

URUGUAY

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ELIMINATION OF DISCRIMINATION AGAINST WOMEN
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1. INTRODUCTION

Amnesty International submits this report in advance of the review of the tenth periodic report by the Committee on the Elimination of Discrimination Against Women. It focuses on issues related to gender-based violence, sexual and reproductive rights and pregnancy in girls and adolescents under 15 years of age; marriages of girls and boys under 18 years of age and the care economy.

Nevertheless, it should be noted that this is not an exhaustive list of the organization's concerns regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Uruguay.

Amnesty International is submitting this report in advance of the consideration of the 10th periodic report by the Committee on the Elimination of Discrimination against Women. It focuses on issues related to gender-based violence, sexual and reproductive rights and pregnancy in girls and adolescents under the age of 15; marriages of girls and boys under the age of 18; and the care economy.

2. GENDER-BASED VIOLENCE

Uruguay continues to be a hostile country for the girls and women who live in this territory. According to statements made by the Minister of the Interior,¹ an overall decrease in crime was identified in 2022, but crimes involving gender-based violence remain on the rise, causing concern for women and girls in Uruguay.

The website *Feminicidio Uruguay*² has recorded that between 2001 and 2022, 615 women were murdered in Uruguay for gender-related reasons.³ Furthermore, according to official figures, in 2022 a record number of women have been victims of femicide, as well as children and adolescents who have been murdered in contexts of gender-based violence.⁴

In November 2022, the National Directorate of Gender Policies of the Ministry of Interior presented the figures of gender violence in the country, for the period between January and October 2022, in which 42 homicides of women were registered, 10 more than those of the same period in 2021. Of those 42 homicides, 24 were femicides and at least eight children were killed in incidents related to gender-based violence, mostly femicides.⁵ Of these homicides, 67% were related to domestic and gender-based violence, while 21% of the cases were still under investigation at the time of writing this report.

67% of these homicides occurred in private homes, 21% on public spaces and 12% in other places, which indicates that public security policies are still not implemented with a gender perspective and that both homes and public spaces are not safe places for women in Uruguay.

According to the Ministry of the Interior, in 2022 there was also a significant increase in domestic violence complaints, reaching 33,350, compared to 31,801 complaints filed in 2021, 33,137 filed in 2020 and 32,836 filed in 2019. 64.3% of these complaints were caused by situations of violence by current or former partners of the victims, while more than 35% were caused by relatives or in-laws.

There was also an increase in the number of complaints of sexual abuse in 2022, reaching 2,766 complaints, compared to 2,520 in 2021, with 82% of the victims being women. In addition, the National Committee for the Elimination of Commercial and Non-Commercial Exploitation of Children and Adolescents (CONAPEES) registered 529 situations of sexual exploitation against children and adolescents, the highest figure reported in recent years.⁶

¹ La Diaria, "Luis Alberto Heber lamenta que las situaciones de violencia basada en género no descendieran como otros delitos" ["Luis Alberto Heber regrets that situations of gender-based violence did not decrease like other crimes"], 25 November, 2022, <https://ladiaria.com.uy/feminismos/articulo/2022/11/luis-alberto-heber-lamento-que-las-situaciones-de-violencia-basada-en-genero-no-descendieran-como-otros-delitos/>

² Available at: <https://sites.google.com/view/feminiciouriuguay>

³ La Diaria, "Entre 2001 y 2022 fueron asesinadas 615 mujeres por motivos de género, según el registro de Feminicidio Uruguay" ["Between 2001 and 2022, 615 women were murdered for gender-related reasons, according to the Feminicide Uruguay registry"], 26 July, 2023, <https://ladiaria.com.uy/feminismos/articulo/2023/7/entre-2001-y-2022-fueron-asesinadas-615-mujeres-por-motivos-de-genero-segun-el-registro-de-feminicidio-uruguay/>

⁴ Medios Públicos, "En 2022 se registraron 42 homicidios a mujeres, 24 de ellos considerados femicidios" ["In 2022, 42 murders of women were reported, 24 of which were considered femicides"], 30 November 2022, <https://mediospublicos.uy/se-registraron-24-femicidios-en-2022-dos-mas-que-el-ano-anterior/>

⁵ La Diaria "Un año en el que la violencia vicaria mostró su cara más terrible en Uruguay" ["A year in which vicarious violence showed its most terrible face in Uruguay"], 31 December, 2022, <https://ladiaria.com.uy/feminismos/articulo/2022/12/un-ano-en-el-que-la-violencia-vicaria-mostro-su-cara-mas-terrible-en-uruguay/>

⁶ El País "Este año hubo 529 casos de explotación sexual infantil y es la cifra más alta registrada" ["This year there were 529 cases of child sexual exploitation and this is the highest number on record"], 7 December, 2022, <https://www.elpais.com.uy/informacion/sociedad/este-ano-hubo-529-casos-de-explotacion-sexual-infantil-y-es-la-cifra-mas-alta-registrada>

In the first half of 2023, 19 women were murdered for gender-related reasons.⁷ Among them is a 17-year-old girl who was murdered by her 17-year-old ex-partner.⁸

The organisation considers that such increases in gender-based violence indicators could be related to the failure to fully implement the law on gender-based violence against women (No. 19.580), and to the lack of allocation of the necessary resources for the creation of multi-purpose courts capable of dealing with all matters related to gender-based violence.

Although the number of electronic anklets available to monitor compliance with protection measures for women victims of violence has increased to 1,700,⁹ the deficiencies of public policy in this area and the shortcomings of judicial and police officers when dealing with situations of gender-based violence demonstrate that Uruguay has difficulties in duly guaranteeing women and girls a life free of violence.

2.1 RECOMMENDATIONS

Amnesty International recommends that Uruguayan authorities:

- allocate the necessary budget for the effective implementation of the measures contained in the Law on Gender-Based Violence against Women, especially with regard to counselling, shelter and assistance to victims;
- thoroughly investigate gender-based violence against women and girls and bring those responsible to justice;
- express their concern about the increase in the number of murders of children and adolescents in the country as a result of gender-based violence.

3. SEXUAL AND REPRODUCTIVE RIGHTS: PREGNANCY AMONG CHILDREN UNDER 15

Although the sexual and reproductive rights agenda has made great progress in the country, there are still serious difficulties and obstacles to preventing, addressing and remedying pregnancies in girls and adolescents under 15 years of age.

Pregnancy has a huge impact on the life trajectory of a girl. The right to health is not respected if they do not have access to information, contraceptive and protection methods,¹⁰ and to adequate comprehensive sexual education.

Likewise, the right to live a life free of violence is jeopardised as most of these pregnancies originate in difficult situations of abuse. According to information provided by the State Health Services Administration, 108 girls and adolescents under the age of 15 were pregnant in 2021, of whom 50 gave birth and 58 terminated their pregnancies.

Violence and sexual abuse were factors in most of these pregnancies, according to the records of the Comprehensive System for the Protection of Children and Adolescents against Violence.¹¹ The number of cases detected and dealt with by 2020 reached an average intervention rate of more than 13 situations

⁷ El País, "Hubo 15 femicidios en lo que va de 2023; las mujeres asesinadas tenían desde 17 a 77 años" ["There have been 15 femicides in 2023 so far, the women killed ranged from 17 to 77 years old"], 23 August, 2023, <https://www.elpais.com.uy/informacion/policiales/hubo-15-femicidios-en-lo-que-va-de-2023-las-mujeres-asesinadas-tenian-desde-17-a-77-anos>

⁸ El Observador, "Conmoción en Uruguay por la muerte de joven de 17 años, su exnovio está detenido" ["Uruguay shocked by the death of 17-year-old girl, her ex-boyfriend is under arrest"], 16 August, 2023, <https://www.elobservador.com.uy/nota/la-historia-de-valentina-cancela-y-su-exnovio-denuncias-por-la-violencia-que-sufria-la-adolescente-y-una-relacion-toxica--2023816185713>

⁹ Montevideo Portal, "Mujeres con cargo de gobierno destacaron aumento de tobilleras para combatir la violencia" ["Women in government positions highlighted increase in ankle bracelets to combat violence"], 8 March, 2022, <https://www.montevideo.com.uy/Salud/Mujeres-con-cargos-de-gobierno-destacaron-aumento-de-tobilleras-para-combatir-la-violencia-uc815068>

¹⁰ At <https://www.unfpa.org/sites/default/files/pub-pdf/ES-SWOP2013.pdf#overlay>

¹¹ SIPIAV. (2021). Management Report 2020. Available at: <https://www.inau.gub.uy/sipiav/informes-de-gestion-sipiav>

per day, with 4,911 situations detected per year. By the year 2021, this figure had significantly increased, reaching 7,035 children and adolescents who experienced situations of violence, an average of 17 cases per day.

With regard to the types of violence registered according to gender, it can be observed that being a woman is a strong indicator of vulnerability to sexual violence. Particularly the figures for sexual abuse and commercial sexual exploitation of children are highly feminised. This perpetuates the feminisation of these forms of sexual violence, while the gender differences for the other types of violence are less pronounced.

Regarding the aggressors, in most of the situations addressed, 91% are direct family members or members of the victim's immediate family. Specifically in cases of sexual abuse, 79% of the aggressors are family members or cohabitants. It is an extremely remarkable fact that four out of every five cases occur within the family or cohabiting nucleus.²²

According to the annual vital statistics provided by the Ministry of Health, we can see that, although we can observe an incipient downward trend in child pregnancy situations that has been sustained over the last decade (if we take into account both births and voluntary terminations of pregnancies), as well as a trend towards an increase in voluntary termination of pregnancy (VTP) as an option for dealing with these situations, the increase of complaints of violence, and specifically sexual abuse of children and adolescents, is alarming. Efforts must be made to prevent, address and remedy situations of pregnancy in girls and adolescents under the age of 15.

The State and its organisations must carry out comprehensive and coordinated actions that provide specific responses, within the framework of public policies, with a significant impact on the prevention of violence, abuse and mistreatment of children and adolescents, so that they can enjoy a dignified life free of violence and discrimination.

The State must guarantee public policies to address child pregnancy in a comprehensive manner, as well as to address situations of sexual violence against girls and adolescents based on international standards on children's rights and women's and girls' rights, which will lead to a better quality of life for them and progress towards guaranteeing their rights.

3.1 RECOMMENDATIONS

Amnesty International recommends that Uruguayan authorities:

- do not adopt measures that could affect the legitimate right of children and adolescents to access Comprehensive Sexuality Education, and urges the Uruguayan State to do so;
- guarantee the effective implementation of the Law on the Voluntary Interruption of Pregnancy throughout the country through the adequate provision of material and human resources at all health centres in Uruguay;
- ensure that children and adolescents have access to quality, appropriate sexual and reproductive health services, commodities, and information.

4. MARRIAGES OF UNDERAGE GIRLS AND BOYS

In 2022, and according to information provided by the Ministry of Education and Culture, at least 19 people under the age of 18 were married in Uruguay.

In Uruguay, section 91 of the Civil Code establishes 16 as the minimum age for marriage, while international standards establish that the minimum age shall be 18. In this context, in October 2022, the UN Human Rights Committee expressed its concern about the permanence of this regulation in

²² SIPIAV. (2021). Management Report 2020. Available at: <https://www.inau.gub.uy/sipiav/informes-de-gestion-sipiav>

Uruguayan legislation and recommended amending section 91 of the Civil Code to establish 18 as the minimum age for marriage.³³

4.1 RECOMMENDATIONS

Amnesty International recommends that Uruguayan authorities:

- comply with international standards on child marriage and raise the minimum age of marriage from 16 to 18;
- identify and address the root causes of early marriage in order to work on its prevention.

5. USE OF TIME, CARE AND CO-RESPONSIBILITY

Seven years after the creation of the National Integrated Care System (SNIC), through Law 19353, it has been observed that it is not working properly, and that the target population of the SNIC is not being able to access care as determined in the law, thus violating their human right to care.

The SNIC's fundamental objective is to promote the integral development of autonomy, care and assistance to dependent persons, promoting actions and measures aimed at designing public policies that constitute a model of solidarity and co-responsibility between families, the State, the community and the market. After all, care is a universal right, which establishes the conditions for a dignified life for people in a situation of dependency. In this context, it is urgent that the Uruguayan State guarantees the population in a situation of severe dependency immediate access to care and the possibility of having personal assistants, for which it is essential that assessment visits are resumed, facilitating the process of access to care.

This situation has a direct impact on the lives of women, who spend most of their time on unpaid work.

According to data presented by the National Women's Institute in conjunction with the National Statistics Institute (INE) in March 2023 within the framework of the survey on the use of time and unpaid work, women have an unpaid workload of 34.4 hours, while men spend 20.6 hours.³⁴ In this sense, 61.4% of women's total workload is unpaid work, while men spend 35.9% of their work time on unpaid work.

Likewise, the results of this survey show that the participation rate of women in care work and domestic chores is 87.3%, while men spend 75.6%.

In November 2022, the Care Advisory Committee, an advisory body to the National Care Secretariat, expressed its concern about the lack of access to care for severely dependent persons due to the suspension of the evaluation visits that allow the assignment of the personal assistant service.³⁵ It should be noted that this decision was taken by the SINC authorities in the context of the Covid-19 pandemic, which is currently having negative consequences for dependent persons. Although it was informed by the authorities that the evaluation tasks are being resumed in a paused manner, this situation continues to impact the lives of people with severe dependency.

From the point of view of the demand for care services, Uruguay does not guarantee the access of children with severe dependency to the Personal Assistants program for their inclusion in education, and it is also necessary to increase coverage by age.

³³ CCPR/C/URY/CO/6 (3/10/22) Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/URY/CO/6&Lang=en

³⁴ At <https://www.gub.uy/ministerio-desarrollo-social/politicas-y-gestion/presentacion-encuesta-del-uso-del-tiempo-trabajo-remunerado>

³⁵ Care Advisory Committee Communication, 27 November, 2022,

<https://twitter.com/RedProCuidados/status/1596912947888259073?s=20&t=Sk1QTG4eeHsDLDCuxLPZtg>

The Ministry of Social Development reported that at least 700 Personal Assistants were affected in their jobs due to the suspension of evaluation visits.

As long as the Uruguayan State does not effectively implement the SNIC, not only will the rights of dependent persons be violated, but also the rights of women, as their use of time is affected by this situation.

5.1 RECOMMENDATIONS

Amnesty International recommends that Uruguayan authorities:

- strengthen the institutional apparatus of the care system seeking to guarantee the development of a dignified life for people in a situation of dependency, improving access, care and services according to their needs and capacities.

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