



## SHADOW REPORT

### SITUATION OF WOMEN HUMAN RIGHTS IN PANAMA

*“Monitoring of the Convention on the Elimination of All  
Forms of Discrimination Against Women” (Cedaw)  
(Law N°4, May 22 of 1981, Republic of Panama)*

Presented by:

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*Law N°4, May 22 of 1981, Republic of Panama*  
**November 2009**

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Monitoring of State commitments as a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). WORKSHOP OF EXPERTS. October 4, 2009.

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*"Women using the law as a tool for change."*

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## Executive Summary

### **I: Articles 1, 2 and 3**

#### **Legal politics and rules to eliminate discrimination and assure total development and advancement for women**

##### ***Fulfillment of the obligations of the State***

The 24<sup>th</sup> and 25<sup>th</sup> of March 2008 as part of the 92<sup>nd</sup> session, the Human Rights Committee examined the third periodic report of the Panamanian State, in virtue of which April 4<sup>th</sup> of the same year the respective recommendations were admitted, among which is solicited to the State to give in one year a report about three specific themes of human rights, conditions of personal privacy and liberty, the situation of refugees, and violence against women.

After one year of submitting the recommendations, the Panamanian State has not presented the corresponding reports in advance.

##### ***Public Politics***

The Law of Equality of Opportunities (Law 4 of 1999) has not been effectively applied. One of the most severe problems that face the Law of Equality of Opportunities is the Executive Decree no.52 of June, 2002 that regulates it to not establish mechanisms of effective control for part of the Ministry of Social Development that is the entity rector of its fulfillment.

The Executive Decree neither determined the creation or incorporation of structures destined for presentation and investigation of denouncements for cases of discrimination against women, adding to the ability to determine the existence of these discriminatory practices, does not consider the sanctions that must be applied

##### ***Violence against women***

Murder of *women* is not separately classified as a crime, neither exists a Law of prevention coinciding with the proclaimed advances in gender equality, as this phenomenon is going to increase in our society.

All year long and before the end of the month of November 2009, there have been 70 registered cases of deaths of women; around 68% of them were linked to domestic violence or for reasons of gender. This increase is significant in comparison to 2008 which ended with a total of 42 deaths.

##### ***Women deprived of liberty***

Several similar problems exist in the country's three female rehabilitation centers, and almost no studies exist about the conditions that lead to the crime which complicates the effective fulfillment of the principle of rehabilitation, the deprived women do not have access to full time gynecological services. Crowded conditions are common in the majority of the penitentiary centers of the country.

### **II. Article 4 and 15**

#### ***Temporary measure to accelerate the equality between men and women, and equality under the Law.***

The Panamanian Constitution prohibits in its 19th article the establishment of exempt or privileged persons, and the discrimination for reasons of race, birth, handicapped, social class, sex, religion, or political ideas. In the same form the State is the signer of international treaties on the subject of human rights and there exists an abundance of legislation that presumes to seek to guarantee human rights to the people, nevertheless one of the biggest difficulties of the country is

to pass the established formal terms in the documents to genuine practice in search of guaranteeing these rights.

In this sense, you can add that Panama doesn't have frequent practice of adoption of temporary measures to accelerate the equality between men and women, everything included in the implementation of the Law of equality of opportunities regarded.

### **III. Article 5**

#### ***Submission of women to sexual roles and sexist stereotypes***

The incipient action in practice of the Law of Equality of Opportunities, even though 10 years have passed since its enactment it constitutes one of the principal elements of the difficulty to surpass, the submission of women to prejudices and sexist stereotypes, the State has not followed through with creating and stimulating measures that favor the socialization and practice of equality. There is not a sustained Law and high coverage that permits the elimination of gender roles and sexist stereotypes neither in the education programs nor in the parental development, and much less in the training of institutional staff.

### **IV. Article 6**

#### ***Traffic and prostitution of women***

The situation of Panama stands as a corridor of transit for the traffic and trade of people, not only subsisting but to get worse.

The sexual commercial exploitation that is also suffered by female minors is not easy to identify because one of the many modes between them occurs as an exchange of economic favors to the families of the victims to compensate their needs. The sexual exploitation of women that are misled in their countries persists, and upon entrance to Panama they are submitted as slaves to owners of establishments that are dedicated to give "sexual favors".

### **V. Article 7 and 8**

#### ***Participation of women en the public and political life, international representation***

With the beginning of the current government it is necessary to say with clarity that the political and public participation of women has suffered a great decline, because there are few holders of higher governmental hierarchy occupied by women, this is more evident in the executive branch. The difficulty to achieve the 30% participation is seen mostly in the case of holders of popular elections.

Evidence in respect to the situation of the international representation of women is the parliament, in where 22 seats that correspond to Panama including the ex-president and ex-vice president, only seven are occupied by women, in representation of a country where women make up 51% of the population.

### **VI. Article 10 and 11**

#### ***Women's rights to education and adequate employment***

Although it really persists, that overall in the rural area the girls have less access to education than males, the current situation in higher education demonstrates that it is the women who seek to access this type of education, however this is not reflected in the job market, because unequal salaries persist in favor of the men. (Vid. Supra)

About 95% of the domestic work positions are occupied by women, domestic child labor is on the rise and the majority is girls. This implicates a lack of fulfillment by the part of the country in their promises to eradicate child labor

The rules haven't been fulfilled for the protection of women under maternal exempt adding that "Panama has not ratified a series of conventions and recommendations on the subject of

protection to the work of women, know that: Pact 103, 183 and recommendation 183 about protection of the maternity of the female worker and Pact 156, about equality of opportunities and equal treatment between male and female workers: workers with family responsibilities”. (Vid. Supra)

The Panamanian State has not corrected the situation regarding the recommendation of the United Nations Committee of Human Rights to establish effective sanctions for not respecting the prohibition of solicitation of proof of pregnancy for the access of women to the job market.

## **VII. Article 12 and 16**

### ***Women’s rights to health, and sexual and reproductive health in or out of marriage, and equal rights with men***

A direct relation exists between poverty and the health attention that women receive, and considering their role as caregivers of the family’s health and the unemployment situation that they suffer, produces the consequent affect on their quality of life.

The termination of the project of The Law of Sexual Health and Reproductive Health of the assembly of delegates has signified a clear retreat, after 3 years of coordination and work of civil society and entities of the State.

There is a violation of the rights of the sexual and reproductive health attention for male and female adolescents, in spite of the existence of a favorable opinion given by Administration in the year 2004.

The Republic of Panama’s Family Code, establishes in article 33 a difference between men and women for a minimum legal of marriage, marriage is prohibited for men less than 16 years of age and women less than 14 years of age.

## **VIII. Article 13 and 14**

### ***Women’s rights for social and economic benefits, and the situation of rural, afro-descendent, indigenous women, and refugees.***

In Panama the major difficulties to access social and economic benefits are had by the rural and indigenous women, all of this is linked to the difficulties of educational access.

Although the existence is well known of a government program named “Network of Opportunities” dedicated to the families in the rural or indigenous areas, these programs are really far from being complete, therefore they end up only as a palliative.

The extreme poverty of indigenous and rural women not only has an effect on the whole enjoyment of their cultural, economic, and social rights, but also they conform part of the movements of urban settlements constituted for the flow of internal migration where there is a lack of basic services and they do not have the Red of Opportunities as a palliative. A large part of the population in these settlements is women refugees added because of the difficulties that they face to legalize their status, and for the character of their conditions which are causes of the discrimination is a direct repercussion to their economic condition, usually living in marginal urban areas.

Clara Gonzalez’s report, indicates that the situation of the discrimination of the afro-descendent women in Panama are found to be involved in a supposed normality, but the same is clearly visible in simple and daily manifestations like the choice of work that is evident in specific economic activities.

## INTRODUCTION

### GENERAL INFORMATION ABOUT THE COUNTRY

*According to the Housing and Population Census done in the year 2000, the Republic of Panama has a population of 2839. 177 inhabitants, 1,406.611 are women and 1,432.566 are men.*

*Our country is multiethnic and pluricultural located on a territorial extensión of 75,517 Km<sup>2</sup>. It has 9 provinces and 8 comarcas indígenas,(indigenous zones). The official language is Spanish.*

*We can affirm that the majority of the population live in urban areas. 43.3% or 1, 250,880 people live in rural areas where 657,873 are men and 593,000 are women. The indigenous population is 285,231 inhabitants: 146,122 men and 139,109 women. “Almost 20,8% of rural homes have a woman as head of the family; women as heads of their families in non-poor homes come up to 18,8%,while women as heads in poor homes appear to be 24,8%<sup>1</sup>*

*The average number of illiterate population has decreased from 10.7% in 1990 to 7.8% in the year 2000,although it still exists a percentage of 8.2 %of women in relation to men which comes to the percentage of 7.1%.*

*Although the authorities of government for the period 2004-2009, assure that in Panama is experiencing an economic growth in the last 3 years, the prevailing situation in the country falls far to demonstrate the argued index of development and economic growth which that year of 2007 closed with a 8%, which has not been reflected in the increase of the levels of employment whose growth from the 2005 to the 2006, was only of 1,9%, attributed to a phenomenon that the Panamanian State itself - in the Official Report of Human rights- calls “hipertrofia” of the tertiary sector<sup>2</sup>.*

*The basic food basket has reached a monthly cost of US\$ 220.71, according to information of the Ministry of Economy. At the end of 2006 already a serious increase was registered, according to declarations to the press done by the Commission of Free Competition and Consumer Affairs, four main lines denote the increase of prices of the basic basket in a 62%: meat, 30%, milk products 10%, cereals 17.3% and vegetables 14%.*

*These numbers correspond to June 2007 and "refer the basket of 51 essential products, that has a cost of 77% of the minimum wage, that is of US\$ 285 dollars"<sup>3</sup>*

*The organization called The Latin Consulting indicates that during the period of 2003-2007 for a family of four members the price of the basic basket increased in 33 dollars. Whereas for a family of five members it was increased in 41 dollars, during the period in reference.<sup>4</sup>*

*The problem of migration to urban areas is not different in Panama regarding other countries. The search for better economic, educational and health conditions are factors with an incidence in this phenomenon. When women migrates they get involved in activities which do not require*

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<sup>1</sup> CEPAL. Indicadores de Género, Unidad de la Mujer, en línea División de Estadística de Naciones Unidas. CEPAL. Indicadores de Género, op.cit.

<sup>2</sup> Informe oficial del Estado Panameño CCPR/C/PAN/329 de agosto de 2007, p.7

<sup>3</sup> ANSA Latina. Aumento record en canasta básica de alimentos en Panamá. © Copyright ANSA. 21/07/2007. <http://www.ansa.it/ansalatina>

<sup>4</sup> Panamá América, Jueves 27 de septiembre del 2007. “Canasta básica rumbo a los 300”

*high qualifications. The ones who stay in rural areas also assume, apart from their traditional activities, productive responsibilities.*

*This year, Panama, chose the new government authorities, where with 60% in favor of people who went to the polls, was elected Ricardo Martinelli of Democratic Change, as President of the Republic. This traditional alliance with the Panamanian Party, the second largest in the country, an alliance meant the defeat of the Democratic Revolutionary Party (PRD), the largest in the country and the political arm of the military dictatorship that ended in 1989.*

*The party that once was treated as left-liberal ideology, not only led to a period of government whose exercise was cutting rather not, but its position was confirmed in the campaign that aimed to carry forward by / the Candidate / o the same, where in all media established a separate open leftist ideology.*

*In this situation it is worth mentioning the results of the Barometer of the Americas 2008, which states that while one part of the 67.9% of the electorate in Panama, says not to sympathize with any party, can be corroborated with data provided by the Electoral Tribunal of Panama that the 62% of the electorate is registered political parties which reaffirms a sizing system where people waiting perks, are part of the parties while not sympathizing with them<sup>5</sup>.*

*This makes it clear why, according to the study, the tendency of parties in Panama is of a centrist tilt to the right mostly because the prevailing view of the complacency of most voters, by above the constitution based on any political ideology.*

*Additionally, within the new government, there is among the highest authorities, including Vice-President and Minister of Education, people who have openly declared, the fundamentalist faction of the Catholic church, being official members of Opus Dei.*

*It is evident that the line separating church and state is becoming thinner, since the government began with a visit to Pope Benedict XVI, who served as a prelude to an early visit to the country. After it returns to the fore the agreement for the establishment of a military ordinariate. According to the opinion column quoted in a national newspaper, the Pope reminded the current government ... that the agreement was signed by the apostolic nuncio Giacomo Ottonello and Foreign Minister Samuel Lewis Navarro on 1 July 2005 "<sup>6</sup>.*

*The current president of the National Assembly and the brother of Vice-President, Jose Luis Varela, "which will do everything possible so that the same be ratified once the executive to submit it for consideration by this organ of state"<sup>7</sup>.*

*Draws attention to women's organizations, especially the visible decline in the participation of women especially in government offices highest ranking, and also decrease the number of deputies in the National Assembly, whose domain is exercised by majority, the alliance of the government caucus.*

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<sup>5</sup> Lapop. Cultura Política de la Democracia en Panamá. El impacto de la Gobernabilidad. (2008). Lapop, América Latina, 2009,p.62

<sup>6</sup> Guevara Mann, Carlos. "Cuidado con el ordinariato" Opinión. Razonamientos. Prensa.com <http://mensual.prensa.com/mensual/contenido/2009/11/11/hoy/opinion/1990107.asp> (13/11/0)

<sup>7</sup> Ibidem

*The Panamanian population has high hopes on the new administration, corresponding with the overwhelming percentage, which for the first time a president won an election.*

*This administration is facing situations that several years have kept emerging as the main issues raised by citizens at the polls, security, health, public transport.*

*The insecurity in the country is a problem that remains the mainstay of the campaign promises of the past government, far from diminishing increased. We are witnessing new criminal procedures and the use of increasingly cruel methods and the constant appearance of persons executed, these seemingly related crimes to drug trafficking.*

*The increase is common to all types of crime, which women become easy targets, besides the increase of crimes committed against women for gender reasons, sexual abuse and domestic violence.*

*The situation of the health system can be described as disgraceful. The country is still involved in the crisis of the investigations of the deaths caused by a poison called dietilenglicol, found in medicines of the laboratories of the Caja Nacional del Seguro Social/ National Social Insurance System. More than 300 complaints are being investigated without any results. paradoxically in China, a former drug control officer was sentenced to death for their involvement with deaths from products contaminated with diethylene glycol. In this case it is expected that over time the ravages of the drugs cause victims to rise*

*Regarding public transport, the collective type as well as the selective one, meaning buses and taxis, in the city of Panama in 2005, and later in 2007 there was an increase of cost for the routes inside the Republic and between provinces<sup>8</sup>.*

*As is known, on October 23rd 2006, 18 people, among them 13 women, died burned inside an urban bus without any action previously taken by the police due to its lack of emergency doors.*

*The current government has attempted to implement a series of measures to improve transport and traffic situation in the country without much success. Within the first 15 days of November 2009, was presented to the country “Metro Bus”, which is expected to be the new public transport system, but also a construction of a meter is planned.*

*Both situations are a clear indicative of the deficiencies in the system of administration of justice in Panama, since in both situations despite the magnitude of the facts involved, they have not produced the expected outcome. However both cases the families of the victims have formed committees to remain very active in demanding their rights.*

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<sup>8</sup> Gaceta Oficial del 20 de noviembre de 2007. Autoridad del Tránsito y Transporte Terrestre. Resolución AL 495 de 16 de noviembre de 2007

**SITUATION OF HUMAN RIGHTS FOR WOMEN IN PANAMA**  
**Monitoring of the Convention on the Elimination of All Forms**  
**of Discrimination Against Women (CEDAW)**  
**Approved by Law N°4 of 22 May, 1981 of the Republic of Panama.**

**I. Articles 1, 2 and 3**

**Policy and Legal Regulations to eliminate discrimination against women and ensure their complete progress and development.**

*A. Fulfillment of the commitments of the State*

The State of Panama is a signatory of Conventions and Agreements related to Human Rights and particularly human rights for women.

At the time of the review of the fulfillment of the commitments made in the Political and Civil Rights Agreement carried out on March 24 and 25, 2008, the State of Panama showed a 17 years delay for the submission of required periodic reports.

Subsequently to this review, the recommendations issued by the Human Rights Committee are part of the proliferation of national laws produced by the State of Panama in order to overcome discrimination of women, which is shown in the State's Periodic Review Report sent to the CEDAW Committee in October 2009 which is evidence of the difficulties for the effective application of such. In addition to this, even one year after the recommendation of the Human Rights Committee to issue reports on urgent themes, this has not been taken into account.

However, it is recognized that the "Ombudsperson" held meetings to coordinate the follow up on the recommendations from the Human Rights Committee in relation to women's rights.

Despite to the importance of the participation by the civil society in the preparation of the reports submitted to the International Agencies and in spite that the State of Panama was called to do so during the meeting with the Human Rights Committee to do this, **the Official Report sent to CEDAW Committee did not include participation of Civil Society.**<sup>9</sup>

- Among the subjects considered in the recommendations issued on April 4th by the United Nations Committee for Human Rights, and subsequently to the Review of the State of Panama during March 24 and 25, 2008 at its 92nd Meeting, the following were included, equality in wages, equal opportunity to access employment and the creation of an efficient mechanism which penalizes the request of pregnancy test as a requirement to obtain employment, as well as equal opportunity for women to participate at high levels as public servants.

It is worth to mention that the document CCPR/C/PAN/CO/3/ dated April 4, 2008 issued by the Human Rights Committee, **compiles all issues related to violence against women as a priority matter, and a report should have been submitted one year after these recommendations were issued. With regard to this, it was reported through a written**

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<sup>9</sup>CLADEM-Panamá. Monitoring of the commitments of the State as signatory of the Convention for the elimination of any discrimination form against women (CEDAW). Record-Report of "TALLER DE EXPERTAS". Panama, October 4, 2009. Text N°1

**note on September 24, sent to the “Ombudsperson” that there is no information about the presentation of any report requested by the Committee of Human Rights.**

### ***B. Public Policy***

In paragraph 60th, the report from the State of Panama to CEDAW Committee, points out that, Panama has governmental and non-governmental agencies with the aim of assuring the practice and eligibility of human rights and basic freedom for equal conditions as men<sup>10</sup> and specifies a series of coordinated mechanisms; however, their effectiveness for equality is low, taking into account that the main body to establish public policies to eliminate discrimination against women is the Equal Opportunity Law (Law 4, 1999) which has not been duly implemented. At the national level, there are serious problems for their fulfillment, as well as on the authorities side, despite that it was regulated by Executive Decree No. 52 of June 2002, since **there are no actual processes to submit and investigate cases reported on discrimination against women, combined with the inability to impose sanctions in case of determining the existence of these discriminatory practices.** This situation prevails with time and was even mentioned in the Alternate Report for the Agreement on Political and Civil Rights, therefore, if this situation is not immediately corrected, it will confirm to be the pitfall for the achievement of equal opportunities between men and women.

- “The Equal Opportunity Law appointed the current Ministry of Social Development (MIDES), former MINJUNFA, as a leading institution for the Public Policy of equal opportunity for women (PIOM) and article 150, Title II of the Final Resolutions, Decree 52, which regulates the Equal Opportunities for Women Plan, stipulates the State’s obligation to provide human, technical and financial resources for the effective implementation of this regulation in each of the institutions, agencies and structures created as well as the commitment of these institutions for a budget allocation to enforce this regulation as soon as it is possible; however, in spite of details on the budget for 2003, on the policy of this Ministry for the reinforcement of each person, woman, child and youth, this Ministry shows to have one of the lowest budgets in the Government. The rest of the institutions of the State denote in their budgets almost nothing or not enough resources assigned for the compliance of the PIOM.

During the subsequent years these policies disappear from the budgetary documents which is an indicator of the budgetary allocations despite of an improved organization of this budget it is not difficult to define the amounts assigned to the work for equal opportunity.

Article 151 of the regulation stipulates that failing on the implementation of the policy will be reported to MIDES and in regard to the evidence provided for the State itself in relation to the failure of this implementation, there does not exist any registry on cases reported and not to even mention the sanctions, since MIDES has not established a method and the document of regulation did not include any sanctions for the confirmed reported cases”<sup>11</sup>

- As follows some concrete situations which prove stagnation or draw backs with public policies to attain gender equality”

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<sup>10</sup>COMMITTEE FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. (CEDAW) Review of the Reports submitted by the States members in agreement with Article 18 of the Convention regarding the elimination of any form of discrimination against women. Periodic reports of the States member s, fourth, fifth, sixth and seventh. Panamá. CEDAW/C/PAN/7, October 9, 2008, p.12

<sup>11</sup> CLADEM- Panamá. Alternative Report. Situation of Women Human Rights in Panama. Civil and Political Rights Pact. March 2008. p.7 and 8

The network of governmental agencies was initially founded by 44 institutions, up to now there are only 22 left, without any financial, nor technical resources, and these Institutions have been assigned to assist different areas as well as persons with disabilities, boys and girls and adolescent boys and girls. Despite the establishment of a National Institute for Women and the Law No. 4, 1999 regarding equal opportunity for women, municipalities have not complied with providing an Office for women, hence, no plans neither programmes for equality have been prepared for this decade. Likewise, the absence of these Offices for women in Institutions as the Electoral Court hinders achieving genuine equality and this case in particular, hampers both, the evaluation as well as the promotion of the political participation of women.

Through the decree of the Ministry of Education the Women's Directorate was created in direct violation of law # 4 of 1999 on equal opportunities <sup>12</sup>.

- The National Institute for Women has been approved; however, an adequate budget was not provided. Only a total of 1,794.08 US dollars was assigned to the Institute as part of the State's General Budget. Of this amount only 320,000 dollars may be destined for direct investment..

### *C. Violence against Women.*

Femicide is not considered a crime, therefore, there is no policy of prevention consistent with the progress proclaimed on gender equality, nevertheless, femicide is increasing in our society.

Law 38 from July 10, 2001 mentions 14 security measures, and with the increase of women deaths by domestic violence during the past years they have proved to be inefficient.

In a report prepared by CLADEM Panama for the 92nd Meeting of Human Rights Committee supported by different Women's Movement Organizations, it was clear the severity of the situation when it was mentioned that "a Deputy from the Government's National Assembly was accused in public for domestic violence against his partner. As stated to national newspapers by the person reporting the case, this abuse from the Deputy dated back to the year 2,000 and was being reported for the second time, however, up to that moment, no effective response was received since this person as a Government's Deputy has parliamentary immunity. In addition to this and due to the investiture of his job position, the actual Constitution establishes different procedures for his trial, nevertheless, the law applied to these cases show hollowness, legitimating this way the social problem as well as public health which means domestic violence and is encrusted in the Panamanian society" <sup>13</sup>

During the 92 Meeting of the Human Rights Committee, when the State was asked about the increase of domestic violence in Panama, the answer was that "Lately there has been an increase in cases reported due to the fact that people are now more conscious of the importance of not remaining silent." <sup>14</sup>

The weak inter institutional coordination hampers the fight against the calamity represented by domestic violence, it is worth it to mention, the work that the "Ombudsperson" performs by gathering their own statistics through the newspapers as well as with the help of an Observatory of Gender Violence which joins different State Institutions with some responsibility towards this

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<sup>12</sup> CLADEM-Panama. Op. Cit. Panamá, October 4, 2009. Text N° 1.

<sup>13</sup> CLADEM- Panamá. Alternative Report. Situation of Women's Human Rights in Panama. Civil and Political Rights Pact. March 2008. p.11

<sup>14</sup> **Benson, Mónica**. Participation Report. Meeting 92<sup>nd</sup> of the Committee of Human Rights of United Nations, March 24 and 25, 2008, p. 5

issue. Moreover, it is necessary to strengthen training programmers in each one of the Agencies involved in assisting with domestic violence situations.

More premises are needed to provide guidance and legal counseling to women victims of domestic violence as well as more support programmers for the survival victims of domestic violence since there are only few of them. It is absolutely necessary to assign the appropriate resources for the operations of “Casa Allergies” (Shelter House) and for the establishment of many more shelters to a national level.

**It is a serious step backwards that the statistics of the Integrated National Criminal System are no longer disaggregated by gender.<sup>15</sup>**

- Since a new package of security measures were included as part of the Criminal Code, the approval of **Law No. 48 dated September 1<sup>st</sup>, 2009** to postpone their entry into force clearly means stagnation in the fight against domestic violence at least for some time.

- The State’s Periodic Review Report sent on October 2009 to CEDAW Committee mentions the implementation of the National Plan for Prevention and Assistance to victims of Domestic Violence and Civil Coexistence Policy, which included five hubs of action: promotion, prevention, detection, care and rehabilitation, being registered for the year 2006 and after 4 years as a successful implementation<sup>16</sup>, nevertheless, as it can be verified by the results of the Panamanian Indicators System with Gender Approach, Media reported that “between January 2007 and June 2008, there were 67 cases of women murdered<sup>17</sup>, 54 of them during the year 2007. From the total amount registered until June 2008, 32 of the cases were murders perpetrated by their partners or ex-partners. These figures show the increase of deaths as a result of these crimes, inconsistent not only with the success announced by the October’s 2008 State Periodic Review Report sent to Cedaw Committee but also with the statement made by the Representatives of the State of Panama, during the 92<sup>nd</sup> Meeting of the Human Rights Committee in regard to the increase of domestic violence cases reported, being caused by the fact that people are now more conscious of the importance of not keeping silence.”

- On November 16<sup>th</sup>, 2009, the “Ombudsman’s Office” reported through the Media that during and at the beginning of the first 2 weeks of November 2009, 68 murder cases of women<sup>18</sup> were reported, about 68% of the cases related to domestic violence or gender issues.
- This increase is relevant in comparison to the year 2008, which closed with an indicator of 42 deaths. **Nevertheless, when finishing the preparation of this report and almost by the end of November, media reported that the number of death cases of women had risen up to 70, during that short period of time.**

#### ***D. Rights to avoid cruel or inhuman actions against women deprived of their freedom***

The three Female Rehabilitation Centers have various similar problems and there are no studies related to the leading causes of their crimes which make the effective enforcement of

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<sup>15</sup> CLADEM-Panama. Op. Cit. Panama, October 4<sup>th</sup>, 2009. Text N°1.

<sup>16</sup> COMMITTEE FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. (CEDAW) Review of the Reports submitted by the States members in agreement with Article 18 of the Convention regarding the elimination of any form of discrimination against women. Periodic reports of the States members, fourth, fifth, sixth and seventh. Panamá. CEDAW/C/PAN/7, October 9, 2008, p.16

<sup>17</sup> MINISTRY OF SOCIAL DEVELOPMENT. Gender in National Statistics “Results of the updating of the System of Indicators with focus on Gender in Panama”. Panama, 2008. p.27

<sup>18</sup> De León. Malema Samanta. “68 women have been murdered this year” Panorama. Prensa.com <http://mensual.prensa.com/mensual/contenido/2009/11/16/hoy/panorama/1993083.asp> (16/11/0)

rehabilitation difficult, these women deprived of their freedom do not have access to a full time gynecologist. Overcrowded conditions are common in most of the penitentiaries of the country. During general elections they can only vote for the candidate to the Presidency and not for the popular election candidates.

The “Cecilia Chiari Feminine Rehabilitation Centre” is the largest centre located in Panama City with a population of 548 inmates. This centre does not provide its inmates with a Gynecology consult, nor a 24 hour medical service.

It is important to mention that after an Attorney for Human Rights filed for a Joint Corrective Habeas Corpus, the resolution of the Supreme Court of Justice of Panama favoured conjugal visits, however, this resolution was specifically for this Centre in particular, therefore, there are no changes made for the rest of the Centers in the country.

- In regard to the health situation of the inmates of the CFR of the city of Panama, the Centre of Democratic Initiatives (Cidem), points out on a visit's report together with different organizations from the civilian society, that “during private conversations held with the inmates they stated about the lack of medicines in the Centre, particularly for those suffering from diabetes.

The mental health care is inefficient since the inmate with any symptomatology is sent to the Mental Health Institute, however, they stay there for only three days afterwards they are back to the Centre without any reliable follow up on their condition.

The incidence of the human papilloma virus is another worrying subject among the inmates (70%) and in spite of that, there is no available method to differentiate the types of papillomas and no efforts for the vaccination of the inmates not infected”.<sup>19</sup>

- It was confirmed the existence of “2 rooms” provisionally equipped for conjugal visits, since the resolution of the Supreme Court of Justice granted a period of one year as of the establishment of a “House for Conjugal Visits”, similar to the ones provided in the Centers for men, nevertheless, privacy was inefficient in these rooms.
- There are 15 women participating with the conjugal visit programme and 1 request being processed.<sup>20</sup>
- Sentences are severe, particularly in the cases of abortion, “many of these cases have been classified as infanticide, applying sentences of more than 14 years in jail”.<sup>21</sup>

## **QUESTIONS:**

- **What is the present condition of the State of Panama which should have been submitted to the Human Rights Committee one year after the recommendations were issued in regarding the three situations considered as critical, among them violence against women? What actions are being anticipated for the implementation of these recommendations?**
- **Are there any procedures to follow up the implementation of Public Policies concerning equal opportunity?**
- **In case the different State agencies fail to implement actions pro equal opportunity for women, has the State of Panama established any procedures to allow the reception of cases reported, investigation and penalization for this failure?**
- **Why the National System of Criminal Statistics does not have statistics disintegrated by gender?**

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<sup>19</sup> CIDEM. Report of the Visit to the Women Rehabilitation Centre of the Province of Panama. Executive Report. Panama, September 17, 2009. p.1-2

<sup>20</sup> CLADEM-Panama. Op. Cit., October 4<sup>th</sup> 2009. Text N°1.

<sup>21</sup> Ibid.

- Why penitentiaries for women do not provide the services of a full time gynecologist? Explain the situation of the incidence of the human papilloma virus in these Centers.

**Suggested recommendations:**

- *Taking into account the critical situation with relation to the increase of domestic violence and all the cases of death as its result, it is urgent for the State of Panama to comply with all the recommendations issued by the United Nations Human Rights Committee of which Panama is a member , and shall comply with the request and submission of reports related to the topics considered as priority.*
- *The State of Panama shall prepare and implement a follow up procedure for public policy and establish a clear and efficient mechanism for reported cases, investigation, sanctions and compensation in case of any complaint in relation to discrimination against women, including any failure in the implementation of this policy from the authorities side*
- *In order to be acquainted with the situation of the victim, it is needed to have statistics disintegrated by gender.*
- *The State of Panama shall give consideration to the health situation of Women deprived of their freedom and incorporate conjugal visit conditions to penitentiary centres for men.*

**II. Articles 4 and 15**

**Temporary measures to accelerate equality between men and women as well as equality in regard to the Law.**

***A. Establishing temporary measures accelerate equality between men and women.***

In it's 19<sup>th</sup> Article, the Panamanian Constitution states that all persons are equal and forbids discrimination based on race, birth, disability, social class, gender, religion or political ideas. Likewise, the State is signatory of international treaties concerning human rights and there is a legislative flow that is supposed to guarantee people's rights. Nonetheless, one of the main problems of the country is to put into practice each of the formal terms established in the documents with the aim of assuring these rights.

In this respect, it can be mentioned that Panama does not have any common practice of implementing temporary measures to speed up equality between men and women, moreover, it is perceived that there is a difficulty comprehending the meaning of temporal measures.

- In regards to the political participation of women, article 7 of the Law for Equal Opportunity for Women, states the requirement that all political parties must ensure that at least 30% of all voting lists and/or internal posts subject by popular vote be held by women in direct accordance to the wording of article 239 of the Electoral Code (Law No. 22, approved in July 14<sup>th</sup>, 1997) by which at least 30% of candidates to popular election must be women. However, since this percentage is not respected by the political parties, it will not be easy for women to achieve higher percentages of political participation in the future.
- Law No. 6 of December 17<sup>th</sup>, 2002 in regard to the Public Electoral Funding, mentions the binding of allocating a 10% minimum of the Public Electoral Funding for the training of women, in addition to the reform of Law No. 60 of December 29, 2006 which modifies Law No. 22 of July 14, 1997, grants women secretariat of the political parties,

the inspection of the voting allocations. This measure contributes to the empowerment of women participating in politics, providing them with a main responsibility; however, this has no effect on the participation quota.

***B. Equality between men and women in regards to the Law:***

It is important to mention that Panama has been modifying its legislation as well as approving a number of Laws, some internal and also those applying to international instruments to guarantee equality in regard to the Law. To this respect, there are also some resolutions declaring unconstitutional articles discriminating particularly women, therefore, formal terms do not represent any problem, however, it is in regard to their implementation together with the stagnation and drawback of public policy what definitely shows the tendency of an effective implementation of the Law.

In that sense, there are court decisions that have declared the unconstitutionality of articles explicitly discriminated against women, therefore, formal matters is not the problem, if not as a regards the implementation of these, coupled whit the stagnation and setbacks Public Policy is recorded as definitely gives direction regarding the implementation of those laws.

It is necessary to highlight that the issue of equal access to justice for women is integral part of the topics covered in the alternative report presented en 2008 by CLADEM-Panama before the Human Rights Committee, but despite of this, there have been no major advances registered and therefore we raise it again here:

- “Attention to victims of domestic violence which affects mostly women by the first instance that sees the cases (the local municipality) is deficient. The local municipality is authority in the communities and one of the most serious problems that are generally raised with regards to this instance is the politicization of the nomination of the city council. This nomination is the full authority of the town mayor who is popularly elected. That is why it is considered that the functions of the city council are conducted within an environment of corruption and local interests due to political interference.
- Additionally, it is important to raise the fact that in the entire country there is only one department for the defense of victims as part of the Justice system and this instance is staffed with only three lawyers”.<sup>22</sup>
- Despite this, there are important advances with respect to the elimination of public signs related to the dress code in the 21 municipalities of the capital district. These can be considered to be in agreement with the Panamanian Observatory against gender violence of the “Ombudsperson” as a discriminatory practice against women that denounce cases of domestic violence. “Curls, sandals, short pants, leggings, low cut sweaters and strap blouses were considered clothing that were not allowed access to the municipality. In some of the cases, to be accompanied by children was also forbidden”.<sup>23</sup>

**Questions:**

**Are there State mechanisms that monitor the effective application of legal dispositions covering the equality of men and women before the law?**

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<sup>22</sup> CLADEM- Panama., Op. Cit. March 2008, p.10

<sup>23</sup> Molina, Urania Cecilia. Prensa.com. Panorama. Friday June 26, 2009. “Attire will not limit assistance to women” <http://mensual.prensa.com/mensual/contenido/2009/06/26/hoy/panorama/1833412.asp> (25/11/09)

**What measures is the Panamanian state taking to assure access to political participation of women in accordance with the established internal legislation?**

**Does the Panamanian State have budget provisions to cover financial, technical and human needs to assure adequate attention for women who come forwards before municipalities or other legal instances? Does the State have mechanisms to follow up on advances and results of such?**

**What provisions is the State of Panama taking to assure that assistance to victims is guaranteed throughout the national territory?**

**Suggested recommendations:**

- **The Panamanian State must take the necessary actions that lead to guaranteeing the effective political participation of women.**
- **The Panamanian State must provide sufficient and adequate funding to the instances entrusted with attention to victims with special emphasis to Centers that give primary attention. The State must also establish the necessary number of Centers to assure attention throughout the country.**
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### **III. Article 5**

#### **Women subject to Sexual roles and sexist stereotypes**

The incipient practice of the Equal Opportunity Law, in spite that it has been 10 years after its publication, constitutes one of the main factors difficult to overcome as it is mentioned in the Report from the State of Panama reviewed during the Meeting of March 24<sup>th</sup> and 25<sup>th</sup>, 2008 of the Human Rights Committee; the persistent “differentiation in regard to socialization for men and women based on preconceptions and stereotypes considered to be proper for one nor the other.”<sup>24</sup>

In relation to this subject, the report of the State of Panama submitted to CEDAW Committee, focuses only on domestic violence against women, which makes it obvious the misleading related to the implementation of plans and programmes to eliminate preconceptions and stereotypes, which is important to fight against gender violence.

- “The State has not yet complied with the establishment and promotion of measures to encourage practices of equality. There is neither a sustainable policy nor a significant coverage that allows the elimination of gender roles and sexist stereotypes as part of the educational curricula or for Parents’ training and far from it, as part of the training for Institutional Personnel” and the increase and rise of specific situations detailed as follows makes these evident:

- **“The Church Alliance against the Sexual and Reproductive Law”.** Ecclesiastical interference with public issues permeates through its vision in favor of unequal gender roles and the submission of women. Proposals for justice and equality promoted by sectors supporting women’s progress are stigmatized in the public and State scene.
- **Sexist contents in the Media and in public advertising.** It is persistent in the Media, newspapers, radio, and television and in any public advertising, presentations of traditional roles discriminating women. There is a regression in regard to the responsibility of the type and quality of these contents supplied to the population, since the State handed over its function as Regulator to the “self-regulation enterprise”

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<sup>24</sup> HUMAN RIGHTS COMMITTEE Review of the reports submitted by the States members based on Article 40<sup>th</sup> of the Civil and Political Rights Pact. Third Periodical Report. Panama, February 9<sup>th</sup> 2007, CCPR/C/PAN/3, July 26, 2007,p.9

and the Media is not complying by presenting as national production contents highly sexist like an image of a woman as sexual object of decoration.

- **The case of Club Active 20-30 and the State's silence.** The accomplice silence of the State towards the petition of the women members of the Club 20-30, who have been publicly repudiated by the managing executives, with the argument that: "wherever women go, organization disappears", this kind of statements injure human dignity.
- **The Assistance system of the Net for Opportunities (Red de Oportunidades), compels women to be subject of traditional roles.** The Net of Opportunities is an assistance programme looking to improve statistics of extreme poverty, however, this Net obliges women to be subject of subordinate roles since it conditions economic help through a number of commitments related to family education and health applied exclusively to women".<sup>25</sup>

#### Questions:

- **If there are programs and public education campaigns for the population with the objective to eliminate preconceptions and stereotypes that make access to equal opportunities difficult, then what mechanisms allow determination of their effectiveness?**
- **Why does the Panamanian State through its Net of Opportunities program give women the burden of the responsibility with respect to family health?**
- **What effective measures exist which can be identified with respect to publicity with sexist content?**

#### Suggested recommendations:

- *That the State urgently develops effective educational programs for all population that to eliminate messages that make a difference with regards to gender and do not permit advances in policies leading to equal opportunities.*
- *The Panamanian State must correct any policy that promotes different roles between men and women within the family.*
- *The Panamanian State must take the necessary measures to eliminate publicity of sexist nature.*

#### IV. Article 6

##### Human traffic and prostitution of Women

The situation in Panama which has been identified as a transit point for trafficking and trade of people is not just stable but is getting worse, a fact that has been evidenced due to the increase of illegal brothels which have been exposed in the press constantly over the last months.

- Commercial sexual exploitation which also affects under aged women is not easy to be identified because one of the multiple modalities includes the exchange of economic favors which benefit the families of victims which see their economic shortages compensated in this way.<sup>26</sup>

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<sup>25</sup> CLADEM-Panama. Op. Cit. Panamá, October 4, 2009, Text N°2.

<sup>26</sup> MIDES. Clara Gonzalez IV National Report. Situation of Women in Panama. 2002-2007, Panama 2008. p.283

- The situation of sexual exploitation of women that are deceived in their respective countries and upon arrival in Panama are treated as slaves by their owners in dedicated establishments to provide “sexual favors” continues. All of this takes place with knowledge of the department of Migration including their acceptance as this office provides a legal status to such workers. After the introduction of the reform through law number 3 on the 22<sup>nd</sup> of February 2008 which recently came into force and the executive decree 320 of August 8, 2008 which regulates such practice, this has been changed to the euphemism of visa for show girls.
- According to the Clara Gonzalez report, the ages of sexual exploitation cases are between 9 and 14 years old. Therefore it is necessary to study this situation in the schools.

#### **QUESTIONS:**

- **Is there follow up mechanisms for the implementation of laws and norms to prevent, sanctions and eliminate the sexual abuse and exploitation and other forms of sexual slavery that allow the measurement of the effectiveness of such?**
- **Is there effective measures to combat traffic and prostitution of women? What measures are taken to evaluate the results of these measures?**
- **What measures are taken by the Panamanian State to avoid the revictimization of female victims of human trade and traffic? Are there appropriate migratory policies for this situation?**

#### **Suggested recommendations:**

- *The Panamanian State should allocate a specific budget and resources for the prevention of sexual exploitation and incorporate as a priority the fight against sexual violence due to the high indexes before mentioned.*
- *The Panamanian State must comply with the laws of assistance to victims which include victims of trade and traffic of persons as well as the agreements, treaties and pacts of international nature which have been signed in regard to the suitable treatment of this problem and for its victims.*
- *The State of Panama is called for the ratification of the agreements regarding this subject to facilitate international cooperation to help fight this problem.*

#### **V. Articles 7 and 8**

##### **Participation of women in political life and in public and international representation.**

It is necessary to notice the fact that from the moment the current Government took office clearly say that with the initiation of the current Government, the public and political participation of women has suffered a serious setback. At the time of the presentation of the official report of the State to the CEDAW Committee, the participation of women in high level positions in the Government structure was just slightly above the established target of 30% with 3 ministers out of 13 ministries and 5 vice ministers out of 16 vice ministries. Therefore, at the beginning of the new Government term, we register a reduction in number which is a contradiction in a country where women represent 51% of the population.

The difficulty in reaching 30% is most notably reflected in popularly elected public officials. This is confirmed in the Human Development report of Panama in 2007-2008 which shows that in

positions of political representation Gender inequalities are most visible and that the percentage target is not achieved.<sup>27</sup>

In the recently terminated electoral campaign, it was clear that the participation of women was limited and that those running for office did not receive the same publicity as men.

This situation gets worse when looking at the international representation of women.

- At the present, Panama has 13 Ministries and 16 Vice-ministries, two female Ministry designated by the present Government. The current Chief of the General Attorney's Office was chosen by the former Government and her term of office is for 10 years established in the Constitution. From the 16 Vice-ministries, 3 of them are represented by women.
- During the 2004 elections, 78 positions were available for the National Assembly and 12 of them were filled out by women, the number of deputy members decreased, for the 2009 elections, 71 deputy members were elected, with 6 of them less than the previous elections. From the 71 current positions, exactly 6 of them are represented by women.
- An obvious situation toward women international representation is Parlacen, where 22 parliamentary seats corresponding to Panama, including the former president and former vice president, only 7 of them are filled up by women, as a representation of a country which 51 % of its population is constituted by women.

#### QUESTIONS:

- **The Panamanian State must explain the decrease of women participating in politics within the political parties, as well as, in the highest hierarchy of the government spheres?**

#### Suggested recommendations:

- *The Panamanian State should encourage women participation in each of the fields and should also promote women participation in decision making positions.*
- *It is necessary for the Panamanian State to appoint women in positions regarding designations for the current period, in order to correct the non-fulfillment of its internal legislation in relation to the minimum percentage of women participation. It is also necessary for the Panamanian State to ratify the agreements related to this subject in order to facilitate the international cooperation to fight against this problem.*

#### VI. Article 10 and 11

##### **Women's right to education and adequate employment.**

The treatment of the situation of women's right to education and adequate employment must inevitably be addressed jointly.

As pointed out by the Official State report to CEDAW, there is an increased enrollment of women to education at all levels, including in the primary level where the difference with the majority male participation is noticeable. In high school we found an inverse relationship and at college one speaks of a feminization of enrollment, the latter may have an effect in increasing female enrollment in primary education, as one would expect, women with higher educational qualifications and therefore with greater access to economic opportunities, will be able to recognize the importance of their daughters to be educated and having the means to do so, send them to school.

In relation to the aforementioned, it cannot be ignored the increased situation of single women headed households registered all over the region between 1990 and 2007 according to CEPAL, in

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<sup>27</sup> UNDP. National Human Development Report. "Institutionalization of Human Development". 2007-2008, Panama, UNDP 2008, p.60-61

which Panama is not an exception with 79.9% of the total of pregnancy live birth rate outside marriage based on the report submitted by Social View of Latin America, corresponding to the one of the highest rates of the region with a 20.7% of people divorced or separated<sup>28</sup>.

The indicators in the change of family structures are clear, therefore it is essential the implementation of policies of inclusion of women in the labor force as dictated in law 4 of 1999 on equal opportunity and its regulations. This is important as the efforts of women to reach a university level education is directly related with the economic burden that they have and the impact of this gradually results in an increase of girls entering primary school.

The distance between reality and the norm is highly visible when looking at the feminization of university enrollment as “women need more years of schooling to reach more equal levels of participation in the economy. Even with equal education, their economic position remains below that of men”. This clearly shows the injustice of discrimination against women that exists in the labor market where men<sup>29</sup>, with increasingly lesser preparation continue to climb to the same or better positions than women and therefore earning higher salaries.

**In spite of paragraph 16 of the recommendations of the Human Rights Committee of the United Nations which mentions “the non respect of the prohibition of pregnancy testing must be subject to effective<sup>30</sup>, sanctions”, until today, the Panamanian State has not done anything to correct this situation.** Pregnancy tests are not openly requested in the advertisements in the national newspapers but are a requirement with employment agencies and continue to be requested at the moment of the interviews.

There is no respect of the regulations for the protection of women on maternity leave and additionally “Panama has not ratified a series of conventions and recommendations related to the protection of the work of women in particular: Agreements 10, 183 and recommendation 183 on protection of maternity of female workers and agreement 156 on equal opportunities and the relationship among workers as well as workers with family responsibilities.”<sup>31</sup>

- In addition to this, specific circumstances of women life determine the degree of impact in their labour and educational conditions, as follows:
  - “The State of Panama has not shown any positive actions in relation to the difference in wages and formal education with the indigenous and rural population, particularly with discrimination against women. In the rural areas, girls continue having less access to education than boys.
  - The State of Panama does not have any public policy to deal with the Panamanian indigenous population culture and achieve access to primary, middle, pre-middle and university studies.
  - In addition to the above, for this population.<sup>32</sup> the conditions of extreme poverty worsens as well as the absence of complete and accessible Educational Centres.”
  - Around 95% of the domestic job positions are being taken by women, domestic child labour is increasing and most of the children involved are girls. This situation implies the unfulfillment of the commitments from the State of Panama to eliminate child labour.

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<sup>28</sup> CEPAL. Social View of Latin America. 2009 Informative Document. CEPAL, United Nations, 2009.

<http://www.eclac.org/publicaciones/xml/9/37839/PSE2009-Sintesis-Lanzamiento.pdf>, p.50-51

<sup>29</sup> MINISTRY OF SOCIAL DEVELOPMENT. National Gender Statistics. Op. Cit.p.27

<sup>30</sup> Committee of Human Rights. Review of the Reports submitted by the States members in agreement with Article 40 of Civil and Political Pact. Final Observations of the Human Rights Committee, Meeting Period 92 of Sessions. New York, March 17 to April 4<sup>th</sup> 2008. CCPR/C/PAN/CO/3/, April 4<sup>th</sup> 2008, p.4

<sup>31</sup> Cladem-Panamá, Op. Cit. March 2008, p.11-12

<sup>32</sup> CLADEM-Panama. Op. Cit. Panama, October 4<sup>th</sup> 2009, Text N°3

- “From having 47,976 working girls, boys and adolescents between the ages of 5 and 17 in the year 2000, Panama has changed its figures to 89,767 for the year 2008 which means a change from 6% to 11% of working people ranking those ages. This fact was reflected on the Survey on child labour of 2008 submitted to the Office of the General Auditor of the State of Panama”<sup>33</sup>
  - “In addition to the above mentioned, despite the fact that Law 29 from 2002 was approved which mentions that pregnant adolescents can continue with their studies so their education is not affected, an additional mechanism should be approached in order for them not to be excluded from the educational system, situation that causes them to find remunerated domestic work, confined to small spaces or to work for places where “the pregnancy test” is a must, not being entitled to social security, their medical expenses are not recognized either, and they do not have the right for maternity leave. The daily working hours, are superior to the rest of the workers (8 hours), they are affected by unjustified firing, lack of written employment contracts, they also receive salaries below the minimum salary established for workers in other fields.
  - The Labour Code itself contributes to increase the undervalue of labour and the inhuman working conditions of domestic workers in the country, by establishing in article 231 the domestic workers’ right to enjoy a resting period between 9 pm and 6 am, but on the other hand not establishing a fixed labour journey (Article 231.2)) Additionally, it establishes an integrated in kind remuneration (food, lodging) and money (salary, 13<sup>th</sup> month, etc.) (Article 231.9) through which the authorities justify the low salary which is currently US\$ 134.00 in the Districts of Panama, Colon and San Miguelito and US\$121.00 for the remaining districts of the country.
  - Additionally, despite having formal training, they do not receive a fixed salary.
  - There is no interrelation between work, productive activities and the domestic activities characteristic to the reproductive environment that women do. The domestic labour of women in their household is not part of the national accounts as it is not considered work but rather a mandatory duty for the maintenance of the household and all of the family members. This does not allow to account for the contributions of women to the economy of the country through their domestic labour.
  - There is no redistribution of the duties of the household therefore women who work outside of their home have a double labour journey.”<sup>34</sup>
- The results shown by the Gender Potential Index(IPG) of the National Human development report which mentions that women receive 52% of the salary of men, however, there is greater equity at the level of professional and technical positions held by men and women with 49.2% being occupied by men against 50.3% by women. This data, which in principle looks like a contradiction is clarified by revising the index for positions at the Directorate level. These are occupied 43.3% by women and 56.7% by men and the data related to participation of women in positions of political representation stands at 11.2% for women and 88.8% for men.<sup>35</sup>

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<sup>33</sup> ILO International Programme to eliminate child labour. Bulletin and Meetings. Latin America and The Caribbean, Information specialized on child labour and other types of exploitation. Thursday, November 26, 2009. Year VIII N° 10<sup>th</sup> June-August 2009. <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1747> (26/11/09)

<sup>34</sup> CLADEM-Panama. Op. Cit. Panamá, October 4, 2009, Text N°3.

<sup>35</sup> UNDP. Ibid. Cit.

- Contrary to the increased participation of women in the economy, the press informs that the participation of women in crimes and in particular in serious crimes has increased. Until a few years ago the participation of women in criminal acts was limited to cases of theft of purses, jewelry and drug trafficking. Moreover, according to the Chief of criminal investigation of the Office of Judicial Investigations (DIJ) starting three years ago, there has been a notable increase in the participation of women in violent criminal activities. For example, to be a hired criminal stopped being an exclusive business for men. Now women also participate. "Women are increasingly part of high profile investigations" stated the Official. From a zero participation in this type of activity, now 5% of high profile criminal activities are committed by women".<sup>36</sup>

### QUESTIONS:

- **The Panamanian State should explain the fact that there is no progress with the insertion of women in the labour market?**
- **The Panamanian State should explain what measures it has taken against the continuous inequality in salaries despite the high degree of professional preparation of the Panamanian women?**
- **The Panamanian State should explain if there are incentives or mechanisms which guarantee the improvement of access to equal conditions in education for girls and boys particularly in the rural and indigenous areas.**
- **What actions is the Panamanian State taking to eliminate child labour and is it possible to determine the effectiveness of these?**
- **Has the Panamanian State consider sanctions for educational centers as well as for Parents who hinder the access of pregnant underage girls to education?**

### Suggested recommendations:

- *It is urged that the Panamanian State complies with the recommendations of establishing effective mechanisms to denounce, investigate and sanction the request of pregnancy tests to enter the labour market.*
- *It is urged that the Panamanian State ratifies the treaties and conventions related to protection of maternity as well as equal participation in the domestic roles, and the designation of women for positions in the current administration in order to correct the non completion of the current legislation, in regard to the minimum participation of women.*
- *It is urged that the Panamanian State makes the necessary efforts to fight child labour.*

### VII. Articles 12 and 16

**Women's Rights to Health and Sexual and Reproductive Health within and outside marriage and equal rights with men.**

**Despite the trumpeted economic growth, Panama continues to be one of the countries with the worst distribution of wealth throughout the world.** There is a direct proportion between poverty and health care received by women and considering their role as caretakers of family health and the unemployed they suffer there is a direct impact on their quality of life.

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<sup>36</sup> Sala, William. Prensa.com. Panorama. Friday, June 19 2009. "Women's participation increases in serious criminal acts" <http://mensual.prensa.com/mensual/contenido/2009/06/19/hoy/panorama/1825645.asp> (25/11/09)

The withdrawal of the draft Law on Sexual and Reproductive Health of the General Assembly, has resulted in a marked sharp decline after 3 years of coordination between civil society the state and state entities, which obviate their responsibility for education, access to services, health care equity for men and women, allowing them to retain unhealthy attitudes based on male prejudice, and the limited willingness of the male partner to negotiate condom use when having sex.

The standard for voluntary sterilization which dates from 1941 and states that voluntary sterilization is only considered in cases of women with at least five children and whose economic conditions are difficult remains valid despite all attempts to have this declared unconstitutional.

The discrimination in orientation and attention to sexual health care among poor women and women with average or high income is maintained. The former do not have easy access to guidance on fertility control and other care for women during sexual relations as well as low access to the benefits of scientific and technological development, family planning and prevention.

Similarly the number of unwanted pregnancies, the early age and the propensity of teenage and adult women to sexually transmitted infections (STIs), HIV / AIDS increases.

Abortion due to rape is not provided as allowed by exception in the Panamanian Criminal Code.

Compliance to perform exceptional abortion in cases of rapes, faces its greatest obstacle in problems of structural and cultural policy, as those who administer justice use the principle of sound criticism to influence these women, just as the medical staff face difficulties of harassment by fundamentalist groups seeking to block compliance with the provisions.

In Panama there is a Commission that within the Ministry of Health is reviewing the cases when it is necessary to apply the exception to cases of therapeutic abortions, but in the case of abortions for rape there are gaps with regard to procedures.

Panama does not cover exhaustively the declaration of emergency contraception and triple therapy in the country's hospitals to women who are treated for rape. The granting of emergency contraception is derived from medical protocols not known to the population and its implementation is almost null.

- The Family Code of the Republic of Panama establishes in Article 33 a difference between men and women in the legal minimum age, marriage is prohibited for men younger than 16 and women under 14.
- There are serious shortcomings in the implementation of HIV/AIDS Policies and the incorporation into the educational curricula as part of the human rights issues, which violates the Act 3 of 2000, on sexually transmitted infections and the Human immunodeficiency virus and AIDS.
- Some economists believe that the pension program of maternity, sickness and old age is in danger of closing in 2010 due to the low subscription and the increasing retired population. This would represent an increase in health care costs for women<sup>37</sup>.
- The neglect of sexual and reproductive health greatly affects poor and indigenous women, which is evidenced by maternal mortality rates, lack of professional care for child birth in rural areas and unmet needs for family planning
- The attorney general, in response to a Consultation on the rights of adolescents to receive health care in sexual and reproductive health facilities, issued a favorable opinion to that effect on August 3rd 2004.

Despite the legal application of the requirements for marriage established in the Family Code which prohibits marriage of girls under 14 and men under 16, in the indigenous communities remains the customary practices of early unions among indigenous groups.<sup>38</sup>

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<sup>37</sup> MIDES. IV National Report, Panamá 2008. P. 112

<sup>38</sup> CLADEM-Panamá. Op. Cit. Panama, October 4<sup>th</sup> 2009, Text N° 4

## QUESTIONS:

- The Panamanian State must explain the basis for the established difference in the Family Code as to the minimum legal age to contract marriage.
- What actions is the State taking to guarantee the respect of the sexual and reproductive rights of women?
- The Panamanian State must explain what are the impediments for the approval of the implementation in the country of a sexual and reproductive law.
- The Panamanian State must explain what measures it is taking for indigenous and rural women to have access to sexual and reproductive health services and access to adequate care throughout the maternity period.
- The Panamanian State must explain if there are sanctions for health centers that do not comply with sexual and reproductive health services that adolescents require.

## Suggested recommendations:

- *Urges the State of Panama to the effective implementation of their plans and programs on sexual and reproductive health and the development of integral norms that will provide the entire population information about their rights and duties and to incorporate the themes of prevention and attention to STI / HIV / AIDS*
- *The Panamanian State must fulfill its domestic legislation in respect of the health care of women victims of sexual abuse, emergency contraception, triple therapy and proper care of the mandate of the exception to the interruption of pregnancy in cases of rape to prevent illegal abortions and unwanted pregnancies, especially in the case of minor girls, to avoid harm to their future life.*

## VIII. Articles 13 and 14

### Woman's Right to Social and Economic Benefits and the situation of rural women, Afro-descendant, indigenous and refugees.

According to the IV National Report Clara Gonzalez in non-indigenous rural areas slightly more than half the people are poor and one in five live in extreme poverty, which threatens the possibility of human development.

In Panama the average family consists of four persons, however, poor families that have a higher percentage of under aged members and in many of the families whom women are head of households, an average of five to six persons live in. The indigenous population families consist of almost eight persons per home.<sup>39</sup>

In Panama, the greatest difficulties in access to social and economic benefits, have precisely the rural and indigenous women, all linked to difficulties in access to education.

The problems faced in rural and indigenous areas with virtually zero access to better health, education, sanitation, sewerage, electricity and water, keeps these communities marginalized and aggravates the poverty of these women who are in many cases household heads, or in charge of their families for long periods when the men go to other communities to work..

While recognizing the existence of a State program called "Network of opportunity" for rural or indigenous families, these are far from comprehensive programs and end up converted into a palliative.

The extreme poverty among indigenous and rural women not only has an effect on the full enjoyment of their social, economic, cultural, but also form part of urban settlement established

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<sup>39</sup> MIDES. IV National Report, Op. Cit. Panamá 2008. P 156-157

as a result of internal migration flows which lack basic services, and do not have the Opportunities Network, as a palliative. In these settlements you find most of the population of refugee women who due to the difficulties they face in legalizing their status and the nature of their condition becomes the subject of discrimination, which directly affects their economic conditions these, are usually located in areas urban settlements.

The Clara Gonzalez report says that the situation of discrimination of women of afro origins is shrouded in normality however this discrimination is visible in simple and daily manifestations which according to the members of the Coordinator of Afro descendants Association is nothing else than the racism and discrimination that exists since the colonial period and have become forms of slavery.<sup>40</sup>

- Upon a electronic demand to the Gender unit of the Social Security Fund, the Director of this office responded to CLADEM-Panama on the subject of the situation of social security of indigenous and rural women the following:

“...in the social security institution in the country, there is no segregated statistics that allow data on coverage or social security coverage for indigenous or rural women as all data is global.

Social Security coverage of rural and indigenous women is only assured when these workers contribute to the fund of is beneficiaries of their contributing spouse. However there is also no statistics on this information.

This shows the invisibility and non recognition of the contribution of productive labor of women on these sectors. The following can be deducted from this: The non recognition of the condition of female indigenous and rural workers excludes them from a series of mechanisms that allow access to land, credit, technology, social security and others”<sup>41</sup>

“the discrimination in particular of the black women in Panama can be observed in cases such as: the selection for employment in specific economic activities such as banking, credit and insurance institutions in which women who want to be employed should as much as possible have a “good appearance” which can be translated in the stereotype of a white women which responds to the hiring policies of these establishments.”<sup>42</sup>

- Panama maintains a policy of closeness to the granting of refugee status despite being the only country that has a law of granting refugee status for gender reasons. The Centre for popular legal assistance has a program for refugees with a gender perspective and reported that between June 16, 2008 and November 15, 2009 out of 324 cases not a single one has been admitted for gender reasons.<sup>43</sup>
- Due to the crime unleashed by gangs in certain areas of the country, there have been cases of people who have fled their homes. This became known through a television interview broadcast by the news of one television channel, which could be the first reported case of internal displacement due to the common violence. The report covered a woman of African descent and head of household, who lived in a marginal urban area and currently lives in a temporary home because she cannot return to her home.<sup>44</sup>

## QUESTIONS:

- **What measures has the Panamanian State taken to guarantee the participation of women in the economy and equal Access for women to economic benefits in the same equal**

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<sup>40</sup> Ibidem, p.176

<sup>41</sup> Martínez, Nidia ([nidiamartinez40@hotmail.com](mailto:nidiamartinez40@hotmail.com)) November 13, 2009. Fw. Information Coverage Social Security. Electronic mail sent to: Mónica Benson ([monicbn6@yahoo.com](mailto:monicbn6@yahoo.com)).

<sup>42</sup> MIDES. IV National Report, Op. Cit. Panama 2008. p.178

<sup>43</sup> Martínez, Nidia, Op. Cit

<sup>44</sup> Telemetro Panamá. Telemetro Reporta Estelar. TV interview carried on by Angel Sierra (journalist) to a woman displaced by the violence of the gangs in the area where she was previously living. November 25, 2009.

conditions as men? Is there segregated information available regarding rural, indigenous and afro descendant women? What is the situation of refugee women?

- What measures has the Panamanian State taken for women who live in rural and indigenous communities to have Access to social security programs?

- Is the Panamanian State making it possible for women who have the right to international protection to have access to economic benefits? Why does the Panamanian State despite contemplating the right to refugee status for gender reasons not admit any case for such reason?

- What mechanisms exist to guarantee the non discrimination of indigenous and afro descendent women in the work environment that limits access of this group of women to better conditions and quality of life?

- Has the Panamanian State taken any measure to verify the existence of internally displaced people due to common violence and determined what segment of the population might be the main victims and what type of assistance should be provided?

#### **Suggested recommendations:**

- *It is urged that the Panamanian State equals the possibilities of access of women to economic benefits to the conditions of men.*
- *It is urged that the Panamanian State identifies mechanisms that allow access to social security for rural and indigenous women.*
- *It is urged that the Panamanian State complies with the international norms with regards to attention to refugee people and give particular attention to the special conditions that its laws establishes for women.*
- *The Panamanian State must establish effective mechanisms of sanctions to eradicate racial discrimination and the participation of afro descendant and indigenous women in the labor market.*
- *The Panamanian State must undertake actions to determine the existence of displaced families and persons due to incidents of common violence and provide appropriate assistance to those affected.*