity plan focuses on the most vulnerable sectors of society and incorporates the lessons learned from the Social Emergency Plan (2005-2007), with a view to establishing a new social protection framework.

Actions were taken in connection with the National Dialogue on Social Security, including the organization of thematic round tables and presentations by the executive drafting committees. Inputs were provided on gender issues and were included in the final programme documents.

Training workshops on domestic violence were held for the technical teams in charge of implementing the “Strategies for Improving Income” (*Rutas de Salida*) programme.

Directorate of Citizen Development

The Institute worked with the Directorate of Citizen Development (within the framework of the programme on strengthening local initiatives) and the Social Policy Directorate (within the framework of the programme on production alternatives and the social cooperatives unit) to promote the sixth Latin American contest “That’s How It’s Done: Successful Undertakings Led by Women from the Popular Sectors”.

Two training workshops were held on public policies and gender and social and political participation from a gender perspective. They were geared to the technical team of the Citizen Participation Programme with a view to providing inputs for discussion on the work being done throughout the country. The workshops were also attended by focal points from the *Infamilia* Programme and the Institute’s departmental gender focal points.

The *Infamilia* Programme — A programme on children, adolescents and the family

The Institute participated in the working committee that elaborated the national survey on adolescence and youth, which is to be conducted in 2008. The survey will cover the entire country and will collect data on persons between the ages of 12 and 29. The working committee was comprised of members of the *Infamilia* Programme, the National Youth Institute, the Evaluation and Monitoring Directorate, the National Women’s Institute, the National Institute for Children and Adolescents in Uruguay, the National Food Institute, the Ministry of Public Health, the National Public Education Administration, the Ministry of Education and Culture and the Economic Commission for Latin America and the Caribbean (ECLAC).

As mentioned in the section on the Directorate of Territorial Coordination, technical experts from *Infamilia* took part in two training workshops on citizen participation and gender issues.

Evaluation and Monitoring Directorate

Following the adoption of the First National Plan for Equality of Opportunities and Rights, the Institute and the Evaluation and Monitoring Directorate developed the Plan's annual and five-year targets. A series of meetings was held with the Directorate's technical team, whose input was incorporated into the Plan.

National Directorate of Critical Assistance and Social Inclusion

In 2007, the stakeholders involved in the Ministry's programmes on domestic violence engaged in ongoing dialogue and coordination. The National Directorate of Critical Assistance and Social Inclusion and the Institute continued to work on developing housing alternatives for women victims of domestic violence in emergency situations and organized a joint international seminar on the topic.

National Youth Institute

In September 2007, the National Youth Institute and the National Women's Institute signed an agreement with the Bayer pharmaceutical company to promote World Contraception Day as part of the campaign to further sexual and reproductive rights.

Ministry of the Interior

In 2006, the Ministry of the Interior set up a gender mechanism called the "Gender Reference Centre", which was established by ministerial decree. The strategic objectives of the Centre's 2007 annual operating plan were to:

1. Implement a strategy to address domestic and gender violence;
2. Promote public safety policies with a gender perspective, with a view to ensuring safe cities;
3. Adopt social inclusion measures with a gender perspective, for persons who have been deprived of their freedom;
4. Implement the measures developed by Ministry officials with respect to institutional gender policies.

The Ministry focused primarily on the elaboration of an institutional strategy on domestic violence, which was incorporated in public safety policies. A key aspect of the strategy was the preparation of a manual on legal proceedings relating to domestic violence.⁶

The Institute has taken part in various phases of the project "Domestic violence indicators", which seeks to identify key aspects of the problem based on a study of complaints of domestic violence, threats, injuries, sexual offences, etc.

The Gender Reference Centre studied questions such as the entrance examination for police officials, the incorporation of a gender perspective in discussions on the organic law on the police and the inclusion of gender issues in the curriculum of the National Police Academy.

⁶ See the Institute's 2007 annual report in the annex relating to this question.

Ministry of Public Health

In 2007, the Institute held meetings and organized activities with the National Programme on Gender and Women's Health, which comes under the Ministry of Public Health.

The most notable joint activities carried out by the two bodies were those conducted at the territorial level, including training workshops conducted by the Institute's departmental focal points and the departmental directorates. The purpose of the workshops was to advance the implementation of Decree No. 494/2006, which establishes the obligation to respond to domestic violence cases reported by health-care services.

The Institute and the Ministry also cooperated on:

1. The publication of a Women's Health Manual;
2. The preparation of a poster for the International Day for the Elimination of Violence against Women;
3. The call for tenders by the Ministry of Social Development for primary health-care trainers in the Department of Colonia.

Ministry of Economy and Finance

On 8 March 2005, the Ministry undertook to maintain a permanent coordinating mechanism with the Institute; coordination between the two entities has been ongoing since that time.

For example, a working group comprised of the Planning and Budget Office, the Ministry and the Institute was established to follow up on the implementation of gender-sensitive budgets.

In line with the annual reporting requirements established by Law No. 18,104, an annual report has been attached which contains information from public bodies relating to actions and policies implemented within the framework of the First National Plan for Equality of Opportunities and Rights and the commitments undertaken for 2008.

Ministry of Foreign Affairs

One of the most significant achievements is the establishment of a gender unit in the Ministry of Foreign Affairs. The Institute and the Ministry worked together to strengthen the gender unit and the Institute participated in various forums in an advisory capacity. The Association of Foreign Service Officers held its first seminar on women in the foreign service, which focused on discrimination against women in civil-service careers. At the seminar, women members of the Association presented the results of a qualitative study they had conducted on differences between men's and women's access to prestigious posts and missions.

The Artigas Foreign Service Institute, which trains diplomats, has included a gender module in its human rights course. As a result of the work carried out with the Ministry, the latter has decided to include a permanent course on gender issues in the Foreign Service Institute's curriculum, beginning this year.

The National Women's Institute collaborated on initiatives with the Directorate of Consular Affairs and Coordination, which is responsible for communicating with Uruguayan citizens living abroad. Information on these initiatives was broadcast on Uruguayan television (www.canaluruguay.com.uy).

Ministry of Labour and Social Security

The Institute and the Ministry of Labour and Social Security coordinated on two critical issues: remunerated work and labour policies, and social security.

With respect to labour policies, the Institute participated in the work of the Tripartite Commission on Equal Opportunity and Treatment in Employment, which comes under the Ministry of Labour and Social Security. The National Employment Directorate is responsible for coordinating the meetings of the Commission.

The Institute provided technical and methodological support in conducting an assessment of achievements and developing the Ministry's 2008 annual operating plan.

Coordination with the Social Security Directorate, which is chaired by the Sectoral Commission on Social Security, improved significantly in 2007. The two bodies took an active part in the National Dialogue on Social Security and supported the activities and initiatives developed by the Institute in this field.

Progress was made in setting up a gender unit to coordinate and strengthen the work of the various national directorates, with a view to mainstreaming the gender perspective in all the Ministry's policies.

Ministry of Housing, Land Use Planning and Environment

The Commission on Gender, Housing and Habitat was established by ministerial decree at the end of 2006. The Commission participated actively in the elaboration of the First National Plan for Equality of Opportunities and Rights and, with the support of the Institute, drew up an annual operating plan to advance its implementation.

The strategic goals of the plan are:

1. To legitimize and strengthen the Commission on Gender, Housing and Habitat;
2. To mainstream gender in the Ministry's policies and programmes, developing specific projects within the framework of the policies currently being implemented;
3. To train civil servants and government officials in gender issues.

The Commission has a page on the Ministry's website where it posts information on its activities and publishes the commitments undertaken within the framework of the First National Plan. It has focused its efforts on elaborating the alternative housing programme for women victims of domestic violence. The Institute is currently in the process of recruiting two staff members to implement the programme. The proposal is to form an inter-institutional technical team to develop a programme and protocol that take into account different alternatives in line with the process and the different situations of the women concerned, and to follow up on each case. A training course was held on "Gender and Habitat", which was attended

by 35 senior civil servants and technical experts, as well as staff of the Ministry's gender unit. The objective of the course was to provide training in gender and habitat issues, with a view to incorporating a gender perspective in the Ministry's policies at the territorial level.

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. 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.

The Code of Children and Adolescents does not refer to criminal acts, but rather determines protection procedures. Regarding mistreatment and abuse, these procedures offer less protection than the protection established in the Domestic Violence Act.⁷

The criminal offences relating to mistreatment and sexual abuse against boys, girls and adolescents are regulated in the Penal Code (Title X). Law No. 17,815 on commercial sexual exploitation and Law No. 18,250 on migration, which incorporates the crime of human trafficking, are being revised.⁸

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. 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. 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.

There are four specialized courts in Montevideo with two offices, each working two shifts. Each shift comprises a court with its own magistrate and each set of two courts has a team of technical, administrative and support resources that are shared by both shifts. Accordingly, it is calculated that the annual expenditure on human resources amounts to Ur\$ 17,640,171 (US\$ 753,531.44) and other operating costs, such as official supplies, building maintenance, equipment, stationery, computer hardware and software, and other inputs amount to Ur\$ 4,400,000 (US\$ 187,953.87).⁹

Information on the number of complaints, cases considered by the courts on domestic violence and under the Code of Children and Adolescents, hearings held

⁷ The draft amendment being examined by the legislature is attached as an annex relating to this question. Reform of the Code of Children and Adolescents. Draft law on mistreatment and sexual abuse of children and adolescents (approved by one chamber).

⁸ The text of the laws is attached as an annex relating to this question.

⁹ A table of the estimated annual cost of the expenditure in human resource services is attached as an annex relating to this question.

on domestic violence cases in 2007, and the evolution of these indicators over the period 2003 to 2007, only for the courts that deal with domestic violence in Montevideo, is attached in a table (see the annex corresponding to this question).¹⁰

Regarding the number of decisions taken, in October and November 2007, the Statistics Department of the Planning and Budget Division conducted a random survey of cases initiated in 2005 in the four family courts specializing in domestic violence that operate in Montevideo. The study showed the decisions taken on measures of protection for the alleged victim in the cases initiated in 2005. A table with the measures ordered, the number of cases in which measures were ordered, and the percentage in relation to the total sample is attached.¹¹

Regarding the type of penalty imposed, the domestic violence procedure established by Law No. 17,514 does not provide for penalties to be imposed on the perpetrators; however the magistrate having jurisdiction may order measures of protection for the alleged victim.

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, 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.

It is only very recently that national authorities in Uruguay, and even in the MERCOSUR region, have acknowledged the issue of trafficking in women. Concerned about the problem, the MERCOSUR Specialized Meeting of Women began to incorporate the matter into its agenda in 2005, and began a process of coordination with the International Organization for Migration (IOM).

Since its inception, the National Women's Institute has been coordinating with IOM to develop a programme for the assisted return of irregular migrants. Work has focused on clinical care and coaching to help women who have been victims of trafficking to reinsert themselves into the community. In this regard, members of the technical team have regularly participated in awareness-raising and training seminars organized by public and private agencies. In addition, Uruguay has been taking part in a regional IOM project "Punto Sur", the goal of which is to promote a regional network of experts and officials involved in the prevention of trafficking using a strategy of training and strengthening institutional resources. The project is being executed by the IOM office in Uruguay and receives financial support from the Office to Monitor and Combat Trafficking in Persons of the United States Department of State. Its activities include actions in the MERCOSUR countries as well as in Bolivia and Chile. It also includes training in Internet tools for the

¹⁰ A table with data on complaints, hearings, cases considered, and evolution of the indicators is attached as an annex relating to this question.

¹¹ An annex on this question is attached. Protection measures ordered under article 10 of Law No. 17,514.

prevention, investigation, detection and monitoring of cases of trafficking and of child pornography. This is a one-year project.

In 2006, the IOM office in Uruguay prepared an activity report that describes the actions carried out with other national and international actors involved with the issue of migration. This report includes information on the work coordinated with the National Women's Institute.

IOM prepared an exploratory study on human trafficking for purposes of sexual exploitation in Uruguay, Argentina and Chile in December 2006.¹²

The Uruguayan legislature adopted Law No. 18,250 on migration on 17 January 2008 and, from article 77 on, the law refers to human trafficking.¹³

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.¹⁴

The actions taken with a view to promoting greater participation by women in public life, in particular in decision-making, are described below:

Legislative reform

- Draft law on political participation and gender equity, requiring a minimum percentage of distribution by gender on the electoral lists.¹⁵
- Draft law on political parties, which includes a financial incentive for political parties to promote the equitable participation of men and women.¹⁶

Awareness-raising and training activities

- The “Parlamenta” project. The purpose of the project is to help empower women to strive for leadership positions in the political and parliamentary sphere, by providing conceptual and methodological tools that develop their ability to debate and negotiate in the political sphere; to promote the incorporation of issues on the gender agenda into the programmes proposed by political parties and into their electoral platforms for the elections in 2009; and to raise the population's awareness of electoral processes and the importance of women's participation in elected office and of attention to gender issues in Government plans and platforms.¹⁷
- The Network of Women Politicians project, aimed at strengthening and empowering the network of female politicians who are able to have an impact

¹² Diana González and Andrea Tuana, “*Invisibles y silenciadas. Aportes y reflexiones sobre la trata de personas con fines de explotación sexual comercial en Uruguay*”, Uruguay, 2006.

¹³ Law No. 18,250 on migration is posted on the web page: www.parlamento.gub.uy.

¹⁴ *Ibid.*, para. 201.

¹⁵ The text of the draft law is attached in an annex relating to this question.

¹⁶ The text of the draft law is attached in an annex relating to this question.

¹⁷ A summary of the project is attached in an annex relating to this question.

at both the departmental and the national level, encouraging the efforts of women from all parties to promote a common gender agenda in public policies.¹⁸

In the context of the eighteenth Specialized Meeting of Women of MERCOSUR, the National Women's Institute, as President pro tem, co-organized with the Bicameral Women's Caucus a meeting of MERCOSUR women parliamentarians and ministers (October 2007). The purpose of the meeting was to reach agreement on joint strategies to strengthen the political participation of women in decision-making spheres, especially in the MERCOSUR Parliament (Parlasur). During the meeting, discussions were held on women's political participation in representation mechanisms such as the national parliaments, Parlasur and the Latin American Parliament. Emphasis was placed on the importance of coordinating agendas among women legislators, ministers and/or directors of national women's mechanisms, civil-society organizations and trade unions and of intensifying work within the political parties. At the national level, it was proposed that laws or measures should be implemented to guarantee the genuine participation of women in each country's legislature.

The Quito Consensus was reaffirmed, as well as the need for the MERCOSUR Parliament to have gender parity as a goal and include the gender perspective and gender equality on its political agenda. It was agreed to establish a network of women parliamentarians and former parliamentarians of MERCOSUR member countries and to hold meetings in each country with the members of the MERCOSUR Parliament in order to inform them of the necessity and urgency of complying with international recommendations.

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.

The draft law on political parties was approved by the Senate Committee on the Constitution and Legislation on 22 April 2008.¹⁹ The Chamber of Senators discussed it on 14 May but did not vote on it, and went into recess until 21 May 2008. Currently the initiative has the support of the 17 senators from the Government's party, Frente Amplio, and the vote of just one senator from the opposition.

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

The draft was filed on 11 July 2007 and is being considered by the ad hoc committee that examines the functioning of the political parties.²⁰

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

¹⁸ A summary of the project is attached in an annex relating to this question.

¹⁹ The draft law is attached in an annex relating to this question.

²⁰ The draft law is attached in an annex relating to this question.

Executive branch — Women Ministers and Under-Secretaries

<i>Year</i>	<i>Per cent Ministers</i>	<i>Per cent Under-Secretaries</i>
2005	23.1	15.4
2006	23.1	23.1
2007	30.8	23.1
2008	30.8	15.4

Executive branch — political positions occupied by women in the first year of the Administration's term (2005)

<i>Elected</i>	<i>Appointed</i>
Departmental boards 17.1%	Positions of trust 21.3%

Legislative branch

<i>Political parties in the legislature</i>	<i>Per cent Chamber of Representatives</i>	<i>Per cent Chamber of Senators</i>	<i>Total</i>
Encuentro Progresista Frente Amplio Nueva Mayoría	15.4	18.8	16.2
Partido Nacional	8.3	0.0	0.4
Partido Colorado	0.0	0.0	0.0

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 sociocultural stereotypes in Uruguay that discriminate against women, in particular measures aimed at the media, officials in the judicial system and education professionals.²¹

The Institute has given priority to awareness-raising activities and training for journalists and communicators so that the media incorporate into their agenda the issue of gender and other matters that relate particularly to women. To this end, in 2007, seminars on "Challenges for a gender approach in the media" were held for journalists and communicators from throughout the country and for communications officers from different social organizations.

Following implementation of the Plan for Equality of Opportunities and Rights, a coordination mechanism was set up with the National Public Education Administration-Central Governing Council entitled "Education, gender and domestic violence". Several activities on the issues of domestic violence, education and gender have been organized and coordinated in the context of this mechanism. It

²¹ Ibid., para. 193.

is worth noting that, during 2007, 400 teachers from throughout the country took part in the training seminars, and material was distributed to all public education establishments. Also in 2007, the Primary Education Board declared that the issue of domestic violence was of educational interest, and encouraged discussion of this issue in the classroom during the week leading up to the International Day for the Elimination of Violence against Women.

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

By means of Extraordinary Act No. 35, Resolution 4, Dossier 1-100213/05 of 14 December 2005, the Central Governing Council of the National Public Education Administration decided to “establish a Sex Education Commission made up of representatives of the primary, secondary and vocational education boards, the Directorate of Teacher Training and Professional Development, the Health Education Directorate of the Central Governing Council and the Health Directorate of the Ministry of Public Health”. The Commission’s mandate was to prepare a proposal for incorporating sex education into the Uruguayan public school system and to present it to the Central Governing Council by 30 June 2006.

The resulting document summarizes the Commission’s six months of work, during which it addressed various issues with the aim of developing a participatory proposal that would reflect reality and respect the vision and perspectives of the education community and the general public, while taking into account the opinions of youth.²²

The proposal, entitled “The incorporation of sex education into the formal education system: a working proposal”, was presented to and subsequently approved in principle by the Central Governing Council by means of Extraordinary Act No. 35, Resolution 1, Dossier 1-100318/06 of 16 November 2006; the Council furthermore noted the proposal’s excellent technical and conceptual qualities. The Sex Education Commission was entrusted with coordinating the creation of a sex education programme, together with the relevant governing bodies, that, subject to approval by the appropriate board or directorate, would provide for a specific sex education subprogramme for each component of the national public education system.

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. Please provide information on the content of this programme and the results obtained after its first year of implementation.

The sex education programme has several cross-cutting themes, namely human rights, bioethics and wellness. They are addressed in terms of three major concepts: sexuality as part of the process of growing up; the development and promotion of wellness in childhood and adolescence; and education as the key to developing citizenship values within the framework of human rights. Sexuality is defined as “a fundamental dimension of human beings and an integral part of personality that is closely connected to people’s affective, emotional and family life. It is conveyed and expressed in social relationships and other types of connections between people

²² The proposal is attached in the annex relating to this question.

in society in a given historical, economic, social and cultural context.” The concept of development is included in the concept of wellness, thereby enriching and deepening the value of education in building individuals’ quality of life.

Human sexuality is dealt with in its many facets: biological, psychological, sociocultural, moral, communicational, procreative and developmental. The concepts of sexual identity, sexual orientation and sexual diversity are also explored.

The following are among the concepts taught in the basic technological cycle:

- **Beliefs and imperatives about sex in our culture:** Women, femininity and sexuality, gender imperatives. Components of the dominant model: passivity, dependence, motherhood and emphasis on family life. Female sexuality model: sexual passivity, lack of awareness about the body and about pleasure as a value, sexuality allowed only in the context of marriage.
- **Male, masculinity and sexuality. Gender imperatives:** Components of the dominant model: social, cultural and family foundations. Assigned attributes and roles. Male sexuality model: emerging practices, exercise of power, social and cultural expectations vs. personal expectations and experience.
- Pleasure and eroticism: conceptualization, auto-eroticism-eroticism.
- Myths and preconceived ideas: myths on masturbation, modesty, shame and fear.
- Sexual negotiation.
- **Sexual development:** Chromosomal, gonadal and legal sex determination. In-depth study of the following concepts: sexual identity, sexual orientation and sexual diversity.
- **Psychosexual development:** Human sexual response: biological, communicative, emotional and pleasure-related aspects and myths about human sexual response.
- **Initiation of sexual activity:** Rites of passage.
- **Structure and function of the female and male reproductive systems:** Development of the reproductive system, gametes and the sexual cycle. Hypothalamus-pituitary axis. Menstruation and wet dreams.
- **Sexual and reproductive health in adolescents:** Contraception, fertilization and pregnancy. Diagnosis, physiological and psychological changes, and precautions and responsibilities of couples: choice and desire.
- **Biological, psychological and social aspects of teenage pregnancy:** Birth: phases and neuroendocrine control.
- **Health:** Evolution of concepts. Rights of children and adolescents and connection of such rights to health and education: role of educational establishments. Concept of development provided by the World Health Organization.
- **Promotion of adolescent health:** Promotion of protective actions at the individual, family and social levels: planning a future. Psychological, social and cultural determinants of health.

- **Sexual health:** STIs: HIV/AIDS, gonorrhoea, syphilis, hepatitis B. Means of transmission and preventive measures.
- **Conceptualization of the consumer society:** Meanings and values assigned to consumption: “having” vs. “being”. Demands, imperatives and social control. Freedom of choice? Gender imperatives, peer groups, the pleasure obtained from the act of consuming and relationships of assistance. Acceptance. Non-discrimination. Inclusion.
- **Beauty stereotypes and their link to eating disorders.**
- **Healthy alternatives for the use of free time.**
- **Local and departmental health services.**

Teacher training

In order to incorporate sex education into all the subsystems of the National Public Education Administration, it is necessary to include it in **teacher training**. Teachers will thus have all the information required to handle sexual topics in the classroom with children and adolescents, within the framework of the proposal approved by the Central Governing Council. To achieve this objective, the following actions were carried out:

- A compulsory seminar was added to the core curriculum of the 2008 Plan for second-year students. The core classes are part of the training required for all teachers, vocational teachers and professors in the country. An optional seminar is also available for the disciplines and teaching material covered in the fourth year.
- Thematic units related to specific disciplines (sociology, psychology, philosophy, history, life education and the environment, among others) were designed.
- The incorporation of partial distance learning opportunities was begun.

The compulsory seminar will cover sexuality and related topics. Sexual development, as governed by biological and psychological factors within a defined social framework, will be presented from a modern perspective that avoids a dualistic/mechanistic approach to body-mind and subjectivity-objectivity relationships, among others. These concepts are considered according to a framework that incorporates the notion of “construction” and “complexity” in configuring the hermeneutics of the subject and subjectivity, identity and gender. Another important aspect is ethical considerations, such as bioethics and related rights. The idea of building identity in a context of respect, solidarity and responsibility, as well as the non-rational and emotional aspects, must be integrated conceptually and experientially in order to build independence and emotional health. Lastly, the anthropological and historical-cultural aspects of sexuality will serve to strengthen the perspectives and concepts that form a vision of human beings as producers and products of practice throughout history, on the basis of criteria formed through creative tension rather than deterministically.

These changes to the curriculum are being applied this year; therefore, there are no concrete results as of yet, and the evaluation process is under way.

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.

By means of Act No. 34, Resolution 1, of 18 May 1999, the Central Governing Council decided to establish a special attendance control and support system for pregnant students and student mothers in secondary and tertiary educational establishments under the authority of the National Public Education Administration.²³

In 2007, an intervention protocol for school social workers was approved as part of the National Programme for Adolescent Health, under the Health Directorate of the Ministry of Public Health. The protocol is a tool for social workers, the purpose of which is to provide health-care support to teenage mothers and fathers and their children with a view to preventing additional unplanned pregnancies. Emphasis is placed on the social inclusion of adolescent mothers and fathers through reintegration in the school system, the workplace and other social environments, the success of which hinges on helping the adolescents in question to develop a vision of their future.²⁴

The Infamilia Programme of the Ministry of Social Development makes it a priority to increase teenagers' responsibility for their sexual and reproductive health. The Programme focuses on preventing, reducing and providing care for unplanned teenage pregnancies by encouraging youth to develop plans for their future. To support these objectives, the Ministries of Social Development and Public Health have developed joint initiatives in coordination with public and private institutions that work in this area. The work takes three approaches:

- Supporting teenage mothers and fathers in the first year following the birth of a child;
- Training youth peer educators;
- Creating specialized care areas for comprehensive adolescent health.

Training is provided through youth workshops on sexual and reproductive health, with a focus on preventing unplanned pregnancies. The resulting youth peer educators on sexual and reproductive health go on to act as multipliers, disseminating information to their peers and becoming facilitators of health promotion activities in their communities. They become involved in the youth peer educator classes given by the National Youth Institute, thus helping to coordinate and rationalize training and empowerment initiatives for adolescents. In addition, they are encouraged to participate in the aforementioned school social workers programme.

In 2006, as part of a joint initiative undertaken by the National Public Education Administration's Secondary Education Board, the National Youth Institute and the Infamilia Programme of the Ministry of Social Development, a proposal was made to address the low attendance rates of adolescents in secondary schools. The Community Classrooms Programme consists in setting up "bridge" facilities with the pilot schools by establishing "community classrooms"; these

²³ See Council resolution 1 of 18 May 1999 in the annex relating to this question.

²⁴ See the intervention protocol for school social workers in the annex relating to this question.

classrooms use different approaches, all of which are aimed at the reintegration of young people who are outside the formal education system. They are managed by civil-society organizations and receive teaching hours from the Secondary Education Board. The Programme's goal is to socially reintegrate 2,500 adolescents between the ages of 12 and 15 who reside in the Programme's assigned areas in the Departments of Montevideo, Maldonado, San José and Canelones and who have had problems with formal secondary education for any of the following reasons: (i) they dropped out; (ii) they were never registered; or (iii) they are attending school in the first year of the basic cycle, but are at high risk of dropping out (routine poor attendance, behavioural or classroom difficulties, poor performance, etc.). The goal is for such adolescents to return to and remain in public secondary schools.

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. 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.

In Uruguay, there are no national programmes to prevent discrimination against women in the workplace. It is therefore not possible to assess the impact on specific unemployment indicators, pay levels or pay gaps between men and women.

PROIMUJER is a gender-focused job training programme designed to promote women's access to the labour market on equal terms with men.

The National Plan for Equality of treatment and opportunities in Employment (2004) has been incorporated as a strategic area of the First National Plan for Equality of Opportunities and Rights (2007-2011), as it has been agreed upon between the State and the business and union sectors.

The wage boards, which have been re-established by the current Government, have adopted gender equality clauses.

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.

In 2005, three complaints of sexual harassment were processed; two had been filed by women and one by a man. With respect to sexual harassment of women by sector of employment, one of the complaints was filed by a woman in the food industry, and another by a woman in domestic service. The case involving sexual harassment of a man was in the maritime sector. None of these cases resulted in penalties, for lack of evidence.

In 2006, three complaints were processed involving female employees — one in the services sector and two in the trade sector. Two of the complaints were shelved for lack of evidence; evidentiary proceedings have begun and a legal complaint has been filed for the third. The plaintiff in the latter case has requested a

copy of the proceedings and confidentiality for the administrative dossier until the case is closed.

In 2007, complaint No. 15946/2007 was filed. A preliminary hearing with the employee, the accused harasser and the employer was scheduled for 27 December 2007. The owner of the supermarket involved in the case presented a consent order executed on 26 December 2007 and requested that the proceedings should be concluded. The consent order set out the agreement reached by the parties, in which it was explicitly stated that the agreement nullified the complaint submitted to the General Inspectorate of Labour and Social Security.²⁵

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.

According to the Ministry of Labour and Social Security, to date there has been no attempt to assess or measure the impact of the law on domestic work.²⁶

In 2007, the National Women's Institute conducted a study on the situation of domestic work in Uruguay. The study will be presented in July of this year.

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. 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. 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. 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.

There is a specific bill that has already gone past the drafting stage and is supported by one chamber (the Senate). The Chamber of Representatives is presenting its positions at the present time and is examining the political steps to be taken in order to ensure that it is adopted, given that the President of the Republic has undertaken to veto it. There has been considerable press coverage and voicing of

²⁵ See document on the reasons for the non-application of penalties in the annex relating to this question.

²⁶ See Verónica Amarante and Alma Espino, "Situación del servicio doméstico en Uruguay" [Situation of domestic work in Uruguay], conducted by the National Women's Institute and financed by the World Bank, 2007, in the annex relating to this question.

public opinion at public meetings and gatherings about this proposed legislation. Public opinion studies have shown that the bill has a 63 per cent approval rating within the population.

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.

There are no official figures on the number of abortions performed. The most recent figure produced by social researchers indicated that an estimated 33,000 abortions are performed each year.²⁷

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.

The effect of the Ministerial Ordinance has been more qualitative than quantitative. Qualitatively, it has contributed to a shift in the relationship between the patient and the health system, towards one of rights-based care. It has also been important in that it has helped to remove the stigma from the subject of abortion, turning the issues surrounding women with unwanted pregnancies into a health matter.

In quantitative terms, there are approximately eight health centres in which the Ordinance is officially implemented. These comprise two departmental centres and six neighbourhood general hospitals. In the Pereira Rossell Hospital Centre, Uruguay's main maternity hospital, the Sexual and Reproductive Health department, in which the Ordinance is implemented, sees an average of 30 women with unwanted pregnancies every day, from Monday to Friday and from 8 a.m. to 5 p.m.

The greatest development in terms of programmes to prevent unwanted pregnancies has been seen in the supply of various forms of contraception. Purchases in 2007 exceeded those in 2006 by 20 per cent and distribution to the most remote health-care centres has been improved. The number of outlets in the interior of the country has increased from 157 to 610, with country doctors who make regular visits to small villages.

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.

Improvements have been made in the system of records on the coverage of family planning.²⁸

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. 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.

²⁷ The annex relating to this question contains the most recent figures on maternal mortality.

²⁸ The annex relating to this question contains a table of data on family planning.

The HIV/AIDS epidemic in Uruguay is of the concentrated type, with an HIV prevalence lower than 1 per cent in the general population and higher than 5 per cent in the populations more exposed to the transmission of HIV: persons in prison, male and female sex workers, drug users and homosexuals. The cumulative figures reported to the Public Health Surveillance Unit as of 30 October 2007 totalled 10,324 persons with HIV/AIDS, comprising 7,168 cases of HIV and 3,156 cases of AIDS.²⁹

There is evidence that the prevalence of HIV in Uruguay is increasing. According to estimative or sentinel studies, the rate was 0.23 per cent in 2000, 0.36 per cent in 2002 and 0.45 per cent in 2004. The average age of the infected population is dropping, and the proportion of females in it is increasing. The epidemic is concentrated in the capital city, Montevideo (77 per cent), and also in the area surrounding it (Zona Metropolitana, Canelones and San José), the Department of Maldonado (a tourist area), and the cities near the border with Brazil. Some mistaken beliefs persist among the population of Uruguay concerning how HIV is transmitted and the risks related to sexuality and to HIV/AIDS. Initial results from the knowledge, attitudes and practices (KAP) survey carried out by the Priority Programme on STIs/AIDS jointly with teams from the MORI research firm in December 2007³⁰ confirm the continued existence of these ideas in Uruguayan society, in particular within the groups at the greatest risk of sexually transmitted infection:

- Of the persons aged 15 to 24, 18 per cent stated that they had had their first sexual encounter before the age of 15 (24 per cent of males and 10 per cent of females); 16 per cent thought that HIV was transmitted by sharing a drink of the *mate* beverage; 6 per cent thought that a healthy person could not be infected with HIV and 4 per cent thought that using a condom did not reduce the risk of HIV infection.

The Priority Programme on STIs/AIDS is managed by the Health Directorate (DIGESA) of the Ministry of Public Health, and its principal functions are:

1. Taking an oversight role with regard to STIs/AIDS, promoting linkages between actors, drawing up and putting forward guidelines and regulations at the national level;
2. Promoting health-related public policies, including educational and communications aspects;
3. Monitoring and evaluation of the regulations in force and the services provided by health workers.

Additionally, through the National Adolescence Programme the Health Directorate is seeking to promote and lead the creation of a cross-sectoral Adolescents and Youth Plan, with involvement of the community and families. This will entail adopting a model of comprehensive adolescent care with emphasis on the promotion of healthy lifestyles and the prevention of likely risks, focusing not only on families but also on social support and with active participation by young people.

²⁹ See the HIV/AIDS table in the annex relating to this question.

³⁰ Survey carried out by teams from the MORI research firm for the Ministry of Public Health/DIGESA — Priority Programme on STIs/AIDS (sample population 1,500 persons nationwide); preliminary advance results presented on 18 December 2007.

Uruguay, together with other countries in the region (Chile, Argentina, Brazil, Peru, Paraguay) and with the support of the German Agency for Technical Cooperation (GTZ), the International Centre for Technical Cooperation (CICT — Ministry of Health, Brazil) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), is implementing the Project for Harmonization of Public Policies on Sexual Health, HIV Prevention and Drug Abuse Prevention in the educational environment. The project is being implemented in keeping with the Programme of Sex Education in the Formal Education System (building on the process already under way in Uruguay). The aim is to make it a cross-sectoral project, with coordination among the various sectors involved (Government, civil society and international organizations), targeting the formal education system as a first priority, but also including non-formal community-based education initiatives.

The Programme has also worked on the creation of the Programme of Sex Education — Formal Educational System of the Central Governing Council of the National Public Education Administration.

With regard to preventive action and treatment and care for pregnant women, Uruguay has decrees and resolutions that provide for universal coverage in the provision of antiretroviral drugs to all AIDS sufferers both in the public and in the private sector. Decree No. 158/97 of the executive branch provides for every pregnant woman to be offered HIV testing subject to her informed consent. Such consent must also be obtained for treatment, should the woman prove to be HIV-positive.

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. 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.

The Ministry of Livestock, Agriculture and Fisheries has no specific policies for rural women, but it does have areas of work on this issue. These include:

- The work of the Working Group on Gender in the framework of the MERCOSUR Specialized Meeting on Family Farming. Within the Meeting proposals are developed by the Ministry of Livestock, Agriculture and Fisheries and by social organizations linked to family farming. The thematic group on gender functions within this context and generates proposals for specific actions on the issue, while bringing the gender perspective to the other working groups (on trade, land and youth, respectively);
- The “Rural Uruguay” project is carried out by the Ministry under an agreement with the International Fund for Agricultural Development (IFAD). The project basically works with small-scale family farmers and rural wage-earners. The project’s aim is to help address the causes of rural poverty through two major areas of work: income generation and social organization. The project provides financial tools adapted to the beneficiary population, as well as technical advice (mostly in the areas of agricultural production and social organization).

This operational project includes an Advisory Unit on the Gender Approach that has begun to mainstream the gender perspective, mainly by sensitizing field technicians and territorial and technical representatives from the central office and including the gender perspective in the planning of the Rural Development and Production Support Office and the Monitoring and Evaluation Unit.

28. In line with the Committee's previous recommendation, please provide information on the human rights situation of indigenous and Afro-descendent women.³¹

The 2006 Expanded Household Survey³² covered the entire national territory, including all urban and rural areas of the country, taking the entire resident population as the study's target population. The new form used to conduct this survey included a question aimed at identifying the population's racial background. This was the third time in Uruguay's history that an official statistical instrument with nationwide coverage included a question aimed at elucidating the racial composition of the country's population.

Below are the main results of the analysis of the answers to the ethnic self-identification question included in the 2006 survey. The primary goal was to estimate the size of the population of each racial group and develop an integrated picture of the population profile, taking demographic, economic and social characteristics into account. Another aim was to detect differences between the various ethnic groups in terms of their demographic behaviour and socio-economic performance.

The 2006 survey revealed that racial minorities account for a larger share of the Uruguayan population than previous official figures had indicated. Between the 165,000 people who self-identified as being of African descent in 1996 and the 280,000 who did so in 2006, there is a considerable gap that cannot be explained by this group's population growth. Of even greater significance was the increase in the population of indigenous descent, which went from just under 15,000 to 90,000 people.

While it is generally agreed that racial and ethnic identity is not a fixed attribute, but rather one that changes in relation to various factors, the magnitude of this increase is too large to be explained by a social change in racial self-perception. The main factor behind this increase is a change in the formulation of the question used to determine the population's racial background. In 1996 survey respondents were asked to state to what "race" they belonged, while in 2006 they were asked to describe what and how many types of racial ancestry they had. The reference to different concepts and time horizons appears to be the principal reason for the increase in racial minorities. Nonetheless, the outcome may also have been affected by greater ethnic and racial consciousness fostered by the self-affirmation movements of people of African descent and by a cultural environment which, in recent years, has encouraged people to reclaim their indigenous and African roots.

Generally speaking, the demographic features and socio-economic performance of racial minorities were found to differ considerably from those of the

³¹ Ibid., para. 209.

³² Marisa Bucheli and Wanda Cabella, "El perfil demográfico y socioeconómico de la población uruguaya según su ascendencia racial", prepared with support from UNDP, UNFPA and INE.

white population. This is particularly true in the case of the Afro-descendent minority, which is clearly at a disadvantage in relation to the white majority. The indigenous population is at an intermediate position with respect to some indicators, while in terms of others it is quite similar to the white population.

The indigenous minority is harder to define than the Afro-descendent population. Given its specific features, it seems necessary to investigate in depth what generations and social sectors are most likely to claim indigenous ancestry. Since indigenous groups do not exist as ethnic categories in Uruguay, it is probable that the population that self-identifies as indigenous encompasses a diverse set of people. They include, among others, persons who acknowledge that their distant ancestors were indigenous; those who know that they have a direct ancestor, in a generation somewhat close to their own, who was indigenous; and those who assume, on the basis of their physical appearance, that their ancestors were indigenous. If this is the case, it may be supposed that the profile and performance of the indigenous population represents an average between that of individuals who acknowledge that they have indigenous ancestors but are basically white in terms of appearance, on the one hand, and that of individuals whose physical features reveal their indigenous ancestry, on the other.

With respect to geographical distribution, it was found that the areas with the highest proportions of persons of African descent are those north of Río Negro, particularly the departments of the north-eastern part of the country. In the Department of Artigas this group represents 25 per cent of the department's total population, which also has the highest proportion of indigenous people (10 per cent). A comparison between the country's interior as a whole and Montevideo reveals no significant differences: in both areas the white population accounts for about 88 per cent, while the population of African descent represents about 9 per cent and the indigenous population, 3 per cent.

In Montevideo, the country's capital, the concentration of the population of African descent follows a definite pattern. This population's share of the total is clearly marginal in the coastal neighbourhoods and small in the central area, but increases in proportion to an area's proximity to the city's periphery. The largest concentrations of Afro-descendent populations and, to a lesser extent, indigenous populations, at both the national level and in the capital, are found in the areas with the lowest levels of economic and human development, according to estimates made in 2005.

The black population has a particularly young population structure, in contrast to the white and indigenous populations, whose structure reflects the ageing of the Uruguayan population. Fertility is higher and reproductive life begins earlier in the Afro-descendent population than in the other groups. Marriage and cohabitation also begin earlier in the population of African descent. As a whole, this racial category experiences family transitions earlier than the white and indigenous populations; the indigenous population is at an intermediate position in this respect.

Household structure in the Afro-descendent population is consistent with the features of this group's demographic composition: these households are younger and larger and include a higher proportion of nuclear households with children than households in the white and indigenous populations.

Although the Expanded Household Survey did not include mortality indicators and did not address health issues, some indicators suggest that mortality is higher in the population of African descent. In particular, rates of widowhood, disaggregated by age, are systematically higher starting at the age of 50 among Afro-descendent women and men than among persons of the same age group in the white population. Since the Afro-descendent population's poverty rates significantly exceed the national average, it is necessary to investigate to what extent this outcome reflects their less favourable living conditions, their racial status or, most probably, a mixture of the two factors.

The population of African descent is at a clear disadvantage in terms of all the indicators relating to educational and economic performance. This group has fewer average years of schooling than the white population; the difference amounts to two years in the over-35 age group and to 1.6 years in the 25-to-29 age group. While this reduction in the gap indicates that new generations of persons of African descent have more educational opportunities than their predecessors, rates of school attendance after the age of 14 are systematically lower in this group than in the white population. This difference is greatest among young people between the ages of 18 and 24. In this age group, the enrolment rate in the white population (41 per cent) is nearly twice the rate in the black population (22 per cent). In sum, black youth leave the school system earlier than their white peers and face greater difficulties in gaining access to higher education.

With respect to labour-market indicators, the Afro-descendent and indigenous populations have higher activity and employment rates than the white population, but also higher unemployment rates. The higher participation rate reflects the combined effect of black and indigenous people's earlier entry into the labour market in comparison to their white peers and their tendency to continue working at more advanced ages. In other words, both of these racial minorities enter the labour market earlier and leave it later than members of the white majority.

As to types of occupations, the Afro-descendent population is concentrated in low-skilled jobs and occupies a much smaller share of managerial, professional and technical positions. Black men account for a significant share of construction workers and black women account for a high proportion of workers in the personal services sector. Moreover, members of the Afro-descendent population are more likely than white workers to be employed in the informal sector, regardless of occupational category. The same is true of indigenous workers, but the gap is narrower. Lastly, average pay levels are lower among Afro-descendent men and women than among white persons, in all age groups. Even if a black person has the same level of education and experience and lives in the same city as a white person, the latter usually receives higher pay. This suggests that there is racial discrimination in the labour market.

The situation of the Afro-descendent population in terms of income levels and poverty levels is consistent with this group's educational and labour performance. This subgroup is overrepresented at the lowest income levels and accounts for a very small proportion of persons at the highest levels. The poverty rate for this population is double the rate for the white population: 50 per cent of the Afro-descendent population lives in poverty and 5 per cent in extreme poverty, while the corresponding rates for the white population are 24 per cent and 1.6 per cent, respectively. The indigenous population again occupies an intermediate position,

albeit one that is closer to that of the white population, with a poverty rate of 32 per cent.

One of the conclusions to be drawn from this report is that qualitative information is needed on the criteria that currently determine racial self-identification in the collective imagination.

Marriage and family

29. Please indicate the extent to which the State party is planning to implement the Committee's recommendation³³ 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).

The minimum age for marriage has not been changed.³⁴ This reform will probably be included as part of the reform of the Civil Code, a task that remains to be done. As a result of the adoption of the Code of Children and Adolescents, child and adolescent parents can officially recognize their children even if said parents are unmarried. This indirectly discourages marriage in cases of early parenthood.

Responses in relation to article 112 of the Civil Code:

Text of article 112 of the Civil Code: "Nor shall marriage be contracted by a widowed or divorced woman until 301 days have elapsed since the death of the husband or separation from the husband, as the case may be, although if such a woman is pregnant, she may marry after giving birth.

This provision shall apply in cases where the separation of the spouses is established by annulment of the marriage.

Nonetheless, a woman in one of the situations referred to above may remarry prior to the expiry of the established time period if at least 90 calendar days have elapsed since she became widowed or separated or since the issuance of the order of annulment, provided that she proves she is not pregnant by submitting a certificate issued by a medical specialist, which shall be added to the respective case file."

Without denying the blatant discrimination that exists in this provision, in the interest of precision it may be clarified that this prohibition under the Civil Code applies to marriage after widowhood or separation, not divorce.

³³ Ibid., para. 205.

³⁴ The following answers are based on article 91, paragraph 1, of the Civil Code, which includes, among the factors that render individuals ineligible for marriage, the fact of being under the age required by the laws of the Republic, i.e. 14 years for men and 12 years for women.

Responses concerning article 183 of the Civil Code:

Text of article 183 of the Civil Code: “The husband shall remain obligated to contribute to the suitable and decent maintenance of the woman if she is not to blame for the separation, with alimony to be determined in accordance with the payer’s capacity to pay and the woman’s needs, with a view to enabling her to preserve to the extent possible the position she enjoyed during the marriage. Such obligation shall cease if the woman leads a disorderly life.

An indigent spouse shall be entitled to assistance from the other spouse in meeting the expenses necessary for modest subsistence, even if the former was to blame for the separation; but in such cases the judge, in determining the amount to be paid, shall take into account the current conduct of the spouse claiming such assistance.”

This article provides for special alimony, known as suitable maintenance, for women. Unlike men, who are entitled to alimony only in case of indigence (second paragraph), women are in some cases entitled to suitable maintenance, meaning alimony that enables them to maintain the socio-economic status they enjoyed during the marriage (first paragraph). The provision is generally applied only in cases where the woman is not financially independent (e.g., if she has not been active in the labour market).

The term “disorderly life”, which reveals clear prejudice, refers to the suspension of suitable maintenance, not of alimony necessary for survival.

In respect of both spouses the Civil Code provides for an analysis of conduct prior to the determination of the amount to be paid for alimony in case of indigence (second paragraph).

It should be noted that since the submission of the last country report the following laws amending provisions concerning the family and marriage have been adopted: Law No. 18,246 on cohabitation (2007) and Law No. 18,227 on family allowances. Article 3 of the latter concerns the payment of allowances in the mother’s name.

List of public entities that provided additional responses:**Executive branch**

1. Ministry of Public Health, National Programme on Gender and Women’s Health, response provided by Dr. Cristina Grela, Director (sent 24 May 2008).
2. Ministry of Public Health, Priority Programme on STIs/AIDS, response provided by María Luz Osimani, Director (sent 29 April 2008).
3. Ministry of Livestock, Agriculture and Fisheries, response provided by Noel González (sent 2 May 2008).
4. Ministry of Social Development, National Women’s Institute, response provided by Carmen Beramendi, Director (sent 29 April 2008).
5. Ministry of Social Development, Childhood and Family Programme, response provided by Fernanda Methol (sent 19 May 2008).
6. Ministry of Labour and Social Security, National Employment Office, response provided by Sara Paysée, Director (sent 12 May 2008).

7. National Public Education Administration/Central Governing Council/Sex Education Commission, response provided by Stella Cerruti, Director (sent 13 May 2008).

Legislative branch

8. Bicameral Women's Caucus, response provided by Margarita Percovich (sent 2 May 2008).

Judicial branch

9. Judicial branch/Supreme Court of Justice, response provided by Luz Marina Gonnet, Director, Planning and Budget Division (sent 15 May 2008).

Index to annexes

Question 2:

Operational structure of the National Women's Institute, Ministry of Social Development.

Question 5:

2007 annual report of the National Women's Institute, Ministry of Social Development.

Question 6:

Draft amendment submitted to the legislature. Reform of the Code of Children and Adolescents. Draft law on mistreatment and sexual abuse of children and adolescents.

Document: Legal definitions of offences involving mistreatment and sexual abuse of children and adolescents.

Question 7:

Estimated current annual cost of posts assigned to a specialized two-shift family office.

Family courts specializing in domestic violence (Law No. 17,514) and Code of Children and Adolescents (Law No. 17,823).

Protection measures ordered under article 10 of Law No. 17,514.

Question 8:

Law No. 18,250 on migration.

Question 9:

Draft law on political participation and gender equity.

Network of Women Politicians project.

Draft law on political parties (financing).

Summary of the "Parlamentaria" project.

Question 10:

Draft law on political participation and gender equity.

Question 11:

Draft law on political parties (financing).

Question 12:

Documents on women's involvement in decision-making.

Question 14:

Project on the inclusion of sex education in the formal education system.

Decisions of the Central Governing Council of the National Public Education Administration.

Sex education programme for 2008.

Programme of the first workshop on sex education and youth.

Programme of the second workshop on sex education and youth.

Question 16:

School social worker intervention protocol, 2008.

Act No. 34, Resolution 1, 18 May 1999, of the Central Governing Council.

Question 18:

Document: Reasons for the non-application of penalties.

Question 23:

Table showing data on maternal mortality in recent years.

Question 25:

Data on family planning.

Question 26:

HIV/AIDS table.

Question 28:

Report on the demographic and socio-economic profile of the Uruguayan population by racial background.

Expanded Household Survey, 2006.

Table on women of African descent not enrolled in the social security system.
