Uruguay

1. Discriminatory family code

Previous to the most recent reform, the legal minimum age for marriage in Uruguay was 12 years for women and 14 years for men. The legal age of marriage was raised to 16 for both men and women in the Marriage Equality Law, \(^1\) passed in April 2013. This law also legalised same-sex marriage, making Uruguay the twelfth country in the world to legalise same-sex marriage nationwide. \(^2\) In light of the recent creation of the Law No. 19,075, little information exists on its implementation. Couples cohabitating out of wedlock are protected under the Union Concubinaria (Out-of-Wedlock Union) Law of 2007. \(^3\)

Women and men in Uruguay have the same legal rights and responsibilities in regards to parental authority under the Civil Code. \(^4\) Under the Civil Equality Law, \(^5\) both spouses are obligated to contribute to household expenses, in proportion to their economic means, \(^6\) and there are no known restrictions on either unmarried or married women becoming heads of household. \(^7\) However, in its 2007 report to the Committee on the Elimination of Discrimination against Women (CEDAW), the government reported that discriminatory attitudes continue to perpetuate the stereotype of the mother as the primary carer of children. \(^8\)

Under the Civil Code, women and men have equal inheritance rights in Uruguay. \(^9\) The law provides that both spouses and descendants have rights to inherit the property of the deceased, regardless of gender. \(^10\) However, according to data gathered by the Food and Agriculture Organisation (FAO), in practice, males tend to be the preferred heirs, with, in some cases, women being coerced by male family members into renouncing their inherited land in exchange for money or other goods. \(^11\)

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\(^{1}\) Law No. 19,075 (Matrimonio igualitario), http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=19075&Anchor= (accessed 20/01/2014)
\(^{2}\) Human Rights Watch (2013); Law No. 19,075
\(^{3}\) Law No. 18,246 (Union Concubinaria), http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18246&Anchor=
\(^{4}\) Article 252, Civil Code, FAO (n.d.); CEDAW (2007), p. 80
\(^{5}\) Law No. 10,783
\(^{6}\) CEDAW (1999), p. 12
\(^{7}\) World Bank (2013a)
\(^{8}\) CEDAW (2007), p. 80
\(^{9}\) Law No. 16,603/94; FAO (n.d.)
\(^{10}\) FAO (n.d.)
\(^{11}\) FAO (n.d.)
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Both spouses have equal rights to initiate a divorce, according to the Civil Code.\textsuperscript{12} No discrimination was located in the Civil Code in regards to parental authority after divorce, except that children under the age of five are placed under the custody of the mother. Otherwise, the Civil Code establishes similar rights and duties regarding parental authority after separation.\textsuperscript{13}

2. Restricted physical integrity

Violence against women is a significant social problem in Uruguay. In its 2007 report to CEDAW, the government reported that every nine days a woman or girl dies of domestic violence.\textsuperscript{14} According to the most recent data, in 2010, there were 15,177 reports of domestic violence and 1,115 reported sexual offences (this data was not disaggregated by sex).\textsuperscript{15}

The Penal Code was amended in 1995 to make domestic violence a distinct offence, and legislation was introduced in 2002 on the prevention, early detection and eradication of domestic violence. The Domestic Violence Law of 2002, which includes physical, psychological and sexual violence,\textsuperscript{16} endorsed the creation of police units specialised in domestic violence\textsuperscript{17} and established the right of the victim to free legal advice through the Office of the Public Defender.\textsuperscript{18} Moreover, a provision was included in the General Law on Education,\textsuperscript{19} passed in 2009, with the aim of transforming gender stereotypes that lead to and perpetuate violence.\textsuperscript{20} Nonetheless, the laws protecting women from violence have notable limitations and reflect “discriminatory cultural views of women”.\textsuperscript{21} While the Penal Code includes a provision for acquittal for the perpetrator of a “crime of passion” committed in response to an act of adultery by the victim,\textsuperscript{22} women found guilty of killing their husbands after being subjected to significant psychological pressure and physical violence are often imprisoned for aggravated murder.\textsuperscript{23} According to data collected by the Ministry of Interior, there were 209 cases of domestic violence reported in 2007.\textsuperscript{24}

The Penal Code criminalises rape in its Title X, Chapter IV, Article 272;\textsuperscript{25} however marital rape is not specifically prohibited, although it is “covered within the generic type of rape” and it “may be included within the typification of other crimes”.\textsuperscript{26} In the past, perpetrators of rape could be exempted from prosecution if they married their victims. This provision was withdrawn when the Penal Code was amended in 2006.\textsuperscript{27}

\textsuperscript{12} Article 148
\textsuperscript{13} Articles 171-176
\textsuperscript{14} CEDAW (2007), p. 9
\textsuperscript{15} OAS (2012), p. 200
\textsuperscript{16} Law No. 17,514
\textsuperscript{17} CEDAW (2007), p. 11
\textsuperscript{18} OAS (2012), p. 159
\textsuperscript{19} Law No. 18,437
\textsuperscript{20} OAS (2012), pp. 159, 141
\textsuperscript{21} CEDAW (2007), p. 22
\textsuperscript{22} Article 36
\textsuperscript{23} CEDAW (2007), p. 22
\textsuperscript{24} US State Department (2008)
\textsuperscript{26} OAS (2012), p. 119
\textsuperscript{27} CEDAW (2007), p. 22
The Sexual Harassment Law,\textsuperscript{28} passed in 2009, protects Uruguayan citizens from sexual harassment in settings such as the workplace and education institutions.\textsuperscript{29} In 2012, Uruguay’s Gender Policy Division from the Ministry of Interior, in collaboration with the United Nations Population Fund, led a study aimed at assessing the administrative devices for the enforcement of the Sexual Harassment Law. The study found that traditional gender roles continue to determine the hierarchy and the distribution of tasks within the Uruguayan police, which in turn results in a hostile environment for female civil servants; also officials lack proper training and sensitisation to manage sexual harassment cases. The consultants recommended the creation of special units that would include not only properly trained police officers but also legal advisors, psychologists and members of the Gender Division from the Ministry of Interior.\textsuperscript{30}

There is no evidence that female genital mutilation is practised.

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As in other parts of Latin America, femicide has been identified as a troubling problem in Uruguay. According to the 2012 ECLAC Annual Report, 20 women were murdered by their husband or partner in 2011.\textsuperscript{31} A key challenge to effectively addressing violence against women is the lack of enforcement of the law. Although several studies have been carried out in order to identify the material, cultural and educational factors that justice sector personnel must overcome to properly apply the Domestic Violence Law,\textsuperscript{32} the 2008 shadow report to CEDAW indicated that the judiciary continues to lack the resources and training to ensure the law on domestic violence was effectively implemented.\textsuperscript{33} According to the Second Hemispheric Report on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Belem do Para Convention on Violence Against Women, Uruguay continues to make efforts such as raising awareness through the dissemination of information in the forms of pamphlets, hand-outs and websites. Also, a team was created within INMUJERES in charge of the oversight of the institutions that deliver services to victims of domestic violence.\textsuperscript{34}

In October 2012, Uruguay depenalised abortion for women in their first 12 weeks of pregnancy,\textsuperscript{35} making it the second Latin American country to do so (the first being Cuba).

\textbf{3. Son bias}

The male-to-female sex ratio at birth in 2013 is 1.04 and for the working age population (15-64 years old) is 0.97.\textsuperscript{36} There is no evidence to suggest that Uruguay is a country of concern in relation to missing women.

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\begin{thebibliography}{99}
\bibitem{28} Sexual Harassment Law No. 18,561
\bibitem{30} Ministerio del Interior de Uruguay/UNFPA (2012), pp. 32-36
\bibitem{31} http://www.eclac.cl/publicaciones/xml/7/49307/2012-1042_OIG-ISSN_WEB.pdf (accessed 01/29/2014), p. 80
\bibitem{32} OAS (2012), p. 73
\bibitem{33} CLADEM et al. (2008)
\bibitem{34} OAS (2012), p. 177
\bibitem{35} Law No. 18.987 (Interrupción Voluntaria del Embarazo), http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18987&Anchor= (accessed 31/10/2014)
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In terms of school enrolment, there seems to be no gender gap when it comes to pre-primary education, based on 2008-2012 data. On one hand, for primary school enrolment, there is a slight gender gap in detriment of girls for the same period. On the other hand, girls are in a better position than boys when it comes to secondary school participation and the literacy rate for youth (15-24 years).37

Boys are more vulnerable than girls when it comes to child labour, based on data from 2002 to 2012.38 The labour force participation rate for ages 15 to 24 in 2011 indicates a more significant participation of males than females.39

In terms of malnutrition, in 2011 this issue seems to have slightly affected boys more than girls younger than 5 years old.40

4. Restricted resources and assets

There is very limited data regarding women’s secure access to land in Uruguay. There are no reported legal restrictions on women’s access to land,41 and under the Civil Code, both unmarried and married women have equal rights to property ownership.42 However, it is unclear what women’s share of land ownership is compared to men.

Since the Civil Equality Law was introduced in 1946, women have the same rights as men to administer and dispose of their own property, irrespective of their marital status.43 Under the Civil Code (Articles 486, 489 and 492) unmarried men and women also have the same rights to ownership of property other than land.44

Men and women (both married and unmarried) have equal legal access to financial services but, according to the latest report to CEDAW, some discriminatory attitudes within financial institutions are reported to exist.45 The Global Entrepreneurship Monitor 2012 Women’s Report revealed that, while 20% of men are entrepreneurs, only 10% of women are. However, these behaviours may be lessening. According to the latest data from the World Bank, around the same percentage of women (23.8%) and men (23.2%) had accounts at a financial institution, while 13.7% of women and 16.1% of men had received a loan from a financial institution in the past year.46

5. Restricted civil liberties

There are no legal restrictions on women’s freedom of access to public space in Uruguay; women are able to choose where to live and to travel outside their homes and country in the same way as men.47 However, according to human rights organisations, transgender women are targets of assaults and even murder in Uruguay.48 In 2004, the government put in place legislation aimed at

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39 World Bank (2013b)
40 World Bank (2013b)
41 FAO (n.d); World Bank http://wbl.worldbank.org/Data/ExploreEconomies/uruguay/2011#accessing-institutions
42 Civil Code, Articles 486, 489, 492 and 1970-1978; World Bank (2013a)
43 CEDAW (1999), p. 12
44 World Bank (2013a)
45 CEDAW (2007), p. 75
47 World Bank (2013a)
48 REDLACTRANS and International HIV/AIDS Alliance (2012)
protecting lesbian, gay, bisexual and transgender (LGBT) people from discrimination on the grounds of sexual orientation. However, according to the UN’s Periodical Universal Report (2013), five transgender people were killed and the police have yet to find the murderers.

Uruguay signed the 2000 OAS Declaration of Principles on Freedom of Expression. Moreover, the UN’s Periodical Universal Report (2013) recognises the continuous efforts put forward by the Uruguayan state to preserve the freedom of expression of its citizens.

Regarding political voice, in 1963 Uruguay became the first country of Latin America to have a woman elected to parliament. However, in the political sphere women remain under-represented in decision-making roles. As of 2013, women held 12.1% of seats in the parliament. In addition, there are 7 women in ministerial positions and 93 men. Since the 2009 quota law, quotas are instituted at the sub-national and national levels, stipulating that candidates of both sexes must be represented on every third spot on the candidate list; in cases of two candidates, one must be a woman.

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With respect to women’s participation in the labour market, Article 1 of the Actividad Laboral (Labour Activity) prohibits any discrimination that violates the principle of equal treatment and opportunities for both sexes in any sector or branch of labour activity. Uruguay provides women 12 weeks paid maternity leave, paid at 100% of wages by the social security system. Women in both the public and private sector, including domestic workers, are entitled to these benefits.

Uruguayan women’s movements were active in following up and monitoring the commitments the state entered into with the Beijing Platform of Action (1995).

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49 Law No. 17,817, Article 2; Criminal Code, Articles 149, 194; REDLACTRANS and International HIV/AIDS Alliance (2012), p. 31
50 Examen Periodico Universal – Uruguay. Informe Del Equipo De Pais De Naciones Unidas Uruguay, p. 2
51 http://www.parlamento.uy/htmlstat/pl/declaraciones/decldple.htm (accessed 01/30/2014)
52 Examen Periodico Universal – Uruguay. Informe Del Equipo De Pais De Naciones Unidas Uruguay, p. 4
53 Gender Equality Observatory of Latin America and the Caribbean (2013), p. 31
56 Law No. 18,476
57 The Quota Project (2013)
58 Law 16,045
59 CEDAW (2007), p. 39
60 World Economic Forum (2010), p. 308
61 ILO (2011)
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Ministerio del Interior de Uruguay/UNFPA (2012), Informe de consultoría realizado en el marco del proyecto firmado entre Ministerio del Interior y el Fondo de Población de las Naciones Unidas (UNFPA). Uruguay.


