

Montevideo, September 28, 2015

Secretariat of CEDAW

Dear Ladies and Gentlemen:

Please find attached some questions we consider relevant and necessary to be added to the list of questions to the Uruguayan Government regarding the compliance of the duties set out by the Committee on the Elimination of Discrimination against Women, according to the procedure provided under the Regulations of CEDAW Committee.

The following organizations have contributed to this list:

- Centro de Comunicación Virginia Wolf (Cotidiano Mujer)
- Cooperativa Mujer Ahora
- Uruguayan Network Against Domestic and Sexual Violence (RULCVDS)
- Latin American and Caribbean Committee for the Defense of Women's Rights -CLADEM-Uruguay.
- Ciudadanas en Red (CIRE)
- National Follow-up Committee (CNS)- Women for Democracy, Equality and Citizenship

Please confirm receipt of the list above.

Yours truly,

List of questions to the Uruguayan Government

Legal status of the Committee and definition of discrimination

According to the report, there is a draft bill that incorporates the concept of discrimination set out by the CEDAW (paragraph 4) which has been validated by different spheres including the civil society (paragraph 6).

Questions: Why hasn't the discrimination draft bill not yet been dealt with by the Legislative Branch? Is it still on the agenda? If so, please add the wording of the abovementioned draft bill and list the public and civil society organizations that have validated such document.

Visibility of the Committee and of the Optional Protocol

The Government's report mentions the actions taken in relation with domestic violence, and outlines the training programs on human rights given to judges and public prosecutors concerning the compliance with the judgment on the case *Gelman vs Uruguay* (paragraphs 7 and 8)

Questions: Describe the awareness and training programs for judges and law practitioners regarding the CEDAW, its Optional Protocol and CEDAW General Recommendation 19. How many hours are allocated to these training sessions? Is it a compulsory and continuous program for all practicing judges? Does this training include public defenders? Please specify the changes introduced to the practice of judges, public prosecutors and defenders by the human rights and gender violence training and its impact on national case-law.

Special and Temporary Measures

The Uruguayan Government states that there is a bill to extend the period of application of Law N° 18.476, which was applied for the first and only time in the parliamentary elections of October 2014. It also gives information of the Program "*Uruguay crece contigo*" (Uruguay grows with you) (paragraphs 9 to 14).

Questions: What is the current status of the abovementioned draft bill? Please add the wording thereof and explain whether it is in line with the instructions given by the CEDAW in its Articles 1 and 4 and General Recommendations 5, 8, 23 y 25 of the CEDAW Committee.

Describe quantitatively and qualitatively the management conducted for the protection of pregnant women, from a gender perspective, pursuant to the "*Uruguay Crece Contigo*" Program.

National mechanisms in charge of women's advancement

The Government's report states that, within the framework of its Social Reform, in 2012, the functions, vision and mission of INMUJERES (Women's National Institute) were reformulated, thus allowing to deepen its leading role in the management, promotion, regulation and supervision of the gender policy (paragraphs 15 to 27).

Question: Why doesn't the Government prioritize its gender governing body by giving it more autonomy and the appropriate budget to ensure its mandate in a sustainable manner?

The principle of equality

According to the Government, in December, 2014 the bill of the new Criminal Code was slowed down by pressures from institutions and feminist and women organizations; this project was still entitled "Crimes against good manners and family order" (paragraphs 28 and 29).

Questions: How does the Uruguayan Government verify that legislators are aware of and comply with the recommendations of this Committee submitted to Uruguay in 2008? How has the Government implemented the discussions with and participation of civil society organizations for this reform of the Criminal Code?

Stereotypes, cultural practices

The Government reported different activities of some of the Executive Power divisions focused on the elimination of stereotypes related to the role of women in the Uruguayan society (paragraphs 30 to 38).

Questions: Why does INMUJERES, as governing body of gender policies, does not design, execute and assess the described policies in a coordinated and coherent manner? Describe what steps intended to

comply with this objective have been taken with the authorities in charge of enforcing the law and the judicial system officers.

Violence against women

As per the Government's report, there are 19 Department Committees for the Fight Against Domestic Violence. It also informs that in 2012 the document entitled "*Medidas para un país libre de violencia doméstica*" (Measures for a country free from domestic violence) was presented; a system was implemented in response to violence situations based on gender and generations, which includes prevention actions, an attention service network, rehab, access to justice, information systems, as well as education and training. Finally, it states that, in the capital cities throughout the country, training has been imparted to all operators with the supervision of the Supreme Court of Justice (paragraphs 39 to 45).

Questions:

Please explain: How does the 19 Department Committees for the Fight Against Domestic Violence work? What is their mandate? What human resources and materials have been allocated to their operation? What tasks do they perform within the frame of their mandate? Describe the achievements of the document "*Medidas para un país libre de violencia doméstica*". Do women with disabilities, victims of violence have access to the resources to channel their complaints?

Explain why the Government due diligence in terms of prevention, investigation, and punishment, as well as the redress to women victims of violence is being executed together with youth and childhood policies. Describe the training programs given by the Supreme Court of Justice to all public defenders and judges in the capital cities of the country concerning violence against women. Do they include the CEDAW, the CEDAW's Optional Protocol and General Recommendation 19?

The Government informs that the new Criminal Code bill includes the description of the crime of rape in marriage (paragraph 64). **Question:** Please, add the wording of the relevant article; is the structure of the new Criminal Code in line with the duties of the Uruguayan Government under the human rights treaties subscribed thereby?

Regarding the access to justice by women victims of domestic violence, the Government describes the way to access thereto and clarifies that specialized justice is available only in the capital city (6 courts specialized in domestic violence and children and adolescents at risk, Montevideo, and in Pando city (1 court, department of Canelones). Likewise, it communicates the approval of decrees 7755 and 7647 of the Supreme Court of Justice on good practices for women victims of domestic violence (paragraphs 65 to 67).

Questions: Why is specialized justice for women victims of domestic violence still reserved for Montevideo inhabitants only? Why are not these 6 courts of Montevideo and 1 of Pando exclusively dedicated to women victims of domestic violence? How does the Supreme Court of Justice evaluate the application of the Decree N° 7755 related to good practices for judges specialized in domestic violence? What changes were made to the judicial practice from decrees 7755 and 7647? Describe specific and quantified results.

Trafficking in women

The Government reports the awareness and information campaigns implemented and the training activities given to officers in charge of enforcing the migration law (paragraphs 71 to 82).

Questions: Which training activities are imparted to officers in charge of enforcing the law related to trafficking in women and girls? Does this training include the CEDAW, its Optional Protocol and its General Recommendation N° 19?

Participation in public and political life

The Government reports that it has adopted special and temporary measures to reduce inequalities in society. Please mention the law on affirmative actions for Afro-descendants. (paragraph 83)

Questions: Considering that the abovementioned law was passed in 2013, how has it reduced inequalities in the access to public jobs for Afro-Uruguayan women? Describe the training programs imparted to Afro-Uruguayan women with the intention of strengthening their role in the decision-making offices of the Uruguayan society.

Education

The Government informs that women achieve the highest educational levels (paragraphs 96 to 99).

Questions: Why is this higher rate of women participation in college education not reflected in the management positions of public and private sectors in Uruguay? What special temporary measures were adopted to eliminate school dropouts of rural and Afro-Uruguayan adolescents?

Employment

In its report, the Government states that 49% of domestic workers are registered with the social welfare office (paragraph 114)

Questions: What actions have been adopted by the Government to add the remaining 51% domestic workers to the social welfare system? In this regard, are there any awareness campaigns addressed to employers and campaigns informing domestic workers about their rights? Does such campaigns have a continuous or regular nature? What policies have the Government implemented in terms of attention to migrant workers? Describe the actions conducted to minimize women unemployment rate.

Health

The Government informs that 6.3% of the women who consulted to voluntarily interrupt their pregnancy finally carried on with it (paragraph 127).

Questions: How does the Government distinguish that such percentage actually corresponds to a voluntary act of women, setting aside the hindrances and delays in the procedure to interrupt the pregnancy?

Family relations

In its report, the Government states that the minimum age for marriage, both for men and for women, has been raised to 16 years.

Questions: Why does national regulations like the above still exist, in contravention of the CEDAW standards?