

## **18<sup>th</sup> Session Universal Periodic Review Working Group (January- February 2014)**

### **URUGUAY**

**Joint Written Contribution:** Working Group on UPR Recommendations in relation to women's human rights – GTEPUDHM (for its acronym in spanish)

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Communication Center Virginia Woolf (Cotidiano Mujer) is a nongovernmental organization with legal personality, established in 1985 as a cultural feminist space focused on the work on political communication and human rights of women. Its mission is to contribute, from a feminist perspective, to promote the social, cultural and political factors that enable democracy with justice and equity.



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Colectivamujeres, is a group of feminist women that generates meeting spaces with the aim to promoting gender equality and racial ethnicity as a contribution in the fight against racism and sexism. Horizontal practices are prioritized as well as work with grassroots organizations, and contact with diverse women across the country. It integrates diverse networks with other organizations: the National Commission for Monitoring Women for Democracy and Citizenship Equity (CNSmujeres), Afro-Latin American Women's Network, Afro-Caribbean and Diaspora network, and Women of Latin America and Caribbean Popular Education Network.

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E-mail : [cooperativamujerahora@gmail.com](mailto:cooperativamujerahora@gmail.com) Mujerahora is a feminist women's cooperative dedicated to the promotion and protection of human rights, especially focused on building relationships of gender equity. It has been carrying out activities related to gender violence and access to justice for women since 1989.

## Abstract

This joint contribution submitted by the *Working Group on UPR Recommendations in relation to women's human rights* GTEPUDHM (for its acronym in Spanish) focuses on the recommendations Uruguay received in the first cycle of the UPR review in 2009. In this context we emphasize the **political participation of women** in relation to recommendations 27, 37, 38, 72, 73, 74, 75; **situation of migrant workers** according to recommendations 43, 48; **racism** referred to recommendations 22, 23, 24, 36, and **violence against women in the family** linked to recommendations 29, 41, 42, 50. Furthermore, we also present recommendations on sexual and reproductive rights in the context of the law of Voluntary Termination of Pregnancy (LVTP), media and social policies and gender, areas for which no recommendations were received in the previous cycle.

## 1- Sexual and Reproductive Rights

### Violation of the Access to Health: Law 18,987 on Voluntary Termination of Pregnancy

1. The Act on Voluntary Termination of Pregnancy, Law No. 18,987 (LVTP), was enacted on October 22, 2012 after a long process of discussion and negotiation, and published in the Official Gazette on September 30, 2012. The rule was then elaborated and submitted by the Executive under the terms and conditions provided by law.

2. This law is part of the idea that "the State *recognizes the social value of motherhood, protects life and promotes the full exercise of sexual and reproductive rights of all people in accordance with the provisions of Chapter I of Law No. 18,426*<sup>1</sup>.

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1 It should be noted that Law No. 18,426 and Law No. 18,987 are closely linked as it can be considered that the first one came to "cover" the regulatory gap that was left after the veto of the former President Tabaré Vázquez.

3. During the process of discussion of this regulation the spirit originally pursued became blurred and some substantial contributions raised by Civil Society Organizations were ignored.

4. Since the LVTP was put into practice there have been numerous obstacles: the effectiveness of abortive pills often does not fit with the time limits set by law. This led many women, after the failure of the abortion with pills, to resort to illegal abortions. Besides, women who decide to terminate their pregnancy are stigmatized, which results in ill-treatment in the health centers.

5. Another situation is the lack of technical equipment for women care, specifically social workers, and one more worrying aspect is that there has been a generalized resort to the exception of "conscientious objection" as ideological resource to stop putting into practice the law.

6. **Recommendation:** That the Uruguayan State promotes the proper enforcement of Law 18,987 in order to enable women to access voluntary termination of pregnancy safely and with the guarantee that their rights will be respected and will not suffer discrimination or stigmatization during the process provided by law.

## **2- Freedom of expression and association and peaceful assembly, and right to participate in public and political life**

### **Women's Political Participation**

7. Uruguay has failed to ensure the equality and representation levels taken on as an obligation in different national and international instances in order to increase women's political participation. Currently, of the thirty members of the Senate, only 13% are women, while 16% of the ninety-nine members of the Chamber of Deputies are women.

8. Structural difficulties impeding to ensure equal opportunities in access to political positions led to the adoption of Law No. 18,476<sup>2</sup> that will be in force for next 2014-2015 election cycle and

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2 the same that "established the obligation to include people of both sexes in each triple (three successive places) -candidates and alternates- on the electoral lists presented in the three elections -internal, national, departmental- that make up the five-year election cycle in Uruguay, and in all electoral processes of the diverse political groups in which political authorities are elected (...) However, for the positions of national and departmental representation, the charges that really important for the political

for one time only, its continuity being subject to the assessment of this legislature. (...)”<sup>3</sup>

9. This progress is considered to be "a shy and untimely step compared to the international trend". In this sense, from different areas of CSOs and the academia, Uruguay is considered to be at a standstill taking into account that while "the country was establishing the share (...) the world is discussing parity adopted in international instruments signed by Uruguay itself as the Quito Consensus (2007)"<sup>4</sup>

10. **Recommendation:** That the Uruguayan State promotes women's political participation pursuant to international standards and instruments, putting into practice parity in political spheres and decreasing the gap between men and women.

### 3- Migrants, refugees and asylum seekers

#### Women Domestic Workers. Structural elements of discrimination against migrant women

11. While progress has been made in terms of the recognition of the rights of women domestic workers by Law 18,065 and its regulations, situations of violations of the rights of these workers, both nationals and migrants, still persist. In the case of migrant women, they face specific difficulties such as, due to the centralization of state services, including immigration offices, sometimes they can not regularize their situation because of lack of time and permission from their employers to go to these agencies.

12. We also believe that the concept of *single point of contact* (and special telephone line) aimed at migrant workers is a concept that should be reintroduced; indeed, such modules could facilitate the protection of the rights of this group that is isolated and vulnerable.

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system governed by law just for the 2014-2015 election cycle and only once, being subject to assessment continuity of that legislature. Cf Johnson, Niki and Veronica Perez, "Representation (s) elective" A feminist look Uruguayan elections " Uruguay, p 167pp, 2009.

3 Johnson, Niki y Verónica Perez, "Representación (s)electiva", Una mirada feminista a las elecciones uruguayas" Uruguay, 167 pp. 2009,

4 Idem

13. There is no specific institutional response to the case of migrant women domestic workers victims of trafficking for labor exploitation. While within the Ministry of Social Development (MIDES, for its acronym in Spanish) trafficking is a very important issue, it is essential to consider more specific options that can address the distinct characteristics of cases of women domestic workers who are victims of such practices. Improving the conditions of refuges for women who have experienced some type of situation of this nature that threaten their lives and safety is another challenge.

14. The Uruguayan procedural system, oriented to mandatory criminal prosecution by the State, protects juridical rights differently from the way the Constitution does. This system does not establish any right of the victim (it does not even use the term victim. Articles 11, 14, 17 and 18 of the Criminal Procedure Code refer to the "offended" or "injured party, without even defining what is meant by such concepts"). In the specific case of women victim of trafficking (sexual or labor), their rights are violated by this type of system that does not protect their rights or guarantee their safety. The prolonged silence and discretionality of judges has led to situations of impunity and continuation of the violation of the rights of these women.

15. **Recommendations:** **i)** That the Uruguayan State ensures full enjoyment of economic, social and cultural rights of women domestic workers, especially female migrants who, depending on their workplace, are not always able to do the relevant proceedings because they lack permission from their employers; **ii)** That the Uruguayan State resumes the *single point of contact* and special telephone line mechanisms for ensuring compliance with the rights of women migrant workers; **iii)** That efforts existing within the Ministry be coordinated for the purpose of giving assistance and addressing complaints from women migrant workers victims of trafficking for sexual and labor exploitation.

#### **4- Discrimination and Racism**

##### **Honorary Committee against racism, xenophobia and all forms of discrimination**

16. With regard to the measures taken by the government to implement the recommendations received by the country, the Institutional framework of the Honorary Committee against racism, xenophobia and all forms of discrimination is considered essential, because of the coordinating role that is conferred to it on the analysis of international law and its progress, monitoring the implementation of national regulations, giving advise and guidance for public policy. Besides, it is expected to contribute to educational campaigns and inform the public opinion about situations of discrimination.

17. The Honorary Committee has, among its most relevant tasks, to "Receive and centralize information on racist, xenophobic and discriminatory behaviors; keep a register of them and make the corresponding legal complaint, if applicable". After consulting the Committee, it states that as of May 23, 2013 they received 160 requests. No disaggregated information was obtained from the cases of complaint received.

18. The Committee has not advanced on communication campaigns that bring over instruments and tools to the citizens for the full exercise of their rights, to channel complaints and / or queries, or about the roles, responsibilities and ways to channel them.

19. This is one of the core components to meet the object provided by law to "propose national policies and specific measures to prevent and combat racism, xenophobia and discrimination, including affirmative action rules". It is essential to know the national reality, to analyze what are the situations that citizens consider violate equity rights for reasons of discrimination, their frequency, which population groups are involved in order to develop proposals for action to respond to the concerns recognized, expressed and reported by the population. Little progress can be made if the mechanisms to systematize the information produced by the Committee are not elaborated.

20. **Recommendation: i)** That the Honorary Committee against racism, xenophobia and all forms of discrimination systematizes and publishes disaggregated data (gender, age, place of residence and type of discrimination) on complaints and petitions received on acts of racial discrimination in Uruguay; **ii)** To speed up the process of access to data and to move forward on a campaign for training, information, dissemination and ways of access for the citizens of the whole country to the duties of the Honorary Committee against racism, xenophobia and all forms of discrimination; **iii)** To provide more resources to the Honorary Committee against racism, xenophobia and all forms of discrimination so it can meet its goals successfully.

## 5- Media

21. Uruguay is currently undergoing a period of significant regulatory and technological changes in the field of communications. This process forces to review the current mechanisms regarding the regulation of the mass media, the same that reproduce stereotypes and discriminatory views.

22. **Recommendation:** That programming services under the new regulatory framework favor contents that do not promote or encourage discriminatory treatments based on race, ethnicity, gender, sexual orientation, gender identity, language, national or social origin, economic status, physical aspect, disabilities or anything that undermines human dignity and integrity.

## 6- Social policies

23. Since conditional transfer programs (CTP) occupy in Uruguay, as in the rest of the continent, an important place in the social policy strategy, we consider relevant to stimulate discussion around issues why we consider that this strategy, of focused character, is not exactly a social policy, while enabling discussion on the monitoring and evaluation of social policies from a human rights perspective.

24. The policy of the duration of programs of assistance itself is structured around the role of women as caregivers. While conditionalities do not necessarily increase the time women devote to childcare, they do result in a consolidation of the caregiving role<sup>5</sup>. This effect must also be understood within a larger outlook of the policy of time itself which includes moving around the country (transport), the duration of proceedings in the public sector, the coordination of the times of the new school and high school support programs that operate on the basis of a family with a caring mother who attends meetings, enrolls in programs, controls school attendance and performs health checks on dependent children<sup>6</sup>.

25. **Recommendation:** To reformulate the welfare approach of social policies developed specifically in the case of conditional transfers which, since they do not incorporate a rights and gender perspective, they determine the role of women to a mere instrument of public policy.

## 7- Violence against women in the family sphere: an expression of gender violence

### National Plan to Combat Domestic Violence

25. Since 2007, domestic violence is the most reported crime in Uruguay after theft, being the most reported crime against persons. In 2012 the complaints amounted to 23,988<sup>7</sup>, increasing by 51% compared to 2011. The increase in complaints and the implementation of new state programs have not achieved the reduction in deaths of women in situations of violence, nor the improvement of the

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It is important to stress that in Uruguay, unlike what happens in other countries in the region, the considerations have not been, so far, conditions to receive the transfers, thus reinforcing the character of benefit for the entire population and not "for the poor" that gives the very name of family allowance, the same of the existing old contributory benefit. The more punitive the considerations, the more the caregiver role of women is reinforced in the programs and, at the same time, the policy moves apart from its universalist vocation.

6 GUTIERREZ, Magdalena, "Del combate a la pobreza a las políticas de igualdad", Montevideo, Uruguay, 2012, [www.cotidianomujer.org.uy](http://www.cotidianomujer.org.uy)

7 Violence and Criminality Observatory, 2012 Annual Report

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living conditions of women survivors. With the approval of Law 17,514 is created the National Advisory Council on Domestic Violence, which brings together representatives of government agencies of the Executive and Judiciary, as well as civil society organizations. One of the main functions of the CNC (for its acronym in Spanish) is to promote the coordination and integration of sectoral and territorial policies. The First National Plan to Combat Domestic Violence was developed with this purpose, and was executed from 2004 to 2010. The evaluation of this plan made it clear that many of its goals were partially met or were simply unmet<sup>8</sup>. Currently all agencies have implemented some public policy in order to address the issue. However, most lines of work have been designed and implemented without adequate cross-sectoral coordination.

26. In addition, the CNCLVD (for its acronym in Spanish) created 19 departmental committees (one in each department of the country) that have not achieved an adequate implementation of the National Plan to Combat Domestic Violence.

27. Even if many government agencies have approved protocols of action, these are not properly implemented, responses being dissimilar depending on the place or persons acting. As an example, the Department of internal affairs approved in 2008 the Police Procedure Guide in Domestic Violence situations, which states that "Should a breach of the order (for protection) be confirmed, the judge dealing with the case who issued the order must be immediately informed, or the person in charge if the first one cannot be informed, so that he indicates the relevant proceedings that shall fall on the offender". But in concrete actions, this is repeatedly breached. Proof of this is the information published on the official website of the Judiciary on November 29, 2012 that recounts the judicial proceedings and police work in the murder of a woman in a domestic violence situation. According to what was published, the woman resorted to justice services on July 2, and it was stipulated that the offender should be removed from the home and his approach and communication prohibited for 90 days. On August 28, these measures being still in force, she goes again to the police headquarters to file another complaint against her couple for threats, which was communicated to the court on the September 13, 15 days later<sup>9</sup>.

28. **Recommendations:** **i)** To approve a new Plan to Combat Domestic Violence that puts particularly emphasis on cross-sectoral coordination. **ii)** That the Uruguayan state puts in place mechanisms for people responsible of the implementation of the protocols of action to respect them and apply appropriate sanctions where they deviate from them.

#### Enforcement of the existing law

29. Uruguay assumed the obligation to ensure access to justice through the design and implementation of a simple, fast and accessible judicial remedy of precautionary nature, able to

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<sup>8</sup> [http://www.mides.gub.uy/innovaportal/file/18258/1/evaluacion\\_pnlcvd\\_-\\_informe\\_final.pdf](http://www.mides.gub.uy/innovaportal/file/18258/1/evaluacion_pnlcvd_-_informe_final.pdf)

<sup>9</sup> See Annexe 1



function as an appropriate and effective remedy for the prevention, early detection, treatment and eradication of violence against women. This obligation is expected to be complied with in part by the adoption in 2002 of Law No. 17,514, dealing with domestic violence situations. However, the enforcement of the rule frequently deviates from the precautions.

30. *Confrontation.*- Article 18 of Law 17,514 prohibits confrontation or joint appearance of the victim and the aggressor, with strict character in case of victims being children and adolescents under 18, and relative in case of adult victims where: 1) confrontation is required, and 2) it is certified in advance that the victim is able to do it.

Despite the clarity of the rule regulating the exceptional nature of the principle, forensic experience indicates that confrontation is a common practice in our courts.

31. *Unfounded and Symbolic resolutions.*- Articles 9 and 10 of Law No. 17,514 introduced protective measures such as those to be decreed immediately and well-founded every time it is proved an intrinsic right to the human being has been violated or threatened. These measures are aimed at the protection of life, the victim's physical or emotional integrity, personal safety and freedom, as well as the economic assistance and the heritage integrity of the family. The law sets out measures and empowers the Court to adopt similar ones.

32. Unfounded pronouncements such as 'let the parties be formally requested to avoid conflicts' or 'let the parties be formally requested to maintain family harmony', constitute a widespread and common legal practice that turns out to be useless and inadequate for the protection of the victim and wrongly conceptualizes family violence, on the understanding that it refers to a conflict between parties. Another common practice is the so called 'reciprocal protection measures' under the rule of which the offender receives protection and the victim restrictions or limitations on her rights, and vice versa. Reciprocity makes this practice truly illegitimate and is currently one of the most serious obstacles to the enjoyment of the right of access to justice.

33. *Non compliance with precautionary measures.*- The second paragraph of Article 11 of Law No. 17,514 provides "*If the measures provided are not observed, the Judge will order the arrest of the offender for a maximum period of forty-eight hours, without prejudice of articles 21.3, 374.1, 374.2 and 374.4 of the General Code of Procedure*". Notwithstanding the foregoing the Court should, ex officio or at the request of the victim, impose warnings of personal nature, and may impose warnings of pecuniary nature, informing -in addition- the court with criminal jurisdiction if it is facing seemingly criminal acts.

34. The legal practice reveals that in situations of non compliance with the precautionary

measures, the application of penalties is replaced with the issuance of resolutions such as: 'let the accused be formally requested to comply with the precautionary measures' or 'let what was duly and timely decreed under warning be complied with'. In cases in which the criminal court is informed after multiple complaints of non-compliance with the measure prohibiting the approach, indictments have been issued considering the existence of sufficient evidence to impute the commission of a crime of contempt, but the prohibition of approaching the victim is decreed as an alternative to imprisonment. That is, the same prohibition breached and that led to the criminal intervention.

35. *Supervisor of Measures*- Article 11 of Law 17,514 requires the decider in all cases to order the court marshal or whoever he/she deems appropriate to monitor the compliance with the measure adopted. That order and designation should become effective at the time of adoption of the measures. Under the Law, the supervisor shall comply with the task in charge during the period of ten days that should pass until the celebration of an evaluative audience.

36. The high level of default in monitoring plus the form it adopts when made effective makes the figure of the 'supervisor' to be nonexistent in the practice as an auxiliary of justice and in the manner provided by law.

37. *Improper Multiplicity of Processes* - In practice it was found that in situations of violence against women and children and adolescents who are part of the same family, two files are generated, one under Law No. 17,514 and another under the Code of Children and Adolescents. The formal division of one unique situation determines isolated decisions that do not give a comprehensive answer and in some cases are contradictory, expand in time and illegitimately the protection of people whose fundamental rights have been violated, and sometimes they are re-victimized. On the other hand, it implies that several judges act in the same situation without any coordination. The unlawfulness of the practice is also due to the erroneous position that maintains the inapplicability of Law No. 17,514 to persons who are under eighteen years of age, a position that does not withstand legal analysis in light of the regulations.

38. *Failure to communicate before seemingly criminal behavior*. Article 21 of Law No. 17,514 and Article 177 of the Penal Code provide a duty to inform the judge with criminal jurisdiction all seemingly criminal acts.

39. However, there are assumptions made that are not valued in the punitive field and for which the law is used as a shield of invisibility, leaving some criminal behaviors unpunished because of the mere fact that they occur in the home. The blank signature abuse, damage, violation of written correspondence, interception of telephone news, violation of domicile, deprivation of freedom,

threats, etc., often occur in the execution of acts of violence heard by the judge with jurisdiction under Law No. 17,514 but which are not informed to the court with jurisdiction in criminal matters, omitting its obligation.

40. *Way of completion of issues* - Human rights are universal, inalienable and interdependent and on this basis they can not be the object of trade or negotiation. The nature of fundamental rights is explicitly recognized in Law No. 17,514, and Article No. 1 stands out, which provides for its public order nature.

41. The disregard of the nature of the human rights involved has been detected in legal practice in cases where it is resolved to file the case because the complainant withdraws the complaint, and the complainant or the accused do not attend the hearing, or even worse, in cases where transactions are reached. The assumptions on which decision makers approve agreements relating to inalienable rights, refer them to mediation centers or file records for the non-appearance of the parties to the audience are, in all cases, a violation of the nature of the rights guaranteed by current regulations and, therefore, it is essential that the Supreme Court reverse these practices.

42. *Petition from the Civil Society*. On June 7, 2012, a total of 104 civil society organizations working on human rights of women and girls, begged for a Petitory Action before the Supreme Court of Justice as the highest judicial hierarchy of the Uruguayan State, requesting the issuance of a Decree providing for the eradication from the national justice system of a number of illegitimate and arbitrary practices executed by judges pursuant to Law No. 17,524 (domestic violence). These practices -some of which are outlined in this chapter- adversely affect women victims' survivors who resort to the system to request guarantees for their safety and their lives.

43. On November 26, 2012, the Supreme Court ruled in favor of the Petitory Action and approved DECREE No. 7755, which was communicated to all the courts of the country by way of Circular 158/2012, being administratively compulsory in the performance of the judicial function.

44. In the months passed, the organizations have found that despite the pronouncement of the highest body of the Judiciary, the Decision makers continue to implement practices of confrontation between victim and victimizer, to adopt protective measures with `reciprocal` character, to regularize the bail hearing, they do not inform the courts with criminal jurisdiction in case of non-compliance with the precautionary measures, they refuse to settle the situation of children regarding custody and alimony, they do not monitor the compliance with the measures adopted, among others.

45. **Recommendations:** **i)** That the Judiciary ensures the strict compliance with Law No. 17,514 by competent judges; **ii)** That the Supreme Court establishes a mechanism for strict adherence to

Decree No. 7755 by the Judges who decide on the enforcement of Law No. 17,514; **iii)** That the Supreme Court exercises (ex officio, by simple notice or formal complaint), the disciplinary authority in all cases in which public servants commit illegal and discriminatory practices that undermine the rights of women victims survivors.

### Harmonisation of legislation

46. *Article 2, paragraphs a and b of CEDAW* - Uruguay has a legislative production that accounts for the attempt to adjust the internal rules to obligations internationally assumed: the prohibition of discrimination and violation to the principle of equal treatment and opportunities in any sector of the work activity; the accompaniment in labor, the incorporation of the crime of domestic violence into the Penal Code; the prevention, treatment and eradication of domestic violence that applies in family law; the equitable participation in national and provincial elected bodies as well as in the management of political parties; sexual harassment in employment and education; the right to gender identity and change of name and sex on identification documents; equal opportunities and rights for men and women; sexual and reproductive health; trafficking, etc.

47. However, all regulatory efforts are set up in scattered laws, which often do not harmonize with each other or with the legal system where they are contained, and have been written in gender-neutral language. The national law maintains gender stereotypes and lacks a definition of discrimination against women. The path Uruguay has chosen to legislate hides the structural nature of gender violence.

48. **Recommendation:** That the Uruguayan State enacts a Comprehensive Law of violence against women that includes the right of women to live free of violence and discrimination in the public and private sectors: domestic, labor, social, media, institutional, health, etc., affecting all areas of law, criminal, labor, administrative, civil and family law, among others.

49. *Article 2, paragraph g of CEDAW* - The duty of the States regarding violence against women is not limited to prevent and protect but they should also punish those responsible. In relation to the Penal Code and in particular the elimination of gender stereotypes that discriminate against women, Uruguay has received several recommendations from international organizations. In the last report submitted to this mechanism the Uruguayan State reported "In 2005, two committees were created to prepare the groundwork for reform of the Criminal Procedure and the Penal Code. Both projects will be submitted to Parliament shortly<sup>10</sup>". To date, these projects are still being examined by the Legislature. Meanwhile, Uruguay is the second country in Latin America with the highest rate of women killed caused by their couple or former couple. 1.04 per 100,000

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10 Paragraph 25 of the Uruguayan Report to the Universal Periodic Review, 2009.

inhabitants<sup>11</sup>.

50. The increase in complaints of crimes of domestic violence has not resulted in an increase in the prosecution of these crimes. According to data from the Forensic Technical Institute "in the period 2004 - 2010 there were a total of 787 prosecutions for the crime of domestic violence, 170 of which correspond to Montevideo (21%), and 617 to the rest of the country (79%)<sup>12</sup>". While it is argued that in many cases the criminal sanction of domestic violence is implemented through the typification of other offenses, there are no statistical data to affirm this, since the only data published by the Judiciary is the amount of domestic violence offenses typified, not the impact on other crimes. The Uruguayan Penal Code states in Chapter X that the interest protected by law in sexual offenses is honor and decency, contrary to the universal tendency in these cases to protect the sexual integrity or sexual freedom.

51. **Recommendation:** To immediately change the Penal Code in order to eliminate gender stereotypes that discriminate against women, particularly in sexual offenses, and adopt criminal typifications that emphasize the violence suffered by women, such as femicide.

#### Administration of Justice

52. *Women Office* - Taking the First National Plan for Equalities and Opportunities as starting point, several state agencies have incorporated into their institutional structure a mechanism that aims to design, implement and evaluate the gender policies it develops. In this regard it is worth noting the establishment of the Gender Policy Division within the Department of internal affairs. In the case of the Judiciary, which is the governing body of justice policies, committees or programs have been created which are not part of the organization chart. These programs are temporary and do not have the necessary powers or hierarchies to crosscut the gender perspective in the justice system.

53. **Recommendation:** That the Uruguayan State creates an Office or Department of Gender within the organization chart of the Supreme Court that contributes to improving the delivery of justice service for women.

54. *Production of Information* - Currently the Department of internal affairs, the Judiciary, the Women's National Institute, the Municipality of Montevideo, the Ministry of Public Health and the

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11 Gender Equality Observatory of Latin America and the Caribbean

12 "Provision of public information on domestic violence and child abuse by the Judiciary, Montevideo, November 2011" Cainfo and Uruguayan Network against Domestic and Sexual Violence.

National Education Administration have statistical data on the subject. The creation of the Gender Information System (GIS) of the Women's National Institute is an important progress.

55. However, an analysis of the information produced by these agencies on domestic violence conducted by the Center of File and Access to Public Information and the Uruguayan Network against Domestic and Sexual Violence allowed to observe several weaknesses. Particularly, in relation to the justice system, it is emphasized that "The information currently generated by the agency stresses the development of processes and the demand for services, and not the indicators to assess the response of the justice in terms of protection of rights.

56. In this sense there is a lack of information, since the data that enable to draw conclusions to protect the rights of the victims are registered -and with deficiencies- only in Montevideo, the capital city. (...) It should be noted that there are significant information gaps in relation to the intervention of the Judiciary in the adoption of precautionary measures, one of the pillars of Law No. 17,514. There is also limited information produced and provided regarding the intervention of the criminal justice system. Indicators that enable to confirm the incidence of domestic violence in other crimes are not foreseen, nor the characteristics of domestic violence that is punished. All information is focused on the accused and not on the victim" (Report on provision of public information on domestic violence and child abuse by the Judiciary, CAinfo and the Uruguayan Network against Domestic and Sexual Violence).<sup>13</sup>

**57. Recommendation:** That the Uruguayan state reinforces the budget and human resources in order to strengthen institutional capacities for the generation of specific studies on the intervention of the Judiciary in cases of domestic violence related to human rights and improves the provision of updated information of good quality and quantity. In particular, that it improves information on protective measures adopted and the difficulties encountered and verified for compliance, and what is the response of the specialized criminal justice before the non-compliance with these measures.

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<sup>13</sup> *Report on the provision of public information on domestic violence and child abuse by the Judiciary, CAinfo and the Uruguayan Network against Domestic and Sexual Violence.*