



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventh session

SUMMARY RECORD OF THE 107th MEETING

Held at Headquarters, New York,
on Wednesday, 17 February 1988, at 3 p.m.

Chairperson: Ms. BERNARD

later: Ms. NOVIKOVA

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Convention (continued)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial report of Uruguay (CEDAW/C/5/Add.27 and Amend.1)

1. At the invitation of the Chairperson, Ms. Giambruno (Uruguay) took a place at the Committee table.
2. Ms. GIAMBRUNO (Uruguay), introducing her country's initial report, said that the first section, prepared in November 1984, took a critical approach to the whole question of the situation of women in Uruguay. The amendment to the report had been prepared in November 1987 by the Instituto de la Mujer, a body set up in 1987 to defend the status of women and to increase awareness about the problems encountered by them.
3. Universities for women had been established in Uruguay at the beginning of the twentieth century not as a discriminatory measure, but as an incentive for women to pursue higher education at a time when custom discouraged them from doing so.
4. The high percentage of women in the labour force in the 1960s resulted from diminishing family income and an increased demand for women's labour in the manufacturing and service sectors. That trend had been stymied by contraction in some fields and growth in others. While discrimination against women in the labour force was unlawful, women did not in fact earn equal wages for equal work. In 1985 women had been paid 52 per cent of what their male counterparts had earned in all fields.
5. Uruguay's infant mortality rate, 27.6 per thousand, was moderate for the region as a whole. However, it was significantly higher among the poor. The health authorities intended to improve the medical care available to women in regional centres in the early stages of pregnancy, during childbirth and the breast-feeding period. Supplementary nutritional assistance was also being provided.
6. It was difficult to explain why Uruguayan women had not held elective government offices since the return to democracy in 1984.
7. After her country's ratification of the Convention, the Instituto de Concertación y Programática had been established by the four major political parties, trade unions, labour and employers' associations, with a view to considering the status of women in all aspects of national life. In addition, the Instituto de la Mujer examined Uruguayan regulations regarding women and sought legislative reform, with a view to encouraging the participation of women in decision-making. The Sala de la Mujer, set up in 1987, disseminated information regarding the status of women in Uruguay. Women's non-governmental organizations had also been established.

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(Ms. Giambruno, Uruguay)

8. Full equality between men and women in her country was hindered by Uruguayans' values, habits and attitudes. The question of discrimination against women in Uruguay should be considered in the light of ongoing activities on the part of women's groups to ensure the active participation of women in economic, social and political life.

9. Ms. AKAMATSU said that it would be useful to have more information concerning the lack of women in elective government offices and the election procedure in Uruguay.

10. Ms. ESCOBAR said that, as women had played an active role in the resistance during the dictatorship in Uruguay, it was regrettable that they had returned to their kitchens with the restoration of democracy. It would be useful to have information concerning the status, role and budget of the Instituto de la Mujer and the Sala de la Mujer. The patriarchal mentality of South Americans could not be changed easily.

11. Ms. LAIOU-ANTONIOU said that a long list of constitutional laws was not necessarily an indication that women enjoyed equality in daily life. For example, the report contained no information on services available to pregnant women, such as paid leave, free abortions or counselling or family planning. She wondered whether women who divorced could claim their share of joint property, and whether employment opportunities were genuinely equal or jobs were categorized as male and female. She would appreciate information on the extent to which day-care centres met family needs and primary-school textbooks were devoid of sexual prejudices. It would be interesting to know the leanings of women in politics and whether there was an active women's movement. The report did not address any of those questions. In fact, judging from the report, Uruguay was a "paradise" where no large-scale campaigns against discrimination had been mounted, since they had not been deemed necessary (CEDAW/C/5/Add.27, art. 2 (f)).

12. Ms. Novikova took the Chair.

13. Ms. CORTI said that the 1987 report (CEDAW/C/5/Add.27/Amend.1) contained answers to many questions she had had about the earlier report. Uruguay's advanced legislation, which had, inter alia, enfranchised women as early as 1938, did not fully reflect their current situation. The 1985 report made no mention of the sweeping changes the country had undergone in its transition from dictatorship to democracy, or of the many courageous women who had opposed dictatorship. Indeed, women seemed to disappear from the political scene once democracy was established. She wondered about the fate of formerly active women, where they were, whether they belonged to trade unions and why they were not in key government posts. More information was necessary on the functions and budget of the Instituto de la Mujer and how it differed from the Sala de la Mujer. It would be interesting to know whether such institutions facilitated the entry of women enter into political life.

14. Ms. GUAN Mingqian said she agreed with Ms. Laiou-Antoniou and Ms. Corti that legislative advances did not in themselves prove that Uruguay was discrimination-free. Surely, discrimination persisted in employment and other areas as a result of history and tradition, and that was why the Committee continued to be necessary. A more complete picture of the real status of Uruguay on women was needed. For example, information should be provided on women's role in decision-making and on whether they were victims of job segregation. The report should realistically portray the domestic situation - i.e., whether men shared responsibility in the home - and the image of women in the mass media. Apparently, a women's movement was not necessary in Uruguay, but it would be helpful, in any case, to know something about other women's organizations and their activities.

15. Ms. PILATAXI DE ARENAS said that the 1985 report afforded no view of what lay beyond formal legislative measures. The 1987 report seemed to focus more on specific issues which could serve as a basis for change, such as education. However, details were missing on important subjects, such as the unpaid labour of women in the home and women's negligible role in politics. In many Latin American countries, women were necessary, but not important in politics. She wished to know how Uruguayan women were attempting to change that situation.

16. Ms. FORDE said that the 1985 report was far too general. She hoped that article 5 (a) - a very broad provision in the Convention - was not treated so dismissively in the 1987 report.

17. Ms. VELIZ DE VILLALVILLA noted that the 1987 report provided information not contained in the previous report. Comments on article 5 in the earlier report had been particularly surprising, since it was common knowledge that in Latin American countries, cultural traditions were an obstacle to the equality of women. The fact that the Instituto de la Mujer would have mainly legislative tasks was cause for some concern. Uruguay's problem was not legal in nature, but rather one of collective consciousness. She wondered if the Instituto was planning consciousness-raising activities. More information was needed on non-governmental organizations, as the report did not show the extent to which women participated in political life.

Article 2

18. Ms. WADSTEIN asked if women could file proceedings in court for sex discrimination and, if so, how many cases were on record. She wondered if the words "talents and virtues" applied differently to men and women under article 8 of the Uruguayan Constitution. The representative of Uruguay should also specify whether the Constitution touched on relations between individuals, or dealt only with relations between the individual and the State.

19. Ms. ESCOBAR said that the divergent opinions on Uruguay's report were due to the fact that the Committee had before it two different reports which, in all likelihood, had not been drafted by the same person. In future, countries should make all relevant reports available to all Committee members for examination. Referring to article 2, she asked if there had actually been court cases over violations of the Convention.

20. The CHAIRPERSON agreed that the Secretariat should provide experts with all relevant documents and reports from each country. It was difficult to work when experts had different documents before them.

Article 3

21. Ms. EVATT expressed disappointment that Uruguay had not adhered to the reporting guidelines laid down. As a result, it was difficult to understand women's place in Uruguayan society. More information was needed on whether the Government had a policy on the equality of women, what form that policy took, whether it had been influenced by non-governmental organizations, and whether there was a dialogue between the Government and women's organizations. She wondered if the Government had given publicity to the Convention and the rights it enshrined and to the initial report submitted by Uruguay. The Uruguayan representative should indicate whether the Convention was readily available to Uruguayan women for use in their negotiations with the Government. It would be interesting to know if non-governmental organizations had been consulted in the preparation of the report and prior to its presentation before the Committee.

Article 4

22. Ms. AKAMATSU said that the Uruguayan definition of maternity protection was unclear. Article 4 (2) of the Convention dealt specifically with maternity questions, not with protection for women workers.

23. Ms. WADSTEIN said that she failed to understand why, under article 4, the report discussed labour laws which, if anything, were a barrier to equality and applied to jobs which most women could not hold. Such legislation had seemed to be a special, temporary measure which could be abolished if, indeed, there was no discrimination, as the Government claimed. The Uruguayan concept of discrimination was very narrow.

24. Ms. Bernard resumed the Chair.

Article 5

25. Ms. LAIOU-ANTONIOU requested an explanation of the quotation from article 43 of the Constitution on page 5 of the 1985 report that "the law shall see to it that juvenile delinquency is dealt with in a special way allowing for the participation of women".

26. Ms. WADSTEIN asked whether there was an even distribution of paid and unpaid work between men and women in Uruguay. Did men carry out their share of work with regard to household tasks and child care? Did the idea of male superiority still exist in practice in Uruguay? What was the role and influence of the Roman Catholic Church and other religious institutions in promoting equality of the sexes?

27. Ms. CARON said that the reporting State should explain what it meant by the paragraph on page 4 of the 1985 report dealing with article 5 (a) of the Convention. It seemed unlikely that there were no sexually motivated prejudices or customary practices of discrimination in a Latin American country.

28. Ms. ESCOBAR asked whether the Instituto de la Mujer used the press, television or radio to eliminate discrimination against women and patriarchal stereotypes in Uruguay. What else was being done in that country to do away with such attitudes?

Article 6

29. Ms. ESCOBAR asked how many persons had been sentenced to imprisonment for the crime of procurement. Was rape considered a crime in Uruguay and, if so, had persons been sentenced to imprisonment for it? Did the problem of battered women exist in Uruguay and, if so, was the Instituto de la Mujer taking steps to protect such women? Were there other organizations which assisted battered women or women threatened with death?

30. Ms. CORTI asked whether the penal measures against prostitution had reduced prostitution in Uruguay.

31. Ms. WADSTEIN asked whether the phrase on page 5 of the 1985 report "if the victim is below 14 years of age and the offender is a police official" indicated that the crime of procurement was a serious problem among police officials in Uruguay.

Article 7

32. Ms. NOVIKOVA said that the reporting State should explain how women participated in the formulation and execution of government policy in view of the lack of women representatives in the Uruguayan Congress. How were their views and interests taken into account by the decision makers?

33. Ms. CARON said that she, too, wished to know how women could participate in the formulation and execution of government policy if they did not have elected representatives in Congress. The report stated that a member of the Supreme Court of Justice was a woman. It would be useful to know, for purposes of comparison, the total number of members of the Supreme Court.

Article 10

34. Ms. EVATT asked whether there had been any study of the reasons why there was a lower percentage of women enrolled in higher education. Was there a connection between that phenomenon and women's choices of occupation and, if so, were measures being taken to ensure equality of opportunity in education and employment? It would also be useful to have additional information on the number of women in professional training programmes and the teaching profession.

35. Ms. AKAMATSU said that the employment statistics in the report were somewhat outdated and unclear. It would be useful to have more recent statistics about the employment of women in Uruguay. What was the Government's general approach with regard to the protection of maternity and general protection of women workers?
36. Ms. LAIOU-ANTONIOU said that the quotation from article 54 of the Constitution on page 9 of the 1985 report that "There shall be special regulations and limitations on the work of women and persons below the age of 18 years" was particularly dangerous because it could encourage discrimination against women. She inquired whether the Government planned to revise that provision.
37. Ms. WADSTEIN said that the rate of unemployment seemed to have increased considerably in Uruguay and that women were affected more than men. She asked whether there was hidden unemployment with respect to women and whether women registered as job seekers in the same numbers as men. It would be useful to have comparative statistics for male and female unemployment in Uruguay. What role was played by trade unions in promoting equality of employment for women? Was the principle of equal pay for work of equal value recognized and put into practice? If so, how was the implementation of that principle assessed? Were objective job-evaluation schemes in use? Were there differences in pay between female-dominated and male-dominated jobs?
38. The 1985 report indicated on page 10 that the State provided no incentives to employers for the purpose of encouraging them to hire women, since the existence of such incentives would represent an instance of unequal treatment of the sexes in favour of women, something which was expressly prohibited under the Constitution. Why would such affirmative action be considered unconstitutional? By the same token, why were not the differences in retirement ages for men and women also considered unconstitutional? Did women have the choice of remaining in their jobs after reaching retirement age? Were there differences in the size of pensions paid to men and women? It would be useful to have comparative statistics on such pensions. What was the situation regarding maternity leave in Uruguay? Were there plans to introduce paternity leave? The report stated on page 17 that the Executive Branch had sent a message to the State Council accompanied by a draft law and a request that International Labour Agreement No. 89, which prohibited night work by women in industry, should be denounced. It would be useful to know what action had been taken by the State Council in that regard.
- Article 12
39. Ms. WADSTEIN said that Uruguay had been known for its extensive social-welfare system. She inquired whether that system had been changed during the period of military dictatorship.
40. Ms. NOVIKOVA requested information on recent steps taken by the Government in the field of family planning.

41. Ms. EVATT asked whether some population groups were considered particularly disadvantaged with regard to the availability of medical care. What was the government policy on family planning and abortion and was there government funding and support in that regard? Had the infant and maternal mortality rate been lowered?

42. Ms. CORTI inquired what the policy of the Instituto de la Mujer was with respect to elderly women.

Article 13

43. Ms. AKAMATSU, referring to article 13 (c) of the Convention, asked whether women were subject to discrimination in sports such as football in Uruguay.

44. Ms. LAIOU-ANTONIOU said that according to page 23 of the 1985 report, article 116 of the Civil Code stipulated that "Through the mere fact of marriage, the spouses assume the obligation of maintaining and raising their children and seeing to it that they acquire an occupation or trade suitable to their status and circumstances". She felt that that provision was discriminatory with regard to sex and social status and inquired whether the Government intended to revise it.

Article 16

45. Ms. CARON asked whether, under Uruguayan law, a married woman had to enter into a contract under her married name and whether married women could change their names after divorce. Did children of married couples inherit the name of the father or the mother? Had there been cases of legal prosecution for discrimination against women and what sanctions had been imposed in such cases?

46. Ms. LAIOU-ANTONIOU said that the minimum age for contracting marriage in Uruguay was quite low and inquired whether the Government planned to raise the age-limit.

47. Ms. AKAMATSU said that the 1985 report stated on page 29 that under Uruguayan law "either of the spouses, or both acting in agreement, may request, without specifying the reason, the dissolution and liquidation of the conjugal union". She inquired whether that provision adequately safeguarded women's rights in cases of divorce.

The meeting rose at 5.15 p.m.